



U.S. Fish & Wildlife Service

Fort Niobrara National Wildlife Refuge

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FORT NIOBRARA NATIONAL WILDLIFE REFUGE
River Recreation Management Plan

January 2005

**FORT NIOBRARA NATIONAL WILDLIFE REFUGE
River Recreation Management Plan Approval
U.S. Fish and Wildlife Service, Region 6**

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Table of Contents

SUMMARY	6
CHAPTER 1. INTRODUCTION	8
1.1. Purpose of Plan.....	8
1.2. Need for Plan	8
1.3. Legal and Policy Guidance	9
National Wildlife Refuge System	9
Fort Niobrara National Wildlife Refuge	10
Relevant Policy.....	12
1.4. Refuge Mission, Goals and Objectives.....	12
CHAPTER 2. PLANNING PROCESS.....	14
2.1. Description of Planning Process.....	14
2.2. Comprehensive Conservation Plan.....	14
2.3. Research and Other Information.....	14
Standards of Quality for River Use within the Fort Niobrara Wilderness Area	15
Management Guidance to Address Unacceptable Recreation Impacts on the Niobrara National Scenic River within the Fort Niobrara Wilderness, Nebraska	15
Impacts of River Recreation on Birds at Fort Niobrara National Wildlife Refuge: 2000-2002	15
Visitor Use Trends on the Niobrara National Scenic River: 1993-2001	16
Mixing metaphors: a community based vision for the Niobrara National Scenic River	18
Other Information	18
2.4. Public Involvement.....	19
2.5. Issues.....	20
Refuge Purposes / Responsibilities	20
Visitor Experience	20
Commercial Outfitting	20
User Fee	20
Facilities/Access.....	20
Regulations	21
Economic and Environmental Consequences.....	21
Planning Process & Future Management	21
CHAPTER 3. AFFECTED ENVIRONMENT	22
3.1 Geographic/Ecosystem Setting.....	22
3.2 Natural Resources	22
Topography/Geology/Soils	22

Water Resources	23
Plants.....	23
Wildlife.....	24
Threatened and Endangered Species	26
3.3. Special Designations.....	26
Fort Niobrara Wilderness Area.....	26
Niobrara National Scenic River.....	27
3.4 Cultural and Paleontological Resources.....	27
3.5 Public Use.....	28
General.....	28
Wildlife-Dependent River Recreation.....	28
3.6 Socio-Economics	33
CHAPTER 4. MANAGEMENT DIRECTION	35
4.1. Refuge Purposes / Responsibilities.....	35
River Stretch Open to Recreational Use.....	35
Annual and Daily River Recreational Use Levels	35
Specified Times of Day for Wildlife and/or Recreation.....	36
Minimize Impact to Wildlife, Plants, and Habitats.....	36
Monitoring and Research.....	36
4.2 Visitor Experience.....	36
Allocation of Annual Use between Private Floaters and Outfitters.....	36
Spectrum of Opportunities (Wilderness Solitude to Recreational)	36
Vessel Type and Group Size.....	37
Interpretation and Environmental Education.....	37
4.3. Commercial Outfitting.....	37
River Outfitting Opportunity, Requirements and Selection	37
Special Use Permit	38
Annual Evaluation	38
Bid Process and Payment for Launch Passes	38
Allocation of launches (monthly, daily).....	39
Other Requirements	39
4.4. User Fee.....	40
4.5. Facilities / Access	40
4.6. Regulations / Requirements.....	40
4.7. Partnerships.....	40
CHAPTER 5. IMPLEMENTATION AND MONITORING.....	41
5.1. Implementation.....	41
5.2. Monitoring	42

5.3. Review and Evaluation	43
ENVIRONMENTAL ACTION STATEMENT	44
FINDING OF NO SIGNIFICANT IMPACT.....	45
Appendix A. Bibliography	46
Appendix B. Mathematical Calculations	49
Appendix C. Proposal for Outfitting Services on the Niobrara National Scenic River within the Fort Niobrara National Wildlife Refuge	52
Appendix D. Special Use Permit and Outfitter Evaluation.....	59
Appendix E. Public Comments.....	72
Appendix F. Mailing List	80
Appendix G. Compatibility Determination	84
Appendix H. List of Preparers	87
Figure 1. Map of Fort Niobrara NWR.....	7
Figure 2. River Recreation on Fort Niobrara NWR 1993-2003.....	9
Figure 3. Area Map of Niobrara National Scenic River (courtesy of National Park Service)	29
Figure 4. Number of People Launched Monthly by Outfitters, 1998-2003.....	31
Figure 5. Annual and Summer Lodging Tax Revenues for Cherry County	34
Table 1. Mean and High Number of People Launched in 2003 by Day of Week	31
Table 2. Mean Number of People Floating Past a Fixed Point Per Minute.....	31
Table 3. Sample Allotment of Daily People Launches Per Outfitter Based on Number of Passes Purchased ..	51

SUMMARY

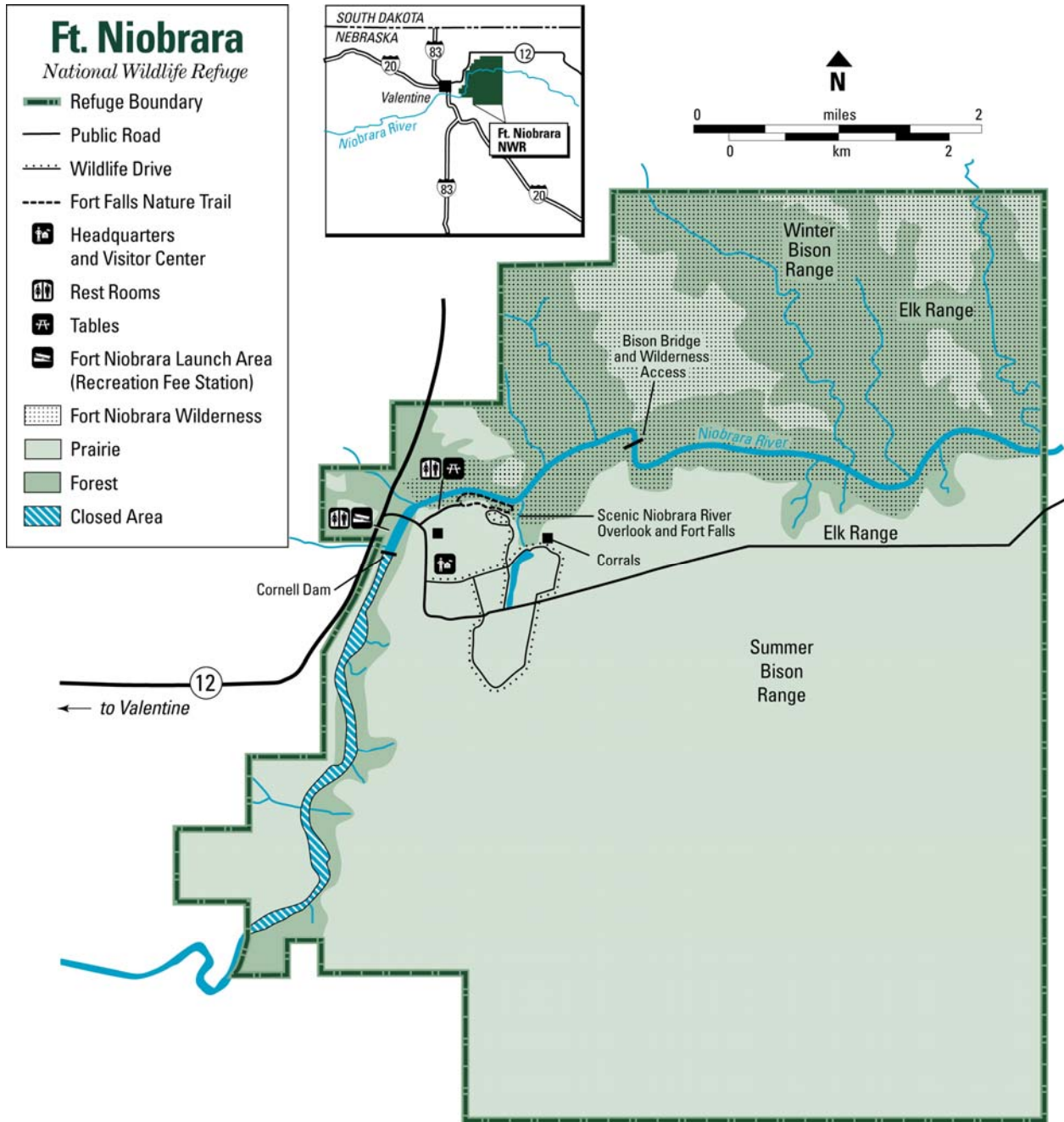
Fort Niobrara National Wildlife Refuge (NWR) is 19,131 acres in size and is located along the Niobrara River in north-central Nebraska (Figure 1). The Refuge is a unique and ecologically important component of the National Wildlife Refuge System (NWRS) which includes more than 540 refuges totaling over 93 million acres across the United States. Fort Niobrara NWR was established by Executive Order in January, 1912 as a “preserve and breeding ground for native birds.” Its purpose was expanded later that same year to include the preservation of bison and elk herds representative of those that once roamed the Great Plains. The rich diversity of plants and wildlife representative of the northern Great Plains and geographic regions east, west, north, and south of here; along with high quality aesthetics are primary factors for a 4,635 acre area of the Refuge being included in the National Wilderness System and 76 miles of the Niobrara River being included in the Wild and Scenic Rivers System. These special designations are supplemental purposes of the Refuge and receive consideration in management decisions.

A Comprehensive Conservation Plan (CCP) was completed for the Fort Niobrara NWR in 1999. It was written to provide continuity of management of Refuge lands for the benefit of wildlife and people. In the CCP, the need to develop a detailed management plan for river recreation on the Refuge was identified. River floating on the Refuge, when carefully managed, is identified in the CCP as a compatible public use activity because it allows visitors the opportunity to observe wildlife, plants, and their habitats; and promotes visitor awareness, understanding, and appreciation of the Refuge and NWRS. The amount and duration of public use on the portion of Niobrara River that flows through the Refuge, however, are of concern. The number of people canoeing, kayaking, and tubing the Niobrara River within Fort Niobrara NWR steadily increased from several hundred people in the early 1970s to a peak of over 31,000 people in 1997. Increasing river recreational use raised concerns about disturbance to wildlife, impact on vegetation, quality of experience and commercial outfitter services available to Refuge visitors, and compatibility with the purposes of Fort Niobrara NWR.

This plan for management of recreational floating on the nine miles of Niobrara River that flow through Fort Niobrara NWR is an updated and revised version of the Draft Fort Niobrara NWR River Recreation Management Plan and Environmental Assessment completed in August 2004. It has been written to ensure that river floating through the Refuge remains a compatible, wildlife-dependent public use activity. This plan also addresses the administration of commercial river outfitters who provide services to Refuge visitors.

This planning effort provided opportunity for interested persons, governments, and private organizations to provide input on the Service’s future management of recreational floating on the Refuge. The Draft Plan and Environmental Assessment considered four alternatives for management. Each alternative was evaluated for environmental consequences in accordance with the National Environmental Policy Act (NEPA). This plan, in its present form, contains goals, objectives, and implementation strategies found by the Service to best support the purposes of the Refuge and the mission of the National Wildlife Refuge System (NWRS).

Figure 1. Map of Fort Niobrara NWR



Chapter 1. INTRODUCTION

1.1. Purpose of Plan

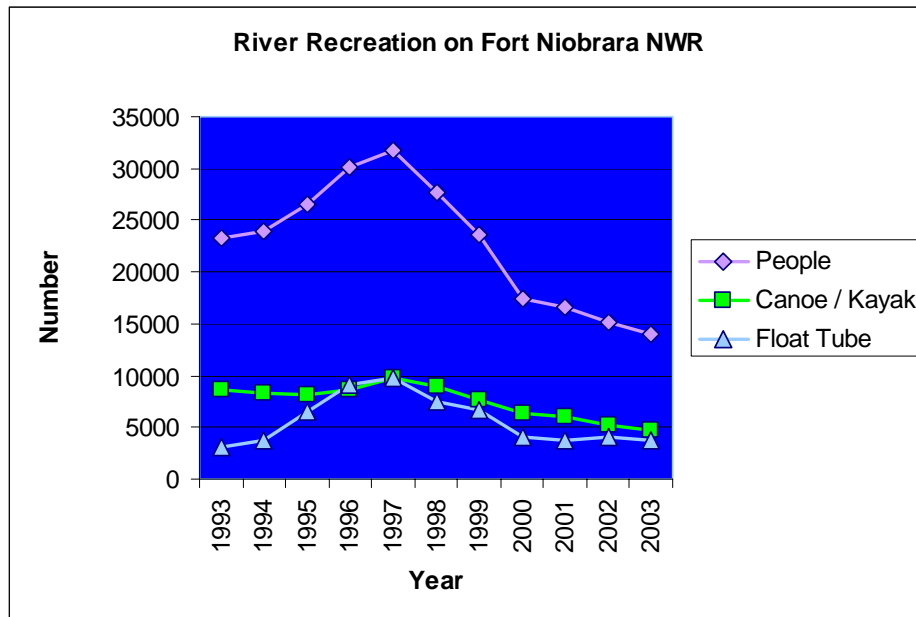
The purpose of the Fort Niobrara National Wildlife Refuge River Recreation Management Plan (RRMP) is to provide guidance and direction for management of recreational floating on the nine miles of Niobrara River that flow through the Refuge. The mission and purposes of the National Wildlife Refuge System, the purposes for which Fort Niobrara NWR was established, and the existence of a designated Wilderness Area and Scenic River within Refuge boundaries are the basis for the river recreational use management goals and objectives established in this Plan. Management strategies to meet these broad goals and objectives were developed and revised based upon the best available scientific information and public input received during the planning and review process of the Draft Fort Niobrara NWR River Recreation Management Plan and Environmental Assessment.

This Plan is not intended to be static, but rather dynamic and flexible to the extent possible. As new and better information becomes available to evaluate and guide management, changes may be made. The underlying purpose, however, will stay the same and that is in order for wildlife-dependent river recreational use to occur on the Refuge, it must (1) be compatible with legislated purposes of Fort Niobrara NWR and the National Wildlife Refuge System, (2) not interfere with the protection of wildlife, plants and habitats of the Refuge, and (3) promote public understanding of and appreciation for the natural resources and legislated purposes of the Refuge.

1.2. Need for Plan

River floating on the Refuge, when carefully managed, is a compatible public use activity because it allows visitors the opportunity to observe wildlife, plants, and their habitats and promote visitor awareness, understanding, and appreciation of the Refuge and NWRS. The amount and duration of public use on the portion of Niobrara River that flows through the Refuge, however, are of concern. The number of people canoeing, kayaking, and tubing the Niobrara River within Fort Niobrara NWR steadily increased from several hundred people in the early 1970s to a peak of over 31,000 people in 1997 (Figure 2). Over 70% of river recreational use occurs in July and August with Saturdays being the busiest use day of the week. Counts of river traffic in 1998 showed a maximum observed rate of 54 persons floating past a fixed point per minute on a Saturday with 95% of the observed traffic falling within the zero to 16 persons per minute range (Davis *et al.* 2000). Increasing river recreational use on the Refuge in the mid to late 1990s raised concerns about disturbance to wildlife, impact on vegetation, quality of experience and outfitter services available to Refuge visitors, and compatibility with the purposes of Fort Niobrara NWR.

Figure 2. River Recreation on Fort Niobrara NWR 1993-2003



1.3. Legal and Policy Guidance

Refuges are managed to achieve the mission and goals of the NWRS, the designated purpose of the refuge unit as described in establishing legislation or executive orders, or other establishing documents. Key concepts and guidance of the System are provided in the Refuge System Administration Act of 1966, the Refuge Recreation Act of 1962, Title 50 of the Code of Federal Regulations, the Fish and Wildlife Service Manual, and, most recently, through the National Wildlife Refuge System Improvement Act of 1997 (NWRS Improvement Act). The NWRS Improvement Act amended the Refuge System Administration Act by providing a unifying mission for the NWRS, a new process for determining compatible public uses on refuges, and a requirement that each refuge be managed under a Comprehensive Conservation Plan. Furthermore, the NWRS Improvement Act of 1997 states that wildlife and their habitats come first on refuges and that the Secretary of the Interior shall insure that the biological integrity, diversity, and environmental health of refuge lands are maintained. In summary, each refuge must be managed to fulfill the Refuge System mission and the specific purposes for which it was established.

National Wildlife Refuge System

The mission of the NWRS is:

“To administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

(National Wildlife Refuge System Improvement Act of 1997 [Public Law 105-57])

The administration, management, and growth of the NWRS are guided by the following goals:

- To preserve, restore, and enhance in their natural ecosystems all species of animals and plants that are endangered or threatened with becoming endangered;
- To perpetuate the migratory bird resource;
- To preserve a natural diversity and abundance of fauna and flora on refuge lands; and
- To provide an understanding and appreciation of fish and wildlife ecology and man's role in his environment and provide visitors with high quality, safe, wholesome, and enjoyable recreation experiences oriented toward wildlife to the extent these activities are compatible with the purposes for which the refuge was established.

Fort Niobrara National Wildlife Refuge

Establishing Legislation & Purposes

Fort Niobrara NWR was established by Executive Order No. 1461 on January 11, 1912 as the "Niobrara Reservation...a preserve and breeding ground for native birds." Its purpose was expanded later that same year to include the preservation of bison and elk herds representative of those that once roamed the Great Plains.

Other Relevant Legislation / Special Designations

Fort Niobrara Wilderness Area: A 4,635-acre portion of the Refuge was designated as wilderness on October 19, 1976. The area includes approximately five miles of the Niobrara River corridor and the timbered bench land interspersed with native prairie north of the River.

The Wilderness Act of 1964 (Public Law 88-577 [16 U.S.C. 1131-1136]) defines wilderness as follows: "A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value."

Principles Governing the Management of Wilderness Areas follow:

- Manage the use of other resources and activities within wilderness in a manner compatible with the wilderness resource.
- Allow natural processes to operate freely within wilderness.
- Attain the highest level of primeval wilderness character within legal constraints.
- Preserve wilderness air and water quality.
- Produce human values and benefits while preserving wilderness.
- Preserve outstanding opportunities for solitude or a primitive and unconfined recreation experience in each wilderness.
- Control and reduce the adverse physical and social impacts of human use in wilderness through education or minimum regulation.

- Favor wilderness-dependent activities when managing wilderness use.
- Exclude the sight, sound, and other tangible evidence of motorized or mechanical transport wherever possible within wilderness.
- Remove existing structures and terminate uses and activities not essential to wilderness management or not provided for by law.
- Accomplish necessary wilderness management work with the “minimum tool.”
- Establish specific management direction with public involvement, in a management plan for each wilderness.
- Harmonize wilderness and adjacent land management activities.
- Manage wilderness with interdisciplinary scientific skills.
- Manage special provisions provided for by wilderness legislation with minimum impact on the wilderness resource.

Furthermore, the Wilderness Act of 1964 requires designated wilderness areas within a National Wildlife Refuge to receive equal consideration in management decisions and become a supplemental purpose of the Refuge, not subservient to the other purposes of the Refuge.

Niobrara National Scenic River: In 1991, a 76-mile stretch of the Niobrara River including the River through this Refuge was designated Scenic under the National Wild and Scenic Rivers Act.

The Wild and Scenic Rivers Act of 1968 ([Public Law 90-542, as amended], [16 U.S.C. 1271-1287]) states: “It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.”

Section 3(a) of the Wild and Scenic Rivers Act states: “The following rivers and the land adjacent thereto are hereby designated as components of the National Wild and Scenic Rivers System: “and in subsection 117 we read: “NIOBRARA, NEBRASKA. – (A) The 40-mile segment from Borman Bridge southeast of Valentine downstream to its confluence with Chimney Creek and the 30-mile segment from the River’s confluence with Rock Creek downstream to the State Highway 137 bridge, both segments to be classified as scenic and administered by the Secretary of the Interior. That portion of the 40-mile segment designated by this subparagraph located within the Fort Niobrara National Wildlife Refuge shall continue to be managed by the Secretary through the Director of the United States Fish and Wildlife Service.”

Section 10(a) of the Act states: “Each component of the National Wild and Scenic Rivers System shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without...limiting other uses that do not substantially interfere

with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its aesthetic, scenic, historic, archaeologic, and scientific features.”

Regarding management plans for designated Wild and Scenic Rivers, Section 3(d) of the Act states: (1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such River segment to provide for the protection of the River values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act.”

Relevant Policy

Compatibility

Lands within the NWRS are different from federal multiple-use public lands, such as National Forest System lands, in that they are closed to all public use unless specifically and legally opened. Use of a refuge is not allowed unless it is determined to be compatible. A compatible use is a use that, in the sound professional judgment of the Refuge Manager, will not materially interfere with or detract from the fulfillment of the mission of the NWRS or the purposes of the Refuge. Sound professional judgment is further defined as a decision that is consistent with the principles of fish and wildlife management and administration, available science and resources, and adherence to law. The NWRS Improvement Act also declares that compatible wildlife-dependent recreation uses are legitimate and appropriate priority general public uses. Six uses: hunting, fishing, wildlife observation and photography, and environmental education and interpretation; are to receive enhanced consideration in planning and management over all other general public uses of the Refuge System. When compatible, these six wildlife-dependent recreation uses are to be encouraged.

