

DRAFT

A B I L L

To designate certain lands in the Valentine National Wildlife Refuge, Cherry County, Nebraska, as wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c), certain lands in the Valentine National Wildlife Refuge, Nebraska which comprise about 16,317 acres and which are depicted on a map entitled "Valentine Wilderness - Proposed" and dated August, 1972, and hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and a legal description of the Valentine Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Valentine Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

DRAFT

The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

It is again with pleasure that I recommend another unit for inclusion in the National Wilderness Preservation System. This unit consists of 16,317 acres of the Valentine National Wildlife Refuge in Cherry County, Nebraska.

The proposed Valentine Wilderness contains three lakes, two large and one small, which are situated among the sandhills on the Valentine National Wildlife Refuge in north-central Nebraska. The sandhills vary from steep-sided sharp-topped sandhills to rolling ranges with numerous meadows, sloughs and lakes. This sandhill area is a unique formation on this continent of which only a small portion remains in public ownership.

As a National Refuge, many of the native grasses and forbes have been retained and the range improved by sound management. Cattle grazing has been used as a management tool successfully over the years and is now being refined to further improve waterfowl nesting potential. This opportunity to set aside a remnant of the sandhills for preservation is very rare.

In accordance with the requirements of the Wilderness Act of September 2, 1964 (78 Stat. 890), notice of public hearing of the wilderness proposal was issued by the Department and all interested local, State and

Federal agencies and officials were notified of the proposed hearing. The public hearing was held in a location convenient to the area affected. The communications presented at the hearings by private parties and the above agencies and officials are summarized in the enclosed synopsis. Statements from the Geological Survey and Bureau of Mines are included in the report. The presence of minerals under the refuge remain largely unproven.

A complete record has been compiled for the proposal, including written statements and oral testimony received in response to our announcement of public hearings. This record is available for inspection.

This wilderness proposal is eminently qualified for designation as wilderness, and I recommend submission to the Congress of the enclosed draft legislation which incorporate this area into the National Wilderness Preservation System.

Respectfully yours,

Rogers P. Morton  
Secretary of the Interior

DRAFT of Letter for President

Dear Speaker of the House/President of the Senate:

The Valentine National Wildlife Refuge, Cherry County, Nebraska, is exceptional for its unique sandhill terrain which is only found in north central Nebraska on this continent.

The tenets of refuge management have fostered conditions which have permitted the waterfowl habitat to improve since the inception of the refuge largely through the use of careful cattle grazing. Many of the native grasses and forbes have been retained and encouraged.

This wilderness proposal presents a rare opportunity to preserve a small portion of the minimal public ownership remaining in this unusual type of geological formation. The sandhills vary from steep-sided sharp-topped sandhills to rolling ranges with numerous meadows, sloughs and lakes.

The bill I am transmitting today will add legislative strength to the protection of Valentine National Wildlife Refuge by incorporating a suitable portion of it into the National Wilderness Preservation System. By this action we shall insure that future generations will enjoy wildlife and this unique example of unspoiled native sandhill country. Our descendents will also continue to enjoy, as we have, the outstanding education values of the refuge.

In support of the enclosed bill, I am transmitting a letter concerning the proposal from the Secretary of the Interior recommending

establishment a portion of the Valentine National Wildlife Refuge as wilderness.

## SYNOPSIS OF VALENTINE WILDERNESS PROPOSAL

### A. BACKGROUND

The Valentine Wilderness Proposal is comprised of a 14,336 acre portion of the 71,516 acre Valentine National Wildlife Refuge in Cherry County, Nebraska. The proposal occupies most of the southwest quarter of the refuge stretching westward from U. S. Highway 83 to the power-line which runs approximately parallel with the nearby west boundary of the refuge.

Valentine National Wildlife Refuge was established by Executive Order No. 7142 on August 14, 1935 as a refuge and breeding ground for migratory birds and other wildlife. The authority for acquisition was derived from the Migratory Bird Conservation Act of February 18, 1929 (45 Stat.1222), as amended, (16 U.S.C. 715-715r).

The primary purpose of the refuge is to aid flyway waterfowl management in support of the Migratory Bird Treaty Act. This includes development and maintenance of habitat for breeding ducks, geese and swan and for resting and feeding waterfowl during the fall and early spring months. The primary breeding species of waterfowl are blue-winged teal, mallards, gadwall and Canada geese. In addition, diving ducks, including a few redheads and canvasback, also use the refuge. The welfare of many other migratory birds and threatened or unique species such as the bald eagle, peregrine

falcon, greater prairie chicken, greater sandhill crane, golden eagle and trumpeter swan are of important concern.

The birds of prey listed above do not nest on the refuge and stay only a few days or weeks depending on the weather and available food.

Though the trumpeter swan was recently removed from the endangered list, it is an unusual species and one that commands special interest. A pair of these birds has pioneered into the refuge and has successfully reared a family during each of the last few years.

