

**FISH AND WILDLIFE SERVICE  
REFUGE MANAGEMENT**

**Refuge Management**

**Part 605 Wildlife-Dependent Recreation**

**Chapter 2 Hunting**

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**2.1 What is the purpose of this chapter?** This chapter provides the Service's policy governing the management of recreational hunting programs on units of the National Wildlife Refuge System (Refuge System). In an effort to avoid redundancy, we have placed critical information and guidance for all wildlife-dependent recreation (hunting, fishing, wildlife observation and photography, environmental education and interpretation) in 605 FW 1. Read 605 FW 1 with this chapter for complete information for planning and implementation purposes.

**2.2 What is the scope of this chapter?** The policies contained in this chapter apply to recreational hunting programs within the Refuge System. See 605 FW 1 and other chapters and regulations governing policies, guidelines, and procedures for additional information.

**2.3 What is our policy regarding hunting in the Refuge System?**

**A.** The overarching goal of our wildlife-dependent recreation policy is to enhance opportunities and access to quality visitor experiences on refuges and to manage the refuge to conserve fish, wildlife, plants, and their habitats (605 FW 1.6). Hunting is an important wildlife management tool that we recognize as a healthy, traditional outdoor pastime, deeply rooted in the American heritage. Hunting can instill a unique understanding and appreciation of wildlife, their behavior, and their habitat needs.

**B.** Hunting is an appropriate use of the Refuge System when compatible. It is also considered a priority general public use of the Refuge System and should receive enhanced consideration over nonpriority uses. We strongly encourage refuge managers to provide visitors quality hunting opportunities when compatible. Hunting programs can promote understanding and appreciation of natural resources and their management on lands and waters in the Refuge System. We rely on close cooperation and coordination with State fish and wildlife management agencies in developing and managing hunting opportunities on refuges and in setting refuge population management goals and objectives. Regulations permitting hunting of wildlife within the Refuge System must be, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans. We encourage refuge staff to develop and take full advantage of opportunities to work with partners who have an interest

in helping us promote quality hunting programs on refuges.

**2.4 What are the guiding principles for the Refuge System's hunting programs?** The guiding principles of the Refuge System's hunting programs are to:

**A.** Manage wildlife populations consistent with Refuge System-specific management plans approved after 1997 and, to the extent practicable, State fish and wildlife conservation plans;

**B.** Promote visitor understanding of and increase visitor appreciation for America's natural resources;

**C.** Provide opportunities for quality recreational and educational experiences consistent with criteria describing quality found in 605 FW 1.6;

**D.** Encourage participation in this tradition deeply rooted in America's natural heritage and conservation history; and

**E.** Minimize conflicts with visitors participating in other compatible wildlife-dependent recreational activities.

**2.5 What authorities allow us to support hunting in the Refuge System?** See 605 FW 1.3 for laws and Executive orders that govern hunting in the Refuge System.

**2.6 What do these terms mean?**

**A. Inviolate Sanctuaries for Migratory Birds.** A refuge, or portions thereof, acquired or established in one of the following ways:

**(1)** With the approval of the Migratory Bird Conservation Commission (MBCC) for the purpose of an inviolate sanctuary, or for any other management purpose, for migratory birds; or

**(2)** By an instrument or document that states that we are establishing the refuge as an "inviolate sanctuary for migratory birds, or for any other management purpose, for migratory birds" under, or to fulfill the purpose of, the Migratory Bird Conservation Act.

**B. Open to Public Hunting.** An area where we allow individuals holding, if required, valid license(s), permit(s), stamp(s), or other documents to enter and harvest specific wildlife species in the Refuge System.

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Areas open to hunting may differ from areas open to the general visitor for other activities.

**C. Special Season Hunts.** Hunts that specify the methods individuals can use in the field. Bows, shotguns, and muzzleloading firearms are examples of methods that may be used during special season hunts.

**2.7 How do we manage refuge hunting programs?**

We plan, manage, conduct, and evaluate refuge hunting programs in coordination with State fish and wildlife agencies on a consistent basis, in ways that conserve fish and wildlife and their habitats, ensure hunter and visitor safety, comply with applicable State and Federal laws and regulations, and promote respect for the resource. In addition, our regulations need to be consistent, to the extent practicable, with State regulations. Hunting on refuges should strive to meet the criteria for a quality wildlife-dependent recreation program as defined in 605 FW 1.6. The following tools and techniques should help ensure quality hunting opportunities are available:

**A. Boundary Hunting.** We discourage hunting adjacent to refuge areas or neighboring lands closed to hunting. Refuge managers can alter hunt boundary lines or habitat or eliminate or close parking areas and access roads to distribute hunters or modify wildlife use patterns in ways that make boundary hunting less appealing. Refuge managers must use retrieval zones sparingly and only to prevent waste by allowing the retrieval of dead or crippled game in closed areas. Prior to establishing these zones, managers should consider adjusting hunt boundaries. They should also consider the resources available for signing and enforcing retrieval zone restrictions. Whenever possible, refuge managers should not allow hunters to enter closed areas.

