

U.S. Fish & Wildlife Service

Fort Niobrara National Wildlife Refuge

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*Draft*

**FORT NIOBRARA NWR  
River Recreation Management Plan  
and Environmental Assessment**

August 2004

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## 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 a visitor’s 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 recreation has raised concerns about disturbances to wildlife, impact on vegetation, quality of experience for Refuge visitors, and compatibility with the purposes of Fort Niobrara NWR.

This draft document considers four alternatives for management of recreational floating on the nine miles of Niobrara River that flow through the Fort Niobrara NWR. This planning effort provides opportunity for interested people, governments, and private organizations to give input on the U.S. Fish and Wildlife Service’s (Service) management of recreational floating on the Refuge. Each alternative is evaluated for environmental consequences in accordance with the National Environmental Policy Act (NEPA). The alternatives are summarized below.

### **Alternative A: Current Management (No Action)**

This alternative would continue current management of river recreation on Fort Niobrara NWR. Although approximately 14,000 people floated through the Refuge in 2003, up to 27,600 people would have been allowed (CCP cap level). River floating on the Refuge is allowed downstream from Cornell Dam only. The river portion on the Refuge above the Dam is closed to public use, allowing that area to be a sanctuary for wildlife. Outfitting services on the Refuge are provided by nine historic outfitters and a moratorium on additional outfitters is in place. Outfitters are capped at their 1998 weekend vessel launch levels and encouraged to redistribute use to weekdays to enhance visitor experience and alleviate wilderness solitude concerns. Vessel

launches are unequally allocated between outfitters based upon their 1998 levels. Each outfitter is issued a one-year Special Use Permit at a cost of \$5.00. Refuge outfitters purchase annual vessel passes at a cost of \$25.00 per vessel. A user fee of \$2.00 per private (non-outfitter) vessel per day launched on the Refuge is collected through an iron ranger (fee collection station). Private river floaters also have the option of purchasing an annual vessel pass for \$ 25.00 for their personal use only. Regulations are enforced throughout the Refuge to protect wildlife, habitats and historic resources and make the visitor experience more enjoyable. Various partnerships exist to help achieve Refuge goals and conserve the important values of the Niobrara River on and off the Refuge. Baseline monitoring of wildlife, plants, habitats, and river recreation is being accomplished to help guide management.

### **Alternative B: Protect Resources with Emphasis on Wildlife**

In Alternative B, approximately 16,400 people would be allowed to float through the Refuge each year. The four mile stretch of River on the Refuge above Cornell Dam would continue to be closed to public use, allowing that area to remain a sanctuary for wildlife. River floating would be encouraged on Saturdays up to a maximum daily level of approximately 800 people launched by outfitters. Public use Sunday through Friday would be maintained at lower levels to minimize disturbance to wildlife. (Maximum daily launch levels would be based on the visitor experience standards found in section 1.5.). Outfitters would be encouraged to launch a majority of their people from 10:00 a.m. - 1:00 p.m. Early morning and late afternoon/evening hours would emphasize the needs of wildlife and would be free of or have minimal disturbance by humans. Visitor experience would be enhanced by improved interpretation and education efforts. Commercial outfitting services would be provided by a maximum of nine businesses that compete for a 3-year Special Use Permit. Daily people launch passes would be equally allocated between outfitters at a minimum cost of \$1.00 each. Launch passes not paid for by July 1 would be made available equally to Refuge outfitters wanting additional business. A daily user fee of at least \$1.00 per person launching on the Refuge would be collected from non-outfitted river floaters through an iron ranger (fee collection station). The number of people any one outfitter could launch by day of week would be defined and based upon the total number of launch passes purchased and maximum daily launch levels. Existing launch area facilities/access would be maintained. Regulations to protect wildlife, habitats, and historic resources, while enhancing the visitor experience, would be modified to allow for a maximum of eight individuals per five tubes tied together. Refuge staff would strive to improve communication and increase partnerships that foster stewardship of the Niobrara River including Fort Niobrara NWR. Long-term monitoring of wildlife, plants, habitats, recreation use levels and patterns, and visitor experience would be accomplished to evaluate, guide and/or modify future management.

### **Alternative C: Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation** *(Preferred Alternative)*

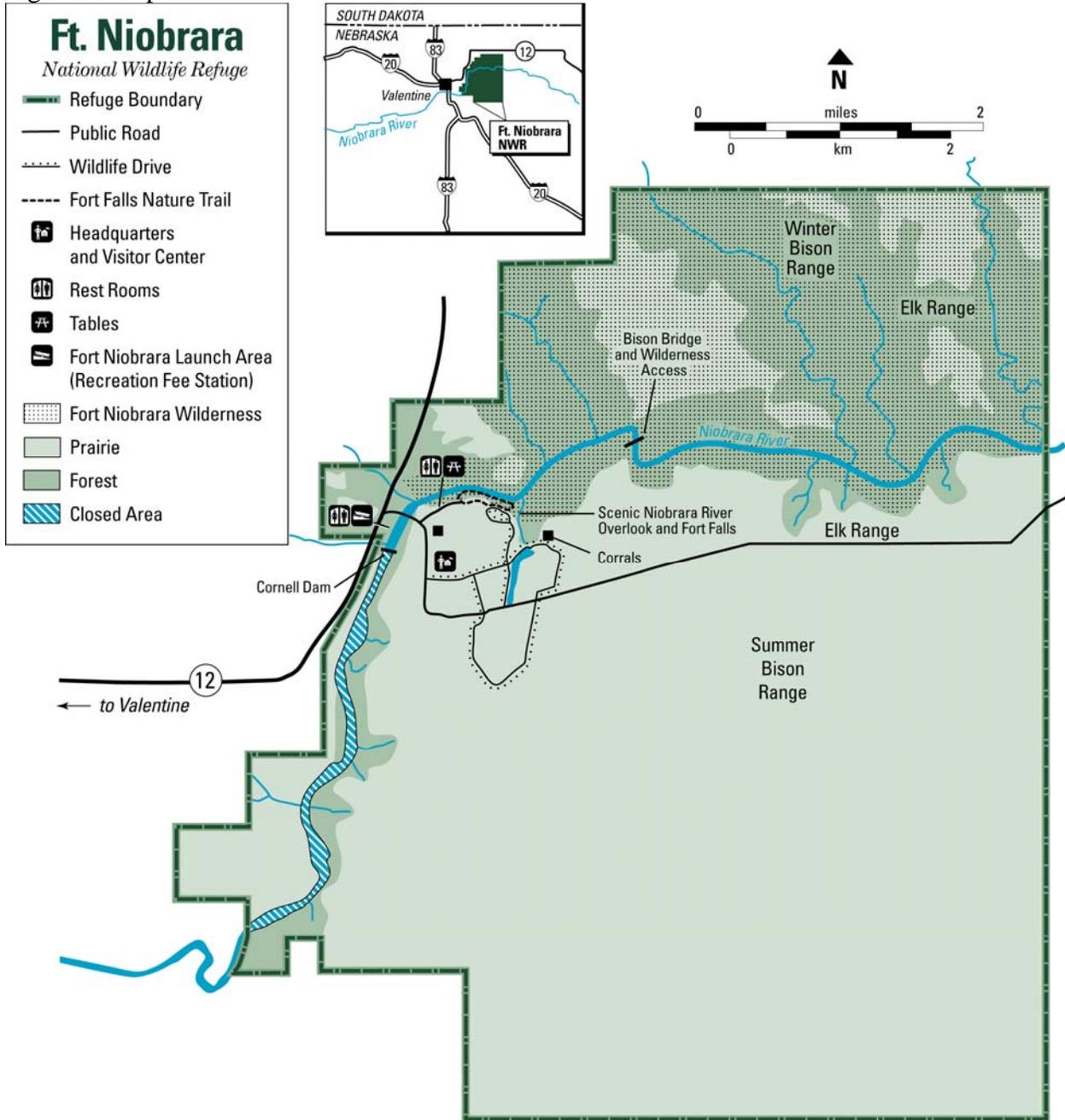
In alternative C, approximately 20,300 people would be allowed to float through the Refuge each year. The four mile stretch of River on the Refuge above Cornell Dam would continue to be closed to public use, allowing that area to remain a sanctuary for wildlife. River floating would be encouraged on Saturdays up to a maximum daily level of approximately 800 people launched by outfitters. Public use Sunday through Friday would be maintained at lower levels to minimize disturbance to wildlife. (Maximum daily launch levels would be based on the visitor experience

standards found in section 1.5.). Outfitters would be encouraged to launch a majority of their customers from 10:00 a.m. - 1:00 p.m. Early morning and late afternoon/evening hours would emphasize the needs of wildlife and would be free of or with minimal disturbance by humans. Visitor experience would be enhanced by improved interpretation and education efforts, including construction and staffing of a new Environmental Education Center. There would be no limit on the number of outfitters that could provide services on the Refuge. Businesses wanting the opportunity to outfit on the Refuge would submit a proposal along with required documentation. River outfitters meeting the qualifications would be awarded a one-year Special Use Permit. Businesses selected to outfit on the Refuge would submit sealed bids in March for the number of people launch passes they wish to purchase for that year up to a maximum number specified by the Service. Launch passes would be allocated by high bid until none remain. The number of people any one outfitter could launch by day of week would be defined and based upon the total number of launch passes purchased and maximum daily launch levels. A daily user fee of at least \$1.00 per person for private (non-outfitted) floaters launching on the Refuge would be collected through an iron ranger. Existing launch area facilities/access would be maintained. Regulations to protect wildlife, habitats, and historic resources and enhance visitor experience would be modified to allow for a maximum of eight individuals per five tubes tied together. Refuge staff would strive to improve communication and increase partnerships that foster stewardship of the Niobrara River including Fort Niobrara NWR. Long-term monitoring of wildlife, plants, habitats, recreation use levels and patterns, and visitor experience would be accomplished to evaluate, guide and/or modify future management.

#### **Alternative D: Protect Resources with Emphasis on Wildlife-Dependent Recreation**

In Alternative D, approximately 27,600 people (1998 cap level) would be allowed to float through the Refuge each year. The four mile stretch of River on the Refuge above Cornell Dam would continue to be closed to public use, allowing that area to remain a sanctuary for wildlife. A spectrum of visitor experience opportunities (recreational to wilderness) would be made available by defining the maximum number of people that could launch by time of day and day of week. Most launches would occur between 10:00 a.m. and 2:00 p.m. Early morning and late afternoon/evening hours would emphasize the needs of wildlife and would be free of or have minimal disturbance by humans. Visitor experience would be enhanced by improved interpretation and education efforts, including construction and staffing of a new Environmental Education Center. River floating would be managed by a reservation system. Reservations would be made by the Refuge visitor and not an outfitter. Daily people launch passes would cost a minimum of \$2.00 each. There would also be a fee charged by the government-contracted recreation reservation service. There would be no limit on the number of outfitters that could provide services on the Refuge. Businesses wanting the opportunity to outfit on the Refuge would submit a proposal along with the required documentation. River outfitters meeting the qualifications would be awarded a one-year Special Use Permit. Existing launch area facilities/access would be maintained. Regulations to protect wildlife, habitats, and historic resources, while enhancing the visitor experience, would be modified to allow for a maximum of eight individuals per five tubes tied together. Refuge staff would strive to improve communication and increase partnerships that foster stewardship of the Niobrara River including Fort Niobrara NWR. Long-term monitoring of wildlife, plants, habitats, recreation use levels and patterns, and visitor experiences would be accomplished to evaluate, guide and/or modify future management.