The greater prairie chicken is classed as a rare species throughout most of its former range. At Valentine, this unique bird has persisted in moderate numbers for many years. Management of this bird and similarly classified species has recently received considerably more attention from an awakening public. As a consequence, our increasing effort is called for to enhance the habitat of this species by maximizing management efforts. The prime range of this species on the refuge is east of Highway 83 where plans call for habitat enhancement by use of new planting techniques to create scattered winter food plots.

The refuge is situated within the 19,300 square mile sand hills region of north central Nebraska and lies in Cherry County--the largest county in the state. U. S. Highway 83 splits the refuge roughly in half across the long axis producing an eastern and western half. The highway

passes through the refuge 26 miles south of Valentine, the county seat. Highway traffic is considered to be low density.

Sioux Indians were early residents in this area. When the land was opened for settlement, cattle were brought up from Kansas initiating the cattle ranching industry which has prospered to this day.

## B. DESCRIPTION

The refuge lies in the sand hills where the steep-sided, narrow-topped high sand hills with blowouts called "choppies" stretch along the north side of Dad's Lake. The remainder of the sand hills vary from fairly steep to more moderately sloping and rolling hills. The sand hills form ranges arranged in parallel order and running from west-northwest to east-southeast. In the valleys between the ranges are found strings of lakes, marshes or hay meadows depending on whether the bottom of the valley is lower than the ground water level, at the same level or slightly above the ground water level. The numerous lakes and marshes are the focal point of the refuge and the reason the refuge is located on this site. The natural lakes on the refuge number 36 and are complimented with numerous potholes and marshes which altogether occupy approximately one-sixth of the refuge.

The overall impact of wilderness designation of 16,317 acres of federally owned land involved consideration of the following factors:

1. The preservation of 16,317 acres of Valentine National Wildlife Refuge in a natural state.



2. The effect on existing and future public use of the area.
3. The impact of the proposal on existing and future economics, cultural and social values.
4. The effect of existing and planned development outside the proposal.
5. The effect on refuge programs and the attainment of refuge objective.

The net environmental result, should the proposal be implemented, will be congressional classification of federally owned lands for the use and enjoyment of the American people in such a manner that will leave them unimpaired for future use and enjoyment as wilderness. Minor adverse impacts would be the prohibition of certain management prerogatives that might be highly desirable to meet future refuge objectives, restrictions of motorized travel within the area that would limit public use and the prohibition of commercial utilization of the natural resources that might be available on the area.

Designation of wilderness areas is within and supplemental to the purposes for which national wildlife refuges are established and administered. The Valentine National Wildlife Refuge will continue to be administered by the Bureau of Sport Fisheries and Wildlife should the proposal be enacted.

### C. MANAGEMENT

The refuge is managed primarily for migratory waterfowl both for production and migration. Spring migrants often number between 16,000 - 20,000 birds, while fall populations are commonly between 60,000 - 75,000 birds.

Developments for waterfowl are not extensive on the refuge because of the many natural lakes and marshes. Management has largely been directed towards controlling the vegetation by use of grazing. Studies over many years, which culminated in a team effort last year, called for a change in the method of cover management. Grazing methods and rates on the whole refuge are now undergoing changes directed at the improvement of waterfowl production cover.

Though some areas of the refuge are well suited to blast-out developments, the lands within the proposal have relatively minor development potential the loss of which is counterbalanced by the preservation of the native habitat through wilderness designation.

### D. WILDERNESS PUBLIC HEARING RECORD

Upon the completion of the study of the potential of the Valentine Wilderness Proposal, it was concluded that the area qualified for wilderness consideration. Consequently, a Public Hearing Notice was published in the Federal Register on September 20, 1972 and a

Public Hearing was held at Valentine, Cherry County, Nebraska. A copy of the notice is attached.

A "package" of information was sent to the concerned public officials, departments, agencies and all other organizations and individuals known to have an interest in the proposal. The information "package" included the Valentine Wilderness Summary, a notice of the hearing and a letter inviting each to make known his or her opinion on the proposal by writing or by giving a statement at the hearing. More than 1,200 "packages" were sent out to organizations and individuals. Public officials, departments and agencies were sent more than 200 "packages". A sample "package" is attached.

The Public Hearing was held as announced on December 12, 1972 in the Cherry County Courthouse, Valentine, Nebraska, beginning at 9:00 A.M. The hearing was called to order by Hearing Officer Elmer Nitzschke, Field Solicitor, Department of the Interior, Minneapolis, Minnesota. Mr. Forrest A. Carpenter, Regional Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota, presented the Bureau's statement. A total of 66 persons registered at the meeting and 21 presentations were made for the record. A question and answer period followed the presentation of statement.