Recreation Fee Program

Congress authorized the U.S. Fish and Wildlife Service to establish recreation fees in some of its wildlife refuges starting in 1997. Under this program, participating refuges keep 100% of the fee revenue generated at the refuge to improve resource management and visitor services and to make repairs and improvements to the public use facilities within the refuge. The Fort Niobrara NWR Launch Area is one of the participating sites.

1.4. Refuge Mission, Goals and Objectives

The mission of Fort Niobrara NWR is:

“To preserve, restore, and enhance the exceptional diversity of native flora and fauna and significant historic resources of the Niobrara River Valley and Sandhills of Nebraska for the benefit of present and future generations of Americans.

(Fort Niobrara NWR Comprehensive Conservation Plan, 1999)

Management of the Refuge is guided by the following goals developed through the Comprehensive Conservation Planning process:

- To preserve, restore, and enhance the unique diversity of upland and riparian plant communities and associated water resources representative of the physiographic regions described as Sandhills Prairie, Mixed Prairie, Tallgrass Prairie, Rocky Mountain

Coniferous Forest, Eastern Deciduous Forest, and Northern Boreal Forest within the northern Great Plains to ensure their rarity, richness, and representativeness are sustainable into the future; and

- To preserve, restore, and enhance the ecological diversity and abundance of migratory and resident wildlife with emphasis on native birds. Maintain representative breeding herds of nationally significant animals under reasonably natural conditions; and
- To contribute to the preservation and restoration of threatened and endangered flora and fauna that occur or have historically occurred in the area of Fort Niobrara NWR; and
- To provide the public with quality opportunities to learn about and enjoy the ecological diversity, wildlands, wildlife, and history of the Refuge in a largely natural setting and in a manner compatible with the purposes for which the Refuge was established; and
- To promote partnerships to preserve, restore, and enhance a diverse, healthy, and productive ecosystem of which the Fort Niobrara is part of.

These management goals seek to maintain a healthy refuge environment that provides opportunities for visitors to enjoy wildlife-dependent uses of the Refuge in a natural setting. Management goals are stepped-down into the following objectives for river recreational use to ensure that this wildlife-dependent use on Fort Niobrara NWR preserves the natural resources that make this area unique and result in a quality visitor experience:

- Protect and preserve refuge wildlife, plants, and their habitats by minimizing disturbance and other potential impacts associated with river floating.
- Provide the refuge visitor with opportunities to experience solitude, inspiration, adventure, challenge, and other aspects of wilderness and scenic river character. Standards of visitor experience quality, based on Davis *et al.* 2000, to manage for are:
 - (1) Sunday through Friday – A rate of no more than four persons launching per minute at least 90% of the time during the daily, concentrated visitor use period (*Wilderness Standard*). (Note: A standard of four persons allows a typical family group the opportunity to float the River.)
 - (2) Saturdays and holidays – A rate of no more than eight persons launching per minute at least 90% of the time during the daily, concentrated visitor use period (*Recreation Standard*).
- Enhance visitor experience, awareness, understanding, and appreciation for refuge, wilderness and scenic river values through improved interpretation, education, and quality outfitter services.
- Improve working relationships with partners (i.e. National Park Service, Niobrara Council, Nebraska Game & Parks Commission, Middle Niobrara Natural Resource District, county & city governments, commercial river outfitters, neighbors, and other interested parties).

Chapter 2. PLANNING PROCESS

2.1. Description of Planning Process

Development of the Fort Niobrara NWR Comprehensive Conservation Plan and the Fort Niobrara NWR River Recreation Management Plan was guided by the U.S. Fish and Wildlife Service Refuge Planning Policy and includes the following key steps: (1) preplan and gather information; (2) identify issues through public involvement and scoping; (3) develop and analyze alternatives, including the proposed action; (4) prepare and publish the draft document for public review and comment; (5) review and compile comments received on draft document; (6) make appropriate modifications to the draft; (7) prepare the final plan for approval by the Region 6 Regional Director; and (8) implement, monitor and evaluate the plan.

In addition to these steps, refuge staff have coordinated and worked closely with various Region 6 Service supervisors and staff and the Department of Interior (DOI) Solicitor's Office. Refuge staff met in Denver, Colorado on March 17, 2004 with the Deputy Chief of Refuges for Region 6, an attorney with the DOI Solicitor's Office, and specialists from the Region 6 Planning and Education/Visitor Services Branches. Management alternatives were reviewed and modified to meet various Service policies and legal guidance and the proposed action was selected. After the draft document was written, it was reviewed internally by various leaders and branches of the U.S. Fish and Wildlife Service Region 6 Office and DOI Solicitor's Office. Required additions and edits were made prior to releasing the draft document for a 60-day public review and comment period. This RRMP includes modifications based on comments received during the public review process and internal evaluation of the draft final document by various leaders and branches of the Service Region 6 Office and DOI Solicitor's Office.

2.2. Comprehensive Conservation Plan

The Comprehensive Conservation Planning process for Fort Niobrara NWR began in January 1997 and was completed in September 1999. The Comprehensive Conservation Plan (CCP) was written to provide continuity of management of Refuge lands for the benefit of wildlife and people. All efforts leading to the preparation of the CCP were undertaken to provide Fort Niobrara NWR with a vision for the future -- guidelines for wildlife and habitat management over the next 15 years to ensure progress is made toward attaining the mission and goals of Fort Niobrara and the Refuge System, and to comply with Congressional mandates stated in the NWRS Improvement Act of 1997. The planning effort provided opportunities for individuals, federal and state agencies, local governments, and private organizations to give input on future management of the Refuge. The CCP provides clear goals and objectives for management of Refuge habitats, wildlife, threatened and endangered species, cultural and paleontological resources, and compatible public uses. In the CCP, the need to develop a detailed management plan for river recreation on the Refuge was identified.

2.3. Research and Other Information

In preparation for development of the Fort Niobrara NWR River Recreation Management Plan, information gathering began in 1998 and included scientific research projects conducted on the Refuge; development and collection of Refuge data for long-term monitoring of river recreation; review of policy and other scientific information relating to wildlife/wilderness/recreation; and

review of river and wilderness management plans developed by other state and federal agencies. Information that was used to help guide management is summarized below:

Standards of Quality for River Use within the Fort Niobrara Wilderness Area (John B. Davis - Southern Vermont College)

The visual survey methodology of Manning and others was used to measure visitor response to the number of other floaters encountered on the Niobrara River within the Fort Niobrara Wilderness in Nebraska. An optical scanner and photo-editing software were used to produce 12 composite photographs of the Niobrara River, depicting a range of visitor use levels. The sampling plan was stratified by weekend/weekdays in June and July of 1998 to capture the potential diversity of visitor perspectives. In the survey, respondents were asked to rate the acceptability of each photograph, first from the viewpoint of a recreational experience and second from the standpoint of a wilderness experience. The maximum acceptable level of crowding during peak demand periods was equivalent to eight persons launching per minute. The level of crowding at which visitor satisfaction began to decline was equivalent to three persons launching per minute. Launch rates of three or four persons per minute were deemed acceptable by approximately ninety percent of the respondents. From these data, two standards of visitor experience quality were identified: a recreation standard of quality for summer Saturdays and holidays should be, “a rate of no more than eight persons launching per minute, at least 90% of the time”; a wilderness standard of quality for low-use periods should be, “a rate of no more than three persons launching per minute, at least 90% of the time.”

Management Guidance to Address Unacceptable Recreation Impacts on the Niobrara National Scenic River within the Fort Niobrara Wilderness, Nebraska (David W. Lime, Emily M. Wright, and Michael S. Lewis – University of Minnesota)

The purpose of this 1997 report was to provide guidance for the National Park Service and the U.S. Fish and Wildlife Service concerning values that may be impacted on the approximate 5 mile stretch of the Niobrara River within the Fort Niobrara Wilderness due to increasing recreational river floating. The report also offers guidance concerning potential management actions that might be appropriate to address unacceptable impacts to both biophysical resources and visitor experiences in the wilderness. The focus is on the identification of conceptual ideas and principles for consideration as well as the identification of pertinent literature related to this topic. It was intended that such information serve as important input for ongoing and future discussions between management agencies and their stakeholders concerning how to protect and sustain quality wilderness values on this stretch of the Niobrara National Scenic River.

Impacts of River Recreation on Birds at Fort Niobrara National Wildlife Refuge: 2000-2002 (Christopher D. Anderson, C. Dustin Becker, Ted T. Cable, Philip S. Gipson, David A. Rintoul, and Brett K. Sandercock - Kansas State University and Kansas Cooperative Fish and Wildlife Research Unit)

Data were collected from May through August 2000, 2001, and 2002 focusing on the bird community, population dynamics of a common breeding species, the Common Yellowthroat, and behavioral responses of waterbirds to river recreation. The Niobrara River corridor above

Cornell Dam where recreation is absent was used as a “control” in the limited and localized experimental design to assess recreational impacts. In 2000, the pilot year of the study, bird communities and vegetation/ habitat characteristics were surveyed at the “community” level. Also, researchers used fixed-radius point counts to determine if songbirds were abandoning their territories along the edge of the River as recreation increased in intensity. In 2001 & 2002, Common Yellowthroat pairs and nests were monitored to investigate whether river recreation had an impact on reproduction and survival at the population level. Predator activity in relation to recreation was also examined. Finally, researchers compared flushing behavior of waterbirds in response to levels of recreation to determine which species were responding in a negative way to recreation and if there was a “threshold level”.

At recreation levels of 15,000 – 18,000 people, researchers found no clear effects of recreational disturbance on songbirds breeding on the Refuge, however, there was a documented negative behavioral effect of recreation on waterbirds using the Niobrara River within Fort Niobrara NWR.

Specific results of community level responses of songbirds were: (1) birds may have left territories next to areas with river recreation, but more study is needed to verify this; (2) as summer progressed, fewer birds were counted due to pairing and nesting behavior and not because of recreation; and (3) river recreational use appeared to have had no significant effect on the distribution and abundance of songbirds using riparian forest adjacent to the River.

Common yellowthroat results were: (1) pairs were successful at mating, building nests, and laying eggs, however, most nests were destroyed by predators prior to fledging; (2) high nest predation rate is most likely due to limited riparian habitat found in the Sandhills region, which creates a concentration of wildlife specialized on these habitats and affords predatorial species an easy bank of prey; and (3) predator-prey interactions outweighed recreational impact at current public use levels.

Results for the waterbird portion of the study were: (1) waterbirds increased in areas where there was no recreation as recreational intensity increased; (2) an increase in noise disturbance was observed as the number of vessels increased and the recreation season intensified; and (3) proportion of birds moving away from the recreational presence or fleeing the area completely was observed as noise increased.

Visitor Use Trends on the Niobrara National Scenic River: 1993-2001 (Mae A. Davenport, Katherine M. Flitsch, Jerrilyn L. Thompson, and Dorothy H. Anderson – Cooperative Park Studies Program, University of Minnesota)

During the summer of 2001, visitors to Niobrara National Scenic River were surveyed via onsite and mail-back questionnaires. The sampling plan was stratified by weekend/weekdays, time of day, and site location (Refuge, Smith Falls State Park, Brewer Bridge landing). The sampling plan was designed to capture the diversity of visitor experiences possible on the River, as well as provide equal proportions of responses from weekend and weekday visitors. Data collected was similar to that in a study conducted in 1993 by Lime. Information collected in the two studies was compared to identify changes or trends during the eight year period.

Results relevant to this management plan are:

- Size of groups floating the River ranged from one to parties of 50 or more people in both studies. During both studies, four to six individuals was the most common group size. In 2001, approximately 78.7% of respondents floated in groups with 10 or fewer people.
- Visitors to the River in 2001 were predominately from Nebraska (66.4%) of which 6.3% were from the local area.
- Most visitors come with family and/or friends and 42% of respondents were on their first trip to the River in 2001.
- Canoeing remained the most popular way to float the River across the years, however, tube and kayak use had risen significantly.
- On a scale of 1 (very unimportant) to 5 (very important), enjoying natural scenery was the most important experience (mean 4.42), followed by getting away from the usual demands of life (4.38), doing something with family (4.06), etc. Viewing wildlife was number seven on the list with a mean score of 3.75. Several differences were found between weekend and weekday groups on the importance of experiences and attainment of those experiences. Learning about the natural history of the area and viewing wildlife was more important to weekday visitors than those floating the River on the weekend. Weekday visitors were more likely to attain the experiences of getting away from crowds and experiencing solitude.
- Social conditions and resource conditions associated with visitor behavior were important to visitors. The absence of litter and the absence of vandalism were on average, very important indicators of the quality of their experience. The absence of inappropriate behavior by other visitors, minimal presence of human impacts, and absence of noise were rated as important indicators. The opportunity to see wildlife was also an important indicator of the quality of experiences. Weekend and weekday groups differed on several indicators of a quality experience. Social conditions such as seeing people only a small percentage of the time, a small number of other visitors present, and the presence of large groups were much more important to respondents visiting on a weekday than those visiting on a weekend.
- River floaters reported encountering relatively few problems. Only two items, “too few toilet facilities” and “lack of drinking water sources” had mean and median scores of two, indicating a slight problem. Lack of information about the area, litter on the shore, and rowdy people were moderate to very serious problems for 18 to 20 percent of respondents. Weekend visitors indicated rowdy people, consumption of alcohol, too many people at the launch site, and use of waterguns as more of a problem than weekday respondents.
- In terms of management actions, respondents were generally most supportive of initiatives that would increase the amount of information available. Actions with the most opposition included requiring visitors to reserve launch times at Fort Niobrara, limiting group size, and providing more public access points to the River.
- Most visitors had very positive feelings about their recreation experience on the River. In terms of crowding, 17% of respondents felt crowded at their put-in point, 20% felt crowded while on the River, and 12% felt crowded at their take-out point. In comparing weekend and weekday visitors, weekend visitors felt more crowded on average than weekday visitors at all three locations.

Mixing Metaphors: A Community Based Vision for the Niobrara National Scenic River
(Mae Davenport, University of Minnesota)

This is a doctoral thesis that qualitatively explored three objectives: (1) meaning of the river and river valley to community members, (2) examine perceptions of river conditions and river management, and (3) apply knowledge gained toward the development of a community vision for Niobrara National Scenic River management. Twenty-five individuals were interviewed in 2002 including nine who had occupations centered on river recreation. Several of the comments made by participants demonstrate the mistrust and hard feelings that exist toward government agencies regarding river management. Davenport recommended that these agencies seek out local expertise and integrate local knowledge with scientific knowledge, examine local representation and fairness in the public involvement process, and concentrate on improving relationships with the local community.

Other Information

Wildlife and Recreationists – Coexistence through Management and Research (Richard L. Knight and Kevin J. Gutzwiller, editors 1995)

This book defines and clarifies the issues surrounding the conflict between outdoor recreation and the health and well-being of wildlife and ecosystems. It is a synthesis of what is known concerning wildlife and recreation. It also addresses research needs and management options to minimize conflicts. The first part of the book (general issues) explores topics common to most wildlife-recreation interactions, ranging from how wildlife responds to disturbance, to the origin of these responses. In Part II (specific issues) the authors examine detailed points relevant to wildlife-recreation interactions, which range from physiological responses of wildlife to disturbance to the effects of ecotourism. Case studies are presented in the third part of the book and provide insight into how specific recreation activities affect diverse types of wildlife. The final part of the book addresses how wildlife and recreationists might co-exist and explores ethical issues relevant to this field.

Wilderness Science in a Time of Change Conference -- Volume 4: Wilderness Visitors, Experiences, and Visitor Management (David N. Cole, Stephen F. McCool, William T. Borrie, Jennifer O'Loughlin, compilers 2000)

Thirty-seven papers are presented on wilderness visitors, experiences, and visitor management. Three overview papers synthesize knowledge and research about wilderness visitors, management of visitor experiences, and wilderness recreation planning. Other papers contain the results of specific research projects involving wilderness visitors, information and education, and visitor management.

Recreational-boating Disturbances of Natural Communities and Wildlife: An Annotated Bibliography (Daryl York, National Biological Survey, U.S. Department of Interior, 1994)

This report contains 111 annotations on a wide array of boating disturbances. The document was developed to provide useful references for land managers who must determine levels at which

recreational boating is compatible with the intended purpose(s) of wildlife refuges. Bibliographic entries consist of technical and semi-technical published articles, books, government agency publications, theses, and dissertations. Disturbances from the sights or sounds of motorized boats comprise more than 60% of the entries. Non-motorized boating disturbances (i.e. canoes, kayaks, sailboats, etc.) were mentioned in approximately 30% of the papers. Also included are citations on the effects of boating on turbidity, pollution, and the physical disturbance of aquatic plants that relates to habitat degradation. Management strategies to address disturbances were varied and included buffer zones, spatial closures, temporal closures, etc. Unpublished works are also included.

2.4. Public Involvement

Several communication tools were used to engage the public in this planning effort, including one-on-one meetings with current and prospective Refuge outfitters, an open house to solicit input during the public scoping period, mailings of summary reports (public comments, research, Refuge data) and the draft and final documents to interested parties, and a webpage which posted summary reports and planning documents. (A total of 429 hits were recorded at the Refuge website for the draft plan and 206 hits for the compatibility determination.) In addition, notifications of the public scoping meeting, research summaries, draft plan public meeting, and planning document availability were distributed through media press releases. Furthermore, briefings of project status were made to partners and other interested entities. The mailing list of federal and state officials; federal and state agencies; city/county/local governments; organizations; individuals; and media are found in Appendix F.

In early December 2003, a letter with a series of questions was sent to 14 Niobrara River outfitters (nine current, five prospective). The intent of the letter was to gain perspective of the river outfitting business, as it relates to the Refuge and development of this document. Outfitters were invited to visit one-on-one with Refuge staff December 8-12, 2003 to discuss their responses to the questions and any other issues and concerns they had concerning river floating on Fort Niobrara NWR. Eight outfitters met with Refuge staff and one outfitter, who was unable to meet in person, provided written comments during this time.

In late December 2003, the public was informed of the opportunity to share their thoughts, ideas, issues, concerns or comments on management of the nine miles of the Niobrara River that flows through the Refuge. During an Open House held on January 13, 2004 at the Holiday Inn Express in Valentine, Nebraska, Refuge staff met one-on-one with 34 people who provided comments on behalf of themselves or an organization. Based upon comments received during the Open House, the public scoping period was extended from January 26 to February 13, 2004 to enable interested parties additional time to review and comment on the Kansas State University avian research summary and river recreation figures for the Refuge. All interested parties and partners were informed of the opportunity to review the scientific literature, various plans and other information gathered by Refuge staff in preparation for development of this plan. In addition to comments received during the open house, twenty-one pieces of correspondence were received during the public scoping period. Most comments were less than three pages in length; however, some were over fifteen pages long. Following the public scoping period, comments from the outfitters and the public were compiled and summarized by issue. These summaries were then sent to interested parties on the mailing list and posted on the Refuge webpage.

The Draft Fort Niobrara NWR River Recreation Management Plan and Environmental Assessment document was made available to partners and interested public for review and comment from August 25, 2004 through October 25, 2004. During an Open House held on October 5, 2004 at the Holiday Inn Express in Valentine, Nebraska, Refuge staff met one-on-one with 18 people to answer questions and receive comments on the draft document. Representatives for the Nebraska Congressional delegation and an attorney with the Department of Interior Solicitor's Office were also in attendance. A total of 17 individuals or organizations provided written comments on the draft document during the 60-day public review period. Comments in support and opposition to various components of the four management alternatives were received. These comments, in addition to all other material received during the planning process, were reviewed and appropriate modifications were made to this final document. Substantive comments and questions and the Service response are found in Appendix E.

A copy of this final Plan will be provided to all interested parties. All written correspondence received during development of the Fort Niobrara NWR River Recreation Management Plan will be maintained as part of the official administrative record at the Refuge.

2.5. Issues

Several significant issues were identified during the analysis of comments collected through the various public scoping activities and review of various legislation and Service policies. These issues were the basis for the formulation and evaluation of alternatives for the Draft Fort Niobrara NWR River Recreation Management Plan and Environmental Assessment. Key components of each issue are summarized below:

Refuge Purposes / Responsibilities - Protect the needs of wildlife, plants and their habitats on the Refuge. Protect the ecological, geological, scenic, recreational, historical, and other values that enabled portions of the Refuge to be included in the National Wilderness System and National Wild and Scenic Rivers System. Define an acceptable level of wildlife-dependent river recreational use that is compatible with Refuge purposes and does not cause unacceptable habitat degradation and wildlife disturbance.

Visitor Experience - Provide a quality visitor experience. Provide outstanding opportunities for solitude or a primitive and unconfined recreation experience in the Fort Niobrara Wilderness Area. Continue existing recreational use of the Niobrara National Scenic River where it does not conflict with protection of river values. Minimize the potential for crowding. Improve interpretation and education.

Commercial Outfitting - Define how commercial outfitting is administered on the Refuge including the number of outfitters, allocation of use between outfitters, selection and annual evaluation of outfitters, and Special Use Permit time frame, fee, and conditions.

