

# SHERBURNE NATIONAL WILDLIFE REFUGE

## HUNTING CHAPTER of VISITOR SERVICES PLAN

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Brandon-

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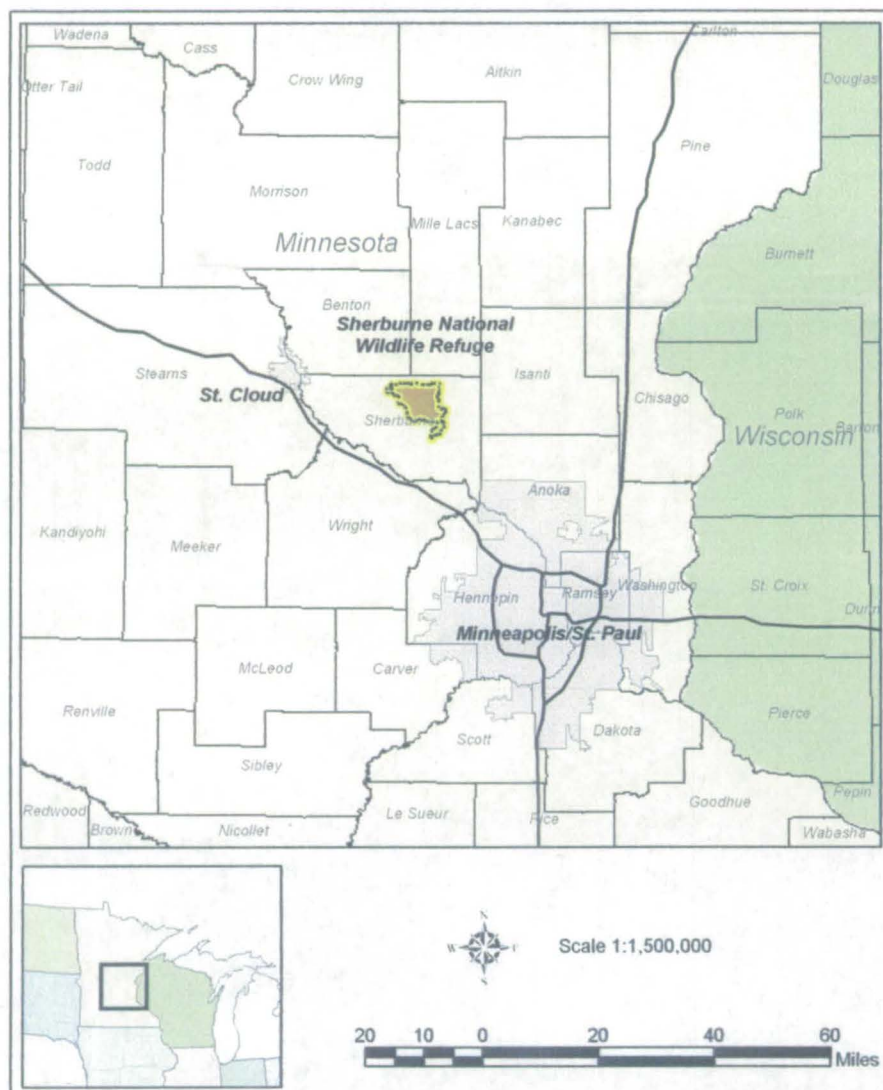
## *Table of Contents*

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>II.</b>	<b>CONFORMANCE WITH STATUTORY AUTHORITY.....</b>	<b>2</b>
	Relationship to Other Plans and Documents.....	3
<b>III.</b>	<b>STATEMENT OF OBJECTIVES.....</b>	<b>3</b>
<b>IV.</b>	<b>ASSESSMENT.....</b>	<b>4</b>
<b>V.</b>	<b>DESCRIPTION OF THE HUNTING PROGRAM.....</b>	<b>7</b>
	Current Opportunities.....	7
	Opportunities for 2011 and Beyond.....	8
	Consultation and Coordination with the State.....	10
	Methods of Control and Enforcement.....	10
	Funding and Staffing Requirements.....	10
<b>VI.</b>	<b>MEASURES TO BE TAKEN TO AVOID CONFLICTS WITH OTHER MANAGEMENT OBJECTIVES.....</b>	<b>11</b>
	Biological Conflicts.....	11
	Public Use Conflicts.....	12
	Administrative Conflicts.....	12
<b>VII.</b>	<b>CONDUCT OF THE HUNT.....</b>	<b>13</b>
	Hunting Regulations.....	13
	Special Hunts.....	16
	Anticipated Public Reaction to the Hunt.....	16
	Hunter Application and Registration.....	17
	Hunter Selection.....	17
	Announcing and Publicizing the Hunts.....	17
	Hunting Orientation and Safety.....	17
	Entry and Access Procedures.....	17
	Hunter Requirements.....	18
<b>VIII.</b>	<b>REFERENCES.....</b>	<b>19</b>

## I. INTRODUCTION

Sherburne National Wildlife Refuge (NWR) is located in Sherburne County, in east Central Minnesota, about 50 miles northwest of Minneapolis/St. Paul metropolitan area along Sherburne County Road 9 (17076 293<sup>rd</sup> Ave, Zimmerman, MN, 55398, Figure 1). There is a long history of hunting at Sherburne and it continues to be a compatible and supported public use today. It was a group of local conservationists and sportsmen that initiated the establishment of the Refuge for the purpose of restoring the St. Francis River Basin, primarily to provide habitat for migratory waterfowl. Limited sport hunting was initiated during the time of Refuge establishment and has been permitted on the Refuge in accordance with all applicable federal and Minnesota State laws ever since. Hunting comprises approximately 11 percent of Refuge visitation today. This Hunt Plan will describe, in detail, the current and future hunting opportunities, how these hunts are conducted, and conflict resolution with other management objectives.

Figure 1. Location of Sherburne NWR in Minnesota.



## **II. CONFORMANCE WITH STATUTORY AUTHORITY**

The National Wildlife Refuge System includes federal lands managed primarily to provide habitat for a diversity of fish, wildlife and plant species. National wildlife refuges are established under many different authorities and funding sources for a variety of purposes.