**B. Check Stations.** Refuge managers should use check stations as a means to monitor the hunt, gather important information that we cannot obtain in a less expensive manner, or gather biological information about wildlife populations. You should periodically evaluate the continued use of check stations to determine if there is a more cost-effective means of providing quality hunting services; for example, coordination with State fish and wildlife check stations. You may use permanent check stations to control hunting area access, collect biological information, and, when appropriate, to enforce hunting regulations.

**C. Communication Materials.** Refuge managers can benefit from professionally developed outreach materials that provide clear and thorough information to hunters. Brochures must conform with the Service Graphics Standards and be consistent with refuge-specific regulations. Refuge managers do not need to include regulations and dates that are identical to State seasons in the refuge brochure. Refuge managers should ensure refuge brochures include information that encourages hunters to hunt safely and to comply with applicable State and Federal laws and regulations. We encourage refuge managers to use both print and electronic media, such as the Internet, to distribute information. Refuge managers should work with Regional and California/Nevada Operations Office (CNO) staff to ensure all communications products meet approved standards and guidelines.

**D. Equipment.** Refuge managers, in coordination with State fish and wildlife agencies, may place limits on certain equipment such as decoys, boats, tree stands, and types of firearm or ammunition if they determine that such limits reduce resource damage or hunter conflicts, improve the quality of the hunt, or provide for the safety of other refuge visitors. Our hunting regulations should be as consistent as practicable with State laws, regulations, and management plans.

**E. Fees.** The refuge manager makes the decision to charge a fee in coordination with the Regional/CNO office. We have the authority to charge fees for applications, refuge permits, and the use of facilities (e.g., hunting blinds) under existing recreation fee programs. The authority under which we collect fees stipulates how we may use the monies. We use fees collected to enhance and maintain hunting programs. The Regional/CNO fee coordinator can assist with the approval of fees as well as provide information on appropriate fund use.

**F. Hunting by Service Employees.** Service employees are subject to the same rules and regulations as the general public. If limited hunting opportunities exist, refuge managers should discuss with Service employees the need to be sensitive to possible visitor perceptions of favoritism. When Service employees actively participate in assigning limited hunting permits, they will not participate in that particular hunt on the affected refuge lands.

**G. Hunting with Dogs.** The use of properly trained dogs is an important part of the American hunting tradition that can enhance the quality of the hunting

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experience, foster wildlife conservation, and aid in the recovery of downed game. We recognize the long-term relationship between dogs and hunters, and we encourage the use of properly trained hunting dogs for the hunting of waterfowl, upland game birds, and other species. Refuge managers must carefully consider the impacts of the use of dogs on the refuge, specific approved refuge objectives, and the activities permitted by the State when evaluating the compatibility of hunting dog use. A refuge manager must discuss the following in the compatibility determination before permitting hunting dogs on the refuge: the likelihood of the dog injuring or harassing nontarget wildlife species to such an extent as to significantly impact population segments of the nontarget species, and the quality of the experience of visitors participating in other compatible wildlife-dependent recreational activities.

**H. Night Hunting.** If a refuge is generally not open after sunset, refuge managers may make an exception and allow night hunting consistent to the extent practicable with State regulations. Refuge managers must base the decision on specific approved refuge objectives, and not historic use. See 605 FW 1.9B, for additional information about after-hours activities.

**I. Nontoxic Shot.** While hunting waterfowl and while hunting with shotguns on Waterfowl Production Areas (WPAs) or on certain other areas of the Refuge System, hunters may possess only nontoxic shot that conforms with the standards identified in the 50 CFR 32.2(k). This regulation does not apply to turkey and deer hunters using rifles, buckshot, or slugs. In many cases, nontoxic shot must be used to hunt upland game species on refuges.