User Fee - Collect a recreation user fee from private individuals and/or outfitters that is reasonable and fair.

Facilities/Access - Maintain or improve launch ramps, parking lot, restrooms, signs and designated landings along the River that accommodate Refuge needs and visitor comfort/safety.

Regulations - Enforce rules and regulations in a professional manner on the Refuge that are fair and reasonable and only those that are necessary to protect wildlife, plants, and their habitats, and to make the visitor experience more enjoyable.

Economic and Environmental Consequences - Carefully evaluate the effects of river recreation management decisions by the Refuge on the local tourist industry and economy. Consider the environmental effects of management decisions both on and off the Refuge.

Planning Process and Future Management - Work closely with partners. Strive for meaningful public involvement. Use sound science for decision-making.

Chapter 3. AFFECTED ENVIRONMENT

3.1. Geographic/Ecosystem Setting

Fort Niobrara NWR covers 19,131 acres and is located in north-central Nebraska along the Niobrara River (Figure 1). The Refuge and surrounding area is recognized by ecologists for its bio-geographic significance due to the co-occurrence of six distinctly different, major vegetation communities within and adjacent to the Niobrara River corridor. The region is the only place in North America where Rocky Mountain Coniferous Forest (eastern limit), Northern Boreal Forest (southern limit), Eastern Deciduous Forest (western limit), Mixed Prairie, Sandhill Prairie, and Tallgrass Prairie meet and intermingle (Kaul and Rolfsmeier 1993). The unusually diverse plant and animal assemblages found in this area are due to unique surface and subsurface geologic formations, water and soil conditions, current and past climates, and differential sun exposure (Churchill *et al.* 1988). Additional ecological factors that have had significant affect on the biological diversity that evolved in this region prior to Euro-American settlement include wildfire and the use of fire by aboriginal men (Higgins *et al.* 1986, Steuter 1991), and the unrestricted grazing, and impacts associated with grazing of bison, elk, pronghorn antelope, and prairie dogs (Knopf 1994, Bragg and Steuter 1996). Though changes in composition and density of native flora and fauna have occurred since settlement, Bogan (1995) reported that Fort Niobrara is one of the few areas where the basic components of the 1850 landscape are still present and viable.

The **climate** of the region is highly variable and characterized by cold winters and hot summers. Total annual precipitation averages 18 inches with approximately 65 percent occurring during the May-to-September growing season (NOAA National Climatic Data Center 1996). Winter precipitation is usually in the form of snow with the annual accumulation averaging 37 inches. Temperatures range from -39 °F to 114 °F with July and August being the warmest months (average high temperature 85-87 °F) and January and February the coldest months (average low temperature 8-12 °F). The average frost free period is approximately 150 days. Winds ranging from 5-15 mph are common throughout the year and are generally out of the north, west, or northwest direction in the winter and out of the south, west, or southwest direction during the summer. Low humidity, high temperatures and moderate to strong winds cause a rapid loss of soil moisture by evapo-transpiration during the summer.

Air quality is good due to the absence of significant air pollution sources. The Fort Niobrara Wilderness is a Class 2 Status Area under the Clean Air Act.

3.2. Natural Resources

Topography/Geology/Soils

The Refuge **topography** is varied and well-defined. The Niobrara River valley extends from east to west across the Refuge and is entrenched 150 to 350 feet below the general upland level. High terraces, or benches, lie at different levels and are discontinuous strips 1/4 to 3/4 of a mile wide with level to rolling or hummocky relief. Steep valley sides, or breaks, are on both sides of the River and along lower courses of its major tributaries. Tableland north of the River valley is nearly level to gently rolling with several surface areas modified by narrow, steep-sided and shallow drainage ways, by small areas of typical sandhills, numerous hummocks, and low,

elongated sandy ridges. Sandhill terrain south of the River is undulating to hilly with dune tops 10 to 100 feet higher than the surrounding area. The range of hills usually runs parallel in an irregular northwest-southeast direction. Generally, the southerly (leeward) sides of the hills are steeper than the northerly (windward) sides. Elevations on the Refuge range from 2,000 to 2,800 feet above sea level.

The **geology** of the Refuge, as summarized by Osborn 1979, consists of six formations and are as follows (from oldest to youngest): Rosebud Formation “bedrock” makes up the Niobrara River valley walls and lower courses of the major tributaries within the Refuge; Valentine Formation is a sandy, stream-deposited unit overlying the Rosebud and forming gentle slopes; Ash Hollow Formation is a hard, sandy unit with many ledges and layers of volcanic ash which forms a “caprock” on the north rim of the Refuge; High Terrace Deposits are sand and gravel deposits high above the present Niobrara River that were deposited during the later part of the Pleistocene Ice Age when the River was flowing at a higher elevation and forms the flats upon which the Refuge headquarters is built; Sandhills are stabilized dune sand of the late Pleistocene and Holocene age; Low Terrace and Floodplain Deposits are adjacent to the modern Niobrara River and contain rocks derived from older formations but are not of significant age geologically.

Soil groups and series found on the Refuge are comprised primarily of sand. Detailed maps and descriptions are found in the 1998 Soil Survey of Cherry County.

Water Resources

The Niobrara River flows from west to east across the Refuge for approximately nine miles with the channel above Cornell Dam braided and shallow with the downstream portion of the River confined to a single, narrow channel. The River is laden with sand and silt and flows swiftly at about 6-8 miles per hour. River flow is fairly stable throughout the year, averaging close to 1,000 cubic feet per second (Bentall 1990). Numerous streams and seeps along the Niobrara River Valley flow intermittently or perennially. Several waterfalls exist on the Refuge where spring creeks flow over hard rock layers. River and stream flows derive almost entirely from steady groundwater seepage from the Ogallala or High Plains Aquifer. Floods along the Niobrara River mostly result from winter ice jams with spring and summer floods rare. Tributary creeks, especially on the north bank, flash flood occasionally during severe summer thunderstorms. Total water/wetland acres on the Refuge are approximately 375.

Ground and surface water quality are generally good. The Nebraska Department of Water Quality rated the Niobrara River as Class A for which quality will be maintained and protected. Fecal coliform counts are generally within standards for water contact recreation; however, samples exceeding health standard levels were obtained at the confluence of a river tributary on the Refuge several years ago. A new wastewater treatment plant for the city of Valentine has improved the quality of water discharged into a Niobrara River tributary.

Plants

Churchill *et al.* (1988) recorded 581 species of vascular plants in this area which represents one-third of the total known for Nebraska. Native species equal 519 while 62 are introduced. A complete description and species list can be found in the Fort Niobrara NWR Comprehensive Conservation Plan.

Grasslands - *Sandhills prairie* is found atop sand dunes south and west of the River and is dominated by a mixture of tall-, mid-, and short-grasses, and forbs with their relative abundance differing according to variation in water holding capacity of the sandy soil as influenced by topography. *Mixed grass prairie* is located most extensively on the flat tableland above the pine-covered slopes north of the Niobrara River where drier, sandy loam soils support shallow-rooted, drought-tolerant species. This vegetation type also occurs south of the River where appropriate soil moisture characteristics exist. Small, remnant patches of *Tallgrass Prairie* inhabit the River floodplain. Total grassland acreage on the Refuge is approximately 14,264 acres. Included in this total is an estimated 148 acres of restored native prairie.

Woodlands - Ponderosa pine savanna and forest, the eastern extension of *Rocky Mountain Coniferous Forest*, is located on rocky soils and steep eroding cliffs of the north wall of the River valley and upper slopes of canyons on the south side where there is no shading by deciduous trees. *Eastern Deciduous Forest* covers much of the River floodplain, south wall of the River valley, and canyons of larger tributaries where a permanent water supply is accessible via the shallow floodplain water table or from permanent spring seeps. This woodland type is also found in moist slopes and draws. Paper birch, a characteristic species of the *Northern Boreal Forest* community, is restricted and clustered around cold springs in sheltered spring branch canyons, or near spring-fed seeps along the steep canyon walls of the south side of the River valley. Eastern red cedar has invaded these woodland communities and is dominant in some areas. Total woodland acreage on the Refuge is approximately 4,377 acres. Included in this total are an estimated 59 acres of tree plantations established in the 1930's by the Civilian Conservation Corps and later by Refuge staff.

Wetlands – Small areas of wooded wetlands are situated alongside the River channel and consist primarily of cottonwood trees, willows, and western snowberry bushes. Cattail-bulrush marshes are scattered along the River, tributaries, and floodplain catchments.

Noxious and Invasive Plants – Plants of management concern found on or near the Refuge include leafy spurge, purple loosestrife, Canada thistle, Kentucky bluegrass, smooth brome, downy brome, sweet clover, reed canary grass, phragmites, Eastern red cedar, Russian olive, black and honey locusts.

Wildlife

A rich and significant diversity of wildlife species with eastern, western, northern and southern affinities as well as niches specific to the northern Great Plains inhabit the Refuge and surrounding area (Armstrong *et al.* 1986, Labeledz 1990, Freeman 1990, Hrabik 1990). Population numbers vary according to amount of suitable habitat and other factors. Of particular concern, for the purposes of this management plan and environmental assessment are the wildlife which inhabit or frequent the riparian zone adjacent to the River. The riparian zone receives substantial wildlife use because it is a source of water, food, and cover. General descriptions are provided below, however, thorough descriptions and species lists of Refuge birds, mammals, amphibians, and reptiles are found in the Fort Niobrara NWR Comprehensive Conservation Plan.

Birds - Approximately 230 species of birds inhabit the Refuge seasonally or year-round and almost 80% of these have ecological affinities with Niobrara River or plant communities in and immediately adjacent to the Niobrara River. The high number of bird species is due to the River and its tributaries being an important source of water and food and because of the complex and varied habitat stratification within the Niobrara River corridor. Birds use these areas for several days during spring and fall migrations, months for wintering or nesting, and some inhabit these habitats year-round. Common species include ovenbird, great crested flycatcher, black-and-white warbler, American redstart, red-eyed vireo, orchard oriole, common yellowthroat, cliff swallow, belted kingfisher, wild turkey, Cooper's hawk, red-tailed hawk, kestrel, turkey vulture, bald and golden eagle, osprey, Canada goose, wood duck, common merganser, mallard, great blue heron, spotted sandpiper, and many others.

Mammals - Approximately 45 of the original 52 native mammalian wildlife currently inhabit the Refuge and surrounding area with eight additional species introduced or their ranges extended (Bogan and Ramotnik 1995; Unpublished Refuge Data). Bison and elk, extirpated in Nebraska in the late 1800's, were reintroduced to the Refuge in 1913 and receive special management efforts. Other large native ungulates that are common include white-tailed deer and mule deer. Moose is an example of a species that extended its range into this area in recent years. Smaller native mammals that are found in the riparian zone include northern short-tailed shrew, masked shrew, wood rat, porcupine, raccoon, beaver, river otter, and mink. Coyote is a common and widespread predator with bobcat less numerous. Several sightings of a mountain lion in and adjacent to the River corridor were made in February and March 2004.

Amphibians and Reptiles - At least 24 species of reptiles and amphibians occur on the Refuge and/or surrounding area which is a significant proportion of the herptofauna of the northern Great Plains. Species documented by Corn *et al.* (1995) in the Niobrara River, streams, and associated wetland habitat included Blanchard's cricket frog, western chorus frog, bull frog, northern leopard frog, tiger salamander, common snapping turtle, western spiny softshell, and painted turtle. Spiny softshell turtle was documented for the first time in Cherry County just off the Refuge in the Minnechaduza Creek in 1992 and has been sighted several times in recent years on Fort Niobrara. Yellow mud turtle, identified by the Service as a species of management concern, inhabits the Refuge in low numbers.

Fish - Fish communities found in the Niobrara River and its tributaries are unique to Nebraska. According to Hrabik (1990), relict populations of more typical northern, southern, eastern, and western species, as well as fish common to the northern Great Plains, are found on the Refuge and surrounding area due to repeated glaciation and tectonic activity. The presence and distribution of these has not changed much since historic time due to the stable flows, consistent temperatures, reduced sedimentation, low dissolved solids of the Niobrara River drainage (Bentall 1990; Farrar 1983) and lack of degradation from agriculture (Case 1986). Numerous species of minnow, shiner, dace, catfish, and darter are present. Species of concern (Nebraska List) that may inhabit waters on Fort Niobrara NWR include northern redbellied dace, pearl dace, finescale dace, and blacknose shiner.

Threatened and Endangered Species

Several plant and animal species, listed or candidates for listing, under provisions of the Endangered Species Act, have been documented on the Refuge and/or in the surrounding area.

Bald eagles migrate through the area during the spring and fall and also spend the winter (late October-early April) along the Niobrara River. Winter populations average 5-7 with as many as 15 eagles recorded on the Refuge in some years. Wintering bald eagles roost in the mature cottonwoods with open structure and stable limbs located along the shores of the Niobrara River. Sightings of bald eagles on the Refuge during the summer have been made since 2000; however, no eagles nest on the Refuge. Nesting has been documented several miles east at the confluence of the Niobrara and Keya Paha Rivers since 1996 (J. Dinan, personal communication). An active nest, identified in 2001, is located in Knox County at the confluence of the Niobrara River and Schindler Creek.

Whooping cranes migrate through the area in April and October. An adult whooping crane was observed flying over the Refuge with approximately 75 Sandhill cranes on October 16, 2001. Two adult whooping cranes spent several days on the Refuge roosting and feeding on shallow, sparsely vegetated segments of the Niobrara River above Cornell Dam in October, 1993.

Piping plovers and least terns are occasionally sighted during spring and fall migrations on the non-vegetated or sparsely vegetated sandbars of the Refuge portion of the Niobrara River above Cornell Dam. An adult and immature least tern were sighted on the Refuge on a sandbar above Cornell Dam July 18-22, 2002. Least terns and piping plovers nest on Niobrara River sandbars between the Norden Bridge and the Missouri River. The Service has designated critical habitat for the northern Great Plains breeding population of the piping plover on the Niobrara River downstream from the Norden Bridge to the Missouri River confluence.

Threatened and endangered plants and animals documented in the area, but not known to exist on the Refuge, include blowout penstemon, western prairie fringed orchid, and American burying beetle.

3.3. Special Designations

Fort Niobrara Wilderness Area - A 4,635 acre area of the Refuge was established as wilderness by Public Law 94-557 on October 19, 1976. The five-mile portion of river with recreational floating on Fort Niobrara NWR lies within this wilderness area. The Fort Niobrara Wilderness Area is managed under the Wilderness Act of 1964 "...for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness...". Once the river floater leaves the launch area (located outside of wilderness), the only signs of man are fences, a bridge, and two signs. The Wilderness Act also states that areas will be managed and protected to provide "outstanding opportunities for solitude or a primitive and unconfined type of recreation....and that each agency administering an area designated as wilderness shall be responsible for preserving the wilderness character of the area." Therefore, it is imperative that the chosen alternative preserve the wilderness character of the Fort Niobrara Wilderness Area.

Niobrara National Scenic River – A 76-mile stretch of the Niobrara River, including the River through the Refuge, was designated Scenic by Public Law 102-50 in 1991. The significant biological and ecological diversity and high quality aesthetics of the Refuge (steep wooded canyons, waterfalls, large expanses of prairie, herds of bison and elk) and surrounding area were the primary factors for the River’s inclusion in the National Wild and Scenic Rivers System.

3.4. Cultural and Paleontological Resources

Numerous significant cultural and paleontological remains exist on the Refuge and are described in detail by Osborn (1979). Seventeen distinct fossil sites have been excavated on the Refuge within the Wilderness Area. Two fossil beds of the lower Pliocene and upper Miocene epochs provided the non-articulated skeletons and bone fragments of more than 20 extinct mammalian species including three-toed horses, camels, antelopes, rhinoceroses, rodents, and rabbits.

Archaeological remains collected in this area suggest short-term occupation by prehistoric and historic aboriginal groups for hunting and gathering. Artifacts date back through several cultures to the Paleo-Indian period of 7,500-11,500 years ago and include scattered flint chips, projectile points, other stone tools, animal bone fragments, charcoal pieces, and pottery pieces. Aboriginal occupation of this region documented in various expeditions of the middle and late 1800’s, was by the Dakota Sioux, Ponca, and Pawnee.

Military history of the area began in the late 1870s with the restriction of Sioux Indian tribes to the Great Sioux Reservation in Dakota Territory (now western South Dakota) and establishment of Fort Niobrara Military Reservation. The Fort was established in 1879 to monitor Sioux activity and control operations of cattle rustlers and horse thieves. “Long-horned” cattle trailed from Texas were distributed to the Sioux, and the Fort served as a market for locally furnished goods and services. Soldiers were dispatched to several skirmishes, although no major battles or events occurred. The Fort was closed in 1906 and retained by the War Department as a remount station until 1911 when a portion was transferred to the Department of Agriculture, Bureau of Biological Survey to be used as a preserve and breeding ground for native birds. A hay shed, constructed in 1897 by the U.S. Army, remains standing on the Refuge and is listed on the National Register of Historic Places.

Euro-American settlement of the Sandhills began in the late 1870s and 1880s and corresponded with the strong cattle market provided by the military fort. The railroad (Fremont, Elkhorn, and Missouri Valley) reached Fort Niobrara in 1883 resulting in the development of the town of Valentine. Homesteading was further encouraged by the Fort’s ready market for local farm produce and labor. Several saw and flour mills were in operation along the Niobrara River by the mid-1880s. Homesteading and farming grew during the 1880s but were challenged by drought and recession in the 1890s. The 1904 Kinkaid Act encouraged more settlement; however, the Sandhills was nearly the last area of the Great Plains to be homesteaded. Population in the area increased and peaked during World War I with elevated commodity prices but then steadily declined to current levels (Miller 1990). Many of the river outfitters descended from original homesteaders of the Niobrara River valley. They were taught by their ancestors that adaptation is critical to survival. River outfitting became a necessary means of supplementing income from farming and ranching. In recent years, money generated from tourism (i.e. river floating) has helped small, rural towns such as Valentine to stay alive.

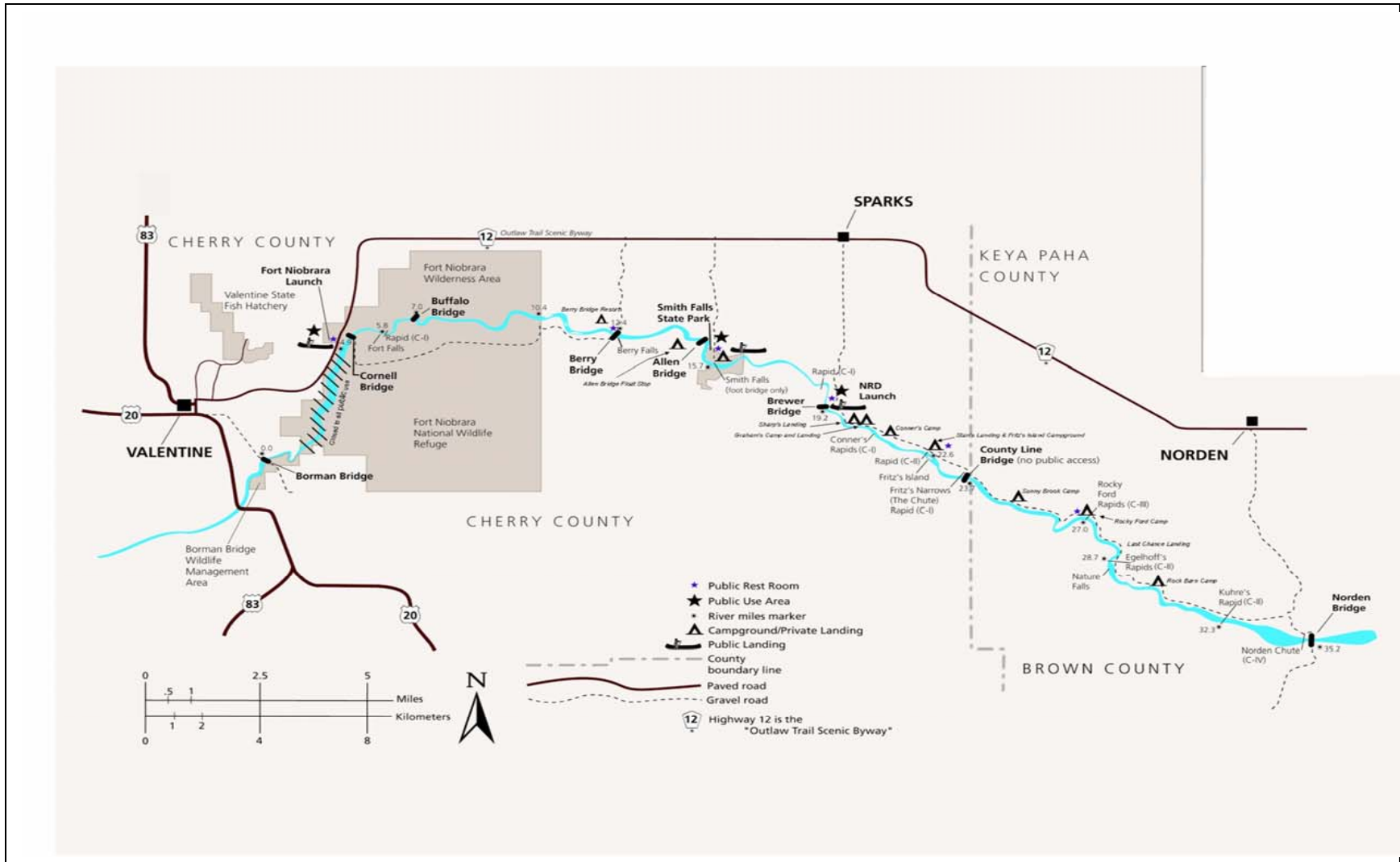
3.5. Public Use

General – An estimated 100,000 people visit the Fort Niobrara NWR each year to see, appreciate, and learn about wildlife and their habitats. Most of these visitors enjoy wildlife-dependent recreational opportunities that emphasize interpretation and education and include a visitor center; auto tour route; observation deck; nature trail; special programs such as Junior Ranger, bison roundup and auction; and exploring the Fort Niobrara Wilderness Area on foot, horseback, cross-country ski, or river floating. Fishing is allowed on the Minnechaduza Creek and along the Niobrara River downstream from Cornell Dam.