Sherburne National Wildlife Refuge (NWR) was established in 1965 under the general authority of the Migratory Bird Conservation Act of 1929 (16 USC 715d) "...for use as an inviolate sanctuary, or for any other management purposes, for migratory birds." This includes "... conservation, management, and restoration of the fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans, [16 U. S. C. 668dd(a)(2) (National Wildlife Refuge System Administration Act)]. Other activities may also be accommodated, provided they are compatible with the Refuge purpose (as per Service Compatibility Policy, Federal Register 65 (202): 62484-62496).

Final approval of the Refuge was received from the Migratory Bird Conservation Commission on May 18, 1965, and land was purchased with Federal Migratory Bird Hunting Stamp (Duck Stamp) funds. It appears the intention of the Migratory Bird Conservation Commission in establishing the Refuge was primarily to provide habitat for migratory waterfowl. Considering the wording of the establishing legislation, along with recent policy and legislation, the Refuge purpose is interpreted to include all migratory birds as identified in the Code of Federal Regulations (50 CFR 10.13).

In the past, the ability to hunt on the Refuge was covered under the National Wildlife Refuge Administration Act, 16 U.S.C 688dd (a) (2). This Act was amended in 1997 by the National Wildlife Refuge Improvement Act of 1997 (Public Law 105-57). In addition to fishing, wildlife observation, photography, environmental education and interpretation, hunting is one of six priority public uses that were identified in the Refuge Improvement Act (1997) that occur on the Refuge today. The hunting program on the Refuge conforms to this statutory authority by the following legislation:

"...compatible wildlife-dependant recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges...." Public Law 105-57, 111 STAT.1254, Sec.5. (B) (National Wildlife Refuge Improvement Act of 1997).

The U. S. Fish and Wildlife Service developed a strategic plan for implementing the 1997 National Wildlife Refuge System Improvement Act called "Fulfilling the Promise" (USFWS, 1999). This plan clarifies the vision for the National Wildlife Refuge System and outlines strategies for improving delivery of the System's mission. This Hunt Plan is compatible with the priorities and strategies outlined in "Fulfilling the Promise".

Additional authority delegated by Congress, federal regulations, executive orders and several management plans, such as the 2005 Comprehensive Conservation Plan (CCP), guide the operation of the Refuge. Appendix E of the CCP contains a list of the key laws, orders and regulations that provide a framework for the proposed action.

### **Relationship to other plans and documents**

In July 2005 a Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for Sherburne National Wildlife Refuge was approved. The EA and CCP addressed future management of the Refuge, including visitor services. This Hunt Plan is a step down plan of the CCP, and as such, contains more detailed information describing the hunt program on the Refuge. This plan will also be included as a chapter of the Visitor Services Plan upon its completion.

In January 2011 Refuge management proposed to expand the current hunting program. During this time, an Environmental Assessment was developed for the current hunting program and potential expanded opportunities. The hunting EA outlined 3 Alternatives which included:

- Alternative A: Current Direction (No Action) – allow previously authorized hunts to continue
- Alternative B: Current; Plus Open Spring Turkey Hunting to Persons with Disabilities
- Alternative C: Current; Plus Open Spring Turkey Hunting to Persons with Disabilities and Youth and expand opportunities for Persons with Disabilities for Deer and Waterfowl Hunts (Preferred Alternative)

There were no findings of significant impact associated with the current program or the additional hunting opportunities that were proposed. This document describes the current hunting program as well as the expanded opportunities proposed in the Preferred Alternative outlined in the Environmental Assessment.

Upon completion and adoption of the Hunting Chapter, the Service will publish in the Federal Register a Proposed Rule that updates the hunting program on the Refuge. Following the comment period on the Proposed Rule, a determination will be made whether to implement Refuge hunting as outlined in this Hunting Chapter. Subsequently, a Final Rule will be published outlining hunting on the Refuge. An internally developed annual Hunting Proposal will be used to document how this Hunting Chapter guides the implementation of the Refuge's hunting programs.

### **III. STATEMENT OF OBJECTIVES**

The broad goals of Sherburne NWR Hunting Program are as follows:

- Provide the public safe and enjoyable hunts that are compatible with the Refuge purpose.
- Provide quality hunting opportunities that minimize conflict with other public use activities.

- Provide the public with opportunities to hunt wildlife species consistent with the laws and regulations of the State of Minnesota that do not adversely affect local or regional wildlife populations, and are consistent with the 1997 National Wildlife Refuge System Improvement Act.
- Provide quality hunting opportunities for underserved audiences.

**Goal:** Visitors enjoy wildlife-dependent opportunities that further an appreciation of Refuge wildlife and habitats.

**Objective:** Increase hunting opportunities from the level offered in 2004.

**Rationale:** Hunting is an important and valuable activity on the Refuge and is one of the wildlife-dependent recreational uses approved by law in the 1997 Improvement Act.

**Strategies:**

- Annually provide at least four blinds for hunters with disabilities for deer and waterfowl seasons.
- Reserve blinds for exclusive use by hunters with disabilities on a first come/first serve basis.
- Provide annual firearms deer hunt within the framework of the Minnesota State Department of Natural Resources (DNR) on at least 70 percent of the Refuge lands.
- Continue small-game hunting opportunities as defined by state regulations on areas identified in the Refuge hunting brochure.
- Add a spring turkey hunt for hunters with disabilities in designated blinds in specific areas.
- Continue the youth waterfowl hunt.
- Continue waterfowl hunting within the state framework on areas identified in the Refuge hunting brochure.
- Continue archery deer hunting within the state framework on areas identified in the Refuge hunting brochure.
- Develop operational definition of success and measures for hunting through a survey of hunter satisfaction. Include indicators directed toward recreational users with disabilities.

## **IV. ASSESSMENT**

White-tailed deer, waterfowl, waterbirds, aquatic mammals, passerines, and mammalian predators are monitored on the Refuge and surrounding areas by the Service and conservation partners. Fish, amphibians, reptiles, and insects also are monitored, although less frequently.

