

DRAFT ELK HUNTING PLAN

UNITED STATES FISH AND WILDLIFE SERVICE

J. CLARK SALYER, UPPER SOURIS, DES LACS AND
LOSTWOOD NWRs

May 2024

Recommended By: _____
Northwest North Dakota Complex Project Leader

Reviewed By: _____
Refuge Supervisor ND/SD

Approved By: _____
Refuge Chief

I. INTRODUCTION

The United States Fish and Wildlife Service (Service) is proposing to open J. Clark Salyer, Upper Souris, Des Lacs and Lostwood National Wildlife Refuges (NWRs) to elk hunting.

The purpose of the hunt is to increase the general public's recreational opportunities on the refuges while providing a more "backcountry" style elk hunting opportunity.

The National Wildlife Refuge System Improvement Act of 1997 (H.R. 1420) signed into law by President Clinton on October 7 of that year, identified hunting as one of six priority public uses of the System. These public uses are to receive priority consideration in the planning and management of refuges and those uses deemed compatible with refuge purposes should be facilitated. The approved Comprehensive Conservation Plan (CCP) and associated Compatibility Determination for Recreational Hunting allow for elk hunting on these refuges. Although elk hunting was determined to be compatible for these refuges no hunting plan was written, and elk hunting was not added to 50 CFR at that time. Elk hunting on J. Clark Salyer, Upper Souris, Des Lacs and Lostwood NWRs was not identified in the respective CCPs. This hunt plan and associated NEPA documents will address elk hunting on all four refuges.

Various members of the public have approached the Service about hunting elk on all four of these refuges. The North Dakota Game and Fish has also expressed great interest in opening these refuges to elk hunting. Thus, the Service is proposing to open elk hunting on these refuges. Hunting is an acceptable and traditional form of wildlife-oriented recreation and can be used as a tool to effectively manage game populations.

The proposal has received overwhelming public support with the public welcoming additional opportunities to hunt elk on public lands.

A. About the Refuges

J. Clark Salyer NWR is a 58,700-acre refuge that extends south from the Canadian border along the east arm of the Souris River in Bottineau and McHenry counties, North Dakota. The 32,092-acre Upper Souris NWR extends south-southeast along 35 miles of the Souris River in Renville and Ward counties, North Dakota. The 26,904-acre Lostwood NWR is in Burke and Mountrail Counties in northwestern North Dakota. The 19,500-acre Des Lacs NWR extends south from the Canada border along 28 miles of the Des Lacs River in Burke and Ward counties, North Dakota. The refuges were established under the authority of the Migratory Bird Conservation Act of 1929. ... As stated in the executive orders establishing these refuges in 1935, the purpose of each refuge is "as a refuge and breeding ground for migratory birds and other wildlife."

Characteristic plants were grasses, especially needlegrass, wheatgrasses and big bluestem. Bur oak and quaking aspen dominated the Turtle Mountains, along the present-day Manitoba border. Woodland also occurred along much of the Souris River, some stunted bur oak and aspen was scattered among sandhills of present-day McHenry County; patches of trees and shrubs were infrequently encountered at Des Lacs NWR; and woody vegetation was rare elsewhere.

The contemporary landscape of the Souris River basin was dominated by annually tilled cropland. Major crops include cereal grains, principally wheat, and various oilseeds. Some cropland areas classified as "highly erodible" have been seeded to perennial, herbaceous cover under the U.S. Department of Agriculture's (USDA) Conservation Reserve Program (CRP). Hay is harvested from seeded upland areas annually, usually in early to mid-summer. Native

meadows along the Souris River also supply annual hay crops. In addition, some seasonally flooded wetland basins supply hay (typically late summer). There is almost no irrigated cropland. Ranching for beef cattle (usually cow-calf operations) is common locally, especially in the hilly, sandy area of McHenry County (the southeastern part of the basin) and along the lower half of the Souris River.