Wildlife-Dependent River Recreation

The 22-mile segment of Niobrara River from the Fort Niobrara NWR launch site downstream to Rocky Ford is the most frequently traveled by floaters (Figure 3). All floating is non-motorized and includes canoes, kayaks, and tubes. Trips ranging from one hour floats to multiple days are possible. Launching on the Refuge and floating to the first take-out point at Berry Bridge generally takes two to four hours to complete depending on vessel type and water level. Landing spots for hiking are provided at Fort Falls and the Niobrara Wilderness Area near Buffalo Bridge. The Refuge portion of the River is considered the most “scenic” and offers visitors a unique experience not available elsewhere. National Park Service data indicate that the most heavily used public launch is the Fort Niobrara NWR access. Most Refuge visitors float the River June through August. Mild weather and autumn foliage colors attract some visitors in September and October. Winter floats are possible for the experienced and properly equipped when the River is not iced-up, however few visitors take advantage of this opportunity.

Figure 3. Area Map of Niobrara National Scenic River (courtesy of National Park Service)



History of River Use and Management - Recreational river use on the Refuge began in 1961 with several hundred “canoe trips” reported. A Refuge photograph in 1965 shows a small undeveloped launch area, and in 1966, a local Girl Scout troop purchased four canoes for rental (C. Pascoe, personal communication). In 1983, car counters and surveys of river recreation were used to estimate river use at approximately 9,000 people. During that same year, the first Special Use Permits were issued to seven outfitters and three new launch ramps were added to the launch area. Additional improvements including construction of improved restrooms, launch ramps, and a parking area were completed in 1991 by the U.S. Fish and Wildlife Service and the Middle Niobrara Natural Resources District. Beginning in 1993, outfitters were required to report number of vessels and people launched on the Refuge which was approximately 23,350 people for that year.

An Environmental Assessment of River Recreation on Fort Niobrara NWR was completed in 1994 in response to concerns over potential impacts of rapidly increasing river recreational use and settlement of the Compatibility Lawsuit (Civil No. C92-1641) of October 20, 1993 with the Sierra Club, National Audubon Society, Defenders of Wildlife, Wilderness Society and others concerning secondary uses on refuges. The preferred alternative called for development of a river recreation management plan which would include maintenance of existing launch area (no expansion); monitoring and control of social encounters; limit visitor impact on vegetation and wildlife by controlling visitor numbers, behavior, period of use, and landing areas along the River; and retention of area naturalness. The number of Special Use Permits issued to outfitters was limited to the existing 11 (moratorium on new outfitters) and guidance was sought from resource specialists on appropriate management actions.

River Recreation Use Levels and Patterns – Long-term monitoring of river recreation on the Refuge was begun in 2000 to document use levels and patterns by year, month, day of week, and time of day. Data continues to be collected to better understand visitor use of the Niobrara River on the Refuge, and to be used with other information in evaluating potential impacts and guide future management of wildlife, plants, habitats and visitors.

Outfitter/Iron Ranger Data - Launch data provided by outfitters and iron ranger (fee collection station) envelopes are entered into an Excel spreadsheet and compiled and summarized by year, month (Figure 4), and day of week (Table 1). Summary statements of the data collected thus far are:

- River floating on the Refuge increased from approximately 23,350 people in 1993 to a high of 31,748 people in 1997 and has since declined to a level of approximately 13,993 people in 2003.
- Approximately 70% of total annual use takes place in July and August.
- Saturdays account for the greatest proportion of visitation, however, there has been a shift since 2000 between weekdays and Saturdays. Weekday use has increased and Saturday use has decreased on the Refuge.
- During the summer recreational float season of 2003, the mean number of people floating the River ranged from 44 people on Sundays in June to 416 people on Saturdays in August. The highest number of people recorded for any single day in the summer was 614 people on the first Saturday in August.

Figure 4. Number of People Launched Monthly by Outfitters, 1998-2003

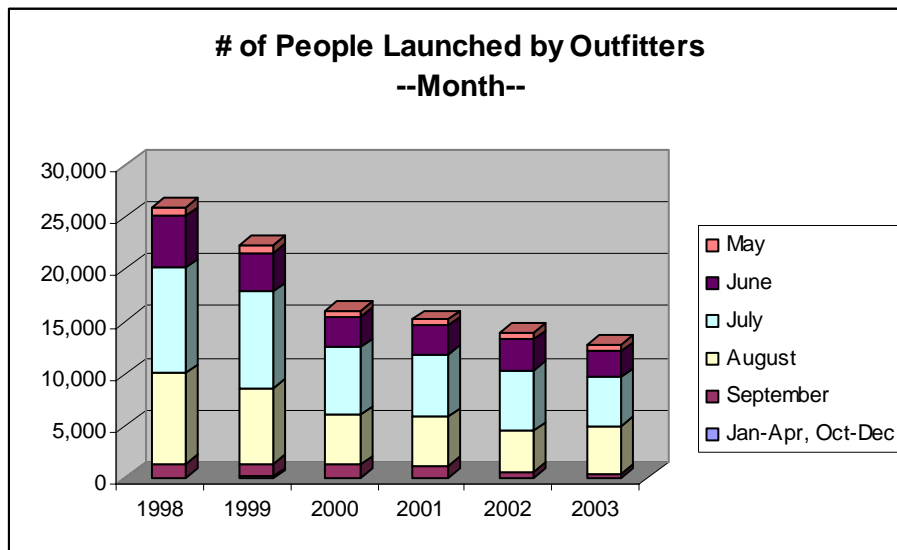


Table 1. Mean and High Number of People Launched in 2003 by Day of Week

	May		June		July		August		September	
	Mean	High	Mean	High	Mean	High	Mean	High	Mean	High
Sunday	20	64	44	92	155	196	133	146	2	4
Weekday	12	25	66	113	117	121	102	164	7	20
Saturday	73	137	288	541	409	486	416	614	69	127

Video Data - Direct counts of the number of persons and vessels launching on the Refuge by time of day are obtained by video tapes. Videotapes are made in four-hour blocks, selected randomly during moderate (May 24-June 30; August 21-September 6) and high (July 1-August 20) recreation use periods. Recordings are scheduled either in the morning (8:31-12:30) or afternoon (12:31- 16:30). Data are divided into consecutive one-minute intervals. The quality of video image is sufficient to enable vessels and persons to be detected, but not high enough resolution to be able to identify the faces of individual persons. Data are entered into an Excel spreadsheet and then compiled by various groupings (i.e. day of week; morning and afternoon). A total of 146 hours in 2001, 156 hours in 2002, and 91 hours in 2003 were surveyed. Mean values of the number of people floating past a fixed point per minute, by day of the week, for 2001-2003 are shown in Table 2.

Table 2. Mean Number of People Floating Past a Fixed Point per Minute

	2003	2002	2001
Sundays	3.4	4.9	4.0
Weekdays	3.9	4.0	4.0
Saturdays	4.7	6.8	5.8

Other summary statements from the video data collected thus far are:

- The highest value of the mean number of people and vessels occurred on Saturdays in the morning for all three years. In 2001 and 2003, the lowest number occurred on weekdays in the afternoon, however in 2002, the lowest number occurred on Sundays in the afternoon.
- The numbers of observed vessels and people were significantly higher during all morning periods than corresponding afternoon periods on the same days. Peak periods of activity on Saturdays occurred between 9:30 and 10:30, and again but to a lesser extent between 11:00 and 11:30 and 12:00 to 12:30. Weekday activity followed the same pattern, but the level of activity was significantly lower than on Saturdays. Sunday activity showed two peaks, from approximately 9:30 to 10:00 and from 11:00 to 12:00.

Commercial Outfitting – Nine commercial outfitters from the local area provide canoes, kayaks, tubes (people, cooler), shuttle services, transportation, and/or food for approximately 91% of the people launching on the Refuge. Several of these outfitters also maintain landings (launch and take-out areas) and campgrounds down river, off the Refuge.

Safety - The Niobrara River is a relatively safe river to float and can be navigated by most novices. There are two segments of Class I rapids on the Refuge portion of the River. Off the Refuge, from Brewer Bridge to Rocky Ford, there are several more rapids (Class I and II) that can be easily negotiated. At Rocky Ford floaters are encouraged to portage the falls which are a Class III rapid. These rapids, like all water features, can change in character with differing water levels.

No fatalities have occurred on the Refuge, but several people have drowned further down-river. River recreation has resulted in search and rescue efforts as well as emergency medical incidents. Other safety considerations include injuries resulting from bison and elk contact, alcohol or drug related injuries, and conflicts between visitors. Safety concerns on the Refuge increased in proportion to the increase in river recreational use and popularity of the area in the late 1990s. Following implementation and active enforcement of the alcohol ban, visitor safety issues declined.

Facilities – The Fort Niobrara NWR launch area has restrooms with changing areas, an information kiosk, user fee/iron ranger station, graveled unloading area, six launch ramps, and parking for approximately 65 cars and several larger vehicles.

Administrative Costs & Funding – There are various costs associated with river recreation which are borne by the Refuge and/or partners. Some expenses are offset by monies collected from the user fees. Costs include, but are not limited to, law enforcement services; administration; interpretive and education services, panels, and literature; search and rescue; maintenance and/or construction of parking and launch facilities, trash collection and disposal; and maintenance of toilet facilities.

Neighboring Jurisdictions – The majority of river floaters previously began their trip at the Refuge launch area and traveled to take-out points and campgrounds downstream from Fort Niobrara NWR. Beginning in the late 1990s, however, a large proportion of launches shifted

down river (off-refuge) due to the Refuge encouraging outfitters to redistribute use to other parts of the River to reduce crowding and due to the implementation and enforcement of regulations (i.e. ban on alcohol, boom boxes, projectile shooting devices) on the Refuge. National Park Service data suggest an average of approximately 22,500 people per year launched off-refuge between 2001 and 2003. (Data were not collected by the NPS off-refuge prior to 2001; therefore, no numeric comparisons can be made.) Launch and take-out points down river from the Refuge are owned and/or managed by private landowners, outfitters, the Middle Niobrara Natural Resources District, the Nebraska Game & Parks Commission, and The Nature Conservancy. Law enforcement off the Refuge is performed by the Nebraska Game & Parks Commission, Cherry County Sheriff's Department, and the National Park Service. The National Park Service is in the process of developing management plans for the Niobrara National Scenic River of which Fort Niobrara NWR is a partner.

3.6. Socio-Economics

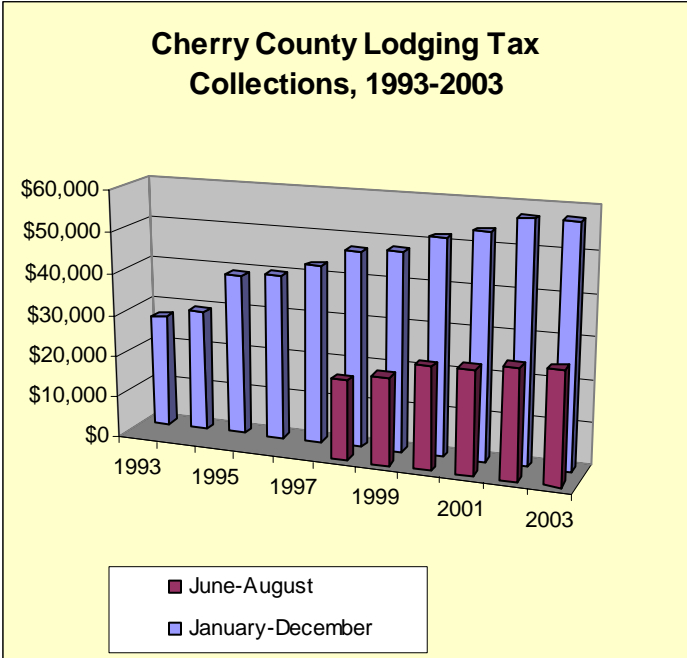
The Refuge is located in Cherry County approximately three miles east of the city of Valentine, the County seat and largest city in the County with a population of approximately 2,842 (U.S. Bureau of Census, 2003). Cherry County is the largest County in Nebraska with a total area of approximately 6,013 square miles and one of the least populated counties with approximately 6,167 people recorded in 2002. Rural population in the County is very sparse due to large ranch sizes. Predominate land-use in the County is native prairie grazing and haying with less than 10 percent of the acreage cropped or irrigated (Miller 1990).

Family-owned ranching is the primary source of income in the County, although income generated from tourism has increased in recent years as reflected in Lodging Tax Revenues (Figure 5). Monthly lodging tax revenues are the greatest during the summer float season months of June, July, and August and show an increasing to stable trend 1998 – 2003. People originating from outside the area who floated on the Niobrara River through the Refuge in 2003 spent an estimated 1.4 million dollars in the Valentine area (Refuge and Nebraska Department of Tourism data). These expenditures include lodging, food, gas, and rental equipment.

According to Nebraska QuickFacts (U.S. Bureau of Census, 2003), for the year 1999, the median household income for Cherry County was \$29,268 and the per capita income was \$15,943. The percentage of households, for the same year, with annual income levels below the poverty level of \$17,029 was 9.6 percent. The number of families with income below the poverty level was 166 and the number of persons was 744. According to the same source, Cherry County minority population (excluding women) accounted for 5.8 percent of the total population.

Access to the Refuge is by Nebraska Highway 12 and a County maintained gravel road and bridge. Major highways traversing the County are U.S. Highway 83 (north/south) and US Highway 20 (east/west). The nearest airport with scheduled passenger service is in North Platte, Nebraska located 136 miles south of Valentine, Nebraska.

Figure 5. Annual and Summer Lodging Tax Revenues for Cherry County



- Data provided by Nebraska Department of Economic Development.

Chapter 4. MANAGEMENT DIRECTION

The mission and purposes of the National Wildlife Refuge System, the purposes for which Fort Niobrara NWR was established, and the existence of a designated Wilderness Area and a Scenic River within Refuge boundaries are the basis for river recreation management goals and objectives established in this plan. Management strategies to meet these broad goals and objectives were developed and revised based upon the best available scientific information and public input received during the planning and review process of the Draft Fort Niobrara NWR River Recreation Management Plan and Environmental Assessment.

This plan is not intended to be static, but rather dynamic and flexible to the extent possible. As new and better information becomes available to evaluate and guide management, changes may be made. The underlying purpose, however, will remain the same and that is in order for wildlife-dependent river recreation to occur on the Refuge, it must (1) be compatible with legislated purposes of Fort Niobrara NWR and the NWRS, (2) not interfere with the protection of wildlife, plants and habitats of the Refuge, and (3) promote public understanding of and appreciation for the natural resources and legislated purposes of the Refuge. Furthermore, commercial outfitting will be administered in accordance with Service policy and guidance.

4.1. Refuge Purposes / Responsibilities

River Stretch Open to Recreational Use

- Wildlife-dependent river floating on the Refuge will be allowed downstream from Cornell Dam only.
- The four mile stretch of Niobrara River on the Refuge above the Cornell Dam will remain closed to public use, allowing that area to be a sanctuary for wildlife.

Annual and Daily River Recreational Use Levels

- Approximately 20,300 people will be allowed to float the Niobrara River through the Refuge each year to learn about and appreciate river wildlife, plants, and their habitats.
- Opportunities for this wildlife-dependent public use will exist year-round. When annual use levels rise to a point that concern exists over launch opportunities not being available throughout the year, launch passes will be allocated by month based on historic patterns and input of outfitters. (A sample distribution is found in Appendix B.)
- During peak visitor use months of July and August, wildlife-dependent river recreational use will be encouraged on Saturdays up to a maximum daily level of approximately 980 people. River floating Sunday through Friday will emphasize the needs of wildlife and visitors wanting opportunity for a wilderness float experience. The maximum number of people that could float through the Refuge Sunday through Friday during these peak visitor use months will be maintained at lower levels and rarely reach an upper daily level of 490 people.
- When the number of people launched by commercial outfitters reaches 400 people on a Sunday, Monday, Tuesday, Wednesday, Thursday or Friday, or 800 people on a Saturday, the maximum number of people an outfitter may launch daily will be allotted. (Refer to Section 4.3 and Appendix B.)

Specified Times of Day for Wildlife and/or Recreational Use

- Early morning and late afternoon/evening hours will emphasize the needs of wildlife and will be free of or have minimal disturbance by humans.
- Refuge visitors will be encouraged to launch from 9:30 a.m. – 12:30 p.m. resulting in the last wave of vessels exiting the Refuge by 3:30 p.m. River floating during daylight hours before and after this specified time period will still be allowed, however, at very low levels. The actual number of people allowed to launch outside of this specified recreational period could be established in the future as more data becomes available.

Minimize Impact to Wildlife, Plants, and Habitats

- River floaters will be encouraged to stay in their watercraft so as not to trample banks, destroy habitat, or further disturb birds and other wildlife; discouraged from leaving food or trash; and encouraged to enjoy the natural sights and sounds of the River by talking quietly.
- Landings at Fort Falls and the Buffalo Bridge will be available for river floaters to stop to view the Falls and to hike into the Wilderness Area.
- All commercial outfitters will be required to help with the Spring and/or Fall river clean-ups.
- Litter bags, with “Leave No Trace” education text printed on the outside will be made available to private floaters and provided to commercial outfitters for clientele to “pack out” their trash. Outfitters will encourage their clients to use beverage cans instead of bottles, to use and secure sturdy containers (not Styrofoam) for personal items, and to follow the Code of Ethics developed by the Niobrara Council.

Monitoring and Research

- Long-term monitoring of wildlife, plants, habitats, recreational use levels and patterns, and visitor experiences will be accomplished to evaluate, guide and/or modify future management on the Refuge.
- The Service will cooperate and work with downstream partners to conduct monitoring and research that evaluates recreational impacts on wildlife, plants and habitats off-Refuge.

4.2. Visitor Experience

Allocation of Annual Use Between Private Floaters and Outfitters

- Ten percent of total annual river recreational use (approximately 2,030 people) will be reserved for non-outfitted river floaters and the remaining 18,270 people launches will be made available to commercial outfitters.
- The allocation of river recreational use between private and outfitted visitors will be adjusted in the future if the number of non-outfitted (private) floaters increases. Commercial outfitters will not have preference over non-outfitted river floaters.

Spectrum of Opportunities (Wilderness Solitude to Recreational)

- A spectrum of visitor experience opportunities (recreational to wilderness solitude) will be made available by implementing management strategies that meet wilderness and recreational visitor experience standards (Section 1.5) including, but not limited to,

establishment of upper limits on the number of people that may launch daily (Section 4.1) and staggering of launches by outfitters.

- Refuge data will be provided to outfitters to help them identify days and times requiring increased effort in distributing launches to stay within visitor experience standards. If outfitters are unable to successfully address visitor experience concerns, the Service will implement specific management actions (i.e. assign launch ramps and times).

Vessel Type and Group Size

- Vessels that may be launched from the Refuge are canoes, kayaks, or float tubes capable of carrying no more than 4 people each.
- No more than five float tubes carrying a maximum of 8 people may be tied together. Visitors are discouraged from tying any kayaks or canoes together.
- Refuge staff will work with commercial outfitters to develop special criteria (vessel type and group size) that would allow for interpretive, guided float trips.

Interpretation and Environmental Education

- Refuge staff will work with partners to develop and conduct environmental education/interpretation programs (i.e. ranger/biologist talks, guided float trips, teacher workshops, integrated school curriculum) and other media (i.e. self-guided river nature trail leaflet).
- Existing interpretive and information panels at the Refuge launch area will be improved.
- Refuge staff will work with commercial outfitters and other partners to develop an information packet about Refuge wildlife, plants, habitats, wilderness and scenic river values, and safety. The packet will be distributed to all visitor groups (outfitter and private).
- Commercial outfitters will be required to provide a standard safety orientation for their clients.
- In collaboration with the National Park Service and/or other partners, funds will be sought to construct and staff a shared Environmental Education Center. Its location will be respectful of Scenic River boundaries and placed where it best informs and educates visitors. The new Center, identified in the Fort Niobrara CCP (1999), will be designed to accommodate a shared facility building that combines staff, scientific, interpretive, and financial resources of each partner resulting in improved environmental education and interpretation of the wildlife, plant, cultural, and paleontological resources of the Refuge and Niobrara National Scenic River.