For waterfowl, annual assessments are based upon the distribution, abundance, and flight corridors of migratory birds. According to the MNDNR (Dexter 2009), the estimated breeding duck population in Minnesota in 2009 was 507,000 (excluding scaup). This estimate decreased 31% compared to 2008 and was 19% below the long-term (1955-2009) average of 626,000. Canada goose (*Branta canadensis*) numbers decreased 4% compared to 2008, but remained 56% above the long-term average. The estimated American Coot (*Fulica americana*) population was 9,000 in 2009, compared to 56,000 in 2008 and 6,000 in 2007. The annual Waterfowl Population Status Report (USFWS 2010) includes the most current breeding population and production information available for waterfowl in North America and is a result of cooperative efforts by the Service, the Canadian Wildlife Service, various state and provincial conservation agencies, and private conservation organizations. In Minnesota in 2010, the total duck population index, excluding scaup, was 531,000, which was close to last year's index, but below the 10-year and long-term averages. However, in the traditional survey area, the 2010 total duck population was  $40.9 \pm 0.7$  (SE) million birds. This estimate was similar to last year's estimate and 21% above the long term average (USFWS 2010). Although total duck numbers in Minnesota have been lower than the long term average the last couple of years, the overall duck population in the traditional survey area has not shown a significant decline.

The American Woodcock (*Scolopax minor*) is a popular game bird throughout eastern North America. The management objective of the Service is to increase populations of woodcock to levels consistent with the demands of consumptive and non-consumptive users (USFWS 1990). Singing Ground Survey data for 2010 indicated that indices for singing American woodcock males in the Central Management Region (which includes Minnesota) are not statistically significantly different from 2009 (Cooper and Parker 2010). Although there were significant long-term (1968-2010) declines in the breeding population throughout most of the states in the Central Region, (Cooper and Parker 2010), data indicate that the long-term population trend of woodcock in Minnesota has remained stable.

The natural histories of rails, gallinules, and snipe make it difficult to estimate their populations. Breeding season data for rails and snipe in Minnesota and the Mississippi Flyway indicate that long term populations are more or less stable (USGS 2010).

The Wild Turkey (*Meleagris gallopavo*) population in Minnesota has continued to expand since the first successful reintroduction in southeastern Minnesota in the 1960s. Turkey hunting is allowed in the State of Minnesota by permit in both the spring and fall seasons. The MNDNR's 2011 management goal is to establish and maintain the spring wild turkey population at or above 75,000 in suitable habitats to maximize hunting and viewing opportunities. To meet this goal, the Long Range Plan for the Wild Turkey in Minnesota (MNDNR 2006) outlined actions for habitat management, hunting season management, population management, and information and education to ensure a successful management program. Following the 2008 Fall Wild Turkey Population Survey, the MNDNR found that the data suggest that turkey populations have increased since 2006, and that a comparison of the distribution of turkeys sighted by deer hunters during the fall 2006 versus 2008 suggest that the range of wild turkeys continues to expand in Minnesota (Dexter 2009).

The ring-necked pheasant competes with the ruffed grouse as the most popular upland game bird in Minnesota. A native of Asia, pheasants were introduced to Minnesota after native prairie grouse declined in the late 1800s. According to a MNDNR plan (MNDNR 2005) developed in cooperation with Pheasants Forever and others, Minnesota is capable of sustaining high densities of pheasants. Using harvest as an indicator, Minnesota consistently ranks in the top 8 states that have huntable populations of wild ring-necked pheasants. Since 1987, statewide fall population estimates have varied from 1.0 to 2.3 million birds. Most Refuge units open to pheasant hunting are in the MNDNR's Central Region. This Region contains 5% of the state's grasslands habitat with about 311,000 acres. The population index is down 27% compared to 2008, 27% lower than the 10 year average and down 43% from the long term (30+ years) average (Dexter 2009). A moderately severe winter throughout the pheasant range (the first since 2001) resulted in reduced hen counts. In addition, habitat loss reduced nesting opportunities and one period of cool and wet weather at the normal peak of pheasant hatch appeared to reduce early brood survival. Thus, a decrease in the range-wide pheasant index was not surprising. Overall, the size of the fall 2009 population was expected to be close to that in 2004, when 420,000 roosters were harvested. The best opportunity for harvesting pheasants appears to be in the Southwest region, although good opportunities will likely also be available in the West Central, Central, and South Central regions (Dexter 2009).

Data for other small (upland) game is collected by the MNDNR August roadside surveys (Dexter 2009). Annual population indices, 10-year averages, and historical information are used to determine statewide hunting seasons and bag limits for individual species. The 2009 August Roadside Survey conducted by the MNDNR showed that population indices for several of the small game species have been declining. However, the MNDNR has not proposed to modify hunting regulations for these species.

White-tailed deer (*Odocoileus virginianus*) represent one of the most important big game mammals in Minnesota. Viewed as being important by both hunters and non-hunters, deer pose serious socioeconomic and ecological challenges for wildlife managers, such as deer-vehicle collisions, crop depredation, and forest regeneration concerns (Dexter 2009). The MNDNR monitors the status of deer populations to determine the appropriate harvest levels. In 2009, deer densities increased 30% since last year and were 31% above the 10-year average, and 104% above the long term average (Dexter 2009). In central Minnesota, simulated deer densities indicate a stable or slight increasing trend over the last couple years, but are generally near density goals throughout most of the Farmland Zone in 2009. Average pre-fawn deer densities of 14 deer/mi<sup>2</sup> that were estimated in the Cambridge Unit (which includes the Refuge), were among the highest in central Minnesota. Efforts to reduce deer in this area may be having an impact on the overall population. The MNDNR set a spring population goal of 6-10 deer/mi<sup>2</sup> for Permit Area 223 that encompasses the Refuge, and 18-22 deer/ mi<sup>2</sup> for the Refuge itself (which is Permit Area 224).

Suitable habitat exists on the Refuge lands to support hunting as proposed. The viability of the game species populations proposed to be hunted is not expected to be negatively affected by hunting according to State season guidelines. In fact, some hunted species (e.g., white-tailed deer) populations have risen substantially and at times have been considered locally overabundant.