Figure 1. Map of Fort Niobrara NWR.



# **Chapter 1. INTRODUCTION**

## **1.1. Purpose of this Environmental Assessment**

The purpose of this draft document is to develop and evaluate alternative actions for management of recreational floating on the nine miles of Niobrara River that flow through the Fort Niobrara National Wildlife Refuge (NWR). Each alternative is evaluated for environmental consequences in accordance with the National Environmental Policy Act (NEPA). The alternative chosen to become the Fort Niobrara NWR River Recreation Management Plan will need to be compatible with the legislative purposes of the Fort Niobrara NWR, National Wildlife Refuge System (NWRS), National Wilderness System, and National Wild and Scenic Rivers System. The chosen alternative will also need to protect the natural resources of the Refuge and promote public understanding of and appreciation for the Refuge.

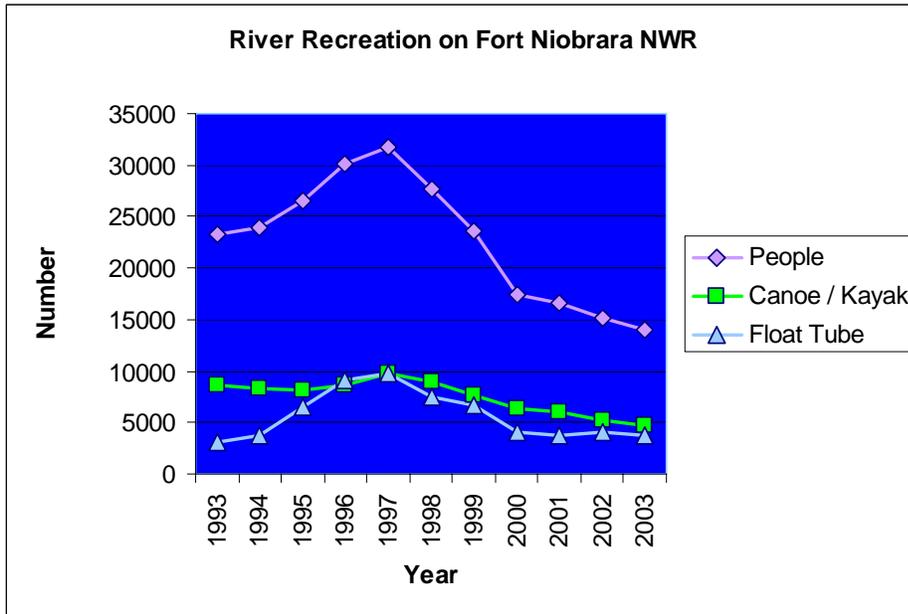
## **1.2. Need for Action**

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 promotes a visitor's 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 recreation occurs in July and August with Saturdays being the busiest 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 range from zero to 16 persons per minute (Davis *et al.* 2000). Increasing river recreational use on the Refuge in the mid to late 1990s raised concerns about disturbances to wildlife, impact on vegetation, quality of experience for Refuge visitors, and compatibility with the purposes of Fort Niobrara NWR.

## **1.3. Decision to be Made**

The U.S. Fish and Wildlife Service (Service) must make a decision as to which of the four alternatives would best meet the Purpose and Need of this document which is to develop a river recreation management plan for the nine miles of Niobrara River that flow through the Fort Niobrara National Wildlife Refuge. Alternatives analyzed include: A) Current Management (No Action Alternative); B) Protect Resources with Emphasis on Wildlife; C) Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation; and D) Protect Resources with Emphasis on Wildlife-Dependent Recreation.

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



#### 1.4. 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 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)

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 calls for designated wilderness areas within a National Wildlife Refuge to receive equal consideration in management decisions and become a supplemental purpose of the Refuge and 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.”

In Section 3(a) of the Wild and Scenic Rivers Act Congress 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.”

## **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 uses 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 principles of fish and wildlife management and administration, available science and resources, and adherence with 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 Demonstration 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. The program is currently authorized through December 2005. If the Recreation Fee Demonstration Program ends in 2005, participating refuges such as Fort Niobrara NWR would explore other means of retaining revenue collected through fees.

### **1.5. 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 and Valentine NWR's are a 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 recreation to ensure that this wildlife-dependent use of Fort Niobrara preserves the natural resources that make this area special and results 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 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 of four persons allows typical family groups 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, 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 this draft Niobrara River Recreation Management Plan and Environmental Assessment was guided by the USFWS 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 USFWS Region 6 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 USFWS Region 6 Office and DOI Solicitor's Office. Required additions and edits were made prior to releasing the draft document for public review and comment.

### **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. Some of this information 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 the two responsible management units 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 was 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.

## **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 this draft document to interested parties, and a webpage for posting summary reports and planning documents. In addition, notifications of the public scoping meeting, research summaries, 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 is found in Appendix B.

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 that they had concerning river floating on Fort Niobrara NWR. Eight outfitters met with Refuge staff, and one outfitter that was unable to meet provided written comments.

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. Furthermore, interested public 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.

This *Draft* Fort Niobrara NWR River Management Plan and Environmental Assessment is the first opportunity that partners and interested public will have to review the entire planning effort and the Plan. A 60-day comment period is provided. Approximately 30 days into the public review period, Refuge staff will host an open house for the public and partners to discuss the draft document. Once the review and comment period closes, comments will be reviewed and summarized and appropriate modifications to the document will be made. A copy of the final plan will be provided to all those interested.

## **2.5. Issues**

Several significant issues were identified following the analysis of all comments collected through the various public scoping activities and a review of various legislation and Service policies. Specific comments received during the scoping process were considered, where possible, during this planning process and in the formulation and evaluation of alternatives for

future management of wildlife-dependent recreation on the Niobrara River on Fort Niobrara NWR. A wide range of comments – some positive, some negative, some with very specific recommendations - were received. Key components of each area, without the negative or positive connotation, 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 Wild and Scenic Rivers System. Define an acceptable level of river floating, a wildlife-dependent public use, that is compatible with Refuge purposes and does not cause unacceptable levels of 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 permit length, 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 & Future Management** - Work closely with partners. Strive for meaningful public involvement. Use sound science for decision-making.

## Chapter 3. ALTERNATIVES AND PROPOSED ACTION

### 3.1 Description of Alternatives

Based upon public input from the scoping processes of this planning effort and the Fort Niobrara CCP, as well as guidance from the NWRS Improvement Act, NEPA, various Service policies, and best available scientific information, the planning team developed four alternatives for management of recreational floating on the stretch of Niobrara River that flows through the Fort Niobrara NWR. The four alternatives are:

- Alternative A: Current Management (No Action)
- Alternative B: Protect Resources with Emphasis on Wildlife
- Alternative C: Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation (*Preferred Alternative*)
- Alternative D: Protect Resources with Emphasis on Wildlife-Dependent Recreation

These alternatives are discussed in detail in the upcoming pages and summarized in Table 1 at the end of this section. The alternatives are analyzed for environmental consequences later in this document.

#### **Alternative A: Current Management (No Action)**

Refuge Purposes / Responsibilities - In the *Current Management (No Action)* Alternative, approximately 14,000 people floated through the Refuge in 2003 but up to 27,600 people were allowed (CCP cap level). River floating on the Refuge is allowed downstream from Cornell Dam only. The four mile stretch of River on the Refuge above the Dam is closed to public use, allowing that area to be a sanctuary for wildlife. Spring and fall river clean-ups are sponsored by river outfitters (voluntary participation) and the Niobrara Council. Baseline monitoring of wildlife, plants, habitats, and river recreation is being accomplished to help guide management.

Visitor Experience - Outfitters are capped at their 1998 weekend vessel launch levels and encouraged to redistribute use to weekdays to enhance visitor experience and alleviate wilderness solitude concerns. There is no limit on the number of private launches. Interpretive/information panels are posted at the launch area and Refuge staff conduct periodic educational programs. Outfitters provide their customers with information on Refuge wildlife, habitats, wilderness and scenic river values, and safety.

Commercial Outfitting - Outfitting services on the Refuge are provided by nine historic outfitters and a moratorium on additional outfitters is in effect. Vessel launches are not evenly proportioned between outfitters, but rather are based upon their 1998 levels. Each outfitter is issued a one-year Special Use Permit at an annual fee of \$5.00. The Special Use Permit can not be transferred, sold or subleased. Outfitters must adhere to the conditions of the permit, and they are not formally evaluated or inspected. Outfitters are required to submit reports on the number of people and vessels launched on the Refuge by Saturday, Sunday, and Weekdays (combined) May through September; and all days combined October - December and January - April. Every vessel launched by outfitters is marked with their company name and must bear a Refuge vessel decal.

User Fee - A user fee of \$2.00 per private vessel per day launched on the Refuge is collected through an iron ranger (fee collection station). Private river floaters also have the option of purchasing an annual vessel pass for \$ 25.00 for their personal use only. Refuge outfitters purchase annual vessel passes at a cost of \$25.00 per vessel and may not purchase daily vessel passes from the iron ranger. Outfitters pay for annual vessel passes in four equal installments, which are due by the 15<sup>th</sup> of June, July, August and September.

Facilities/Access - Existing launch area facilities/access are maintained. Launch ramp assignments for outfitters are decided by the outfitters themselves. River floaters not using an outfitter may access the River from all launch ramps. Outfitters are required to shuttle their customers to the launch area in busses or vans during summer weekends.

Regulations – Various regulations are enforced throughout the Refuge, however, those that pertain specifically to river recreation include: open during daylight hours only; no more than five float tubes tied together; alcoholic beverages, firearms, fireworks, high volume radios, any device capable of shooting or directing a projectile or liquid at another person or wildlife, collection of plants, animals, rocks or historical artifacts are prohibited.

Partnerships - Partnerships exist with various federal, state, county and local governments, and private entities and organizations to help achieve Refuge goals and conserve the important values of the Niobrara River on and off the Refuge.

### **Alternative B: Protect Resources with Emphasis on Wildlife**

Refuge Purposes / Responsibilities - In the *Protect Resources with Emphasis on Wildlife* Alternative, the Service would allow up to 16,400 people to float through the Refuge each year. This use level is the average number of people that launched on the Refuge 2000-2002 during the Kansas State University study of recreational impacts on avian assemblages in the Niobrara River corridor on Fort Niobrara NWR. River floating on the Refuge would be allowed downstream from Cornell Dam only. The four mile stretch of the River on the Refuge above the Dam would remain closed to public use, allowing that area to be a sanctuary for wildlife. River recreation would be encouraged on Saturdays during the summer float season up to a maximum daily level of approximately 800 people launched by outfitters. River use Sunday through Friday would be maintained at lower levels to minimize disturbance to wildlife. (Maximum daily launch levels would be based on visitor experience standards found in section 1.5.). Outfitters would be encouraged to launch a majority of their people in a 3-hour period from 10:00 a.m. - 1:00 p.m. resulting in the last vessels exiting the Refuge by 4:00 p.m. Early morning and late afternoon/evening hours would emphasize the needs of wildlife and would be free of or have minimal disturbance by humans. Vessels that can be launched from the Refuge are canoes, kayaks, or float tubes capable of carrying no more than four people each. River floaters would 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 natural sights and sounds of the River by talking quietly. All outfitters would be required to help with spring and fall clean-ups of the River. Litter bags, with “Leave No Trace” education text printed on the outside, would be provided to outfitters for clientele to “pack out” their trash. Long-term monitoring of wildlife, plants, habitats, recreation use levels

and patterns, and visitor experience would be accomplished to evaluate, guide and/or modify future management. Visitor use management actions that would be “encouraged” or “discouraged” initially would be “required” or “prohibited” if Refuge visitors and/or outfitters do not voluntarily comply.