4.3. Commercial Outfitting

River Outfitting Opportunity, Requirements and Selection

- There will be no limit on the number of commercial river outfitters that have the opportunity to provide services to Refuge visitors.
- The opportunity to provide outfitting services to river floaters on the Refuge will be announced to the public one year in advance of the permit cycle. The announcement (Appendix C) will describe the commercial visitor services required and selection/evaluation criteria for business proposals.
- In order to conduct outfitting services on the Refuge, each business must meet qualifications that include a current business/operating plan; demonstrated experience in

outfitting/business; statement of business ownership; public liability insurance in the amount of \$1,000,000; any applicable insurance required by the State of Nebraska (i.e. vehicle, workman's compensation); possess applicable licenses required by the State (i.e. motor vehicle, commercial driver, business/tax); ability to provide quality equipment and service to Refuge visitors; and willingness to conduct environmental education and stewardship activities.

- Business proposals/operating plans along with a nonrefundable application fee of \$ 50.00 will be due in April of the year prior to the permit cycle. Business proposals will be evaluated by Refuge staff. Outfitters will be notified in June whether they will be awarded a Special Use Permit for the upcoming permit period.

Special Use Permit

- A Special Use Permit (SUP) will be issued for a three year period.
- The annual fee for the SUP will be a minimum of \$200 (Fee based upon the cost to administer the program and conduct annual evaluations). Payment for the permit will be due 30 days after the launch pass bid process. If an outfitter is not successful in purchasing launch passes in the bid process, payment of the annual fee for that year will not be required.
- The Special Use Permit cannot be sold or subleased. If an outfitting business changes ownership during the three year SUP period, the Refuge Manager will consider transferring the permit to the new owner under a temporary one year SUP. In order for this to be a possibility, the new owner must agree to continue implementing the original business proposal/plan submitted by the prior owner and abide by all terms and conditions of the SUP.
- Should a commercial outfitter have his SUP revoked by the Service before the end of the three year period, the Refuge Manager will determine if the permit should be filled by a new outfitter.
- Applicable terms and conditions of the SUP include various management actions and strategies described in this Plan (Appendix D). Commercial outfitters will be informed of any changes to the SUP conditions prior to the annual renewal and bid process in January.

Annual Evaluation

- Each commercial outfitter will be subject to annual review and evaluation of three categories – Special Use Permit and operating plan compliance, resource protection/stewardship, and safety and visitor services. First and second time non-compliances associated with each of the three categories will have an assigned point value. An annual performance rating of acceptable or unacceptable will be assigned to each outfitter based on accumulated points (Appendix D).

Bid Process and Payment for Launch Passes

- In January, Refuge commercial outfitters will submit sealed bids for the number of people launch passes they wish to purchase for that calendar year. The minimum bid will be the fee charged the private user or what is established by the Service for one person to launch on the Refuge.

- Daily launch passes will be available in bundles of 100. Each outfitter may submit two bids on a minimum of 500 launch passes up to a combined maximum of 2,500 people launch passes. For example, an outfitter could submit a bid of \$ 2.00 each for 800 launch passes and a bid of \$ 1.50 each for 1700 launch passes.
- Sealed bids will be opened during a public meeting. Launch passes will be allocated by high bid until none remain. If more than one bid is received for the same dollar amount, outfitters submitting same bids will be asked to submit a new bid during the meeting with the amount of the “tie bid” being the new minimum bid. Once the tie is broken, allocation of launch passes will continue in the manner already described.
- If any people launch passes remain after the bidding process is complete, outfitters who did not purchase their maximum allotment of 2,500 may purchase additional launch passes on July 15 at that year’s high bid. If the demand for additional launch passes is greater than the number available, launch passes will be distributed equally and/or until an outfitter reaches the maximum level.
- If launch passes still remain after the second round of allocation, outfitters who have purchased their maximum allocation for that year may purchase additional launch passes at that year’s high bid. If the demand for additional launch passes during the final round of allocation exceeds the supply, launch passes will be distributed equally.
- Outfitters will pay for launch passes in four equal installments due by the 15th of June, July, August, and September. If additional launch passes are purchased on July 15th, the additional money owed must be paid with the August 15th and September 15th installments.
- Launch passes cannot be sold or transferred to another outfitter.

Allocation of Launches (monthly, daily)

- When the number of people launched on the Refuge by commercial outfitters reaches 400 people on a Sunday, Monday, Tuesday, Wednesday, Thursday or Friday, or 800 people on a Saturday, the maximum number of people an outfitter may launch daily will be allotted. The allocation will be based on the number of launch passes an outfitter purchased of the total number purchased by all outfitters during that year’s bid process (Appendix B).
- When annual use levels rise to a point at which concern exists over launch opportunities not being available throughout the year, the maximum number of people a commercial outfitter may launch monthly will be allotted. The allocation will be based on the number of launch passes an outfitter purchased of the total number purchased by all outfitters during that year’s bid process (Appendix B).

Other Requirements

- Outfitters will be required to shuttle their customers to the Refuge launch area in buses or vans on Saturdays and Sundays from Memorial Day through Labor Day.
- All vessels launched by a commercial outfitter must be permanently marked with their company name or a Refuge approved abbreviation.
- Each outfitter must submit monthly reports reflecting the number of people and vessels launched on the Refuge by each day of the week May through September; and all days combined October - December and January - April.

- Commercial outfitters may float the river without using a launch pass to obtain current information on river conditions to better educate their clients; however, trip information (date, number of people and vessel) must be reported to the Refuge.
- Commercial outfitters may be required to provide the Refuge with a copy of trip logs for a specified date that would include the names and addresses of clientele, number of people and vessels launched on the Refuge, etc. to enable follow-up checks of service quality and visitor satisfaction, or to verify monthly use reports.

4.4. User Fee

- A user fee of a minimum of \$1.00 per person per day launching on the Refuge will be collected through an iron ranger for private (non-outfitted) visitors.
- Commercial outfitters will pay the per person launch fee as described in Section 4.3 “Commercial Outfitting” above.

4.5. Facilities / Access

- Existing launch area facilities/access will be maintained.
- In collaboration with partners, the Service will consider developing a visitor contact site for environmental education programs on the west end of the launch area.
- River floaters not using a commercial outfitter will have access to all launch ramps.
- Commercial outfitters will annually develop and submit a plan to the Service that assigns launch ramps and times between outfitters with special consideration given to the 9:30a.m. -12:30 p.m. recreational period. If outfitters are unable to develop and implement an acceptable launch plan, the Service will assign launch ramps and times (i.e. lottery draw).

4.6. Regulations / Requirements

- Various regulations will be enforced throughout the Refuge, however, those that specifically pertain to river recreation include: open during daylight hours only; no more than five float tubes carrying a maximum of 8 people may be tied together; alcoholic beverages, firearms, fireworks, high volume radios, devices capable of shooting or directing a projectile or liquid at another person or wildlife, and collecting plants, animals, rocks or historical artifacts are prohibited.
- If data suggests that Refuge visitors and/or commercial outfitters are not complying with management actions that are “encouraged” or “discouraged” in this plan, the Service will make these actions a requirement.

4.7. Partnerships

- Refuge staff will strive to improve communication and increase partnerships with federal, state, county and local governments, and private entities and organizations that foster stewardship of the natural and cultural resources of the Niobrara River including Fort Niobrara NWR.
- At a minimum, the Service will meet with partners annually to discuss river management issues and concerns, develop and coordinate work projects, and nurture better relationships.

Chapter 5. IMPLEMENTATION AND MONITORING

5.1. Implementation

Implementation of the Fort Niobrara NWR River Recreation Management Plan will begin in 2005 with the plan fully implemented for the 2006 river recreation season. In order that commercial outfitters have adequate time to prepare formal business proposals/operating plans, the Service will not require these for the 2005 river recreation season. However, to conduct commercial outfitting services on the Refuge in 2005 each business must meet the other qualifications including provide statement of business ownership; proof of public liability insurance in the amount of \$1,000,000; possess applicable insurance as required by the State of Nebraska (i.e. vehicle, workman's compensation); possess applicable licenses as required by the State (i.e. motor vehicle, commercial driver, business/tax); ability to provide quality equipment and service to Refuge visitors; and willingness to conduct environmental education and stewardship activities. Businesses meeting these qualifications will be issued a **One Year** Special Use Permit at a cost of \$100 (annual fee reduced for 2005 because no formal evaluations will be conducted). All other management strategies and actions listed in this plan including conditions of the SUP (Appendix D) will be applicable in 2005.

A tentative implementation schedule of the interim (I) and final (F) plan actions are as follows:

DATE	ACTION
February 2005	Meet with historic and prospective outfitters to discuss final plan and implementation of interim plan for 2005 river recreation season. (I)
February 2005	Issue prospectus announcing opportunity for businesses to provide commercial outfitting services on the Refuge 2006 - 2008. (F)
February 2005	Outfitters meeting interim requirements to outfit on the Refuge in 2005 submit sealed bids for launch passes. Service awards launch passes by high bid during a meeting with outfitters. SUP fee of \$100 due from successful bidders within 30 days. (I)
March and April 2005	Refuge staff available to answer outfitter questions on business proposals for 2006-2008 SUP. (F)
April 2005	Launch Area plan for all commercial outfitters due. Launch passes available for pickup. (I)
May 2005	Businesses proposals for 2006-2008 SUP due with nonrefundable \$50 fee. (F)
June 2005	1 st payment for launch passes due. January-April and May use reports due. (F)

June 2005	Award 2006-2008 Special Use Permits. (F)
July 2005	2 nd payment for launch passes due. June use report due. Allocate any remaining launch passes. (F)
August 2005	3 rd payment for launch passes due. July use report due. (F)
September 2005	4 th payment for launch passes due. August use report due. (F)
October 2005	September use report due. (F)
December 2005	October-December use report due. (F)
January 2006	Conduct bid process for 2006 launch passes. Annual SUP fee of \$ 200.00 for successful bidders due within 30 days. (F)
April 2006	Launch area plan for all commercial outfitters due. Launch passes available for pickup. (F)
June 2006	1 st payment for launch passes due. January-April and May use reports due. (F)
July 2006	2 nd payment for launch passes due. June use report due. Allocate any remaining launch passes. (F)
August 2006	3 rd payment for launch passes due. July use report due. (F)
September 2006	4 th payment for launch passes due. August use report due. (F)
October 2006	September use report due. (F)
December 2006	October-December use report due. (F)
December 2006	Conduct annual outfitter evaluations. (F)
January 2007	Year two of SUP. Action items from 2006 repeated. (F)
January 2008	Year three of SUP. Action items from 2007 repeated. (F)
January 2008	Issue prospectus announcing opportunity for businesses to provide commercial outfitting services on the Refuge 2009 - 2011. (F)

5.2. Monitoring

Monitoring of river recreation use levels and patterns by year, month, day of week, and time of day along with wildlife, habitat, and visitor experiences will be accomplished to better understand relationships. These data, along with other information that becomes available (i.e. research), will be used to evaluate, guide, and/or modify management. The Service will collaborate with partners to ensure that monitoring and future research is accomplished both on and off the Refuge.

5.3. Review and Evaluation

The Fort Niobrara NWR River Recreation Management Plan is a dynamic document. It will serve as a guide for management of the stretch of the Niobrara River that flows through the Refuge, but may be adjusted to consider new and better information to ensure that recreational use activities best serve the intended purposes for which Fort Niobrara NWR was established and the mission and purposes of the National Wildlife Refuge System.

The Fort Niobrara NWR River Recreation Management Plan will be formally reviewed every 15 years and monitored continuously to ensure that management strategies developed in this document support the goals and objectives of this wildlife-dependent activity on Fort Niobrara NWR. This Plan will be informally reviewed by Refuge staff while preparing annual work plans. It may also be reviewed during routine inspections and programmatic evaluations by the Regional and Washington Offices. Results of these reviews may indicate a need to modify the Plan. If major changes are required, the level of public involvement and associated NEPA documentation will be determined by the Refuge Manager.

Environmental Action Statement

U.S. Fish & Wildlife Service
Region 6
Denver, Colorado

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action of implementing the Fort Niobrara National Wildlife Refuge River Recreation Management Plan (RRMP) is found not to have significant environmental effects as determined by the attached Finding of No Significant Impact and the Environmental Assessment as found in the Draft RRMP.

Ralph O. Morgenweck, Regional Director
Region 6, U.S. Fish and Wildlife Service

Date

Ron Shupe, Acting Regional Chief
National Wildlife Refuge System
Refuges and Wildlife

Date

David Wiseman, Refuge Supervisor
National Wildlife Refuge System
Refuges and Wildlife

Date

Royce Huber, Project Leader
Fort Niobrara/Valentine/Seier National Wildlife Refuges

Date

Finding of No Significant Impact

U. S. Fish and Wildlife Service
Fort Niobrara National Wildlife Refuge
Valentine, Nebraska

Four management alternatives including the “No Action” alternative were considered in the Draft Fort Niobrara NWR River Recreation Management Plan and Environmental Assessment. Two alternatives, maximization of recreational floating and total closure on the Refuge stretch of the Niobrara River, were briefly considered but discarded because they violate the NWRS Improvement Act and do not meet the mission, goals, and purposes of Fort Niobrara NWR and the National Wildlife Refuge System.

Based upon the analysis in the Environmental Assessment, I have selected the *Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation* (Preferred) alternative, with slight modification from its draft form, to be implemented on the Refuge. The decision to adopt the preferred alternative was made because it is more responsive to the purposes for which the Refuge was established and pertinent legislation including the NWRS Improvement Act, Wilderness Act, and Wild and Scenic Rivers Act; and is preferable to the “No Action” alternative in light of physical, biological, economic, and social factors.

I find the proposed action will not have a significant impact on the human environment in accordance with Section 102 of the National Environmental Policy Act and in accordance with the Service’s Administrative Manual {30 AM.9B (2) (d)} and conclude that it is not necessary nor warranted to prepare an Environmental Impact Statement in order to proceed with the implementation of this Plan.

My rationale for this finding is as follows:

- The proposed action would not have detrimental impacts on threatened or endangered species or adversely modify their habitats.
- The proposed action would not adversely affect or cause damage, loss or destruction of any archaeological and / or historical resources within the Refuge.
- The proposed action would have long-term positive effects to wildlife, plants, habitats, and wildlife-dependent river recreation through a balanced approach to management of all programs with benefits to both wildlife and people.
- The proposed action would reduce/minimize wildlife and wildlife habitat disturbance that will ultimately have positive effects to Federal trust resources. Opportunities to experience wilderness solitude and quality, wildlife-dependent recreation will be protected and enhanced.
- The proposed action will not significantly impact the socioeconomic values of the community.

Ralph O. Morgenweck, Regional Director
Region 6, U.S. Fish and Wildlife Service
Denver, Colorado

Date

Appendix A. Bibliography

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Appendix B. Mathematical Calculations

Maximum Daily Use Level:

The maximum daily use levels were derived from a model based on the observed pattern of people launching on the Refuge 2002 – 2003 (video data) and visitor experience standards set forth in this plan (Section 1.4). From the observed patterns of highs and lows in visitor numbers during the 9:30 a.m. – 12:30 p.m. launch period, the model enabled Refuge staff to predict the number of minutes when the launch rate would exceed the wilderness standard (maximum of 4 persons/minute) or recreational standard (maximum of 8 persons/minute). The model predicted that, with some staggering of launches between outfitters, up to approximately 980 people could launch on a Saturday and approximately 490 people could launch Sunday – Friday and stay within range of visitor experience standards. (Note: These numbers may be adjusted as more data are collected.)

Maximum Annual Use Level:

The maximum annual use level is the average number of people that floated the Niobrara River through the Refuge in 2000-2002 plus an acceptable increase in visitor use on Saturdays in July and August. Steps taken to arrive at the maximum annual use level were:

Step 1. Average annual use during 2000-2002 was:

$$\begin{array}{r} 17,497 \\ 16,525 \\ + 15,185 \\ \hline 49,207 \text{ people} \div 3 \text{ years} \approx 16,400 \end{array}$$

Step 2. The average numbers of river floaters by month and day of week during this time period were:

	Jan-May	June	July	August	Sept-Dec
Sundays		374	787	590	
Weekdays		1402	2952	2214	
Saturdays		1340	2821	2116	
All Days	902				902

Step 3. The number of people that launched on Saturdays in July and August 2000-2002 was:
 $2821 + 2116 = 4,937$ people

Step 4. The potential maximum number of people that could launch on Saturdays in July and August (based on maximum Saturday use levels described above) is:

$$980 \text{ people} \times 9 \text{ Saturdays} = 8,820 \text{ people}$$

Step 5. The number of additional people that could launch on Saturdays is:
 $8,820$ (potential maximum on Saturdays) – $4,937$ (average number 2000-2002) = $3,883$ people

Step 6. The potential maximum annual use level is: $16,400$ people (average annual use 2000 - 2002) + $3,883$ people (number of additional people that could launch on Saturdays in July and August) $\approx 20,300$ people per year.

Allocation of People Launch Passes

Private and Outfitter - The allocation of annual people launch passes (20,300) will be 10% for private floaters (2,030 people) and 90% for outfitters (18,270 people). (Note: If the number of private floaters exceeds 10%, the allocation will be adjusted.)

The allocation of daily people launch passes (980 Saturdays; 490 Sunday-Friday) will be 10% for private floaters (98 Saturdays; 49 Sunday-Friday) and 90% for outfitters (882 Saturdays; 441 Sunday-Friday). (Note: If the number of private floaters exceeds 10%, the allocation will be adjusted.)

Outfitter % - Through the bid process discussed in section 4.3 of this plan, outfitters will each have the opportunity to purchase up to 2,500 people launch passes. In addition to purchasing the opportunity to provide commercial services to a set number of people, each outfitter is also acquiring the opportunity to launch a percentage of total outfitter launches if monthly or daily allotments are required. For example, an outfitter purchasing 1,000 people launch passes out of a total 18,270 passes purchased by outfitters would have the opportunity to launch 5.5% of monthly or daily allotments in comparison to an outfitter that purchases 2,000 launch passes and the opportunity to do 10.9% of the business during a specified day or month (Table 3).

Monthly Allocation – When the total number of people launching on the Refuge in a year reaches a level of approximately 18,300 people, maximum monthly launch levels will be established to ensure adequate launch passes are available throughout the year. A sample distribution of people launches by month or time period based on the historic visitor demand pattern is:

Jan-May	1,116
June	3,857 (3,471 outfitter; 386 private)
July	8,121 (7,309 outfitter; 812 private)
Aug	6,090 (5481 outfitter; 609 private)
Sep-Dec	<u>1,116</u>
	20,300 people

If monthly limits are established, the number of people an outfitter can launch per month in June, July and August will be allotted based upon the percentage of launch passes an outfitter purchased during that year's bid process. For example, an outfitter purchasing 2,500 launch passes of a total 18,270 launch passes purchased would have the opportunity to launch up to 13.7% of outfitter launches in June ($3,471 \times 13.7\% = 475$ people). (Table 3)

Daily Allocation - When the number of people launched by outfitters reaches 400 people on a Sunday, Monday, Tuesday, Wednesday, Thursday or Friday, or 800 people on a Saturday, the maximum number of people an outfitter may launch daily will be allotted based upon the percentage of launch passes an outfitter purchased during that year's bid process. For example, an outfitter purchasing 2,500 launch passes of a total 18,270 launch passes purchased would have the opportunity to launch up to 13.7% of daily people launches allotted to outfitters ($882 \times 13.7\% = 121$ people on Saturdays; $441 \times 13.7\% = 60$ people Sunday-Friday). (Table 3)

Table 3. Sample allotment of daily people launches per outfitter based on number of passes purchased.

People Launch Passes Purchased by an Outfitter	% of Outfitter Total [People Launch Passes purchased by an Outfitter ÷ Total Outfitter Launch Passes Purchased *]	Maximum # People Saturday [882 x % Outfitter Total]	Maximum # People Sunday – Friday [441 x % Outfitter Total]
2500	13.7	121	60
2400	13.1	116	58
2300	12.6	111	56
2200	12.0	106	53
2100	11.5	101	51
2000	10.9	96	48
1900	10.4	92	46
1800	9.9	87	44
1700	9.3	82	41
1600	8.8	78	39
1500	8.2	72	36
1400	7.7	68	34
1300	7.1	63	31
1200	6.6	58	29
1100	6.0	53	26
1000	5.5	49	24
900	4.9	43	22
800	4.4	39	19
700	3.8	34	17
600	3.3	29	15
500	2.7	24	12

* This sample allocation assumes the entire 18,270 people launch passes available to outfitters are purchased. The % of Outfitter Total calculations and allocation of maximum daily launches would be based on the actual total number of launch passes purchased by outfitters in a given year.