## V. DESCRIPTION OF THE HUNTING PROGRAM

### Current opportunities

The current hunting program consists of deer firearms and archery, small game (including Ruffed Grouse, gray and fox squirrel, rabbit and hare, and pheasant), migratory birds (including ducks, coots, geese, rails, woodcock, and snipe), and specialty hunts that consist of waterfowl hunting for youth, and waterfowl and deer hunting for persons with disabilities (Table 1). The Refuge is divided into 3 designated "Hunting Areas" Area A, B, and C (Figure 2). Different regulations apply to each area. Hunting on the Refuge is used as a management tool to maintain optimal populations of targeted wildlife and also to provide recreational opportunities for the public. All authorized hunts are consistent with the regulations set by the Minnesota DNR. Sherburne NWR lies within Minnesota DNR Zone 2 and is its own permit area (State Management Unit 224). Also, there are additional U.S. Fish and Wildlife Service regulations outlined in below.

Figure 2. Sherburne National Wildlife Refuge designated hunting areas.

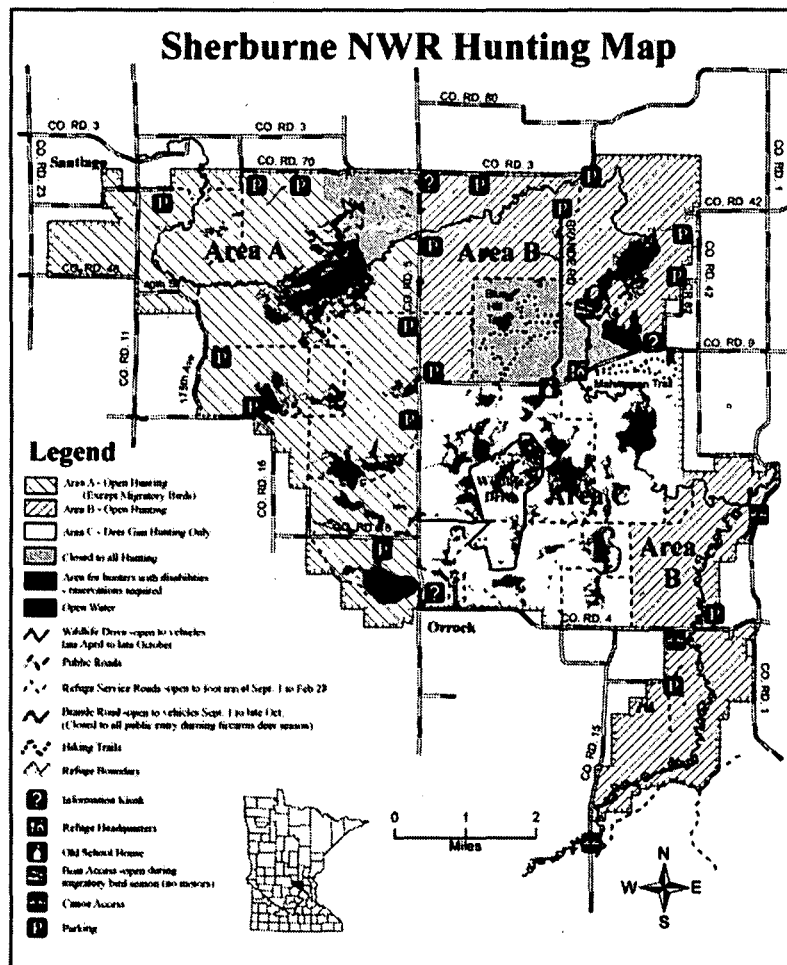


Table 1. Game species open for hunting on the Refuge with respective areas.

<u>Small Game</u>	<u>Area A</u>	<u>Area B</u>	<u>Area C</u>
Ruffed Grouse	State Season	State Season	Closed
Gray & Fox Squirrel	State Season	State Season	Closed
Rabbit & Hare	State Season	State Season	Closed
Pheasant	State Season	State Season	Closed
<u>Migratory Birds</u>			
Ducks, Coots & Geese	Closed	State Season	Closed
Rails, Woodcock, & Snipe	Closed	State Season	Closed
<u>Big Game</u>			
Deer - Archery	State Season	State Season	*Closed
Deer - Firearms	State Season	State Season	State
Season			
MN-DNR Zone 2			
Permit Area 224			
*Area C is closed to archery deer hunting, except during the State firearms-deer season			