Visitor Experience - Specific management strategies would be implemented to ensure the opportunity for all Refuge floaters to experience a quality, wildlife-dependent visit. Ten percent of the allowed annual use (approximately 1,640 people) would be reserved for non-outfitted river floaters and the remaining 14,760 people launches would be made available to outfitters. The allocation of river use between private and outfitted visitors would be adjusted in the future if the number of non-outfitted (private) floaters increased. A spectrum of visitor experience opportunities (recreational to wilderness solitude) would be made available by limiting the number of people an outfitter could launch daily Sunday through Friday. Visitor use on Saturdays would not be allocated between outfitters until the number of people launched by outfitters on a Saturday reaches 800. Maximum number of people that could launch on the Refuge by day of week and within the specified recreation period would be based upon the established wilderness and recreational standards and Refuge data collected from 2000 – 2003.

Refuge staff would 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 launch area would be improved. In addition, outfitters would provide their customers with information on Refuge wildlife, plants, habitats, wilderness and scenic river values, and safety.

Commercial Outfitting - Commercial outfitting services would be provided by a maximum of nine outfitters. The opportunity to provide outfitting services to river floaters on the Refuge would be announced to the public every three years. The announcement (Appendix C) would describe commercial visitor services required and selection/evaluation criteria for business proposals. In order to conduct outfitting services on the Refuge, each business would be required to meet qualifications which include a current business/operating plan; demonstrated experience in outfitting / business; statement of business ownership; insurance coverage including public liability (\$1,000,000), vehicle and workman’s compensation; possess required State licenses (i.e. motor vehicle, commercial driver’s, business/tax); ability to provide quality equipment and service to Refuge visitors; and willingness to conduct environmental education and stewardship activities. Business proposals (operating plan) submitted by prospective outfitters would be evaluated and scored by a team of Service staff. Nine outfitters with the highest scores would be awarded three-year Special Use Permits. The minimum annual fee for the Special Use Permit would be \$ 250.00 (fee based on cost to administer program and conduct annual evaluations). The permit could not be sold, transferred, or subleased. Applicable terms and conditions of the Special Use Permit would be developed after this planning effort and include various components of this management alternative. Approved Refuge outfitters would be subject to annual review and evaluation in three categories – permit and operating plan compliance, safety and clientele services, and resource protection. First and second time non-compliances associated with each of the three categories would have an assigned point value. An annual performance rating of acceptable, unacceptable or probationary would be assigned to

each outfitter based upon accumulated points. If an outfitter ceases doing business on the Refuge or has the Special Use Permit revoked before the three-year period is up, the Refuge Manager would determine if the permit should be filled by a new outfitter, launches be redistributed to remaining Refuge outfitters, or be held until the next permit period.

Each outfitter would be given the opportunity to purchase a minimum of 500 people launch passes up to an initial maximum of 1,640 people launch passes by July 1. Passes not purchased, by this date, would be made available to the remaining Refuge outfitters wanting additional business. Non-purchased launch passes for that given year would be divided equally between Refuge outfitters. Payment for launch passes purchased after July 1 would be due August 1. Launch passes could not be sold or transferred to another outfitter.

Each outfitter would be limited to a maximum number of people that could be launched per day Sunday through Friday. Saturday limits would not be imposed until Saturday use reaches a level of 800 people launching. The maximum number of people that could be launched by an outfitter per day Sunday through Friday, and eventually Saturdays, would be based upon the total number of people launch passes purchased by an outfitter and Refuge visitor experience standards. For example, an outfitter that purchases 1,640 people launch passes in 2005 could launch a maximum of 49 people each day Sunday through Friday with no limit on Saturdays. Once the Saturday limits are imposed, an outfitter purchasing 1,640 launch passes could be limited to a total of 98 people launches per Saturday. As Refuge data and new information becomes available, daily limits may be adjusted.

All vessels launched by an outfitter must be permanently marked with their company name or a Refuge approved abbreviation. Refuge decals would no longer be required. Outfitters would be required to submit monthly reports on 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. Outfitters could be required to provide to the Refuge a copy of trip logs for a specified date that includes 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.

User Fee - A user fee of a minimum of \$1.00 per person per day launching on the Refuge would be collected through an iron ranger for private (non-outfitted) visitors. Outfitters would pay the per person launch fee as described in the "Commercial Outfitting" section above.

Facilities/Access - Existing launch area facilities/access would be maintained. River floaters not using an outfitter would have access to all launch ramps. Outfitters would be assigned launch ramps and encouraged to stagger their launches with other outfitters within the 10:00 a.m. – 1:00 p.m. time period. If visitor experience standards are exceeded, launch ramps and times would be subject to a lottery draw. Outfitters would be required to shuttle their customers to the launch area in busses or vans during summer weekends.

Regulations - Various regulations are 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* can be tied together; alcoholic beverages,

firearms, fireworks, high volume radios, any device capable of shooting or directing a projectile or liquid at another person or wildlife, collecting plants, animals, rocks or historical artifacts are prohibited. (Words in italics would be added to the regulations.)

Partnerships - Refuge staff would 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 Niobrara River including Fort Niobrara NWR.

### **Alternative C: Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation (Preferred Alternative)**

Refuge Purposes / Responsibilities - In the *Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation (Preferred Alternative)* Alternative, the Service would allow up to 20,300 people to float the Niobrara River through the Refuge each year. This number is the average number of people launching from the Refuge in 2000-2002 plus an acceptable increase in river use on Saturdays in July and August. River floating on the Refuge would be allowed downstream from Cornell Dam only. The four mile stretch of river on the Refuge above the Dam would remain closed to public use, allowing that area to be a sanctuary for wildlife. River recreation would be encouraged on Saturdays during the summer float season up to a maximum level of approximately 800 people launched by outfitters. River use Sunday through Friday would be maintained at lower levels to minimize disturbance to wildlife. (Maximum daily launch levels would be based on visitor experience standards found in section 1.5.) Outfitters would be encouraged to launch a majority of their customers in a 3 hour period from 10:00 a.m. - 1:00 p.m. resulting in the last wave of vessels exiting the Refuge by 4:00 p.m. Early morning and late afternoon/evening hours would emphasize the needs of wildlife and would be free of or have minimal disturbance by humans. Vessels that can be launched from the Refuge are canoes, kayaks, or float tubes capable of carrying no more than 4 people each. River floaters would be encouraged to stay in their watercraft so as to not trample banks, destroy habitat, or further disturb birds and other wildlife; discouraged from leaving food or trash; and encouraged to enjoy natural sights and sounds of the River by talking quietly. All outfitters would be required to help with spring and fall clean-ups of the River. Litter bags, with "Leave No Trace" education text printed on the outside, would be provided to outfitters for clientele to "pack out" their trash. Long-term monitoring of wildlife, plants, habitats, recreation use levels and patterns, and visitor experience would be accomplished to evaluate, guide and/or modify future management. Also, visitor use management actions that would be "encouraged" or "discouraged" initially would be "required" or "prohibited" if Refuge visitors and/or outfitters do not voluntarily comply.

Visitor Experience - Specific management strategies would be implemented to ensure opportunity for all Refuge floaters to experience a quality, wildlife-dependent visit. Ten percent of the total annual river recreation (approximately 2,030 people) would be reserved for non-outfitted river floaters and the remaining 18,270 people launches would be made available to outfitters. The allocation of river recreation between private and outfitted visitors would be adjusted in the future if the number of non-outfitted (private) floaters increases. A spectrum of visitor experience opportunities (recreational to wilderness solitude) would be made available

by limiting the number of people an outfitter could launch daily Sunday through Friday. Visitor use on Saturdays would not be allocated between outfitters until the number of people launched by outfitters on a Saturday reaches 800. Maximum numbers of people that could launch on the Refuge by day of week and within the specified recreation period would be based upon established wilderness and recreational standards and Refuge data collected 2000 – 2003.

In partnership with the National Park Service and/or other partners, funds would be sought to construct and staff a shared Environmental Education Center near the entrance to Fort Niobrara NWR. The new Center, identified in the Fort Niobrara CCP (1999), would be designed to accommodate a shared facility building that combines staff, scientific, interpretive, and financial resources of each agency resulting in improved environmental education and interpretation of the wildlife, plant, cultural, and paleontological resources of the Refuge and Niobrara National Scenic River. Refuge staff would 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 launch area would be improved. Outfitters would provide their customers with information on Refuge wildlife, plants, habitats, wilderness and scenic river values, and safety.

Commercial Outfitting – There would be no limit on the number of outfitters that could provide services on the Refuge. The opportunity to provide outfitting services to river floaters on the Refuge would be announced to the public every year. The announcement (Appendix C) would describe commercial visitor services required and selection/evaluation criteria for business proposals. In order to conduct outfitting services on the Refuge, each business would have to meet qualifications that include a current business/operating plan; demonstrated experience in outfitting/business; statement of business ownership; insurance coverage including public liability (\$1,000,000), vehicle and workman’s compensation; possess required State licenses (i.e. motor vehicle, commercial driver’s, 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 and the required documentation submitted by prospective outfitters would be evaluated by Refuge staff. Outfitters meeting the requirements would be awarded a one-year Special Use Permit. (Note: Once the program is established, consideration would be given to changing the permit to a three-year period.) Applicable terms and conditions of the Special Use Permit would be developed after this planning effort and include various components of this management alternative. The annual fee for a permit would be a minimum of \$ 250.00 (fee based upon the cost to administer the program and conduct annual evaluations). A non-refundable down payment of \$50.00 would be due with the permit application in January and the remaining \$200.00 due after notification of selection as a Refuge outfitter. The permit could not be sold, transferred, or subleased. Each outfitter would be subject to annual review and evaluation of three categories – permit and operating plan compliance, safety and clientele services, and resource protection. First and second time non-compliances associated with each of the three categories would have an assigned point value. An annual performance rating of acceptable, unacceptable or probationary would be assigned to each outfitter based on accumulated points.