Lostwood NWR topography consists of rolling hills covered with native and tame grasslands, small stands of quacking aspen and numerous wetlands. Common native grasses include needle-and-thread, green needlegrass, western wheatgrass and blue grama. Native forbs including purple coneflower, prairie coneflower, blanket flower, northern bedstraw, goldenrod, wild licorice, meadow anemone, white sage and many others are scattered throughout the grasslands. The mixed grass prairie on Lostwood NWR is managed using grazing and prescribed burning as the primary tools. Adjacent private lands consist mostly of native and tame grasslands used for grazing and haying; scattered cropland consisting of small grains and row crops.

In August 2007, the J. Clark Salyer, Upper Souris and Des Lacs NWRs CCP was completed and in 1998 the Lostwood NWR CCP was completed. These plans guide the management of these refuges. This document and the associated NEPA documents serve as step down plans for the CCPs regarding recreational hunting on the Refuges.

II. CONFORMANCE WITH STATUTORY AUTHORITIES

Lostwood, J. Clark Salyer, Upper Souris, and Des Lacs NWRs were established by Executive Orders 7171, 7170, 7161 and 7154A, respectively. The federally legislated purposes for which these refuges were established are "...as a refuge and breeding ground for migratory birds and other wildlife..."

This plan supports the priority public use provisions of the National Wildlife Refuge System Improvement Act of 1997.

III. ASSESSMENT

A. Compatibility with Refuge Objectives

Hunting is one of the six wildlife-oriented recreational uses prioritized by the National Wildlife Refuge System Improvement Act of 1997. The Secretary of Interior may permit hunting on a refuge if he/she determines that such use is compatible with the refuge purpose for which it was established. The hunting program will not materially interfere with or detract from the fulfillment of the purposes of the Refuge or mission of the National Wildlife Refuge System (603 FW). Hunting meets refuge objectives by providing a sustainable wildlife-dependent recreational opportunity.

B. Biological Soundness

Elk hunting within North Dakota is regulated by the North Dakota Game and Fish Department. A limited number of permits are issued by the state through a lottery system. We are proposing to open J. Clark Salyer, Upper Souris, Des Lacs and Lostwood NWRs to elk hunting within the respective state authorized and regulated elk district. These four refuges lie within the current Elk Hunting Unit E5, opening the refuges will only provide additional public land hunting

opportunities within that current unit. Although elk numbers are expanding in this portion of the state, opening these refuges will not result in extra tags being issued solely because the refuges are open; and elk hunting mortality within the hunting unit will be like that experienced prior to opening these refuges. Elk use of the refuges is based on several environmental factors and elk move on and off the refuges throughout the year subjecting them to hunting mortality off of the refuge. Due to the limited number of tags issued, elk mortality on the refuge should not have any negative impact to elk usage on the refuge.

C. Economic Feasibility

Annual hunt administration costs including salary, equipment and regulation publication are currently estimated to be around \$3,000 annually. The time demands on the staff involve brochure development, calls, phone information requests and law enforcement patrols. It is anticipated that funding will continue to be sufficient to continue the hunting program in the future.

IV. MEASURES TAKEN TO AVOID CONFLICTS WITH OTHER MANAGEMENT OBJECTIVES

A. Biological Conflicts

A Section 7 evaluation evaluating potential impacts of the hunt on endangered and threatened species is being done concurrent to the NEPA process for the hunt opening package. Scheduling, signing, education and law enforcement will minimize disturbance to these and other non-target species.

B. Public Use Conflicts

Public use on J. Clark Salyer, Upper Souris, Des Lacs and Lostwood NWRs currently consists of hunting, wildlife observation, fishing, photography, hiking and canoeing. Opening the Refuges to elk hunting will increase the opportunity for public recreation. The proposed hunt does not offer significant conflicts with other hunts or with non-consumptive users. Few non-consumptive users use the Refuges during the hunting season. Most non-consumptive use is from spring through Labor Day. Total non-consumptive visits are estimated to be extremely low through fall and winter, reducing any potential conflict.