### **Opportunities for 2011 and Beyond**

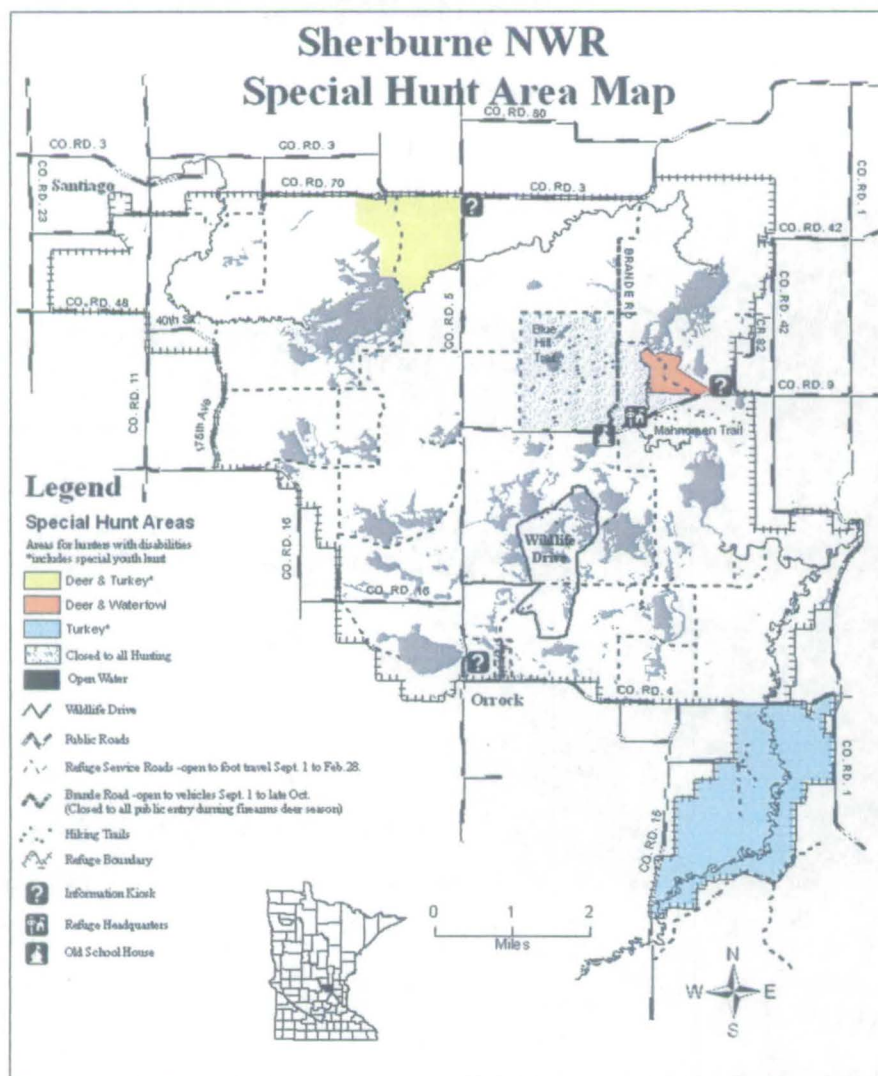
Current hunting opportunities will be allowed to continue in 2011 and beyond. Additional opportunities discussed in the 2011 EA as the Preferred Alternative includes: a spring turkey hunt for persons with disabilities and youth hunters in the south spur and “closed” area around the maintenance facilities; and opportunities for hunters with disabilities to increase by expanding the current disabled hunting area by 50 percent as well as installing up to 8 additional blinds for both waterfowl and deer (firearms and archery) hunting (Figure 3). These opportunities will be available for 2012 and beyond.

Turkey hunting for underserved audiences on the Refuge will be limited to location, designated ingress and egress routes, and number of people to minimize disturbance both to flora and fauna and to limit disturbance to these localized areas designated for the turkey hunt. Seasons, bag limits, and regulations will be consistent with those set by the Minnesota Department of Natural Resources (MNDNR). Turkey hunting will be restricted to the south spur and “closed” area by the maintenance facilities. The remainder of the Refuge (with the exception of the existing hiking trail network and wildlife drive) is closed to public use during the spring of the year due to sanctuary time, which is from the March 1 to August 31 (Figure 3, the Turkey\* area highlighted in blue).

There are 8 spring hunting periods in the State of Minnesota, each lasting 5 days in length generally starting on the 2<sup>nd</sup> Wednesday of April. Turkey hunts for underserved audiences on the Refuge will coincide with these state seasons. A maximum of 5 disabled hunters and/or youth hunters per 5 day hunting period will be permitted and they must be accompanied by one non-hunting assistant or mentor per hunter. Thus, the maximum number of people during a given 5 day period will be ten. These limitations will minimize disturbance of habitat and other wildlife

species. A maximum of 5 portable hunting blinds provided by the Refuge will be setup in advance and placement will be based on many factors including proximity to roads, accessibility, biological concerns, turkey sign and movement patterns, etc.

Figure 3. Proposed areas for specialty hunts at Sherburne NWR. The designated hunting areas highlighted in this figure are in addition to the hunting map, seasons, and regulations outlined in Figure 2 and Table 1. The "Deer & Turkey\*" area (yellow) is the "closed" area surrounding the Refuge maintenance facilities (light gray) and will be open to spring turkey for youth and hunters with disabilities and to deer (firearms and archery) for hunters with disabilities. The "Deer & Waterfowl" area (orange) will be open to waterfowl and deer (firearms and archery) only for persons with disabilities; this area expanded from the levels shown in Figure 2. The "Turkey\*" area (blue), called the "south spur," will be open to spring turkey for youth and hunters with disabilities.



### **Consultation and Coordination with the State**

National Wildlife Refuges, including Sherburne NWR, conduct hunting programs within the framework of state and federal regulations. All authorized hunts are at least as restrictive as the State of Minnesota. By maintaining hunting regulations that are as, or more, restrictive than the state, individual refuges ensure that they are maintaining seasons which are supportive of management on a local and regional basis. The EA associated with this Hunt Plan and the Preferred Alternative discussed in that document, has been reviewed and is supported by the MNDNR. The Refuge has moved forward with developing this Hunting Chapter based upon earlier formal coordination with the MNDNR as well as the intervening informal discussions. The results of this coordination are reflected in this Chapter. Sherburne NWR will continue to consult and coordinate with the MN DNR annually to maintain regulations and programs that are consistent with the state; as well as to monitor populations of game species and set harvest goals.

### **Methods of Control and Enforcement**

The enforcement of Refuge and State hunting regulations, trespass and other public use violations normally associated with management of a National Wildlife Refuge is the responsibility of commissioned Refuge Law Enforcement Officers. The Law Enforcement Officer on the Refuge cooperates with, and is assisted, by state, county and city police officers as well as state conservation officers. The procedures used for obtaining law enforcement assistance are based on the legal jurisdiction where incidents occur. The Refuge regularly meets with the various state, city and county law enforcement agencies to develop agreements and strategies to ensure law enforcement operations are performed as safely and efficiently as possible. The Refuge also uses non-law enforcement staff to manage hunting activities. For example, some staff work on alternate schedules so they are on the Refuge units on weekends during the hunting season. These staff assist hunters and non-hunters to ensure that all Refuge users understand where to locate areas that are open to hunting. Other Refuge staff and volunteers assist with special hunts for youth, hunters with disabilities, and other underserved hunting populations. Refuge Visitor Services staff that operate the Refuge's education and visitor centers routinely interact with and assist Refuge users during the hunting season. Youth hunters must be accompanied by a mentor and hunters with disabilities must be accompanied by an assistant.