In March, Refuge outfitters would submit sealed bids for the number of people launch passes they wish to purchase for that calendar year. The minimum bid would be the fee charged the private user or what is established by the USFWS for one person to launch at the Refuge. Daily launch passes would be available in bundles of 100. Each outfitter could bid on a minimum of 500 launch passes up to a maximum of 2,500 people launch passes. Sealed bids would be opened during a public meeting. Launch passes would be allocated by high bid until none remain. If more than one bid is received for the same dollar amount, outfitters submitting same bids would 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 would 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 could purchase additional launch passes on July 1 at that year’s high bid. If the demand for additional launch passes is greater than the number available, launch passes would 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 could 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 would be distributed equally. Outfitters would pay 25% of total money owed for launch passes within 15 days of the bidding process. The remaining money owed for launch passes must be remitted in three equal installments due by the 15<sup>th</sup> of July, August, and September. If additional launch passes are purchased on July 1, additional money owed must be paid with the August 15<sup>th</sup> and September 15<sup>th</sup> installments. Launch passes could not be sold or transferred to another outfitter.

Each outfitter would be limited to a maximum number of people that could be launched per day Sunday through Friday. Saturday limits would not be imposed until Saturday use reaches a level of 800 people launching. The maximum number of people that could be launched by an outfitter per day Sunday through Friday, and eventually Saturdays, would be based upon the total number of people launch passes purchased by the outfitter and Refuge visitor experience standards. For example, an outfitter who purchases 2,500 people launch passes in 2005 could launch a maximum of 60 people each day Sunday through Friday with no limit on Saturdays. Should Saturday limits be imposed, an outfitter purchasing 2,500 launch passes would be limited to a total of 121 people launches per Saturday. As Refuge data and updated information becomes available, daily limits could be adjusted.

All vessels launched by an outfitter must be permanently marked with their company name or a Refuge approved abbreviation. Refuge decals would no longer be required. Each outfitter would be required to 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. 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.

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

Facilities / Access - Existing launch area facilities/access would be maintained. River floaters not using an outfitter would have access to all launch ramps. Outfitters would be assigned launch ramps and encouraged to stagger their launches with other outfitters within the 10:00a.m. – 1:00p.m. time period. If the number of outfitters exceeds 12 or if visitor experience standards are exceeded, launch ramps and times would be subject to lottery draw. Outfitters would be required to shuttle their customers to the launch area in busses or vans during summer weekends.

Regulations - Various regulations are 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* can 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. (Words in italics would be added to the regulations.)

Partnerships - Refuge staff would 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.

### **Alternative D: Protect Resources with Emphasis on Wildlife-Dependent Recreation**

Refuge Purposes / Responsibilities - In the *Protect Resources with Emphasis on Wildlife-Dependent Recreation* Alternative, the Service would allow up to 27,600 people (1998 cap level) to float through the Refuge each year. River floating on the Refuge would be allowed downstream from Cornell Dam only. The four mile stretch of River on the Refuge above the Dam would remain closed to public use, allowing that area to be a sanctuary for wildlife. Early morning and late afternoon/evening hours would emphasize the needs of wildlife and would be free of or have minimal disturbance by humans. Vessels that can be launched from the Refuge are canoes, kayaks, or float tubes capable of carrying no more than 4 people each. River floaters would be encouraged to stay in/on their watercraft, except at designated landings, 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. All outfitters would be required to help with spring and fall clean-ups of the River. Litter bags, with “Leave No Trace” education text printed on the outside, would be provided to outfitters for clientele to “pack out” their trash. Long-term monitoring of wildlife, plants, habitats, recreation use levels and patterns, and visitor experience would be accomplished to evaluate, guide and/or modify future management. Also, visitor use management actions that would be “encouraged” or “discouraged” initially would be “required” or “prohibited” if Refuge visitors and/or outfitters do not voluntarily comply.

Visitor Experience - Specific management strategies would be implemented to enable Refuge floaters the opportunity to experience a quality visit. River floating would be managed by a reservation system. A spectrum of visitor experience opportunities (recreational to wilderness solitude) would be made available by defining the maximum number of people that could

launch by time of day and day of week. Ninety percent of the daily launches would occur during a four hour period between 10:00 a.m. and 2:00 p.m. with up to 5% occurring before and after that time period. Launch passes for the recreational period would have assigned launch interval times (i.e. 10:00 – 10:30 a.m.; 10:31 – 11:00 a.m.; 11:01 – 11:30 a.m.; etc.). The number of daily people launch passes would be based upon visitor experience standards and Refuge data collected since 1998. The upper limit for number of people launching per Saturday would be 1,172 people and for the remaining days of the week, the upper limit would be 576 people per day. The actual numbers by date and time would be decided prior to the start of each float season and vary based on total allowable use and visitor demand.

Reservations for river floating would be taken and processed through the National Recreation Reservation Service (current contract held by Reserve America). Reservations could be submitted to the contractor by website, fax, or U.S mail beginning in March of the calendar year on a first come, first served basis. Reservations would be made in the name of an individual and not an outfitter. No more than ten people launch passes could be reserved or purchased by any one individual. A non-refundable reservation fee (2004 fee is \$12.00) would be charged by the contracted reservation service. Reservation confirmation would be provided by the contractor. Once an individual has reservations for a set number of launch passes for a given date and time, he or she could reserve services with a Refuge outfitter. All reserved launch passes would be paid for and picked-up by the reserving individual at the Fort Niobrara NWR visitor center 1-2 days ahead of the reserved launch date. Daily launch passes would cost \$2.00 per person or the amount necessary to cover the cost of administering the program. A minimum of 10% of daily launch passes would be held by the Refuge for walk-in purchase up to 2 days before the launch date.

In partnership with the National Park Service and/or other partners, funds would be sought to construct and staff a shared Environmental Education Center near the entrance to Fort Niobrara NWR. The new Center, identified in the Fort Niobrara CCP (1999), would be designed to accommodate a shared facility building that combines staff, scientific, interpretive, and financial resources of each agency resulting in improved environmental education and interpretation of wildlife, plant, cultural, and paleontological resources of the Refuge and Niobrara National Scenic River. Refuge staff would 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 launch area would be improved. Outfitters would provide their customers with information on Refuge wildlife, plants, habitats, wilderness, Scenic River values, and safety.

Commercial Outfitting – There would be no limit on the number of outfitters that could provide services on the Refuge. The opportunity to provide outfitting services to river floaters on the Refuge would be announced to the public every year. The announcement (Appendix C) would describe commercial visitor services required and selection/evaluation criteria for business proposals. In order to provide outfitting services on the Refuge, each business would have to meet qualifications which include a current business/operating plan; demonstrated experience in outfitting / business; statement of business ownership; insurance coverage including public liability (\$1,000,000), vehicle and workman's compensation; possess required State licenses

(i.e. motor vehicle, commercial driver's, 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 and the required documentation submitted by prospective outfitters would be evaluated by Refuge staff. Outfitters meeting the requirements would be awarded a one-year Special Use Permit. (Note: Once the program is established, consideration would be given to changing the Special Use Permit to a three-year period.) Applicable terms and conditions of this Special Use Permit would be developed after this planning effort and include various components of this management alternative. The annual fee for a permit would be a minimum of \$250.00 (fee based upon the cost to administer program and conduct annual evaluations). A non-refundable down payment of \$ 50.00 would be due with the permit application in January and the remaining \$200.00 would be due after notification of selection as a Refuge outfitter. The Special Use Permit could not be sold, transferred, or subleased. Each outfitter would be subject to annual review and evaluation in three categories – permit and operating plan compliance, safety and clientele services, and resource protection. First and second time non-compliances associated with each of the three categories would have an assigned point value. An annual performance rating of acceptable, unacceptable or probationary would be assigned to each outfitter based on accumulated points.

All vessels launched by an outfitter must be permanently marked with their company name or a Refuge approved abbreviation. Refuge decals would no longer be required. Each outfitter would be required to submit monthly reports on 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. Outfitters could be required to provide the Refuge with a copy of trip logs for a specified date that includes 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.

User Fee - A user fee of at least \$ 2.00 per person per day launching on the Refuge would be collected. (Refer to reservation system discussion above.)

Facilities / Access - Existing launch area facilities/access would be maintained. River floaters not using an outfitter would have access to all launch ramps. Outfitters would be assigned launch ramps. If the number of outfitters exceeds 12 or launch area congestion/visitor safety become a concern, launch times by outfitters would be subject to a lottery draw. Outfitters would be required to shuttle their customers to the launch area in busses or vans during summer weekends.

Regulations - Various regulations are enforced throughout the Refuge, however, those that pertain to river recreation include: open during daylight hours only; no more than five float tubes *carrying a maximum of 8 people* can 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. (Words in italics would be added to the regulations.)

Partnerships - Refuge staff would 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.

### **3.2 Proposed Action**

The Service proposes to adopt and implement Alternative C - *Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation* as the Fort Niobrara NWR River Recreation Management Plan. Alternative C addresses the major issues identified during the public scoping process and is (1) compatible with legislated purposes of Fort Niobrara NWR and the NWRS, (2) protects the wildlife, plants and habitats of the Refuge, and (3) promotes public understanding of and appreciation for the natural resources and legislated purposes of the Refuge.

### **3.3 Alternatives Considered But Eliminated**

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 and the National Wildlife Refuge System.

### **3.4 Preferred Alternative Implementation, Monitoring and Evaluation**

The proposed action, Alternative C, will be implemented for the 2005 river recreation season. Monitoring of river recreation use levels and patterns by year, month, day of week, and time of day along with wildlife, habitat, and visitor experience 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 River Recreation Management Plan for the stretch of Niobrara River that flows through the Refuge will be evaluated every five years.

**Table 1. Summary of Management Alternatives.**

Issues & Management Strategies	Alternative A – <i>Current Management (No Action)</i>	Alternative B – <i>Protect Resources with Emphasis on Wildlife</i>	Alternative C – <i>Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation</i>  <b>*Preferred Alternative</b>	Alternative D – <i>Protect Resources with Emphasis on Wildlife-Dependent Recreation</i>
<p><b>Refuge Purposes / Responsibilities</b></p> <ul style="list-style-type: none"> <li>• <b>Annual River Recreation Use Level</b></li> <li>• <b>River Stretch Open to Recreation</b></li> <li>• <b>Daily Recreational Period</b></li> <li>• <b>Vessel Type &amp; Group Size</b></li> <li>• <b>Minimize Impact to Wildlife, Plants &amp; Habitats</b></li> <li>• <b>Biological &amp; Recreation Monitoring</b></li> </ul>	<p>Approximately 14,000 people in 2003; up to a maximum of 27,600 people (1998 cap level).</p> <p>River floating allowed downstream from Cornell Dam only.</p> <p>Daylight hours.</p> <p>Vessel type not defined. No more than 5 tubes can be tied together.</p> <p>Various regulations are enforced.</p> <p>Baseline data on wildlife, plants, habitats &amp; recreation collected to help evaluate, guide and/or modify management.</p>	<p>Up to 16,400 people.</p> <p>Same as Alternative A.</p> <p>Encourage wildlife-dependent recreation on Saturdays and much lower levels the remaining days of the week. Daylight hours. River floating concentrated during a three hour period (10:00 a.m. – 1:00 p.m.).</p> <p>Canoes, kayaks, or float tubes capable of carrying no more than 4 people each. No more than 5 tubes carrying a maximum of 8 people can be tied together.</p> <p>River floaters encouraged to stay in their watercraft, not leave food or trash, talk quietly. Would be required if outfitters and/or visitors do not voluntarily comply.</p> <p>Long-term monitoring of wildlife, plants, habitats &amp; recreational use. Data collected would be used to evaluate, guide and/or modify management.</p>	<p>Up to 20,300 people.</p> <p>Same as Alternative A.</p> <p>Same as Alternative B.</p> <p>Same as Alternative B.</p> <p>Same as Alternative B.</p> <p>Same as Alternative B.</p>	<p>Up to 27,600 people.</p> <p>Same as Alternative A.</p> <p>Same as Alternative B, except use concentrated during a four hour period (10:00 a.m. – 2:00 p.m.).</p> <p>Same as Alternative B.</p> <p>Same as Alternative B.</p> <p>Same as Alternative B.</p>