C. Administrative Conflict

The staffing and funding available to administer this hunt is adequate so long as there is little reduction in current assets. Presently, minimal labor-intensive data is collected during the hunts. The hunt regulations and bag limits will be in accordance with those set by the state. Special regulations, including hunt dates and hours, will be kept to a minimum to avoid excessive administrative procedures. All regulations will be published in a refuge brochure with reference to the Bighorn Sheep, Elk and Moose Hunting Guide published annually by the North Dakota Game and Fish.

V. CONDUCT OF THE HUNTING PROGRAM

The proposed changes to add an elk hunting opportunity will modify the Refuge Specific Hunt Regulations in 50 CFR 32.53 North Dakota for Big Game Hunting, as follows:

Big Game Hunting. We allow hunting of deer, moose, and elk on designated areas of the refuge in accordance with State regulations subject to the following conditions:

Des Lacs National Wildlife Refuge

Big game hunting. We allow deer, elk, and moose hunting on designated areas of the refuge subject to the following conditions:

- (i) We only allow the use of portable tree stands and ground blinds. We prohibit leaving stands and blinds overnight on the refuge (see § 27.93 of this chapter).
- (ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.
- (iii) The condition set forth at paragraph (q)(2)(iv) of this section applies.
- (iv) Elk hunters may only use nontoxic ammunition.

J. Clark National Wildlife Refuge

Big game hunting. We allow hunting of deer, elk, and moose on designated areas of the refuge subject to the following conditions:

- (i) You must possess and carry a refuge permit to hunt antlered deer on the refuge outside the nine public hunting areas during the regular firearms season.
- (ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons. You may access refuge roads open to the public before 12 p.m. (noon).
- (iii) Elk hunters may only use nontoxic ammunition.

Lostwood National Wildlife Refuge

Big game hunting. We allow deer, elk, and moose hunting on designated areas of the refuge subject to the following condition: We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective archery, gun, or muzzleloader deer hunting season.

- (i) Elk hunters may only use nontoxic ammunition.

Upper Souris National Wildlife Refuge

Big game hunting. We allow deer, elk, and moose hunting on designated areas of the refuge subject to the following conditions:

- (i) We only allow the use of portable tree stands and ground blinds. You must remove stands and blinds from the refuge at the end of each day's hunt (see § 27.93 of this chapter).
- (ii) The condition set forth at paragraph (kkk)(2)(ii) of this section applies.

- (iii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.
- (iv) Elk hunters may only use nontoxic ammunition.

Prohibited Activities:

Hunting any species not specifically listed

Use of vehicles, ATV's, UTV's, ORV's, OHV's, amphibious vehicles, snowmobiles, and other road vehicles

Use or possession of lead shot while hunting birds. Use of lead ammunition while hunting elk.

Leaving tree stands, ground blinds, trail cameras, other electronic equipment, or personal property overnight.

Use of any tree stand that implements bolts, nails, screws, wires, or screw-in steps.

Use of flagging, trail markers, paint, reflective tacks, or other types of markers

Removing shed antlers

Baiting

Use or possession of alcoholic beverages while hunting.

Using horses, mules, or other livestock

Camping and open fires

Use of drones

Littering

Discharge of a firearm for reasons other than approved uses.

VI. Anticipated Public Reaction to the Hunt

Public reaction to the proposed hunt has been favorable. In this portion of the North Dakota, few public "backcountry" style elk hunting opportunities exist. Generally, the public desires more hunting than less on the refuges. Public reaction from surrounding communities to all refuge hunts has been very favorable and should continue to be the same in the future. Nationally, there are some anti-hunting sentiments and many organizations that are opposed to hunting on national wildlife refuges. It is possible that some objections may be voiced to the hunt presented within this plan.

VII. Hunter Application Procedures

Persons interested in hunting elk on the Refuges must apply for an elk hunting permit through the North Dakota Game and Fish lottery permit system.

VIII. Description of Hunter Selection Process

Elk hunting permits are issued by the North Dakota Game and Fish through a lottery permit system.

IX. Media Selection for Publicizing the Hunt

The proposed hunts will be publicized in News Media circulated in North Dakota as well as on social media managed by the respective Refuges. The North Dakota Game and Fish will also publicize hunts in their brochures and on their social media platforms.

DRAFT