### **Funding and Staffing Requirements**

These events will require a great deal of coordination and collaboration with partners and local hunters. No current staff time is allocated for coordinating hunting activities, but it is anticipated that a considerable amount of time and financial resources will be required to host these managed hunts. A great deal of time would be required to make initial contacts, write grants, and coordinate activities with partners and other contributing groups. Scouting and setup activities would follow, as well as coordinating logistics such as transportation of hunters to and from blinds. It is estimated that at least 160 hours of preparation time would be required to conduct the first special hunt, and that planning would begin a minimum of one year in advance of the event. Once established, it is assumed that planning and setup for successive hunts would be less labor intensive.

A small amount of road maintenance, mowing, and other upkeep will need to be performed, but are funded as part of regular Refuge management activities. Based on a review of the Refuge budget there is currently enough funding to ensure compatibility and to administer and manage the use. Law enforcement is a primary tool necessary to ensure proper and safe administration of this use and a Law Enforcement Officer is stationed at the Refuge. The Refuge will also work with the Minnesota DNR to ensure that conservation officers are aware of this use on the Refuge, and are available to assist with law enforcement as a part of their routine duties.

## **VI. MEASURES TO BE TAKEN TO AVOID CONFLICTS WITH OTHER MANAGEMENT OBJECTIVES**

### **Biological Conflicts**

The Refuge avoids conflict related to biological resources by adopting the “wildlife first” principle explicitly stated in the Improvement Act. Conserving and restoring habitat for the benefit of wildlife species is an integral part of any long-range plan for national wildlife refuges. Thus, any public use activity deemed compatible should have no or minimal disturbance to habitat, wildlife, or the biological objectives of the Refuge. The Environmental Assessment that was developed for the expansion of the current hunting program in 2011 discusses potential impacts to habitat, game species populations, other wildlife, migratory birds, and threatened and endangered species. The assessment concluded that impacts of the current hunting program and the hunting opportunities outlined in the Preferred Alternative will be non-existent, minimal, or temporary for all biological entities.

Staff monitors species population trends to ensure that target species can be hunted at the Refuge without adversely affecting the species. These monitoring activities include direct observation of populations, consultation with state and Service species specialists, and review of current species survey information and research. In addition, the Refuge will limit or exclude hunting activities on portions of the Refuge. Areas of the Refuge that are not hunted provide sanctuary for wildlife species. If conflicts were to arise between the hunting program and the integrity of any biological entity on the Refuge or management activities that were biologically related, hunts will be delayed until resolution.

Spring turkey hunting has the most potential for conflicting with biological resources because the proposed turkey hunt will coincide with part of the nesting and breeding season (i.e. “sanctuary time”) of many wildlife species. For this reason, the proposed hunt will be limited in time, number of participants, and locations. For example, nine active Bald Eagle nests are known to occur on the Refuge, but the spring turkey hunt will be administered to avoid disturbing nesting eagles. In general, due to the dispersed and stealthy nature of turkey hunting, it presents minimal conflicts with other wildlife in the spring.

## **Public Use Conflicts**

Wildlife viewing, photography, environmental education, interpretation and festivals are all activities enjoyed by non-hunters and hunters alike. There are 2 designated hiking trails, Blue Hill Trail and Mahnomen Trail. Blue Hill Trail is also open for cross-country skiing during the winter. The entire Refuge is open to snowshoeing with the exception of the administrative areas around the office and maintenance facilities and the Blue Hill trail. There is also an auto-tour route that contains 2 other short hiking trails. The auto-tour is closed when the first major snow fall occurs. If snow has not accumulated enough to close the auto-tour it is closed during the firearm deer season in November. The Blue Hill Trail and headquarters area is off limits to hunters and this boundary is clearly marked. The Mahnomen Trail is open to hunters only during the 9-day deer firearms season. It remains open to non-consumptive users as well, but visitors will be warned of hunting activity at the trailhead. The boundaries of all lands owned by the Service are posted with Refuge boundary signs. Areas administratively closed to hunting are clearly marked with "No Hunting Zone" or "Area Beyond This Sign Closed" signs. To date, there have been no reported incidents between hunters and non-consumptive users.

In an effort to avoid conflicts with non-hunting priority recreational uses as outlined in the Improvement Act, and for safety, the Refuge enforces a series of Refuge-specific hunting regulations. Hunting is either not allowed on certain units or is restricted by location or methods. Hunts on units open to hunting will be administered in such a way to avoid conflict with any non-consumptive uses and to provide safety for all users. Because most hunting occurs during an off peak visitor time in areas with little other visitor use, it is unlikely that conflicts will develop between hunting and other public uses. Also, hunting is prohibited in most designated public use areas, with the exception of Mahnomen trail and Wildlife Drive during the deer firearms season. During this season, the Wildlife Drive is closed to vehicle entry and signs are posted to inform non-consumptive users about the 9-day firearms deer season. There have been no known conflicts with the non-hunting public and hunters during the firearm deer season. By November, non-hunting uses drop off dramatically.

The spring turkey hunt on the Refuge will be during "sanctuary time" when no public use is permitted (with the exception of the hiking trail network and wildlife drive). Areas designated for turkey hunting will not be near any of the open hiking trails or wildlife drive; thereby eliminating any potential conflict between the turkey hunters and non-consumptive users participating in other public use activities.

## **Administrative Conflicts**

Refuge management activities can be accomplished without conflict with hunting activities through the use of administratively closed areas, timing of hunts, and methods of hunt. The most potential for conflict with management activities occurs during the spring and fall prescribed fire season. Typically, we do not conduct prescribed burning when hunting seasons occur. However with the addition of spring turkey we will select turkey hunting areas to occur where we are not planning prescribed burning. Occasionally, an area open to hunting is proposed to receive a prescribed fire treatment and in that case we would notify and relocate hunters.