Appendix C. Proposal for Outfitting Services on the Niobrara National Scenic River within the Fort Niobrara National Wildlife Refuge

Prospectus Number: 0001

Date Issued:

- A. Nature of Commercial Opportunity: The U.S. Fish and Wildlife Service (Service) is seeking proposals for commercial outfitter services to provide the following minimum rental equipment and services for the public at the Fort Niobrara National Wildlife Refuge (Refuge).
1. Rental of canoes, kayaks, and/or float tubes.
 2. Shuttle service. (Required on Saturdays and Sundays).
 3. Interpretive (guided) tours of the Niobrara River on the Refuge. (Optional)
- B. Location of Launch Facility: The Fort Niobrara NWR Refuge is located near Valentine, NE. The Refuge consists of approximately 19,131 acres and is a unit of the National Wildlife Refuge System (System). Access to the site is by vehicle via Nebraska State Highway 12 east of Valentine, NE. Visitation for 2003 recorded approximately 100,000 visitors to the Refuge. Of this total, the Fort Niobrara NWR Launch Area accommodated approximately 14,000 visitors using approximately 9,290 vessels. A map of the location of the facility is included as Exhibit A of the contract. The launch site includes a restroom, vehicle parking, unloading area, and six one-lane boat ramps.
- C. Requests for Proposals: Requests for outfitting service proposals will be sent to all prospective offerors. Offerors are advised that this is not a procurement instrument subject to the rules and regulations of the Federal Acquisition Regulations. All provisions governing outfitting services, including required periods of operation, reporting, pricing and subcontracting, are set forth in this solicitation. By submitting a proposal, an offeror agrees to execute the agreement in its present form without negotiations or discussions. Offerors are strongly encouraged to carefully review this document and submit any questions in writing to the official listed in Part F of this document.
- D. Period of Proposed Agreement: The length of the proposed Special Use Permit is one year. In the event that changes are necessary due to new regulations or legislation, the Service and the permittees will, at the discretion of the Refuge Manager, renegotiate any material terms of the agreement affected by the changes.
- E. Questions: Offerors are encouraged to submit any questions they may have regarding the information contained in this document. Send questions in writing (by mail or fax) to the designated official identified in Part F. A written transcription of all questions and answers will be made available to all offerors.

- F. Submission of Proposals: Persons or businesses having the experience and financial means to meet the minimum conditions specified in the request for proposals and who desire to enter into an agreement may do so by submitting an original and two copies of a proposal to:

Refuge Manager
Fort Niobrara-Valentine NWRC
HC 14 Box 67
Valentine, NE 69201
402-376-3789

Offerors must enclose proposals and modifications to proposals in sealed envelopes marked: "RIVER OUTFITTING SERVICES PROPOSAL IN RESPONSE TO PROSPECTUS 0001. MAIL ROOM: DO NOT OPEN."

Closing Date: All proposals must be received at the above address no later than 4:00 p.m. CST on April 30, 20XX. Proposals received after that date and time will not be eligible for consideration and will be returned. The Refuge will not accept proposals and modifications to proposals transmitted by fax. Proposals will become the property of the U.S. Government at the time of submission and will not be returned. Disclosure of information in the proposals will be confined by the limits of the Freedom of Information Act. Upon signing the Special Use Permit, the winning proposal will become part of the agreement.

G. Standards:

1. The Outfitter is subject to Section 504 of the Rehabilitation Act of 1973, the Secretary of the Interior's Zero Tolerance of Discrimination Policy, February 10, 1997, and Executive Orders 11478 and 13145. The outfitter will not discriminate against anyone on the basis of race, color, national origin, sex, religion, disability, age, sexual orientation, status as a parent, or genetic information, with regard to any program, activity, or service, including employment.
2. All rentals and fees must be comparable to those charged by members of the private sector for opportunities equal to those provided by the outfitter.
3. Health and Safety: The health and safety of the visiting public, employees, and wildlife must be considered at all times. In the event that there is a safety issue, the Refuge launch site, facilities, tours, programs, etc., may be discontinued until the safety issue is resolved.
4. Alcoholic beverages, firearms, fireworks, high volume radios, devices capable of shooting or directing a projectile or liquid at another person or wildlife are prohibited, as well as the collection of plants, animals, rocks or historical artifacts.
5. Preservation of natural resources: Outfitters are expected to be environmentally conscious and to assist the U.S. Fish and Wildlife Service (USFWS) in protecting Refuge resources. All actions must be included in an approved outfitting proposal, or if additional issues arise prior to updating the outfitting proposal, these must be included in a signed letter from the Refuge Manager stating that the activity is approved.

6. Indemnification: Public liability insurance to protect both the outfitter and the USFWS is required. Public liability coverage must be at least \$1,000,000 in value and the outfitter must co-name the USFWS as coinsured in each insurance policy for the outfitting operation on Service lands and waters.
7. Cooperation with authorities: The outfitter will cooperate with the Refuge and other law enforcement in the event of emergencies, investigations, and other events.
8. Meetings and Workshops: Refuge outfitters will be required to attend certain meetings, workshops, and other activities (i.e. Launch Pass Bidding/Allocation, Outfitter Orientation, Outfitter Evaluation, Spring and Fall River Clean-ups). Additional meetings identified by the Refuge Manager may be required. The cost of attendance will be the responsibility of the outfitter or the outfitter's employees at such meetings.
9. Cancellation for default: The Special Use Permit may be cancelled for many reasons including: the outfitter failed to perform/provide the outfitting operations detailed in the proposal (attached to the Special Use Permit); the outfitter failed to take corrective action as noted in an evaluation; the outfitter failed to pay fees or submit reports in a timely manner; and/or the outfitter failed to comply with conditions of the Special Use Permit.
10. Cancellation for convenience: The Special Use Permit may be cancelled for the convenience of the Government if: new laws or authorities require the cancellation; the level of visitation did not provide a sustainable venture; or natural conditions mandate the cancellation of the permit.
11. USFWS is not responsible for losses and expenses incurred by the outfitter due to conditions beyond the government's control. Closure of the Refuge or launch area for longer than a day because of a natural disaster, natural phenomenon, or because of the risk to public health and safety are examples. USFWS only provides the opportunity for outfitters to supply visitor services to the general public; it does not guarantee it.
12. Approved commercial outfitters or parties holding ownership in an outfitting business may not sell, assign, or transfer a Special Use Permit to another party to operate an outfitting service on the Niobrara National Scenic River in Fort Niobrara NWR.
13. The USFWS may reject any or all proposals received and or terminate this process.
14. Additional requirements are stated in the sample Special Use Permit attached.

H. Information to be provided in Proposal:

1. Identify the Offeror:
 - a. Identify the person(s) or business entity submitting this proposal.

- b. Clearly identify both the formal structure of the primary business entity with whom the Service will be dealing with and its owner(s).
- c. Provide materials to explain the financial circumstances, legal form, and ownership of the business entity for the proposed outfitting services.
- d. Identify related, subordinate, and superior entities and any other organization, entity, contractor, or subcontractor that will have a role in managing, directing, operating, or otherwise carrying out the service to be provided. Where these exist, or where many entities will act in concert to provide the services required, describe each of them and the relationship between or among them.

2. Demonstrated Experience:

- a. Offerors should give specific examples of past or current business operations including any past experience with providing services similar to the outfitting operation at Fort Niobrara NWR. Be specific with respect to size of operation, dates, area of operation, specific duties, number of people supervised, hours worked per week and other factors that would be helpful to evaluators in establishing a clear understanding.
- b. Include proof of compliance with all required state and federal training, licenses and permits (including but not limited to: tax permits, commercial driver's licenses, vehicle registration), proof of insurances (including but not limited to public liability insurance, vehicle insurance), and special qualifications that are needed for special occupations.
- c. Include professional and community awards or special recognition received related to river outfitting or operation of a business.
- d. Include any educational programs/workshops, and community involvement activities, that demonstrate your experience/knowledge of the USFWS mission, the National Wildlife Refuge System mission, Refuge objectives, and the local ecosystem.

3. Proposed Staffing/Management of Operation:

- a. Describe your proposed staffing plan for all outfitting activities. Be specific. Indicate the number of employees in each functional area and provide summary description of the basic functions. Make absolutely clear who the management decision makers will be. Where key employees are known, make sure that they are identified.
- b. Provide proposed wage levels and estimated hours per week for each position or group of positions.

- c. Identify the standards that you apply to the hiring of personnel. Indicate how you will ensure that employees be hospitable and exercise courtesy and consideration in their relations with the public. How will you hire people of integrity who are both interested in serving the public in a National Wildlife Refuge and interested in being positive contributors to the Refuge community?
 - d. Outline the training program that you propose. In instances where there is seasonal phase-up in operations, describe the training program that will prepare the staff for that phase of business.
 - e. Describe how you will achieve a consistent standard level of knowledge among all staff about the Refuge and its rules, regulations, special programs, as well as a consistent friendly and positive attitude by which guests are greeted.
 - f. Describe any special experience or educational background that qualifies any of your staff to inform the public regarding such environmental topics as the mission and objectives of the National Wildlife Refuge System, endangered species of the Refuge, specific plants and animals that inhabit the Refuge, the surrounding ecosystem, and other habitat protection. Be specific. Identify the individual and his/her qualifications including but not limited to education (include all degrees), training, experience, and special recognition including awards articles published, speaking engagements, and teaching/instructional experience.
4. Description of Public Services Proposed:
- a. Describe all equipment that you will use or rent for outfitting services. Be specific. Your description should include, but not necessarily be limited to the following:
 - 1) Provide description, manufacturer, model numbers, and age of equipment.
 - 2) Describe what steps you will take to ensure that all equipment is safe and environmentally friendly.
 - b. Describe all services that you will provide. Be specific. Your description should include, but not necessarily be limited to, the following:
 - 1) Describe how tours will be conducted, if at all.
 - 2) Describe your proposed rental fee schedule.
 - 3) Describe what methods you will take to ensure that tours/rentals are conducted in order not to disturb wildlife.
 - 4) Describe training/instruction that you will give to all renters of equipment prior to embarking upon their self-guided tours.

- 5) Describe the type of information you intend to present during guided interpreted tours what major themes you plan to use. Be as specific as possible. Describe what information you plan to present pertaining to the surrounding ecosystem, the plants and wildlife of the Refuge, endangered species of the Refuge, preservation of habitat of the Refuge, and the mission and objectives of the Refuge.
- 6) Describe your intended renter registration system (i.e. trip log).
- 7) Describe what procedures you will employ to ensure that renters do not litter the Refuge.
- 8) Describe any stewardship or environmental education activities you plan to provide to the public. Describe their purpose and content.

c. Safety

- 1) Describe the safety procedures you intend to use.
- 2) Describe what procedures your staff will use to respond to emergency situations, including your method of communications.
- 3) Describe your procedure for reporting accidents.

I. Consideration of Proposals: The Service will consider all proposals submitted where the offeror agrees to all of the conditions of the agreement and the request for proposals and provides all information specified in the solicitation necessary for evaluation by the deadline stated above.

J. Freedom of Information Act:

1. The Freedom of Information Act (FOIA) allows the public to gain access to Federal agency records except to the extent that such records, or portions of them, are protected from disclosure by one of nine exemptions. Exemption 3 of the FOIA incorporates the disclosure prohibitions that are contained in various other Federal statutes. The "National Defense Authorization Act for Fiscal Year 1997" exempts contract proposals from public disclosure. Exemption 3 therefore allows for proposals to be protected from disclosure. Exemption 4 of the FOIA protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." If a contract contains information that could be harmful to a company if disclosed, that information can potentially be withheld. In order to protect information from disclosure, you must mark the cover page of each copy of the proposal with the following:

Exemption 3 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b) (3)) permits the withholding of information prohibited from disclosure by another statute. Pursuant to the "National Defense Authorization Act for Fiscal Year 1997," (Section 821 of P.L. 104-201), contract proposals may be exempted from such public disclosure in accordance with the FOIA.

2. In the event that the permit is awarded to the offeror, information submitted during the proposal stage that is included in the successful permit may be subject to disclosure under the FOIA. If the Service receives a FOIA request for such information, we will consult with the offeror. It is in the best interest of the offeror

(prior to or upon award of a successful permit) to indicate what information they believe to be exempt under 5 U.S.C. 552(b) 4), which allows the withholding of "trade secrets and commercial or financial information." The offeror should also provide an explanation of what information would put them at a competitive disadvantage if released, and which information was voluntarily provided (not required as part of the competitive process). Doing so allows the Service to obtain any necessary review by the Office of the Solicitor; and affect the necessary withholdings and defend information that is subject to appeal under the FOIA.

K. Criteria for Evaluation of Offers: The Service will use the following criteria to evaluate all proposals for outfitting services on Service lands:

1. Proposal Evaluation:

- a. Proposal evaluation is an assessment of the proposal and the offeror's ability to meet the conditions of the Special Use Permit and perform the outfitting services successfully. The Service will evaluate all proposals to assess their relative qualities solely on the factors specified in the request for proposals. The relative strengths, deficiencies, significant weaknesses, and risks supporting proposal evaluation will be documented in the file. The Government intends to evaluate completed proposals and award Special Use Permits without discussions. Discussions are defined as negotiations that may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements or other terms of a proposed agreement.
- b. The Government will evaluate each proposal strictly in accordance with its content and will not assume that performance will include areas not specified in the offeror's proposal.
- c. The following factors will be evaluated in the proposal.
 - 1) Demonstrated experience in the operation of outfitting services.
 - 2) Proposed sales and services (Phase-in and plan of operation).
 - 3) Method and caliber of staffing/management of the outfitting services.
 - 4) Quality control factors.
 - 5) Environmental stewardship.
 - 6) Safety.
- d. Award of Special Use Permit: The Special Use Permit will be awarded to the offerors who meet qualifications as determined by the Service. The Government may reject any or all proposals received and or terminate the selection process.

Appendix D. Special Use Permit and Outfitter Evaluation

UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE Fort Niobrara National Wildlife Refuge SAMPLE SPECIAL USE PERMIT	Station No. to be Credited 64520	Permit Number
	Date: January 1, XXXX	
	Period of Use (inclusive) From: January 1, XXXX To: December 31, XXXX	
Permittee Name: Mr. John Doe	Permittee Address: HC XX Box XX Valentine, Nebraska 69201	
Purpose (specify in detail privilege requested, or units of products involved) To conduct commercial river outfitting service to the general public at Fort Niobrara NWR including rental of canoes, kayaks, float tubes and related equipment and shuttle service. This permit does not convey any rights or preferential status beyond the expiration of the permit.		
Description (specify unit numbers; metes and bounds, or other recognizable designation) Fort Niobrara NWR Canoe Launch Area		
Amount of fee \$ <u>200.00</u> per year _____ if not fixed payment, specify rate and unit of charge: <input type="checkbox"/> Payment Exempt - Justification: <input type="checkbox"/> Full Payment <input type="checkbox"/> Partial Payment - Balance of payments to be made as follows:		
Record Payments		
Special Conditions See Attached. The Permittee's operations plan, as amended and accepted by the U.S. Fish and Wildlife Service, is hereby incorporated as a special condition. Deviations from the plan must receive prior approval by the issuing officer or his designee.		
This permit is issued by the U.S. Fish and Wildlife Service and accepted by the undersigned, subjected to the terms, covenants, obligations, and reservations, expressed or implied herein and to the conditions and requirements appearing on the reverse side.		
Permittee Signature	Issuing Officer Signature and Title	

General Conditions

1. *Payments*

All payments shall be made on or before the due date to the local representative of the U.S. Fish and Wildlife Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.

2. *Use limitations*

The permittee's use of the described premises is limited to the purposes herein specified; does not unless provided for in this permit allow him/her to restrict other authorized entry on to his/her area; and permits the Service to carry on whatever activities are necessary for (1) protection and maintenance of the premises and adjacent lands administered by the Service and (2) the management of wildlife and fish using the premises and other Service lands.

3. *Damages*

The United States shall not be responsible for any loss or damage to property including but not limited to growing crops, animals, and machinery; or injury to the permittee, or his/her relatives, or to the officers, agents, employees, or any others who are on the premises from instructions or by the sufferance of the permittee, or his/her associates; or for damages or interference caused by wildlife or employees or representatives of the Government carrying out their official responsibilities. The permittee agrees to save the United States or any of its agencies harmless from any and all claims for damages or losses that may arise or be incident to the flooding of the premises resulting from any associated Government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

4. *Operating Rules and Laws*

The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing National Wildlife Refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge officer in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.

5. *Responsibility of Permittee*

The permittee, by operating on the premises, shall be considered to have accepted these premises with all the facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part or the part of anyone of his/her associates, to use reasonable care.

6. *Revocation Policy*

This permit may be revoked by the Regional Director of the Service without notice for noncompliance with the terms hereof or for violation of general and/or specific laws or regulations governing National Wildlife Refuges or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the Service, by and through any authorized representative, may take possession of the said premises for its own and sole use, or may enter and possess the premises as the agent of the permittee and for his/her account.

7. *Compliance*

Failure of the Service to insist upon a strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the Service's right to thereafter enforce any of the permit's terms, conditions, or requirements.

8. *Termination Policy*

At the termination of this permit, the permittee shall immediately give up possession to the Service representative, reserving, however, the rights specified in paragraph 9. If he/she fails to do so, he/she will pay the Government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 9. The acceptance of any fee for liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the Government's right to terminate or cancel the permit for the breach of any specified condition or requirement.

9. *Removal of Permittee's Property*

Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the Government have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the refuge officer in charge but not to exceed 60 days, remove all structures, machinery, and/or other equipment, etc., from the premises for which he/she is responsible. Within this period the permittee must also remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the United States.

10. *Transfer of Privileges*

This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the U.S. Fish and Wildlife Service and the permit shall not be used for speculative purposes.

11. *Conditions of Permit not Fulfilled*

If the permittee fails to fulfill any of the conditions and requirements set forth herein, all money paid under this permit shall be retained by the Government to be used to satisfy as much of the permittee's obligation as possible.

12. *Officials Barred from Participating*

No Member of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.

13. *Nondiscrimination in Employment*

The permittee agrees to be bound by the equal opportunity clause of Executive Order 11246, as amended.

Privacy Act Statement-Special Use Permit

Notice: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, please be advised that:

1. The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System is authorized by the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd - 668ee), and the Refuge Recreation Act, (16 U.S.C. 460k-3); implemented by regulations in 50 CFR 25-36.
2. Information collected in issuing a permit may be used to evaluate and conclude the eligibility of, or merely document, permit applicants.
3. Routine use disclosures may also be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of the individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department (48FR 54716; December 6, 1983).
4. Any information requested is required to receive this permit. Failure to answer questions may jeopardize the eligibility of individuals to receive permits.

FORT NIOBRARA NATIONAL WILDLIFE REFUGE

Special Conditions
Special Use Permit XXXXX

U.S. Fish and Wildlife Service:

1. Failure to abide by any part of this special use permit; violation of any refuge related provision in Titles 43 (Part 36) or 50 (Subchapters B and C) Code of Federal Regulations; or violation of any pertinent State regulation will, with due process, be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
2. The permittee is responsible for ensuring that all employees working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
3. The permittee is prohibited from subcontracting clients with any other outfitter.
4. The permittee and permittee's clients do not have the exclusive use of any part of the launch area. Any action by a permittee or the permittee's employees which unduly interferes with or harasses other refuge visitors or impedes access to any site is strictly prohibited.
5. This permit may be cancelled or revised at any time by the Refuge Manager to protect public health or safety.
6. The permittee shall notify the Refuge Manager during refuge working hours in person or by telephone before beginning and upon completion of annual activities allowed by this permit.
7. Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) proof of comprehensive general liability insurance (\$1,000,000) covering all aspects of operations throughout the annual use period, (2) numbers and types of watercraft, trailers, and vehicles to be used, with identification information, if different from the original permit or previous year; (3) changes in names of employees; and (4) any other changes in information provided in the original permit/proposed operations plan.
8. The permittee's operation plan, as amended and accepted by the U.S. Fish and Wildlife Service, is hereby incorporated in its entirety as a special condition. All deviations from the operations plan must receive prior written approval by the Refuge Manager or his designee.

Fort Niobrara NWR Specific Special Conditions:

1. Wildlife-Dependent River floating on the Refuge is allowed downstream from Cornell Dam only. Up to approximately 20,300 people (90% outfitter, 10% private) are allowed to float the Niobrara River through the Refuge each year to learn about and appreciate river wildlife, plants, and their habitats.

2. Opportunities for this wildlife-dependent public use will exist year-round. When annual use levels rise to a point that concern exists over launch opportunities not being available throughout the year, launch passes will be allocated by month. During this SUP period of use _____, there are:
 - () no monthly allocations; or
 - () _____ outfitter is allocated a maximum of _____ people launches in June, _____ people launches in July, and _____ people launches in August based on the percentage of business purchased during this year's bid process.

3. Outfitters are encouraged to launch on Saturdays. River floating Sunday through Friday will emphasize the needs of wildlife and visitors wanting opportunity for a wilderness float experience. When the number of people launched by outfitters reaches 400 people on a Sunday, Monday, Tuesday, Wednesday, Thursday or Friday, or 800 people on a Saturday, the maximum number of people an outfitter can launch daily will be allotted. During this SUP period of use _____, there are:
 - () no daily allocations; or
 - () _____ (outfitter) is allocated a maximum of _____ people launches per day Sunday – Friday*; and/or
 - () is allocated a maximum of _____ people launches per Saturday*.

4. Early morning and late afternoon/evening hours will emphasize the needs of wildlife and will be free of or have minimal disturbance by humans. Outfitters are encouraged to launch their clients from 9:30 a.m. – 12:30 p.m. resulting in the last wave of vessels exiting the Refuge by 3:30 p.m. River floating during daylight hours before and after this specified time period is allowed, however, at very low levels. The actual number of people allowed to launch outside of this specified recreational period could be established in the future as more data become available.