<p><b>Visitor Experience</b></p> <ul style="list-style-type: none"> <li><b>Allocation of Total Annual Use - Private &amp; Outfitter</b></li> <li><b>Spectrum of Opportunities (Recreational to Wilderness Solitude)</b></li> <li><b>Interpretation / Education</b></li> </ul>	<p>Allocation not defined; 8.6% private and 91.4% outfitter occurred in 2003.</p> <p>Outfitters capped on weekends at 1998 levels.</p> <p>Information &amp; education panels located at launch area. Education programs conducted periodically by Refuge staff.</p>	<p>10% private; 90% outfitter. Allocation would be modified if private floaters exceed 10% of total annual use.</p> <p>Maximum number of people any one outfitter could launch daily Sunday - Friday would be defined. Saturday limits would be implemented once use level by outfitters reaches 800 people on a Saturday.</p> <p>Improve interpretation &amp; education in partnership with National Park Service and others.</p>	<p>Same as Alternative B.</p> <p>Same as Alternative B.</p> <p>Same as Alternative B with addition of new Environmental Education Center.</p>	<p>No allocation.</p> <p>Maximum number of people able to launch by date and time defined by the Refuge and managed by a contracted Reservation System.</p> <p>Same as Alternative C.</p>
<p><b>Commercial Outfitting</b></p> <ul style="list-style-type: none"> <li><b># of Outfitters</b></li> <li><b>Requirements &amp; Selection</b></li> <li><b>Evaluation</b></li> </ul>	<p>Nine.</p> <p>Historic outfitters; moratorium on additional outfitters. No selection criteria. Outfitters must meet conditions of Special Use Permit.</p> <p>No formal evaluation process.</p>	<p>Same as Alternative A.</p> <p>Outfitters meeting qualifications are scored by committee. Nine business proposals receiving top scores would be awarded a Special Use Permit for three-year period.</p> <p>Annual evaluation of three categories – permit and operating plan compliance, safety and clientele services, and resource protection. Annual performance rating of acceptable, unacceptable or probationary assigned each outfitter based upon the evaluation.</p>	<p>No limit.</p> <p>Outfitters that meet qualifications awarded a one-year Special Use Permit.</p> <p>Same as Alternative B.</p>	<p>Same as Alternative C.</p> <p>Same as Alternative C.</p> <p>Same as Alternative B.</p>

<ul style="list-style-type: none"> <li><b>Permit Length &amp; Annual Fee</b></li> <li><b>Allocation of Launches</b></li> </ul>	<p>One-year Special Use Permit; \$5.00 per year.</p> <p>Unequal; each outfitter capped at 1998 vessel launch levels.</p>	<p>Three-year Special Use Permit; \$250.00 per year minimum.</p> <p>Initial allocation is equal --1640 people launch passes made available to each outfitter. Passes not purchased by July 1 will be made available to outfitters wanting additional business. Maximum number of people an outfitter could launch daily would be defined. Sunday through Friday limits would be implemented immediately and Saturday limits would be implemented once use level by outfitters reaches 800 people on a Saturday.</p>	<p>One-year Special Use Permit; \$250.00 per year minimum. (Once program is established, consideration given to changing permit to a three-year period)</p> <p>High bid. Each outfitter initially bids on a maximum of 2,500 people launch passes. Maximum number of people an outfitter could launch daily would be defined. Sunday through Friday limits would be implemented immediately and Saturday limits would be implemented once use level by outfitters reaches 800 people on a Saturday.</p>	<p>Same as Alternative C.</p> <p>Reservation System – no allocation of use by the Refuge. River floaters make reservations and contact outfitter, if one is needed.</p>
<p><b>User Fee</b></p>	<p>Private - \$2.00/vessel daily; \$25.00/vessel annual. Outfitter - \$25.00/vessel annual.</p>	<p>Private - \$1.00/person daily minimum. Outfitter - \$1.00/person daily minimum.</p>	<p>Private - \$1.00/person daily minimum. Outfitter - \$1.00+ / person daily minimum (vary by outfitter bid).</p>	<p>Reservation Fee - \$12.00 minimum. Daily Launch Pass - \$2.00/person minimum.</p>
<p><b>Facilities / Access</b></p>	<p>Maintain existing facilities. Private river floaters have access to all launch ramps; Outfitters assign themselves launch ramps.</p>	<p>Same as Alternative A except outfitters would be assigned launch ramps by the Refuge and encouraged to stagger launches with ramp partner. If visitor experience standards are exceeded, launch ramps and times would be subject to lottery draw.</p>	<p>Same as Alternative B except launch ramps and times for outfitters would also be subject to lottery draw if total number of outfitters exceeds 12.</p>	<p>Same as Alternative A except outfitters would be assigned launch ramps. If total number of outfitters exceeds 12 or launch area congestion/visitor safety become a concern, launch ramps and times by outfitters would be subject to lottery draw.</p>

<b>Regulations</b>	Regulations enforced on the Refuge include: open during daylight hours only; river floating allowed downstream from Cornell Dam only; no more than five float tubes tied together; alcoholic beverages, firearms, fireworks, high volume radios, devices capable of shooting or directing a projectile or liquid at another person or wildlife, collecting of plants, animals, rocks or historical artifacts are all prohibited.	Same as Alternative A except wording in italics would be added as follows “no more than five float tubes <i>carrying a maximum of eight people</i> can be tied together...”	Same as Alternative B.	Same as Alternative B.
<b>Partnerships</b>	River management partnerships exist with National Park Service, Nebraska Game & Parks Commission, Niobrara Council, outfitters and other government agencies and private entities.	Refuge staff would strive to improve communication and increase partnerships with federal, state, county and local governments, and private entities and organizations.	Same as Alternative B.	Same as Alternative B.

## Chapter 4. AFFECTED ENVIRONMENT

### 4.1 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.

### 4.2 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 - *Sandhill 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, and painted turtle. Spiny softshell turtle was documented for the first time in Cherry County just off the Refuge in the Minnechaduzza 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 cyprinids, ictalurids, and percids are common. Species of concern (Nebraska List) that may inhabit waters on Fort Niobrara NWR include northern redbellied dace, earl 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.

### **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 a 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.

### **4.3 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 1870's 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 1870's and 1880's 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 1880's but were challenged by drought and recession in the 1890's. 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).

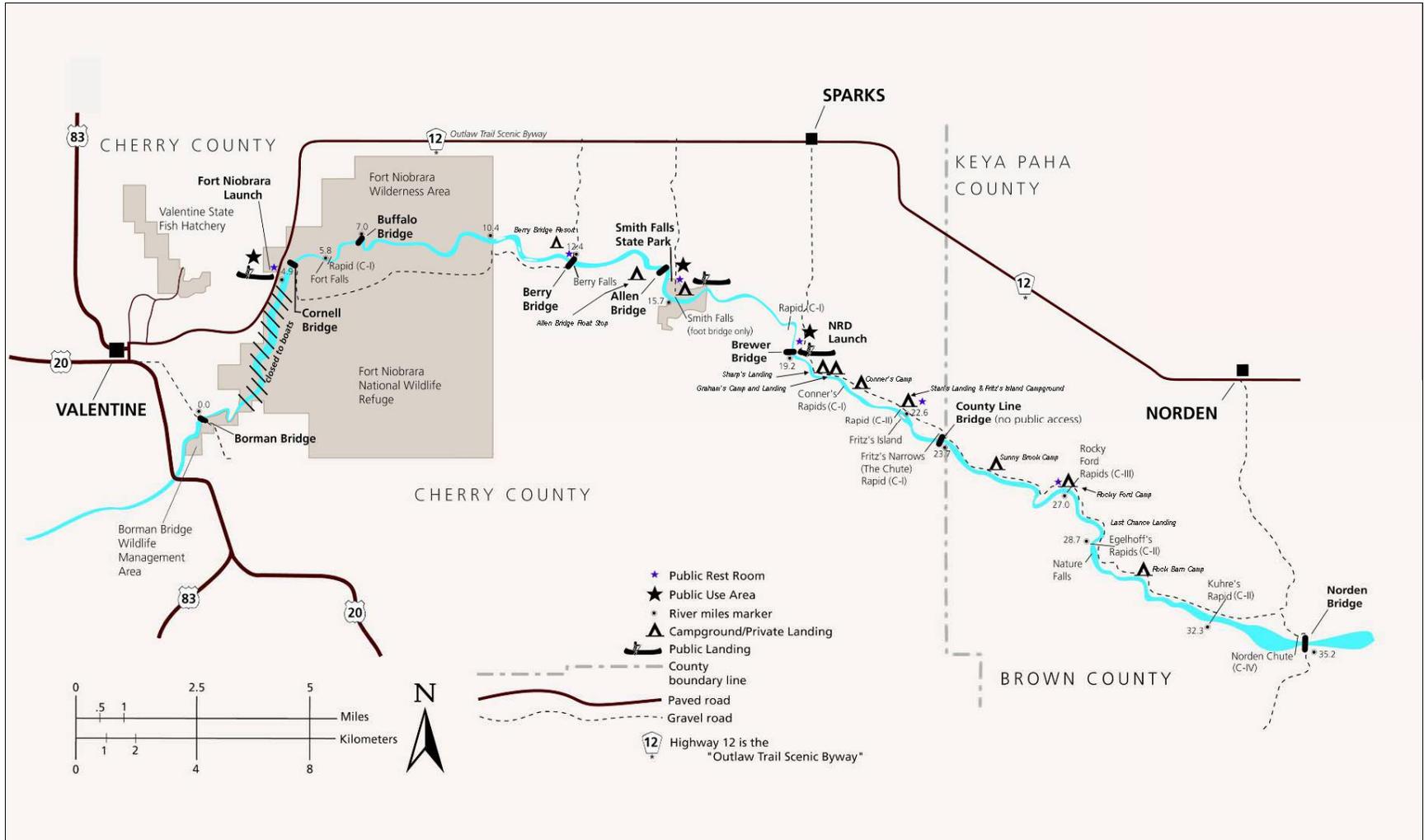
#### **4.4 Public Use**

**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, launches, 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.