Previous to the hearing, considerable correspondence was received from people living in the eastern part of Nebraska requesting the Bureau

to hold additional hearings in the eastern part of the state where more interested people could attend the hearings. Local grazing interests were known to be striving to gain support for their anti-wilderness position on the proposal. This proved to be a correct analysis of the situation. The Bureau had responded to these correspondents advising that written correspondence would have equal force with oral presentations at the hearing and that lack of time and funds would not permit additional hearings. The great majority of the presentations at the hearing were in opposition to the proposal.

#### COMMUNICATIONS FROM ELECTED PUBLIC OFFICIALS

The one communication from an elected official came from State Senator Otho Kime who is also a grazing permittee on the refuge within the proposal. He opposed the proposal.

#### COMMUNICATIONS FROM STATE AND LOCAL OFFICIALS, STATE DEPARTMENT & AGENCIES

The Director of the Nebraska Game and Fish Commission was concerned over the loss of wildlife management options if the area was designated wilderness. The Director of the State of Michigan expressed an opinion in favor of the wilderness.

The U. S. Forest Service presented views both in favor and opposition. The Soil Conservation Service approved the proposal.

Other agencies were contacted and replied, but had no comment on the proposal.

#### COMMUNICATIONS FROM ORGANIZATIONS

Thirty organizations submitted written statements after the hearing. Twenty-seven were in favor of the proposal and three were opposed.

#### COMMUNICATIONS FROM CITIZENS

Communications from individuals numbered 280. Of these, two hundred and seventy-five were in favor of the proposal and five were opposed. In addition, eight petitions were received which contained a total of seventy-four signatures. All of the petitions were in favor.

## PUBLIC HEARING ANALYSIS

The Public Hearing for the Valentine Wilderness Proposal was held at Valentine, Cherry County, Nebraska at 9:00 A.M. on December 12, 1972. A total of Sixty-six persons registered and twenty-one presentations were made for the record by the public after the Bureau statement of the proposal was read. A short discussion period followed the presentations of statements.

Most of the organizations and individuals present were from the immediate vicinity. Considerable correspondence before the hearing requested one or more additional hearings be held in the eastern more populous portion of the state where more residents of the state could present their opinions and where local grazers would not dominate the hearing. The Bureau responded to these correspondents advising that written correspondence would have equal force with oral presentations at the hearing and that lack of time and funds would not permit additional hearings.

As it turned out, the predictions of the people in eastern Nebraska proved right. Almost all of the people speaking on the proposal were either directly or indirectly connected with the local grazing industry.

The grazers have taken the view that the best use of grass is for pasture and oppose any other use. Of the twelve organizations presenting views on the proposal at the hearing, ten were opposed and two were in favor. Individuals that expressed views orally for the record showed four in opposition and two in favor. State Senator Otho Kime, who is a grazing permittee on the refuge, spoke in opposition as did James Miller, County Commissioner. Correspondence from individuals previous to the hearing totaled forty-six, all of which were in favor of the proposal.

A total of 280 letters were received from correspondents with two hundred and seventy-five in favor and five opposed.

Correspondence from all known interested parties, including politicians, federal and state agencies, organizations and individuals, provided an opportunity to review the opinions of interested people on a much broader base. Elected officials, federal, state and local, did not make any commitment. Three federal agencies responded with no comment while three others replied in the affirmative. The Forest Service supplied two opinions--one was in favor and one was opposed. The State of Nebraska did not like to have the flexibility of management options removed from wildlife dedicated lands. The State of Michigan was in favor of the proposal.

In reviewing the reasons given in opposition to the proposal, the creation of a fire hazard was by far the most common. This was followed by three reasons: the loss of revenue for schools from a reduction in grazing, wilderness would not be good for wildlife and grazing should come first. These reasons were mentioned an equal number of times. Others were afraid the idle land would produce predators and that the land would revert to sand or become poor.

In response to these reasons for opposition, the Bureau explained that grazing was not being eliminated from the proposal but rather that the method of grazing was being changed. This was taking place on the refuge as a whole regardless of the wilderness proposal. Originally, the Bureau was proposing the removal of windmills from the wilderness proposal, but discussion of the fire hazard with the people led to a change in thinking. We now recommend that a few windmills be retained to provide a dependable source of water for fire protection, particularly during dry periods when natural potholes and sloughs may dry up when needed most. There would also be some benefits to wildlife. In addition, it was shown that fire protection on the proposal would not change from the present and that the refuge would continue to provide fire protection in cooperation with its neighbors as it has in the past. Fire protection vehicles are permitted within wilderness areas.



It was pointed out by the Bureau that the losses of revenue to schools would be temporary until payments of three-fourths of one percent of land value would equal present returns to the school district as it does on most other refuges.

The changes in grazing management came after years of study by people having much expertise in range and wildlife management. Thus, the reduction in grazing was to benefit waterfowl production and other wildlife. Grazing is not the primary objective of a refuge but rather a tool for habitat management.