## **VII. CONDUCT OF THE HUNT**

### **Hunting Regulations**

All hunting on the Refuge will be consistent with state and federal laws and regulations and those pertaining to all National Wildlife Refuge System lands. Regulations specific to hunting on National Wildlife Refuges are found in 50 CFR 32.2 and are as follows:

The following provisions shall apply to each person while engaged in public hunting on areas of the National Wildlife Refuge System:

- (a) Each person shall secure and possess the required State license.
- (b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.
- (c) Each person shall comply with the applicable provisions of Federal law and regulations including this subchapter and the current Federal Migratory Bird Regulations.
- (d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless further restricted by Federal law or regulation.
- (e) Each person shall comply with the terms and conditions authorizing access or use of wildlife refuges, including the terms and conditions under which hunting permits are issued.
- (f) Each person must comply with the provisions of any refuge-specific regulations governing hunting on the wildlife refuge area. Regulations, special conditions, and maps of the hunting areas for a particular wildlife refuge are available at that area's headquarters. In addition, refuge-specific hunting regulations for migratory game bird, upland game, and big game hunting appear in §§32.20 through 32.72.
- (g) The use of any drug on any arrow for bow hunting on national wildlife refuges is prohibited. Archers may not have arrows employing such drugs in their possession on any national wildlife refuge.
- (h) The unauthorized distribution of bait and the hunting over bait is prohibited on wildlife refuge areas. (Baiting is authorized in accordance with State regulations on national wildlife refuges in Alaska).
- (i) The use of nails, wire, screws or bolts to attach a stand to a tree, or hunting from a tree into which a metal object has been driven to support a hunter is prohibited on wildlife refuge areas.
- (j) The use or possession of alcoholic beverages while hunting is prohibited.
- (k) You may possess only approved nontoxic shot while in the field, which we identify in 50 CFR 20.21(j), while on Waterfowl Production Areas, or on certain other areas of the National Wildlife Refuge System as delineated on maps, leaflets and/or signs, available at each refuge headquarters or posted at each refuge, or as stated in refuge-specific regulations. Where we allow turkey and deer hunting, you may use slugs and shot containing lead to hunt these species unless prohibited by refuge-specific regulations and/or State law.

Other regulations related to activities typically associated with hunting and found elsewhere in 50 CFR follow (in plain language) also apply to all National Wildlife Refuges.



- Public access, including hunting, is prohibited in administratively closed areas (50 CFR 26.21). (Examples of signs posted on administratively closed areas at the Sherburne National Wildlife Refuge include "Area Beyond This Sign Closed" or "No Hunting Zone.")
- Public access, including hunting, is allowed only in designated areas (50 CFR 26.21).
- No motorized vehicles are allowed within the hunting units except at designated parking areas or by Special Use Permit (50 CFR 27.31).
- Target shooting is prohibited (50 CFR 27.42, 27.43).

The regulations, as they are published in the Code of Federal Regulations (CFR), are the official notification to the public. Copies of the CFR can be found in libraries and on the internet.

Hunting regulations specific to Sherburne NWR are found in the Code of Federal Regulations (50 CFR 32.42):

*A. Migratory Game Bird Hunting.* We allow hunting of goose, duck, coot, rail, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Field possession of migratory game birds is not permitted on refuge areas closed to migratory game bird hunting.
2. Only non-motorized boats are permitted, and they must be launched at designated access sites.
3. Boats, decoys and blinds must be removed from the refuge following each day's hunt except for blinds made entirely of marsh vegetation.
4. We prohibit entry to hunting areas earlier than 2 hours before legal shooting hours.
5. We prohibit hunting during the State Special Goose Hunt (the early September and late December Canada goose hunting seasons).
6. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times, during the State-approved hunting season (see §26.21(b) of this chapter).
7. We prohibit camping.

*B. Upland Game Hunting.* We allow hunting of ruffed grouse, ring-necked pheasant, gray and fox squirrel, snowshoe hare, cottontail rabbit, and jackrabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Shotgun hunters may possess only approved nontoxic shot while hunting for all upland game species.
2. We prohibit field possession of upland game species on areas closed to upland game hunting.



3. Conditions A6 and A7 apply.

*C. Big Game Hunting.* We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulation subject to the following conditions:

1. The construction or use of permanent blinds, platforms or ladders is not permitted.
2. All stands must be removed from the refuge at the end of each day's hunt.
3. You must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.
4. We prohibit the possession of firearms or archery equipment on areas closed to white-tailed deer hunting.
5. We prohibit deer pushes or deer drives in the areas closed to deer hunting.
6. Conditions A4 and A7 apply.

In addition, the following regulations are identified in the hunt brochure and are specific to Sherburne National Wildlife Refuge as well:

- Vehicles are permitted only on roads designated on the map (public roads and Brande Road). Foot travel is permitted throughout the Refuge September 1 – February 28 except in Closed Areas. The Refuge is closed during the sanctuary period March 1 to August 31, except official hiking trails (Blue Hill Trail and Mahnomen) and the auto-tour (Prairie's Edge Wildlife Drive).
- Vehicles may be parked in parking areas shown on the map or on the shoulder of the road in accordance with county and state regulations.
- The Refuge is not open for the state special goose hunts, deer muzzleloader, mourning dove, predator, bear, crow, raccoon or turkey hunting.
- Only non-motorized boats can be used. Launching only at designated sites.
- Overnight parking and camping are not permitted on the Refuge. Camping is available at the Sand Dunes State Forest and private campgrounds.
- Fire danger can be extremely high during spring and fall. Please take special precautions with all flammable materials. *Campfires are not permitted.*
- Blinds for hunters with disabilities are available by reservation during waterfowl and firearms-deer seasons.
- Serious injuries or accidents occurring on the Refuge should be reported to the Refuge headquarters.
- Species not listed in this brochure are protected and may not be killed. It is the hunter's responsibility to identify game and the protected species. Bald Eagles, swans and other protected birds are common in hunting areas.
- Hunting weapons must be unloaded and cased, or broken down, when being transported on Refuge roads. No target or indiscriminate shooting is permitted.
- Shotgun hunters must possess and use *only non-toxic shot* while hunting small game and migratory

birds on the Refuge.

- Field possession of migratory birds is prohibited in areas closed to migratory bird hunting.
- All personal property brought out to the refuge must be removed each day. This includes vehicles, boats, decoys, and trash.
- Deer hunting stands, including those made from natural vegetation, and all other hunting equipment must be dismantled or removed from the Refuge at the end of each day.
- Destruction of natural vegetation is not permitted in the placing of deer stands. The use of spikes, screw in steps or bolts in trees is not allowed.
- Only species listed in this brochure may be taken
- During firearms-deer season the Brande Road off Co. Rd. 9 is closed to all access including foot travel.
- The use of dogs while hunting birds is allowed. All dogs must remain under strict control.
- Dog training and target shooting are not permitted.