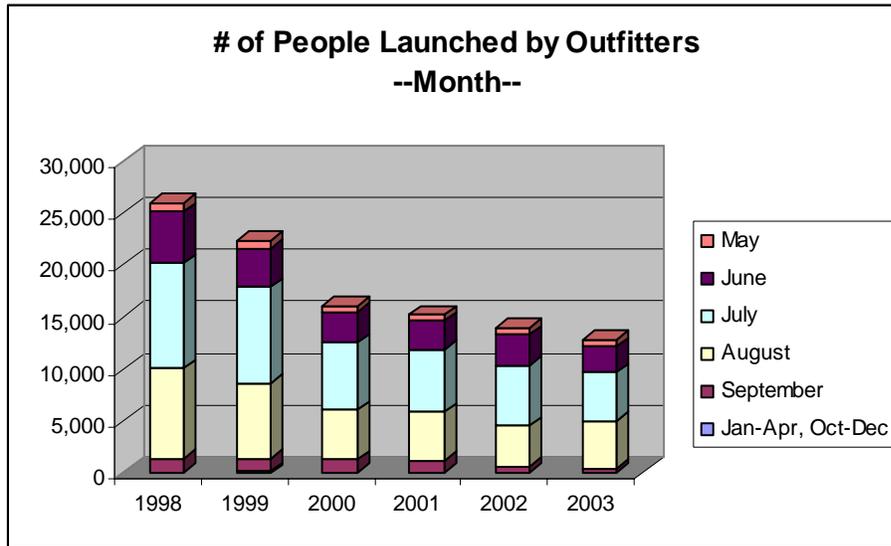
An Environmental Assessment of River Recreation on Fort Niobrara NWR was completed in 1994 in response to concerns over potential impacts of rapidly increasing river recreation use and settlement of the Compatibility Lawsuit (Civil No. C92-1641) of October 20, 1993 with the Sierra Club, National Audubon 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 to guide future management of wildlife, plants, habitats and visitors.

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 2). 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 2. 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
<b>Sunday</b>	20	64	44	92	155	196	133	146	2	4
<b>Weekday</b>	12	25	66	113	117	121	102	164	7	20
<b>Saturday</b>	73	137	288	541	409	486	416	614	69	127

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 is 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 have been 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 3.

**Table 3. Mean Number of People Floating Past a Fixed Point Per Minute.**

	2003	2002	2001
<b>Sundays</b>	3.4	4.9	4.0
<b>Weekdays</b>	3.9	4.0	4.0
<b>Saturdays</b>	4.7	6.8	5.8

Other summary statements from the 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 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 with the increase in river recreation 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.

Administrative Costs & Funding – There are various costs associated with river recreation which are borne by the Refuge and/or partners. Some expenses are off-set 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

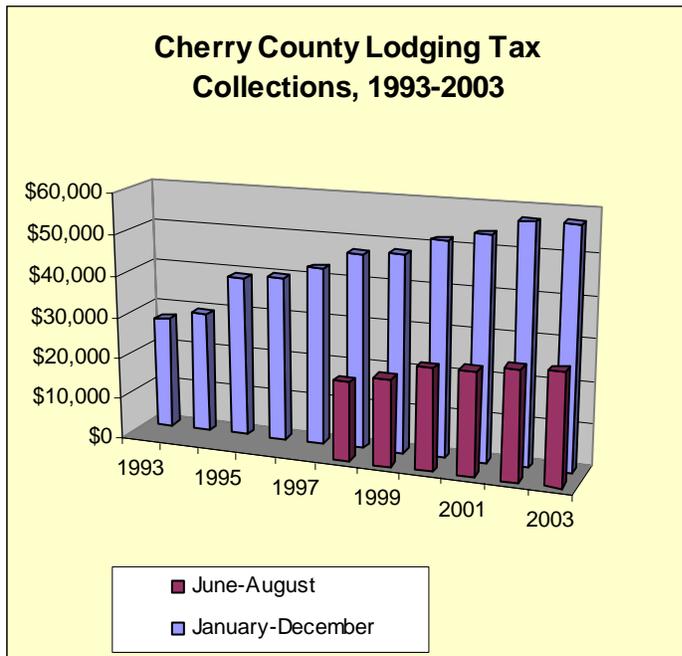
down river (off-refuge) due to the Refuge encouraging outfitters to redistribute use to other parts of the River to reduce crowding and due to the implementation and enforcement of regulations (i.e. ban on alcohol, boom boxes, projectile shooting devices) on the Refuge. National Park Service data suggest an average of approximately 22,500 people per year launched off-refuge between 2001 and 2003. 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.

#### **4.5 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 the past 11 years as reflected in lodging tax collections (Figure 5). 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 Collections for Cherry County**



\* Data provided by Nebraska Department of Economic Development.

## **Chapter 5. ENVIRONMENTAL ANALYSIS**

### **5.1 Introduction**

This chapter provides an analysis of the potential effects on resources, public use, and socio-economics associated with implementation of each of the four alternatives for management of wildlife-dependent river recreation on the Refuge. The four alternatives analyzed for environmental consequences are: Alternative A – Current Management (No Action); Alternative B – Protect Resources with Emphasis on Wildlife; Alternative C – Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation (*Preferred Alternative*); and Alternative D – Protect Resources with Emphasis on Wildlife-Dependent Recreation. Potential impacts were identified for each alternative based on a review of scientific literature, previously prepared documents for Fort Niobrara NWR and the area, and the best professional judgment of Service staff and other resource specialists.

The determination of effects is evaluated at several levels, including whether the effects are adverse or beneficial, and whether the effects are direct, indirect, or cumulative with other independent actions. The duration of effects may also be used in the evaluation of environmental consequences.

Direct effects are those where the impact on the resource is immediate and is a direct result of a specific action or activity. An example of a direct effect would be a bird fleeing from the area as a result of human disturbance. Indirect, or secondary, effects are those that are induced by implementation actions, but occur later in time or farther removed from the place of action through a series of interconnected effects. (For example, the impact that recreational use along a trail may have on nearby plant communities causing the introduction or spread of a noxious weed.) A cumulative effect is defined as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Impacts may be described in terms of their intensity levels (negligible, minor, moderate, and major) for each resource and/or their duration (short term or long term).

Potential effects of the management alternatives on resources, public use, and socio-economics are discussed below and summarized in Table 4.

### **5.2 Natural Resource Consequences**

Topography/Geology/Soils - Under Alternatives B and C, disturbance to soils would be minor. In a few locations, people climb the river bluffs and steep banks, which could hasten the erosion of these areas. Encouraging Refuge visitors to stay in their vessels and only stop at designated landings should help to minimize this impact. In Alternative A, the use level recorded in 2003 had the same effects as described for Alternatives B and C, however, the potential for increased disturbance exists and is similar to the description of Alternative D. Under Alternative D, river recreational use would be allowed to almost double from the current level which would increase the potential for moderate recreational trailing and resultant soil erosion. Increased information and education efforts, including personal contacts by law enforcement, would be used first to help minimize the impact. In Alternatives B, C, and D, if impact to soils becomes unacceptable, river floaters would be required to stay in their vessels and only stop at specified landings.

Water Resources – Under all alternatives, there is the potential for water quality to be affected by people defecating and urinating in or along the River. Water quality testing in recent years has failed to detect a negative effect on the Refuge at annual recreational use levels of approximately 14,000 to 18,000 people. Encouraging visitors to use restrooms at the launch area, along with the alcohol ban, have helped to keep this potentially negative impact minimal. It is expected that there would be no change for Alternatives B and C, however, the potential for an adverse effect is likely to increase under Alternatives A and D. Littering under Alternatives B and C would have minimal impact on natural resources due to “Leave No Trace” education efforts of outfitters, the Service and others; use of cooler tubes; river cleanups; and the alcohol ban. Under Alternatives A and D, the potential for more recreational river users could equate to more litter, however, strategies being implemented in the other alternatives would likely help to keep this potential impact minimal.

Plants – Under Alternatives B and C, there would be little disturbance to vegetation along the River. When river recreation was at the approximately 14,000 to 18,000 people level, most visitors did not get out of their vessels except on sandbars or at specified landings. The specified landings at Fort Falls Trail and the Fort Niobrara Wilderness Access were only lightly used and the only vegetation disturbed was on the foot path. Under Alternatives A and D, there is greater potential for disturbance to vegetation along the river banks and the possible cumulative effect of change in species composition or loss of plant cover. When river recreational use was at higher levels in the late 1990s, more people landed their vessels, picnicked on the bank, walked along the banks, and trampled vegetation. In Alternatives B, C, and D, if vegetation is negatively impacted, river floaters would be required to stay in their vessels and only stop at specified landings. Alternative A has no protective measures in place. Under all of the alternatives, the potential for purple loosestrife (noxious weed) to be spread by river floaters exists. Educating visitors on the noxious weed and minimizing disturbance to the native plant community in Alternatives B, C and D would be realistic goals for management.

Wildlife – Under all alternatives, river recreational use would result in disturbance to wildlife. Research on birds (Anderson 2004) within the Niobrara River corridor on Fort Niobrara NWR found that recreational presence created an immediate behavioral disturbance to waterbirds. These birds flee from recreationists regardless of vessel number, type, or visitor behavior. Noise was found to be an additive disturbance. Some riparian songbirds were sensitive to river recreation disturbance, but in the case of the common yellowthroat, other factors such as predation outweighed the potential recreational impact. Although results reported by Anderson (2004) could be considered inconclusive, other research projects have documented direct and indirect negative impacts to birds and other wildlife from recreational floating. Information is lacking in terms of longer-term impacts or cumulative impacts of frequent disturbance (i.e. energetic stresses and affect on species survival).

All alternatives include mechanisms for minimizing impact to wildlife on Fort Niobrara NWR such as the Refuge portion of the River above Cornell Dam being closed to recreation and a sanctuary for wildlife 100% of the time; and prohibiting high volume radios, water guns or devices capable of directing a projectile. Alternatives B, C and D, however, provide additional protective measures by defining use periods for recreation and protecting critical times of day for wildlife. Visitor use would be concentrated on Saturdays and the remaining days of the week

would have less public use and would emphasize the needs of wildlife. Also, the majority of river recreation would take place during the middle of the day. Recreational floaters would be encouraged to stay in their vessels, except at designated landings, not to approach wildlife, to be quiet, not litter, etc. If they do not voluntarily comply with these strategies, outfitters and river floaters would be required to abide by these strategies. River recreation levels defined in Alternatives B and C would result in minor disturbances to wildlife during managed, wildlife-dependent public use periods with the majority of time protected for wildlife. In Alternative A, the potential for moderate and prolonged disturbance to wildlife is possible if river use increases. The intensity and duration of disturbance to wildlife would be the greatest in Alternative D due to higher annual and daily recreational levels and a longer launch period (four hours instead of three); however, much of the day would still likely be free of disturbance.

Monitoring of wildlife and river recreation would be accomplished in Alternatives B, C and D to evaluate visitor impact and modify/guide future management.

Threatened and Endangered Species – Under Alternatives B and C, there would be minimal impact on threatened and 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. An occasional bald eagle has been sighted on the Refuge during the summer months since 2000 and has not appeared to be affected by public use levels and patterns recorded during those years. River recreational use levels proposed in Alternatives B and C are similar to what has occurred since 2000 and it is anticipated that there would be little change in summer bald eagle use of the Refuge. Potentially higher levels described in Alternative A and D could have greater potential to alter bald eagle use of the Refuge during the summer because of increased potential for disturbance. Whooping cranes, least terns, and piping plovers would not be impacted by any of the alternatives, since the area they inhabit on the Refuge is found above Cornell Dam which is closed to recreational use. Also, most of the documented use of the Refuge by these species takes place in the spring and fall when very little recreational use of the River occurs.