5. Outfitters will develop and submit a plan by April 15 each year to the Refuge that assigns launch ramps and times between outfitters with special consideration given to the 9:30a.m. -12:30 p.m. recreational period. If outfitters are unable to develop and implement an acceptable launch plan, the Service will assign launch ramps and times (i.e. lottery draw).

6. To reduce parking congestion in the canoe launch area, outfitters are required to park their customer vehicles off-refuge (i.e. at your place of business) and shuttle their customers to the launch area in busses or vans on Saturdays and Sundays from Memorial Day through Labor Day.

7. All parking, unloading, and launching will be done at designated sites in the Fort Niobrara NWR Canoe Launch Site. Parking vehicles or unloading of vessels and people is not allowed on or adjacent to the bridge, county road, or in the Bur Oak picnic area. Outfitters cannot leave unattended vehicles and/or trailers in the unloading zone. The Refuge launch area is available for overnight parking of private vehicles only, no outfitter vehicles.

8. Outfitters will encourage their clients to stay in their watercraft except at specified landings so as to not trample banks, destroy habitat, or further disturb birds and other wildlife; discourage their clients from leaving food or trash; and encourage their clients to enjoy natural sights and sounds of the River by talking quietly.

9. All outfitters will be required to help with the Spring and/or Fall River clean-ups.
10. Litter bags, with “Leave No Trace” education text printed on the outside, will be provided to outfitters for their clientele to “pack out” their trash. Outfitters will encourage their clients to use beverage cans instead of bottles, use and secure sturdy containers (not Styrofoam) for personal items, and follow the Code of Ethics developed by the Niobrara Council.
11. Vessels that can be launched from the Refuge are canoes, kayaks, or float tubes capable of carrying no more than 4 people each.
12. All vessels launched by an outfitter and vehicles and/or trailers used by an outfitter must be permanently marked in a highly visible location with their company name or a Refuge approved abbreviation. Vessel markings must be affixed to the right side or both sides in a highly visible location.
13. No more than five float tubes carrying a maximum of 8 people can be tied together. Outfitters will discourage their clients from tying any kayaks or canoes together.
14. Outfitters that provide interpretive, guided float trips will coordinate these activities with the Refuge and comply with any special criteria (vessel type, group size) developed by the Refuge and partners to support this activity.
15. Outfitters will work with the Refuge and other partners to develop and/or conduct environmental education/interpretative programs and material (i.e. ranger/biologist talks, guided-float trips, Refuge information packet).
16. Outfitters are required to give a standard safety orientation to all of their clients and provide a packet containing information on Refuge regulations, wildlife, and wilderness and scenic river designations.
17. Launch passes must be worn by each individual in a highly visible location and cannot be reused.
18. Outfitters must pay for launch passes in four equal installments due by the 15th of June, July, August, and September. If additional launch passes are purchased on July 15, additional money owed must be paid with the August 15th and September 15th installments.
19. Launch passes can not be sold or transferred to another outfitter.
20. Outfitters and their customers are not permitted to purchase daily launch passes from the iron ranger located at the Refuge Launch Area.
21. Each outfitter must submit monthly reports on the number of people and vessels launched on the Refuge by each day of the week May through September; and all days combined October - December and January - April. The report is due at the Refuge the 15th of each month for the previous month’s activity. The combined January – April report is due with the May report, and the October – December combined report is due by December 31st.

22. Outfitters can float the river to obtain current information on river conditions to better educate their clients without using a launch pass; however, trip information (date, number of people and vessel) must be reported.
23. Outfitters could be required to provide the Refuge with a copy of trip logs for a specified date that would include names and addresses of clientele, number of people and vessels launched on the Refuge, etc. to enable follow-up checks of service quality and visitor satisfaction, or to verify monthly use reports.
24. Possession of the following is prohibited on the Refuge: alcoholic beverages, firearms, fireworks, high volume radios, and any devices capable of shooting or directing a projectile or liquid at another person or wildlife including, but not limited to, water balloons, high pressure water guns (water cannons), paint ball guns, potato guns, and sling shots.
25. Collection of plants, animals, rocks or historical artifacts on the Refuge is prohibited.
26. The sale of beverages and food on the Refuge is prohibited.
27. Outfitters are not allowed to post, distribute, or otherwise display private or public notices, advertisements, announcements or displays of any kind on the Refuge, other than business designations on authorized outfitter vehicles and vessels.
28. All outfitter literature and public contact must indicate services are being provided on the Fort Niobrara National Wildlife Refuge and the Refuge launch area is referred to as the *Fort Niobrara National Wildlife Refuge Canoe Launch Site*.
29. This permit cannot be sold or subleased. If your outfitting business changes ownership, the Refuge Manager will consider transferring the permit to the new owner under a temporary SUP. In order for this to be a possibility, the new owner must agree to continue implementing the original business proposal/plan submitted by the original owner and abide by all terms and conditions of the SUP.

Permittee: _____ Date: _____

Issuing Officer: _____ Date: _____

**Fort Niobrara National Wildlife Refuge
NIOBRARA RIVER OUTFITTER EVALUATION**

Name of Permit Holder: _____ Date of Evaluation: _____

Permit Category: Temporary (); Regular - Year 1(), Year 2(), Year 3()

Permit Holder / Representative present during evaluation: Yes () No ()

A. PERMIT/OPERATING PLAN COMPLIANCE:

Items _____ Compliance	<u>In Not</u>	<u>In</u>	<u>Not</u>	<u>Points</u>
	<u>Compliance</u>	<u>Compliance</u>	<u>Inspected</u>	<u>Assessed</u>
1. Permit holder assumed responsibility for compliance with all Federal, State, County, and Municipal laws, ordinances, or regulations which are applicable to operations covered under this permit:	[]	[]	[]	[]
1st Non-Compliance (40 pts)				
2nd Non-Compliance (80 pts)				
2. Submitted annual permit/operating plan requirements (i.e. liability insurance coverage, vessel/vehicle inventory, staffing) by specified due date, and any deviation from Plan received prior Refuge approval:	[]	[]	[]	[]
1st Non-Compliance (40 pts)				
2nd Non-Compliance (80 pts)				
3. Payments made on time as specified in Bill For Collection and/or permit/operating plan:	[]	[]	[]	[]
1st Non-Compliance (40 pts)				
2nd Non-Compliance (80 pts)				
4. Monthly use reports, and trip logs if requested, were accurate and submitted by the specified due date:	[]	[]	[]	[]
1st Non-Compliance (40 pts)				
2nd Non-Compliance (80 pts)				

<u>Items Compliance</u>	<u>In</u>	<u>Not In</u>	<u>Not</u>	<u>Points</u>
		<u>Compliance</u>	<u>Inspected</u>	<u>Assessed</u>
5. Vessels type and carrying capacity requirements were met. Vessels and vehicle/trailers were appropriately marked with company logo or name: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
6. People launch numbers complied with daily and/or monthly SUP allocations: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
7. Launch times were staggered to minimize crowding as scheduled in annual launch plan: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
8. Outfitter shuttled customers to launch area on Saturdays and Sundays. Parking, loading, and unloading at launch area done in accordance with SUP: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
9. Advertising included reference to visitor services being provided on Fort Niobrara National Wildlife Refuge and launch area named as specified in SUP: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]

TOTAL "A" ASSESSED POINTS []

U.S. Fish and Wildlife Service COMMENTS OR RECOMMENDED CORRECTIVE ACTION(S):

Permit Holder's COMMENTS/RESPONSE:

B. RESOURCE PROTECTION / STEWARDSHIP:

<u>Items Compliance</u>	<u>In</u>	<u>Not In</u>	<u>Not</u>	<u>Points</u>
	<u>Compliance</u>	<u>Inspected</u>	<u>Assessed</u>	
1. Outfitter launched majority of clients within the specified recreational period of the SUP: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
2. Customers were encouraged to stay in their watercraft (except at designated takeouts) and talk quietly; and discouraged from leaving food or trash: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
3. Outfitters encouraged their clients to use and secure sturdy containers (not Styrofoam) for personal items, not possess glass bottles, and follow the Code of Ethics developed by the Niobrara Council: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
4. Outfitter participated in the Spring and/or Fall river clean-ups: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
5. Permit holder did not damage or remove any natural feature or other property of the United States: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]

TOTAL "B" ASSESSED POINTS []

U.S. Fish and Wildlife Service COMMENTS OR RECOMMENDED CORRECTIVE ACTION(S):

Permit Holder's COMMENTS/RESPONSE:

C. SAFETY/VISITOR SERVICE:

<u>Items Compliance</u>	<u>In</u>	<u>Not In</u> <u>Compliance</u>	<u>Not</u> <u>Inspected</u>	<u>Points</u> <u>Assessed</u>
1. Outfitter provided safety and equipment orientation to clients as outlined in the operating plan: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
2. Permit holder followed health, safety, rescue and accident reporting and personnel training requirements as outlined in the operating plan: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
3. Information on Refuge regulations, wildlife, and special designations (i.e. wilderness, scenic river) were provided to customers: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
4. Permittee worked with Refuge and other partners to improve environmental education/interpretative programs and material: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
5. Rates and services were provided as represented by permit holder: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]
6. Permit holder did not receive legitimate complaints from clients or general public: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]	[]

In	Not in	Not	Points
Items Compliance	Compliance	Inspected	Assessed
7. Permit holder did not place a vehicle or object in such a manner that it was a substantial impediment or hazard to the safety or convenience of any person: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]
8. Permit holder did not interfere with public parking by leaving vehicles (buses, vans, trailers) unattended in public access areas: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]
9. Visitor service provided without discrimination against any person on basis of race, color, creed, religion, gender, national origin, or disability: 1st Non-Compliance (40 pts) 2nd Non-Compliance (80 pts)	[]	[]	[]

TOTAL "C" ASSESSED POINTS []

U.S. Fish and Wildlife Service COMMENTS OR RECOMMENDED CORRECTIVE ACTION(S):

Permit Holder's COMMENTS/RESPONSE:

NIOBRARA RIVER OUTFITTER PERFORMANCE EVALUATION

Fort Niobrara National Wildlife Refuge

The purpose of an outfitter evaluation is to provide feedback to the permit holder about how well conditions of the Special Use Permit and the associated Operating Plan were met. The overall goal of the evaluation is to foster open communication between both parties; protect the natural resource; and, ensure quality customer service and safety.

There are three categories associated with the performance evaluation: Permit/Operating Plan Compliance, Resource Protection/Stewardship, Safety and Visitor Service.

First and second time non-compliances associated with each item within a category have been assigned a point value. No points will be assessed when items are in compliance with your Special Use Permit (SUP) and Operating Plan. However, violations of your SUP and Operating Plan will result in administrative action. This includes verbal warnings, warning letters, and Violation Notices with accompanying fines and/or damages. Some items may warrant a warning before being considered a first offense. Point scores will be totaled per category. Point scores per category will be added together to determine your annual performance rating. Outfitters that conduct environmental education/interpretive floats may be rewarded for their efforts by a reduction in the total point score. The Refuge will be reasonable if an unexpected hardship occurs; however, commercial outfitters are expected to conduct a professional and efficient business that results in quality visitor service.

The accumulation of 300 or more points (**Unacceptable Performance**) in one year will result in the holder of a **Temporary Permit** having the SUP terminated, and the holder of a **Regular Permit** being placed on probationary status and assigned a Temporary Permit for the following year. Two consecutive years with ratings of unacceptable performance will result in termination of the SUP.

The accumulation of 900 or more points within any 5-year period will result in termination of the Special Use Permit. Evaluations will be completed on an annual basis and discussed with the permit holder. Permit holders will be notified when evaluations are scheduled and will be encouraged to take part in these performance evaluations.

Note: After the evaluation process has been conducted for two years, point values for noncompliance of individual SUP conditions and cumulative totals that result in ratings of unacceptable performance will be reviewed and adjusted if needed.

Appendix E. Public Comments

The following issues, concerns, and comments are a compilation and summary of those expressed during the 60-day review and comment period for the Draft Fort Niobrara National Wildlife River Recreation Management Plan and Environmental Assessment. Comments were provided by the public, other Federal and State agencies, local and county governments, private organizations, and individuals concerned about the natural resources, special designations, and wildlife-dependent river recreation on Fort Niobrara NWR.

This section is organized by issue area. Within each category, the substantive comments, concerns, or questions are summarized and the Service response is provided. Additions, changes and clarifications were made to the plan based upon comments received. All correspondence received during the planning process are retained as part of the official administrative record at the Refuge.

Refuge Purposes/Responsibilities

Comment: The draft river management plan inappropriately emphasizes and prioritizes the purposes and mandates of the NWRS Improvement Act and the Wilderness Act, while de-emphasizing the priorities set out in the Wild and Scenic Rivers Act. Because the Wild and Scenic Rivers Act is the most recent general legislative enactment, it should have administrative primacy. In accordance with the Wild and Scenic Rivers Act, river floating should be actively promoted, not restricted.

Reply: *All legislation and pertinent laws regulating activities on National Wildlife Refuges were considered in the formulation of this plan. Primary consideration was given to the National Wildlife Refuge System Improvement Act 1997(NWRS Improvement Act) and the Wilderness Act 1964. The NWRS Improvement Act is the guiding legislation for all National Wildlife Refuges in determining appropriate uses. The Wilderness Act of 1964 requires designated wilderness areas within National Wildlife Refuges to receive equal consideration in management decisions and to become a supplemental purpose of the Refuge and not subservient to the other purposes of the Refuge. The Wild and Scenic Rivers Act of 1968 has no requirement for such stringent consideration in management decisions. The Wild and Scenic Rivers Act does require management plans for designated wild and scenic rivers. Section 3(d) of the Act states: (1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such River segment to provide for the protection of the River values. The plan shall address resource protection, development of lands and facilities, **user capacities**, and other management practices necessary or desirable to achieve the purposes of this Act.”*

Comment: What is the reasoning for annual and daily use levels proposed? How were they derived? Why wasn't a 10-year average or an average of the high use years used?

Reply: *Use levels for the preferred alternative were derived from a computer model (Appendix B). Considerations were given to wilderness values, effects on wildlife, and the overall visitor experience. Annual river usage figures during the three years of the Kansas State University Study were used to determine base levels. These years were used because it corresponded with*

the Kansas State University Study and at that level of use there was no clear evidence of usage effect on wildlife. To use the average of the highest years of recorded visitation would violate the principles of wilderness and possibly be harmful to the very resources we are charged to protect.

Comment: Several years ago the FWS encouraged outfitters to shift their launches from the weekend to weekdays. Outfitters worked hard to do this, and now you are asking us go back to what it used to be. Why?

Reply: *At the time the request was made to shift the usage from weekends to weekdays, it was felt that spreading river use out over the week was in the best interest of the wildlife resources and visitor experience. Further studies have identified that it is probably better to have one high use day with the remainder of the days at much lower use levels resulting in less disturbance to wildlife and providing opportunities for wilderness values of solitude. The Refuge acknowledges and appreciates the level of cooperation it has historically received from the outfitters.*

Comment: Define wildlife-dependent recreation.

Reply: *In a recent Federal court ruling the judge rendering his decision stated that wildlife-dependent recreation and wildlife-dependent recreational use are defined to mean “a use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental interpretation.” This is the same definition given in the National Wildlife Refuge Improvement Act of 1997.*

Comment: How can visitors have a wildlife-dependent experience if they are discouraged from floating the river during the morning and evening hours when wildlife are more likely to be seen?

Reply: *Provisions have been made in the Plan to permit floating of the river during the early morning and evening hours for those wanting a quiet, solitary float with the opportunity to view wildlife. Additionally, the other aspects of the term “wildlife-dependent recreation”, namely photography and environmental interpretation, are available anytime the refuge is open.*

Comment: It seems unrealistic to launch vessels between 10:00 a.m. and 1:00 p.m. What research/data are you basing this tactic on? How will you control the number of people who launch outside of the specified 10:00 a.m.-1:00 p.m. time period?

Reply: *Based upon the data that the Refuge currently has regarding river recreational use in recent years, this time period is when the majority of launches are occurring. The launch window was adjusted to one-half hour earlier in the final plan (9:30 a.m. - 12:30 p.m.) to more closely match the historic daily pattern. At this time we are only encouraging people to launch within this specified time frame. Launches outside of this time frame will be allowed, but the number of these launches will not be permitted to become so great that there is an increased disturbance to wildlife. Should outfitters and/or private floaters not voluntarily comply with this management strategy, the number of visitors allowed to launch from the Refuge outside of the specified launch window will be defined.*

Comment: Will private floaters be allowed to float through the Refuge throughout the day (daylight hours) or will they too be encouraged/required to launch within a certain timeframe?

Reply: The same guidelines will be used for private floaters and outfitter clients who float the Refuge portion of the river. River recreational usage will be encouraged during the times specified leaving the early morning and evening hours as time for wildlife.

Comment: How will you manage and monitor launch levels to ensure the wilderness and recreational standards are complied with? How will you monitor and/or limit daily launch levels?

Reply: A variety of methods will be used in checking for compliance. These will include video data, monthly information provided by outfitters, and personal contacts with floaters and observations by Refuge personnel.

*Comment: In reference to the statement "...floaters would be encouraged to stay in their watercraft so as to not trample banks, destroy habitat, or further disturb birds and other wildlife", does this mean that floaters can enjoy wildlife from a watercraft **only** and the wilderness area is off limits to the public for accessing by foot?*

Reply: River floaters are allowed to access the Fort Niobrara Wilderness Area and Fort Falls by foot from designated access points.

Visitor Experience

Comment: Is private floater use given a priority over outfitter use, or will both be equally allocated if future adjustments are made (as if private use demands eventually exceed 10%)?

Reply: If private use demand exceeds 10%, the allocation of total use will be adjusted to allow for more private launches. Outfitters will not have priority over private launches.

Comment: A reservation system, handled in house, would be a good way for the FWS to distribute the appropriate number of launch passes by day and ensure each floater receives necessary information and education on the river. Handling the reservation system in-house should result in no additional cost (reservation fee) to the floater. Initially, assign launch passes by day with no time slots, and incorporate time slots as needed.

Reply: The use of a reservation system was discussed and considered during the formulation of alternatives. Trying to accomplish this "in-house" would not be feasible at this time due to staffing requirements and increased funding required to administer the program (i.e. to help offset the cost of additional staff, extended office hours, and the necessary equipment). The use of a government-contracted reservation service would be the preferred way to implement this type of system.

Comment: Limitations on vessel capacity would contradict or have a negative affect on the opportunity to present an interpretive, guided float trip.

Reply: Wording has been added in the Plan to reflect that the Refuge will work with outfitters to accommodate interpretive float trips, and, in fact, encourages these.

Comment: It is not clear who will be providing guide-float trips---- refuge staff or will this be a requirement of the outfitters?

Reply: The Refuge encourages outfitters to provide this type of trip and will assist outfitters who desire to provide this opportunity.

Comment: We support increased visitor education as part of the preferred alternative, however, it is strongly recommended that the proposed environmental education center be constructed outside of the river corridor in collaboration with other partners and incorporate the entire Niobrara River Valley and Sandhills ecosystems into the center. The corridor was included in the National Scenic River System to protect habitats and scenery by limiting development alongside the river.

Reply: *The construction of an Environmental Education Center is planned by the U.S. Fish and Wildlife Service for sometime in the future. The Refuge has been discussing the option of co-locating this facility with other agencies/organizations to better serve the public. When this facility is in the planning stages adequate consideration will be given to location and partnerships for construction and staffing.*

Commercial Outfitting

Comment: Fully implementing the River Management Plan for the 2005 float season is not reasonable or feasible. Most outfitters would not be able to meet proposal requirements or have the finances available on such short notice. Also, historic outfitters are already advertising for the 2005 float season and have taken reservations.

Reply: *The Refuge realizes that implementing this plan for the 2005 float season may place undue hardship on the visiting public and outfitters. Therefore, a modified version will be implemented for the 2005 season, still allowing any potential outfitter the opportunity to launch from the Refuge. Full implementation of the River Management Plan would occur in 2006.*

Comment: New and higher fees assessed to outfitters coupled with liability insurance requirements will ultimately limit the number of outfitters that can accommodate river floaters on the Refuge.

Reply: *The effect of fees assessed to outfitters and the cost of other requirements (i.e. public liability insurance) will vary depending on the outfitter and their business. The requirement for liability insurance will be an increased expense for those outfitters that have not had this coverage in the past. The annual fee for the Special Use Permit will be an increased expense for all outfitters. Fees paid for launch passes will change from being assessed per vessel to being assessed per person. This change will likely result in some outfitters paying less money for the same level of business they had historically, while other outfitters will experience similar costs. Increases or decreases in cost will be variable and dependent on the outfitter and their business.*

Comment: A viable and profitable business for the future will be contingent on the outfitter's ability acquire and hold a permit for a length of time longer than one year, obtaining an acceptable number of launch passes, having adequate launch times, and minimum costs as to keep float trips affordable to the public as well as profitable for a business

Reply: *Based on public comment, the length of time for a special use permit was changed from a one-year to a three-year period. Individual outfitters will decide the amount of business and their associated launch pass fees through a bid process. The base fee (minimum bid) of individual launch passes for commercial outfitters will be the same as the fee currently being charged the public. Daily launch passes will be available in bundles of 100. Each outfitter may submit two bids on a minimum of 500 launch passes up to a combined maximum of 2,500 people*

launch passes. For example, an outfitter may submit a bid of \$2 each for 800 launch passes and a bid of \$1.50 each for 1,700 launch passes.