### **Special Hunts**

A special hunt is an activity focused on certain populations of hunters to provide them with additional opportunities or methods of hunting through a Refuge sponsored program or partners agreement. The populations targeted for these hunts are youth hunters and hunters with disabilities or other underserved hunter populations. The goal of special hunts is to provide quality recreational hunting experiences that may be limited or not available for these underserved hunting populations within the structure of general public hunting. All special hunts require Refuge specific authorization and are conducted within the framework of the state seasons and regulations for the species proposed to be hunted. Special hunts on the Refuge currently include youth waterfowl, and deer (firearms and archery) and waterfowl for persons with disabilities. In 2011, the following special hunts were proposed in addition to the current program: spring turkey for youth hunters and persons with disabilities and expanded opportunities for persons with disabilities for deer and waterfowl hunting.

### **Anticipated Public Reaction to the Hunt**

A positive reaction is anticipated by the general public to the hunting opportunities discussed in this Hunting Chapter. In general, hunting is a supported public use activity on the Refuge and there is much support and an expectation by state agencies, the public and hunting organizations to expand hunting opportunities. Concerns related to hunting as identified in our CCP process and subsequent user contacts relate to maintaining hunting opportunities, wildlife population control, potential user group conflicts and public safety. Efforts have been made to address user concerns by focusing hunting opportunities to specific portions of units and specific methods of take within the framework of state seasons and limits.

### **Hunter Application and Registration**

For general hunting activities, no special application or registration process is required. There are application and registration processes associated with the youth hunts and hunts for persons with disabilities that are coordinated by Refuge staff and partners. The Refuge issues a Special Use Permit to an organization such as Capable Partners or other groups that assist with these types of hunts annually to enable them to coordinate accessible hunting activities on the Refuge. All interested parties are sent a letter notifying them of the available hunts prior to the season and then are selected on a first come first serve basis. Priority is given to mobility impaired hunters when necessary. Should the Refuge implement other application or registration procedures, it will use the Office of Management and Budget approved forms.

### **Hunter Selection**

For general hunting activities, there is no special hunter selection process. Hunters who are eligible to hunt under Minnesota law are allowed to hunt on the Refuge. Seasons for youth and persons with disabilities will be determined by a first come first serve basis through the application process described above. It is the Refuge's intent to accommodate both interest groups and collaborate with partners and participating hunting organization to administer special hunts including hunter selection.

### **Announcing and Publicizing the Hunts**

Current hunting opportunities on the Refuge have been available to the public for many years and it is publicized through Refuge brochures and website, MNDNR annual "Minnesota Hunting and Trapping Regulations Handbook", word of mouth, and a News Release is sent out prior to each hunt every year to a multi media market. Turkey hunting opportunities for underserved audiences will also be sent to multi-media market around the state and advertised through the National Turkey Federation and other disabled hunter organizations.

### **Hunting Orientation and Safety**

The Refuge requires no specific orientation or safety training for hunters participating in general hunting activities. The State of Minnesota has established hunter education and safety training requirements that have been in effect for several years. These apply to all hunters in Minnesota, including those that hunt the Refuge. Hunter orientation to Refuge lands and areas open to hunting are provided directly on the Refuge through the use of signs, brochures, flyers, maps, trail guides and the internet. Participants in special hunts receive orientation and safety training as part of those programs.

### **Entry and Access Procedures**

Hunters access the Refuge by county roads adjacent to or crossing through the Refuge and vehicles must be parked in designated parking areas or alongside county roads. Brande Road is the only interior Refuge road open for vehicle access. This road leads to the boat landing on an impoundment located within Area B (Figure 2) and the hunting blinds are reserved only for

persons with disabilities. Otherwise, from parking areas and roadsides, hunter access will be by walking or non-motorized bicycles. Hunters may also use non-motorized boats but they must be launched at designated access sites located on Long Pool and the St. Francis River. Wheeled carts and sleds are permitted in all areas open for hunting, for hauling deer out. No ATVs, OHVs or snowmobiles are permitted on the Refuge at anytime.

Youth turkey hunting access will be by walking or non-motorized bicycling only. Access for persons with disabilities will be by walking, non-motorized bicycling or by vehicle with pre-approved authorization when reservations are made. Ingress and egress routes will be predetermined and established for persons with disabilities to aid in mobility to and from designated hunting blinds. Blind decisions and placement will be decided by several FWS personnel. Hunters and assistants will be restricted to established blinds as well as ingress and egress routes to and from the blind.

### **Hunter Requirements**

Hunters must comply with federal, state, and Refuge specific rules and regulations including licensing, registration of game, bag limits, etc. The Refuge does not impose any special requirements on those wishing to hunt on the Refuge, except for hunters participating in special hunts. A hunter participating in a special hunt for persons with a physical disability must have a verified statement of the disability by a licensed physician or must be participating in a program for hunters with disabilities sponsored by a nonprofit organization. Hunters with disabilities possessing a MNDNR issued permit exempting them from particular state regulations based upon their disability will be eligible to apply for Refuge specific authorization to participate in accessible hunting opportunities on the Refuge. Youth hunters must be of legal age set by the state, to participate in a special youth hunt on the Refuge. Youth hunters must be accompanied by a mentor and persons with disabilities must be accompanied by an assistant.

The Refuge does not routinely require hunters to report on hunting activities or harvest separately from that already required by the state of Minnesota. Minnesota reporting requirements include the Migratory Bird Harvest Information Program (HIP), and turkey and deer registration. Should an additional reporting program be implemented, the Refuge will use the appropriate form approved by the Office of Management and Budget.

Temporary deer stands are permitted, but must be removed each day. Screw-in steps are prohibited. All hunters and their belongings must leave with the hunter each day. Also, hunters on the Refuge are expected to be ethical hunters and respect other hunters, non-consumptive users, wildlife species, and the environment while on Refuge lands.

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