Special Designations – Under Alternatives B and C, a spectrum of quality visitor experiences from wilderness solitude to recreational is possible by defining standards for the maximum number of people that may launch on a specific day. Standards identified by Davis et al. (2000) were modified slightly for Sunday through Friday to accommodate family groups. A standard of no more than four people launching per minute Sunday – Friday during the targeted river public use period (10:00 a.m. – 1:00 p.m.) would enable an average family group the opportunity for a wilderness experience. Saturdays are protected from excessive crowding by implementing the standard of no more than eight people launching per minute during the targeted river recreational use period. Defining a maximum of five tubes carrying no more than eight people is another strategy that would protect the visitor experience while enhancing visitor safety. Also, all river floating is done by non-motorized vessels (canoe, kayak, tube), thus not violating provisions of the Wilderness Act. Visitors to the Refuge during the off-season or outside the targeted daily recreational use period would see few people and have the opportunity for solitude. Although wildlife receives primary emphasis outside of these targeted recreational use periods, Refuge visitors can still float the River in low numbers. In Alternative D, as recreational use of the River increases, opportunities for solitude would be less but still available through the reservation system. Alternative A has no standards defined for a wilderness experience which

could negatively affect visitors wanting to experience solitude as river use levels increase. Voluntary or required staggering of launches is a management strategy in Alternatives B, C and D that could be utilized to enhance visitor experience during the daily recreational use window.

### **5.3 Cultural and Paleontological Resource Consequences**

Under all alternatives, there would be little or no human impact on cultural and paleontological resources as most resources are either covered by soil or located in closed areas. Paleontological resources in river cliff faces occasionally become exposed due to wind erosion, however, few river recreationists notice them.

### **5.4 Public Use Consequences**

General – Under all of the alternatives, total visitation to the Refuge could increase. River recreational floating on the Refuge, if done in a compatible manner, enables visitors the opportunity to observe wildlife, plants, and their habitats and increase their awareness, understanding, and appreciation of the Refuge and NWRS. With the assistance of partners (i.e. National Park Service, Niobrara Council, outfitters), new and improved media (i.e. information panels, brochures, DVDs) would be developed and environmental education programs conducted in Alternatives B, C and D. Environmental education and interpretation would be greatly improved and visitor experience enhanced in Alternatives C and D with the construction and staffing of a new Environmental Education Center shared with the National Park Service and/or other partners. In Alternative A, river visitors would receive minimal information in the manner presently being provided via outdated panels on an information kiosk, brochure, and a safety/refuge orientation provided by outfitters to their clients.

Wildlife-Dependent River Recreation – Under all alternatives, river recreational use could increase from the annual level of approximately 14,000 people recorded in 2003. A minor increase in river floaters from 2003 would be possible under Alternative B. The annual use level of 20,300 people in Alternative C allows for a moderate increase in use on Saturdays in July and August when nesting by avian species is at or near completion and when the demand is greatest. River use under Alternatives A and D would be capped at the 1998 level of approximately 27,600 people which allows for river recreation to about double from 2003 levels recorded on the Refuge. Alternatives B, C and D have daily use limits established to help to protect visitor experiences and the needs of wildlife outside focused launch windows. Saturday use levels for Alternatives B and C are higher than current levels but not as high as those recorded historically or which could occur in Alternative A. Alternative D has an upper use limit for Saturdays that is higher than Alternatives B and C but less than levels recorded in the late 1990s. Sunday and weekday use in Alternative B and C could increase slightly on some days from current use levels, however, the overall goal of management would be to shift use back to Saturdays and protect these lower river use days for a higher quality float trip (i.e. greater chance of seeing wildlife, lower intensity and duration of disturbance to wildlife and plants) and lowered intensity of disturbance to wildlife. Sunday and weekday use levels allowed in Alternative D would be considerably higher than what currently occurs, however, the defined upper limit would protect visitor experience and provide a range of opportunities from moderate recreational to solitude. Focusing launches within a three-hour period in Alternatives B and C and a four-hour launch period in Alternative D would shift recreational river use to start about one hour later in the

morning to benefit wildlife. This shift could affect some visitors and outfitters who like to launch earlier and may delay their take-out time down river. Some very limited numbers of launching before and after the preferred recreational use window would be allowed to accommodate visitors who want a wilderness solitude experience and greater opportunity to see wildlife.

Commercial Outfitting – Under Alternative A, the nine historic outfitters would continue to provide services to Refuge visitors who want to float the Niobrara River. No additional outfitters would be allowed, negatively affecting non-refuge outfitters wanting to do business on Fort Niobrara NWR. Conditions of the Special Use Permit, provided to outfitters, would not have visitor standards and outfitter proposal. Alternatives B, C and D increase the requirements that an outfitting business must meet in order to provide services to the Refuge visitors. These requirements along with very specific selection and evaluation criteria would result in better visitor service and a safe, quality experience. Alternative B would allow the opportunity for new businesses to outfit on the Refuge, however, the total number of outfitters would be limited to a maximum of nine. Outfitters with the highest application score would be selected to receive a Special Use Permit in Alternative B. Alternatives C and D would not limit the number of Refuge river outfitters, but all outfitters would have to meet the requirements specified in Appendix C – Proposals for Outfitting Services. Under Alternatives B, C, and D, current Refuge outfitters could experience loss of income through competition from new outfitters.

In terms of the amount of business opportunity for Refuge outfitters, Alternative A would continue with the unequal allocation of launches which favors some outfitters over others. Alternative B would allow equal allocation of people launched per outfitter to start with, but the potential for additional business for some outfitters is possible. The number of people any one outfitter could launch on the Refuge in Alternative C would be decided by the outfitter and how much he/she wishes to bid. Under Alternative D, there would be no allocation of people launches to an outfitter. Individual people/groups would reserve/purchase their own launch passes through a government contracted reservation service and then contact a commercial outfitter of their choice for services, if needed. Under Alternatives B and C, daily limits Sunday through Friday, and eventually Saturdays, could negatively affect some outfitters. Under any of these alternatives, some outfitters could gain business, some could experience a drop in business, and others may experience about the same level of business as they are currently doing on the Refuge.

Special Use Permits for commercial outfitters under all alternatives would continue with the stipulation that the permit could not be sold, transferred, or subleased. A Special Use Permit under Alternative A would be good for one year only. Alternative B specifies a three-year period contingent upon successful annual evaluations. Special Use Permits under Alternatives C and D initially are for a term of one year. However, once the program becomes established, the Service could consider extending the length of the Permit to three years.

Safety – Potential safety hazards exist under all alternatives and include drowning; conflicts between visitors; cuts and bruises due to tipping a canoe or kayak; reaction to poison ivy; illness from tick and mosquito bites; sunburn and exposure. The potential for significant increased river recreational use from current levels under Alternatives A and D could result in an increase in the

number of accidents. Alternatives B and C would probably not result in much of an increase in accident numbers from current levels. Under all alternatives, the Refuge and its partners would continue to work together to reduce accident rates. Safety orientations and canoeing/kayaking skills would be emphasized in educational efforts. Annual evaluations of outfitters, as specified in Alternatives B, C and D, should help to identify, correct, and minimize potential hazards to Refuge visitors.

Facilities – The launch area, under all alternatives, would be maintained. Potential for crowding could increase at higher river recreation levels under Alternatives A and D. Under Alternatives C and D, visitor facilities would be expanded with the construction of a new Environmental Education Center, shared with the National Park Service and others, would have a major, positive effect on visitor experience.

Administrative Costs & Funding – Costs associated with Alternative A would rise if river recreation use levels return to the 1998 cap level. Funds collected through the fee demonstration program help to off-set some of these costs that are paid by general operating and maintenance funds of the Refuge. Under Alternatives B and C, costs would be similar to those currently incurred with the exception of increased costs associated with administering commercial outfitters and long-term monitoring of natural resources and visitors. Administrative costs associated with commercial outfitting would be recovered by the annual Special Use Permit fee and launch fees paid by outfitters. Given the increased emphasis on partnering under Alternatives B, C, and D, there could be numerous opportunities to match funds and share resources among the Refuge and its partners. Increased river recreation described in Alternative D would lead to additional expense for law enforcement, facilities maintenance, monitoring, and visitor management (i.e. interpretive information/education, launch passes). Some of the increased cost would be recovered by an increase in the user fee. A government contracted business (i.e. Reserve America) would administer the reservation system and recover its expenses by charging a reservation fee. Costs associated with the construction and staffing of a new Environmental Education Center in Alternatives C and D would be shared with the National Park Service and/or other partners.

Neighboring Jurisdictions – Under Alternatives B, C and D, a shift back to river floaters launching primarily on the Refuge could take place as the public becomes aware of the type of quality experience that is being offered and protected. The shift could alleviate some of the launch pressure being experienced off the Refuge. However, river floaters who want to consume alcoholic beverages would still launch off the Refuge. Under Alternative A, current public use trends could continue which is reduced public river use on the Refuge and increase use on other portions of the River off the Refuge. Under Alternatives B, C and D, increased partnerships could result in better monitoring of the effects of river recreation on natural resources and visitors both on and off the Refuge. This information could be used to help evaluate and guide future management of the Niobrara River, as a whole.

## **5.5 Socio-Economic Consequences**

All alternatives could have positive effects on the local economy as they allow for expansion in the number of people launching on the Refuge. Alternatives B, C, and D also assure a quality

experience for river floaters on the Refuge, which could result in return visits to the area and additional revenues. Also, Alternatives C and D would have even greater positive influence on the local economy through the construction and staffing of a new Environmental Education Center. Although the Refuge has received comments that management actions in Alternative A have caused a negative effect on the local economy, lodging taxes collected in Cherry County during the summer months since 1998 (Figure 5) suggest otherwise.

The daily launch fee assessed under all Alternatives is considered to be a minor, financial expense to most Refuge visitors. Alternative A would cost \$2.00 per vessel to launch on the Refuge which equates to \$1.00 to 2.00 per person depending upon the vessel type. The daily user fee for a private individual (non-outfitted) to float through the Refuge stretch of river would be a minimum of \$ 1.00 per person in Alternatives B and C. Under Alternatives A, B and C, the amount of money a commercial outfitter actually charges clients to launch on the Refuge, however, could be higher. The cost for a Refuge river floater would be greatest in Alternative D with a minimum daily user fee of \$ 2.00 per person collected in addition to a reservation fee charged by a contracted reservation system.

Business expenses of Refuge outfitters would increase under Alternatives B, C, and D due to the increased annual cost of a Special Use Permit and requirements for operating a commercial outfitting business on the Refuge (i.e. public liability insurance, quality equipment, reporting, etc). Annual expenses to outfitters under Alternative A would continue to be minimal.