Comment: The opportunity to provide outfitting services on the Refuge should be announced at least one year in advance to allow sufficient time for businesses to develop and submit proposals, selection process to be completed, and successful applicants to have adequate time for advertising, etc

Reply: *The Refuge has incorporated this into the final plan.*

Comment: Outfitters are concerned with the stipulation that the Special Use Permit cannot be sold, transferred, or subleased. They believe this is not fair. Many have spent a lifetime building up the business and this makes it worth nothing.

Reply: *There are provisions in the final plan to allow a Special Use Permit to be transferred by the Refuge to a new owner providing that the new owner agrees to all the stipulations outlined in the original owner's business proposal and Special Use Permit. The new owner would be issued a one-year temporary permit during which time their performance must meet the conditions of the SUP. In accordance with Service policy, a Special Use Permit cannot be sold by the holder.*

Comment: How can the FWS require a business to have workman's compensation insurance, a commercial driver's license, etc. if the State does not require it?

Reply: *There are no additional requirements being placed on outfitters that are not already in place by either federal, state or county regulations. This statement only affirms that all regulations that apply are required in this plan.*

Comment: A \$ 1,000,000 liability insurance policy is too high. Why is Fort Niobrara NWR requiring such a large amount when other refuges in higher risk areas, such as Arctic NWR in Alaska, require coverage in the amount of \$300,000 – 500,000?

Reply: *This is a requirement of the U.S. Fish and Wildlife Service, per Director's Order No. 139, for all commercial outfitting businesses. Regarding the example of the Arctic National Wildlife Refuge, that Refuge is currently in the process of updating its plan to include the current level of required coverage.*

Comment: How can you say that there would be no limit on the number of outfitters that could provide services on the Refuge when each outfitter has the opportunity to purchase 2,500 launch passes for a total of 18,270 people? This would only allow for 7.3 outfitters if they each bought their maximum number. It looks as though you could have fewer outfitters than presently holding Special Use Permits.

Reply: *What is stated in the plan is that the opportunity to provide services on the Refuge will not be limited. All outfitters who meet the requirements of the prospectus and Special Use Permit will be issued a permit to outfit on the Refuge. Through the bid process, Refuge outfitters will determine themselves how much business opportunity they will have and the resulting number of outfitters that actually provide visitor services in a given year.*

Comment: Each approved outfitter should have the opportunity to acquire some launch passes. An example of how to do this would be to have the first round of bidding be for a maximum of

1,000 passes per outfitter, and then those businesses wishing to purchase more would submit a second bid.

Reply: The final plan was modified to allow each Refuge outfitter to submit two bids on a minimum of 500 launch passes up to a combined maximum of 2,500 people launch passes. For example, an outfitter may submit a bid of \$2.00 each for 800 launch passes and a bid of \$1.50 each for 1,700 launch passes. By having the opportunity to submit two bids, an outfitter can increase his chances of being successful.

Comment: By having a bidding process, the outfitters will be paying more for launch passes than the general public. Outfitters must meet many requirements to outfit on the Refuge, and incur more expenses than the private floater. Is it fair for the outfitter to pay more for a launch pass?

Reply: Commercial outfitters are conducting a business and making a profit from that business. What any individual outfitter pays for the launch passes is strictly up to them during the bid process. While it is true that these outfitting businesses incur costs and have regulations not imposed on private individuals, they also have the opportunity to make a profit by providing visitor services on the Refuge.

Comment: Requiring outfitters to pay for 25% of launch passes purchased during the bidding process within 15 days is unreasonable. In past, outfitters have not had to pay their fees until the float season was underway and they had adequate cash flow. Other refuges require payment at the end of the season. Why can't the Refuge be more flexible on payment due dates?

Reply: In the final plan changes have been made to reflect this concern. Outfitters will be required to pay for launch passes in four equal installments due by the 15th of June, July, August, and September. If additional launch passes are purchased on July 15th, the additional money owed must be paid with the August 15th and September 15th installments.

Comment: Theoretically, a maximum allocation of 2500 launch passes per outfitter could be expended within 5 weeks, leaving open a large portion of the summer.

Reply: Each outfitter may use their launch passes as they wish so long as the conditions of the Special Use Permit are met. If there is concern that adequate launch passes may not be available throughout the year, the number of launch passes an outfitter could launch monthly will be allocated (Appendix B).

Comment: Some outfitters are opposed to providing the FWS with client names, trip logs, or any confidential business information.

Reply: The Refuge is requiring this information to be able to conduct performance checks on outfitters to ensure quality service and monitor compliance. Information received from this requirement will be confidential and not be subject to release under any Freedom of Information Act requests.

Comment: Could visitors rent boats from an outfitter, do their own shuttle, purchase a pass, and float the river on their own? What safeguards could be put in place to prevent outfitters from acquiring private launch passes from the iron ranger and distributing them to clients?

Reply: The scenario mentioned above has always been possible; there is no change in the new plan. Periodic checks and the potential revocation of outfitting privileges deter outfitters from acquiring launch passes from the iron ranger.

Facilities/Access

Comment: Outfitters have worked together in the past to assign launch ramps and times so as to minimize crowding. Why can't the outfitters continue to do this?

Reply: Refuge outfitters have historically worked together to assign launch ramps and stagger launch times. Under this river recreation management plan, outfitters will be required to provide the Refuge with a written plan from the group, in advance of the busy float season, designating ramp assignments and launch times. As long as this is accomplished in a harmonious and cooperative manner and successfully addresses crowding concerns, the Refuge will allow the outfitters to continue self-regulation in this area.

Comment: Will shuttle services be required on weekdays?

Reply: Shuttle service will continue to be required on Saturdays and Sundays from Memorial Day through Labor Day.

Economic and Environmental Consequences

Comment: In addition to lodging tax collections, retail sales data for Cherry County/Valentine need to be considered when evaluating the effect of decreased Refuge river recreational use on the local economy.

Comment: Use levels identified in the preferred alternative are too low and will negatively affect outfitters and the local economy.

Reply: Annual and daily use levels identified in the preferred alternative are similar or higher than what has occurred in recent years. Lodging tax collections and retail sales data collected by the Department of Revenue for Cherry County and the City of Valentine were evaluated by the Nebraska Department of Economic Development at the request of the Refuge. In comparing monthly retail sales data and percent change for all months of the year since 1998, the negative trend or decline in retail sales throughout 2002 and much of 2003 and 2004 for Cherry County and the City of Valentine was "...consistent with the consequences of a national economic recession beginning in 2000 and with the historic shift in Nebraska retail activity from smaller to larger counties...national events and long-run state economic changes have affected the level of Cherry County net taxable retail sales in recent years more than internal events."

Comment: The draft plan does not adequately address the environmental impacts of increased off-refuge launching on the Niobrara River downstream from the Refuge. These potential effects must be considered in managing the river as part of the Wild and Scenic River System.

Reply: The Service has the responsibility of protecting the resources within the confines of the boundary of the Refuge. It is a fact that management actions on one section of the River can affect other areas of the river, however, the Refuge does not have jurisdiction over private and/or public launch areas outside its boundary. The U. S. Fish and Wildlife Service has and will continue to work with our partners to address this concern.

Planning Process and Future Management

Comment: The FWS has failed to work closely with partners. The Niobrara River Outfitters Association asked to meet with the FWS to discuss the draft management plan prior to the open house, and was turned down. Several outfitters believe they received different answers to their questions at the open house, which could have been avoided if the FWS had agreed to meet with the group.

Reply: The opportunity for all interested parties to provide input during the development of the management plan was provided on many occasions. The Niobrara River Outfitters Association did request a meeting with the Refuge to discuss the Draft Plan. The Outfitters Association was asked to put any concerns or need for clarification in writing so that these could be addressed in writing for consistency. The Association declined to take the opportunity to do this. Concerns regarding different answers to questions have not been found to bear out as no examples have been stated where this was the case.

Comment: Specific recommendations and comments provided by interested people (i.e. outfitters) do not appear to have been included in this document. This document does not reflect our input nor does it adequately acknowledge that materials were properly submitted and included as a matter of public record.

Reply: Considerable time was spent reviewing and considering the comments received from the public. Several sections of the draft and final documents reflect public input. All comments received during this planning process are part of the administrative record at the Refuge and are available to the public.

Comment: Several comments received during the planning process questioned the use of various scientific studies and Refuge monitoring data as a basis for management decisions in this Plan.

Reply: In the preparation of this Plan, the best available information was used and included a variety of sources such as scientific research/publications, unpublished Refuge data, management plans, Federal legislation, and U.S. Fish and Wildlife Service policies. The Refuge will continue to collect data and conduct research addressing various management questions. As new and better information becomes available, this plan may be adjusted to ensure that wildlife-dependent river recreation best serves the intended purposes for which Fort Niobrara NWR was established and the mission and purposes of the National Wildlife Refuge System.

Appendix F. Mailing List

Federal Officials

- U.S. Senator Charles Hagel
- U.S. Senator Ben Nelson
- Congressman Tom Osborne

Federal Agencies

- USDA Forest Service, Roger Keepers, Chadron, NE
- USDA/NRCS, Jan Joseph, Valentine, NE
- USDI/Fish and Wildlife Service, LaCreek NWR, Martin, SD; Crescent Lake/North Platte NWRC, Scottsbluff, NE; Rainwater Basin NWR, Kearney, NE; Ecological Services, Grand Island, NE; Desoto NWR, Missouri Valley, IA
- USDI, NPS, Niobrara/Missouri National Scenic River, Paul Hedron, O'Neill, NE; Carmen Thompson, Omaha, NE
- USDI, NPS, Stuart Schneider, Valentine, NE

State Officials

- Governor Mike Johanns, Lincoln, NE
- Senator Jim Jones, Lincoln, NE
- Senator Deb Fischer, Lincoln, NE

State Agencies

- Lower Niobrara NRD, Tom Higgins, Newport, NE
- Middle Niobrara NRD, Mike Murphy, Valentine, NE; Bill Mulligan, Valentine, NE
- NE Game & Parks Commission, Larry Voecks, Norfolk, NE; Bill Vodehnal, Bassett, NE
- Smith Falls State Park, John Lemmon, Sparks, NE

City/County/Local Governments

- Rock County Commissioners, Bassett, NE
- Valentine Chamber of Commerce, Dean Jacobs, Valentine, NE
- Valentine City Council, Valentine, NE
- Brown County Commissioners, Ainsworth, NE
- Cherry County Commissioners, Valentine, NE
- Cherry County Sheriff, Melvin Christensen, Valentine, NE
- Keya Paha County Commissioners, Springview, NE

Libraries

- Ainsworth Public Library
- Valentine Public Library

Organizations

- Aldo Leopold Wilde, Missoula, MT
- Audubon Society, Lincoln, NE
- Central Mountains and Plains Section of TWS, Berryman Institute, Logan, UT
- Friends of the Niobrara, Malcolm, NE
- National Wildlife Refuge Association, Colorado Springs, CO
- National Wildlife Refuge Association, Washington DC
- Nebraska Audubon Society, Denton, NE
- Nebraska Chapter Wildlife Society, Kearney, NE
- Nebraska Wildlife Federation, Lincoln, NE
- Niobrara Council, Valentine, NE
- River Management Society, Missoula, MT
- Sandhills Task Force, Wood Lake, NE
- The Nature Conservancy, Valentine and Johnstown, NE
- The Wilderness Society, Bozeman, MT
- The Wilderness Society, Washington, DC
- Wilderness Watch, Missoula, MT

Newspapers and Radio Stations

- Ainsworth Star Journal, Ainsworth, NE
- Associated Press, Omaha, NE
- Grand Island Independent, Grand Island, NE
- Lincoln Journal Star, Lincoln, NE
- KBRB Radio, Ainsworth, NE
- KVSH Radio, Valentine, NE
- Midland News, Valentine, NE
- North Platte Telegraph, North Platte, NE
- Omaha World Herald, Omaha, NE
- Rock County Leader, Bassett, NE
- Springview Herald, Springview, NE
- The Chadron Record, Chadron, NE
- The Kearney Daily Hub, Kearney, NE
- Norfolk Daily News, Norfolk, NE
- The Outdoorsmen, Hartington, NE
- United Press International, Omaha, NE
- Todd County Tribune, Mission, SD
- Winner Advocate, Winner, SD
- Scottsbluff Star Herald, Scottsbluff, NE
- Gordon Journal, Gordon, NE
- KBRX Radio, O'Neill, NE
- KINI Radio, St. Francis, SD
- Hall County Independent, O'Neill, NE

*The USFWS Regional Office of Denver, CO, in addition to the above media outlets, released a general press release to 214 additional media sources.

Individuals

- Jason Appelt, Ainsworth, NE
- Warren Arganbright, Valentine, NE
- Brad Arrowsmith, Bassett, NE
- Roy & Steve Breuklander, Sparks, NE
- Buffalo Bruce, Chadron, NE
- Fred Egelhoff, Valentine, NE
- Monte Frauen, Valentine, NE
- Twyla Gallino, Valentine, NE
- Doug & Twyla Graham, Valentine, NE
- Gene Gregg, Valentine, NE
- Ed Heinert, Sparks, NE
- Betty Hermsmeyer, Johnstown, NE
- Kalli Kieborz, Valentine, NE
- Kerry Krueger, Valentine, NE
- Lance Kuck, Bassett, NE
- Jim Luchsinger, Valentine, NE
- Len McDaniel, Valentine, NE
- Randy & Mary Mercure, Valentine, NE
- Richard Mercure, Valentine, NE
- Dana Miller, Valentine, NE
- Nola Moosman, Valentine, NE
- Tylr Naprstek, Valentine, NE
- Herb Pabst, Valentine, NE
- John Ravenscroft, Nenzel, NE
- Nancy Reinhardt, Sparks, NE
- Tim Ryschon, Valentine, NE
- Dave Sands, Lincoln, NE
- Pete Sawle, Springview, NE
- Jim Schoenberg, Bassett, NE
- Carl Simmons, Valentine, NE
- Lee Simmons, Valentine, NE
- Dwite Sharp, Sparks, NE
- Wayne Sharp, Sparks, NE
- David Stoeger, Valentine, NE
- Al Stokes, Honey Creek, IA
- Rick VanderWey, Valentine, NE
- Duane Gudgel, Valentine, NE
- Klane & Getha Leonard, Springview, NE

- Patricia Neujahr, Valentine, NE
- Dallas Dodson, Valentine, NE
- Steven Isom, Valentine, NE
- Sandy Benson, Bassett, NE
- Dr. John Davis, Bennington, VT
- Betty Hall, Bassett, NE

Appendix G. Compatibility Determination

Use: Implement the Fort Niobrara National Wildlife Refuge River Recreation Management Plan. Wildlife-dependent recreational floating will be permitted on a portion of the Niobrara River that flows through the Fort Niobrara National Wildlife Refuge (NWR).

Refuge Name: Fort Niobrara National Wildlife Refuge

Establishing and Acquisition Authorities:

Executive Order 1461 on January 11, 1912
Executive Order 1642, on November 14, 1912
Executive Order 3256, on March 31, 1920
Executive Order 7301, on February 21, 1936

Purposes for which the Refuge was established:

Executive Order 1461: "... preserve and breeding ground for native birds."

Executive Order 1642: set aside additional lands as the Fort Niobrara Game Preserve for the preservation of bison and elk herds representative of those that once roamed the Great Plains.

Executive Orders 3256 and 7301: various purposes including roost sites for sharp-tailed grouse and prairie chickens, migratory bird food sites, and pronghorn antelope management.

National Wildlife Refuge System Mission:

To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Proposed Use: The Niobrara River, including that portion on the Refuge, is part of the Wild and Scenic River System. The Niobrara River downstream of the launch area to the Refuge boundary is part of the National Wilderness Preservation System. The River Recreation Management Plan will allow up to 20,300 people to float a portion of the Niobrara River on the Refuge each year. River floating on the Refuge, approximately 5 miles, will be allowed downstream from Cornell Dam only. The four mile stretch of river on the Refuge above Cornell Dam will remain closed to public use, allowing that area to be a sanctuary for wildlife. Specific management strategies will be implemented to ensure opportunities for Refuge floaters to experience a quality, wildlife-dependent visit. Float trips are by non-motorized vessels including canoes, kayaks and tubes. Trips range in duration from 2 to 4 hours depending on vessel type and water level. Existing launch area facilities/access on the Refuge will be maintained.

Availability of Resources: Sufficient resources are available to administer river recreational use at Fort Niobrara National Wildlife Refuge.

Anticipated Impacts of Use:

- River recreational use, as planned, is not likely to adversely affect any threatened or endangered species. The primary use period for bald eagles on the Refuge is October through April which is when very little river recreational use takes place. Whooping cranes, least terns, and piping plovers will not be impacted, as the area they inhabit on the Refuge is above Cornell Dam and is closed to all public use as a sanctuary to wildlife.
- Visitor use results in disturbance to wildlife on the Refuge. Researchers on the Refuge found no clear effects of recreational disturbance to songbirds breeding on Fort Niobrara NWR; however, there was negative behavioral effect on waterbirds. Birds roosting or feeding in the River are the most susceptible to disturbance and include herons, ducks, and shorebirds. Only small numbers of these birds use that part of the River frequented by canoers and tubers. The portion of the River above Cornell Dam is used more by these groups of birds and is closed to all public use as a sanctuary to wildlife.
- Disturbance to soil and vegetation is, at present, minor. River recreational use, as planned, will continue to address and minimize this effect. Most visitors do not get out of their canoe or off of their tube except on sandbars. Two developed sites, Fort Falls Nature Trail and the Niobrara Wilderness Access, are only lightly used and disturbance is on or adjacent to the foot path.
- Specific management strategies, as identified in the River Recreation Management Plan, will be implemented to ensure opportunities for Refuge floaters to experience a quality, wildlife-dependent visit and opportunities for wilderness solitude.

Public Review and Comment: Notifications of the public scoping meeting, research summaries, and planning document availability were distributed through media press releases. A letter with a series of questions was sent to outfitters to gain perspective of the outfitting business, as it relates to the Refuge and development of the River Recreation Management Plan. An Open House was held to which the public and partners were invited to share their thoughts, ideas and concerns. In addition to comments received during the Open House, twenty-one pieces of correspondence were received during the public scoping period. The draft plan was made available to the public for a 60-day comment period. An Open House was hosted by the Refuge staff approximately 30 days into the comment period for the public and partners to discuss the draft document. Comments received during the public review period were considered and changes were made to the final document as a result. A copy of the Fort Niobrara NWR River Recreation Management Plan will be provided to all interested parties.

Determination:

This use is compatible X

This use is *not compatible* _____

The following stipulations are required to ensure compatibility:

- Sufficient resources must be available from Fort Niobrara National Wildlife Refuge to administer the River Recreational Management Plan provisions.
- The Fort Niobrara NWR River Recreation Management Plan is completed and approved by the Service.

Justification: Based upon the impacts presented, it is determined that wildlife-dependent river recreation within the Fort Niobrara National Wildlife Refuge will not materially interfere with or detract from the purposes for which this Refuge was established. The River Recreation Management Plan, as prepared, has measured these impacts and adjusted visitation to meet the compatibility standards of the National Wildlife Refuge System. Visitors using the Niobrara River come to observe wildlife, plants and their habitats. Wildlife observation is one of the priority uses listed in the National Wildlife Improvement Act and is one of the goals of the National Wildlife Refuge System.

Submitted By: Project Leader: _____
Signature and Date

Concurrence: Refuge Supervisor: _____
Signature and Date

Regional Chief: _____
Signature and Date

Mandatory 15-year Review Date: _____

Appendix H. List of Preparers

This document is a compilation of efforts by several Service people. The core planning team consisted of Bernie Petersen (Deputy Refuge Manager) and Kathy McPeak (Refuge Biologist) who were responsible for gathering and preparing information.

Royce Huber (Project Leader, Fort Niobrara/Valentine/Seier NWRC), Dave Wiseman (CO, KS, NE Refuge Supervisor), Ron Shupe (Acting Regional Chief), Melvie Umland (Education and Visitor Services Specialist), Sheri Fetherman (Chief, Education and Visitor Services), Linda Kelly (Chief, Comprehensive Conservation Planning), and Michael Spratt (Chief, Refuge Planning) provided guidance and assisted with review and editing.

Connie Young-Dubovsky (NEPA Coordinator), Cindy Souders (Recreation Fee, Wilderness, Scenic River Issue Specialist), and Tom Graff (Attorney, DOI Solicitor's Office) provided technical expertise. Sean Fields (GIS Specialist) and Mark Ely (Chief, GIS) prepared the various maps. Jim Renne (ITM Specialist) managed the planning document web page. Matt Kales (External Affairs Office) prepared press releases and dispensed information to the media.

Mark Lindvall (Refuge Manager), Mel Nenneman (Refuge Biologist), and Chuck Melvin (Park Ranger) provided information and/or reviewed portions of the document.

Marge McPeak (Refuge Administrative Assistant) compiled the document and completed all desktop publishing aspects of the document.