**Table 4. Summary of Consequences by Management Alternatives**

Resource Topics	Alternative A - <i>Current Management</i> (No Action)	Alternative B - <i>Protect Resources with Emphasis on Wildlife</i>	Alternative C - <i>Protect Resources with Emphasis on Wildlife and Wildlife-Dependent Recreation</i>  *Preferred Alternative	Alternative D - <i>Protect Resources with Emphasis on Wildlife-Dependent Recreation</i>
<b>Natural Resource Consequences</b>				
<ul style="list-style-type: none"> <li>Topography/Geology/Soils</li> </ul>	Moderate recreational trailing and resultant soil erosion could occur as visitor numbers increase.	Minor disturbances to soils are possible. If impacts become unacceptable, floaters would be required to stay in vessels.	Same as Alternative B.	Same as Alternative A except if impacts become unacceptable, floaters would be required to stay in vessels.
<ul style="list-style-type: none"> <li>Water Resources</li> </ul>	Potential for adverse effects is likely to increase due to potentially higher river recreation levels.	Minimal negative effects on water resources due to lower recreational use levels, alcohol ban, “Leave No Trace” education, required river cleanups, etc.	Same as Alternative B.	Same as Alternative A except impacts would be mitigated slightly with required river cleanups and increased “Leave No Trace” education efforts.
<ul style="list-style-type: none"> <li>Plants</li> </ul>	Greater potential for disturbance to vegetation along river banks and possible cumulative effect of change in species composition or loss of plant cover due to higher recreation levels. Purple loosestrife could be spread by river recreation floaters.	Little disturbance to vegetation along river due to lower recreational use levels, encouraging people to stay in their vessel and only stop at specified landings. Purple loosestrife could be spread by river recreation floaters.	Same as Alternative B.	Same as Alternative A except if impacts become unacceptable, floaters would be required to stay in their vessels and only stop at specified landings.

<ul style="list-style-type: none"> <li>Wildlife</li> </ul>	<p>Potential for moderate and prolonged disturbance to wildlife due to potentially higher river recreation levels. River stretch above Cornell Dam on Refuge is closed to recreation and is a sanctuary for wildlife 100% of the time. Active education and enforcement of regulations help to minimize impacts to wildlife.</p>	<p>Minor disturbances to wildlife during managed river float periods with majority of the time protected for wildlife. River stretch above Cornell Dam would remain closed to recreation and be a sanctuary for wildlife 100% of the time. Active education and enforcement of regulations help to minimize impacts to wildlife.</p>	<p>Same as Alternative B.</p>	<p>Greater intensity and duration of disturbance to wildlife during managed recreation periods due to higher annual and daily recreational levels and a longer launch period, however much of the day would likely be free of disturbance. River stretch above Cornell Dam would remain closed to recreation and be a sanctuary for wildlife 100% of the time.</p>
<ul style="list-style-type: none"> <li>Threatened and Endangered Species</li> </ul>	<p>No impact on whooping cranes, least terns, and piping plovers. Potentially higher river recreation levels could negatively affect bald eagle use of the Refuge during the summer because of increased potential for disturbance.</p>	<p>No impact on whooping cranes, least terns, and piping plovers. River recreation use levels would have minimal impacts on bald eagle use of the Refuge.</p>	<p>Same as Alternative B.</p>	<p>Same as Alternative A.</p>
<ul style="list-style-type: none"> <li>Special Designations</li> </ul>	<p>No visitor experience standards are defined to protect the opportunity for a wilderness experience. Potentially higher river recreation use levels could impact visitor experience and opportunities for solitude.</p>	<p>A spectrum of quality visitor experiences from wilderness solitude to recreational is made possible by defining visitor experience standards and implementing management strategies to meet them (i.e. restrict number of people that can launch during a specified time/interval.)</p>	<p>Same as Alternative B.</p>	<p>Same as Alternative B except higher river recreational use levels would likely result in fewer opportunities for solitude.</p>

<b>Cultural and Paleontological Resource Consequences</b>	Little to no human impact.	Same as Alternative A.	Same as Alternative A.	Same as Alternative A.
<b>Public Use Consequences</b>				
<ul style="list-style-type: none"> <li>General</li> </ul>	Total visitation to the Refuge could increase. River users would receive minimal information in the manner presently being provided via outdated panels on an information kiosk, brochure, and a safety/refuge orientation provided by outfitters to their clients.	Total visitation to the Refuge could increase. Visitor experience would be enhanced through new and improved media and environmental education programs.	Same as Alternative B except construction and staffing of a new Environmental Education Center shared with the National Park Service and/or other partners would probably result in a much higher total Refuge visitation level and better visitor experience.	Same as Alternative C.
<ul style="list-style-type: none"> <li>Wildlife-Dependent River Recreation</li> </ul>	A major increase in river recreation from the 2003 level of 14,000 people would be possible.	A minor increase in river recreation from the 2003 level of 14,000 people would be possible. Concentrating launches from 10:00 am – 1:00 pm would cause river use to start about one hour later which would benefit wildlife but inconvenience some outfitters or Refuge visitors.	A moderate increase in river recreation from the 2003 level of 14,000 people would be possible, with use encouraged on Saturdays up to a defined maximum level. Concentrating launches from 10:00 am – 1:00 pm would cause river use to start about one hour later which would benefit wildlife but inconvenience some outfitters and Refuge visitors.	A major increase in river recreation from the 2003 level of 14,000 people would be possible and be distributed across all days of the week. Concentrating launches from 10:00 am – 2:00 pm would cause river use to start about one hour later which would benefit wildlife but inconvenience some outfitters and Refuge visitors.

<ul style="list-style-type: none"> <li>Commercial Outfitting</li> </ul>	<p>Business opportunity and requirements for historic outfitters would not change. Non-refuge outfitters wanting to do business on the Refuge would not be able to and would be negatively affected. Launches would be unequally allocated and based on historic caps which favor some outfitters over others.</p>	<p>Number of outfitters that could receive a Special Use Permit would be restricted to nine and decided by a competitive process every three years. This could negatively affect some historic Refuge outfitters and positively affect want-to-be outfitters. Launches would initially be allocated equally between Refuge outfitters with no business given an advantage over another. This allocation process, along with daily limits, could result in some historic outfitters having less business opportunity on the Refuge. Increased requirements to outfit on the Refuge along with annual evaluations would result in better visitor service and a safe, quality experience.</p>	<p>No limit on number of businesses that could provide outfitting services on the Refuge would benefit all prospective outfitters. Setting an upper limit on number of launch passes any one outfitter could purchase and using a bid system would ensure opportunity for all outfitters and prevent a monopoly. Increased requirements to outfit on the Refuge along with annual evaluations would result in better visitor service and a safe, quality experience.</p>	<p>No limit on number of businesses that could provide outfitting services on the Refuge could benefit all prospective outfitters. With a reservation system, no launch passes would be allocated to outfitters. River floaters would reserve and purchase their own launch passes and then choose which Refuge outfitter they wish to do business with. Outfitters that provide quality services at reasonable prices would benefit. Increased requirements to outfit on the Refuge along with annual evaluations would result in better visitor service and a safe, quality experience.</p>
<ul style="list-style-type: none"> <li>Safety</li> </ul>	<p>Safety hazards such as drowning, conflicts between visitors, cuts and bruises due to tipping a canoe or kayak, etc. exist. Number of accidents would likely increase at higher use levels. Refuge and its partners would continue to work together to reduce accident rates.</p>	<p>Same as Alternative A except accident rates would be minimal due to less people floating the river. Annual evaluations of outfitters should help to identify, correct, and minimize potential hazards.</p>	<p>Same as Alternative B.</p>	<p>Same as Alternative A except annual outfitter evaluations should help to identify, correct, and minimize potential hazards.</p>

<ul style="list-style-type: none"> <li>Facilities</li> </ul>	<p>Launch area facilities would be maintained and could result in crowding at high river use levels.</p>	<p>Launch area facilities would be maintained which would have negligible affect on visitors.</p>	<p>Same as Alternative B except construction and staffing of a new Environmental Education Center would have a major, positive effect on visitor experience.</p>	<p>Same as Alternative A except construction and staffing of a new Environmental Education Center would have a major, positive effect on visitor experience.</p>
<ul style="list-style-type: none"> <li>Administrative Costs &amp; Funding</li> </ul>	<p>Costs would rise if river use levels return to the 1998 capped level.</p>	<p>Costs would be similar to what are currently incurred with exception of increased expense associated with administering commercial outfitters and long term monitoring of natural resources and visitors. With increased partnerships, there could be numerous opportunities to match funds and share resources.</p>	<p>Same as Alternative B except costs would increase with construction of a new Environmental Education Center. Increased costs would be shared with National Park Service and/or other partners.</p>	<p>Costs would rise due to increased river recreation; expense associated with administering outfitters, and long term monitoring of natural resources and people. Increased partnerships could result in numerous opportunities to match funds and share resources. A government contracted business would recover its expense by charging a reservation fee. Construction of a new Environmental Education Center would result in increased costs and be shared with National Park Service and/or other partners.</p>

<ul style="list-style-type: none"> <li>• Neighboring Jurisdictions</li> </ul>	<p>Current public use trends could continue which is reduced public river use on the Refuge and increase use on other portions of the River off the Refuge.</p>	<p>Due to quality experience being offered and protected on the Refuge, river floaters could shift back to launching on the Refuge which would alleviate some of the pressure being experienced off- Refuge. Increased monitoring of resources and visitors could result in better information being used by various jurisdictions to manage river as a whole.</p>	<p>Same as Alternative B.</p>	<p>Same as Alternative B.</p>
<p><b>Socio-Economic Consequences</b></p>	<p>Potential for increased visitation to the Refuge would bring increased revenues to local businesses. Daily user fee of \$ 2.00 per vessel launching on the Refuge would have a negligible effect on the visitor. Annual expenses to Refuge outfitters would not change and include minimal \$ 5.00 special use permit fee and \$ 25.00 per vessel fee.</p>	<p>Potential for increased visitation to the Refuge and high quality visitor experience would bring increased revenues to local businesses. Daily minimum user fee of \$ 1.00 per person launching on the Refuge would have a negligible effect on the visitor. Annual expenses to Refuge outfitters would increase due to increased annual cost of a Special Use Permit and requirements for operating a commercial outfitting business on the Refuge.</p>	<p>Same as Alternative B except addition of a new Environmental Education Center could bring even more revenues to local businesses. Outfitter expenses could be higher depending upon the amount he/she bids on launch passes.</p>	<p>Potential for increased visitation to the Refuge and high quality visitor experience would bring increased revenues to local businesses. Daily minimum user fee of \$ 2.00 per person launching on the Refuge along with a reservation fee would have a moderate, negative effect on visitors. Annual expenses to Refuge outfitters would increase due to increased annual cost of a Special Use Permit and requirements for operating a commercial outfitting business on the Refuge.</p>

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## **Appendix B. 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 NWR, 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;
- USDI, NPS, Stuart Schneider, Valentine, NE

### **State Officials**

- Governor Mike Johanns, Lincoln, NE
- Senator Jim Jones, 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, Denton, 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, Ainsworth, NE
- The Wilderness Society, Bozeman, MT
- The Wilderness Society, Washington, DC
- Wilderness Watch, Missoula, MT

## **Newspapers and Radios**

- 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

## 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

# **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 float tubes.
2. Shuttle service (required on weekends).
3. Interpretive (guided) tours of the Niobrara River on the Refuge.

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 area includes a restroom, 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 January 31, 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 operate an outfitting service on the Niobrara National Scenic River in Fort Niobrara NWR to another party.
  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 (provided in the final Environmental Assessment.)

## 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.