**J. Permits.** We require hunters to have all applicable Federal, State, and tribal licenses, permits, and stamps in their possession. We may issue refuge permits to limit participation, gather information, or otherwise appropriately manage hunting. When we use refuge permits to limit hunter numbers, we will issue them on a fair and equitable basis, such as using lotteries or issuing permits based on order of receipt. We coordinate with State and tribal application and lottery processes where practicable. Application processes should be flexible and fair to provide an opportunity to all potential hunters. Under the Alaska National Interest Lands Conservation Act (ANILCA), Congress gives qualified rural residents preference to harvest fish, wildlife, and other resources for subsistence on Alaskan refuges.

**K. Proficiency Testing.** Generally, we support required State hunter testing. Due to special circumstances, a refuge manager may implement additional proficiency tests more restrictive than that required by the State. The Regional chief/CNO Assistant Manager, NWRS must approve any additional testing.

**L. Refuge Law Enforcement.** Refuge law enforcement ensures legal use of fish and wildlife resources on refuges, as prescribed by law. We use refuge law enforcement to obtain compliance with laws and regulations necessary for proper administration, management, and protection of facilities of the Refuge System. The refuge law enforcement effort should be sufficient to protect human safety and wildlife populations, ensure compliance with regulations, and based on past experiences and current circumstances.

**M. Special Hunts.** We will address special types of hunts, such as falconry, in the hunt section of the visitor service plan (VSP). We encourage refuge managers to set aside areas or times to promote hunting by youths, individuals with disabilities, or underrepresented groups. Experiencing hunting in a safe environment and exposure to proper hunting methods can be important in developing life skills and establishing or increasing public support for healthy ecosystems. Refuge managers should take advantage of these opportunities to inform young hunters and their parents about the importance of wildlife conservation and management.

**N. Special Season Hunts.** We offer hunting opportunities to as broad a spectrum of the public as possible. In circumstances where standard hunting opportunities may not be feasible due to special situations, consider special season hunts under the following conditions:

**(1) Safety.** Configuration of hunt areas, such as long, narrow corridors or occupied inholdings, may create situations where we should only allow specific methods of take due to safety considerations. For example, extremely dense cover or other vegetation characteristics may create situations where rifles are not appropriate.

**(2) Limited harvest.** In cases where there is a relatively low harvestable surplus or other constraints, offering special season hunts could be a method to

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provide hunting opportunities where they would otherwise not exist.

**(3) Special State seasons.** In some States, the State designates separate seasons for take with special methods of take. The refuge manager decides if a special hunt approved by the State is compatible on the refuge.

**O. Zoning Recreational Use.** We may use time and space zoning to achieve balanced hunting. Examples of recreational use zoning areas are hunting blinds separated from free-roam areas, upland hunters separated from waterfowl hunters, and "special hunt" opportunities (e.g., "muzzleloading firearm area only" separated from archery).

**2.8 How do we manage hunting on inviolate sanctuaries for migratory birds?** If a refuge, or portion thereof, has been designated, acquired, reserved, or set apart as an inviolate sanctuary, we may only allow hunting of migratory game birds on no more than 40 percent of that refuge, or portion, at any one time unless we find that taking of any such species in more than 40 percent of such area would be beneficial to the species (16 U.S.C. 668dd(d)(1)(A), National Wildlife Refuge System Administration Act; 16 U.S.C. 703-712, Migratory Bird Treaty Act; and 16 U.S.C. 715a-715r, Migratory Bird Conservation Act). Generally, Regional Directors/CNO Manager have the authority to change the number of acres open to hunting. However, before we can open more than 40 percent of an inviolate sanctuary to hunting, we must consider the reasons for doing so, and we must publish these reasons in the Federal Register. Because of this requirement, the Director, under delegation from the Secretary, must approve all proposals to open more than 40 percent of an inviolate sanctuary to migratory bird hunting. Refuge managers must carefully evaluate all such proposals to ensure the proposed action will be compatible. Inviolate sanctuary classification imposes no limits on hunting nonmigratory birds or other game species.

**2.9 How do you open a refuge to hunting?** The refuge manager must submit an opening package for hunting programs as follows:

**A.** To initiate or expand hunting programs, the Service must publish in the Federal Register any proposed and final refuge-specific regulations pertaining to that use prior to implementing or publishing them in refuge hunt brochures or other public documents. These regulations

may include an entirely new hunt program, a new category of hunting (e.g., Big Game, Migratory Bird, or Upland Game), a new species not addressed in a previous opening package, or a new area(s) open to public hunting not addressed in a previous opening package. Opening packages for new species or new areas may be waived only if the refuge manager makes an affirmative finding that all other policy requirements for compatibility, the National Environmental Policy Act (NEPA), the Endangered Species Act section 7 evaluation, etc. have been fully satisfied. Refuge-specific regulations must be supported by the appropriate completed and approved opening package elements described below and contain detailed information the public needs to know to avoid violating refuge rules. Use of signs and brochures may supplement the final refuge-specific regulations to notify the public of the final refuge-specific regulations. Refuge managers must forward all opening packages to the Regional Director/CNO Manager for approval before submission to the Refuges Federal Register liaison in Headquarters. The refuge is officially open to hunting only after the effective date of the final rule (50 CFR 32.1), except in Alaska, where under ANILCA the refuge is automatically open to hunting activities. The regulations are only one element of a complete opening package, which is comprised of the following documents:

- (1) Hunting chapter of the VSP;
- (2) Compatibility determination, which must include analysis of the availability of resources with which to administer the use;
- (3) NEPA documentation (categorical exclusion, environmental assessment, or environmental impact statement);
- (4) Appropriate decision document (e.g., finding of no significant impact or record of decision);
- (5) Endangered Species Act section 7 evaluation;
- (6) Copies of letters requesting State and, where appropriate, tribal involvement and the results of the request;
- (7) Draft news release;
- (8) Outreach plan; and
- (9) Draft refuge-specific regulations.

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B. Refuge managers must annually review their refuge-specific hunting regulations and the VSP to ensure continued compatibility and consistency of the visitor services program with existing laws and regulations. Refuge managers must submit any refuge-specific amendments (additions, deletions, or modifications) each year to their Regional/CNO office for review and notification of State fish and wildlife agencies when there are differences from State regulations. Major revisions in the VSP (e.g., addition of a new hunting activity) will be in the form of an amendment to the plan. Refuge managers handle preparation and approval of amendments to the VSP the same as preparation and approval of the plan itself. Refuge managers should not submit changes for inclusion in the rulemaking process unless they have all approvals and other required documents. After Regional Director/CNO Manager approval, the Regional/CNO office sends that information to the Refuges Federal Register liaison in Headquarters, with the refuge-specific language, for inclusion in the rulemaking documents for publication in the Federal Register. We cannot publish a refuge opening without the complete opening package. Refuge-specific regulations should be standard and consistent in format throughout the Refuge System. The Refuges Federal Register liaison in Headquarters must receive this information by January 31 each year, unless otherwise requested by the Director, to allow sufficient time for compilation and review by affected Service program offices and the Office of the Solicitor. After receiving approval from these offices, the Headquarters Federal Register liaison will submit the proposed rule to the Director for approval. After required Departmental approval(s), we publish the proposed rule in the Federal Register with a 30-day public comment period. We include guidelines for preparing and submitting regulations and amendments below and in Exhibit 1.

**(1) Guidelines for preparation of refuge-specific hunting regulations.** There are three primary purposes for compliance with hunting regulations on refuges: conserving the resource, assisting in managing the resources, and ensuring safety. Generally, State hunting regulations provide the framework for meeting these three primary purposes. Refuge managers will make every effort to exhaust the State regulatory process. However, if State regulations do not completely address these criteria, refuge-specific regulations may be necessary. These regulations should focus primarily on the management of fish and wildlife resources and be enforceable. For example, if

we require permits on a specific refuge, a statement that we require special refuge permits is all that is necessary. It is not appropriate to include details in the regulations. Address details in a leaflet or the permit application. Also, do not submit regulatory text for the refuge unless it represents a change to the existing language in 50 CFR 32. If you are adding conditions to those already published, state that these are additions and indicate where you want them inserted in the regulatory text. The refuge manager should work cooperatively with State fish and wildlife agencies to develop and implement refuge-specific regulations.

**(2) Duplication of existing 50 CFR provisions.** When writing regulations, check 50 CFR to avoid duplication. For example, section 27.31 restricts motor vehicles to “designated routes of travel . . . delineated on maps by the refuge manager;” section 27.95 prohibits setting fires; and section 32.2(j) addresses possession of alcohol.

**(3) Duplication of State regulations.** 50 CFR 32.2(d) states: “Each person shall comply with applicable provisions of the laws and regulations of the State wherein any area is located unless further restricted by Federal law or regulation.” Further, 50 CFR 32.3(c) states “Refuge-specific hunting regulations will not liberalize existing State laws and regulations.” Therefore, do not repeat State bag limits, shell limits, seasons, hours, etc., in the refuge-specific regulations where we are not deviating from them. Refuge managers will address why refuge-specific regulations deviate from State laws and regulations in a cover memo to the appropriate Regional/CNO office representative and communicate the same information to the appropriate official in the State fish and wildlife agency. The preamble to the regulation should also include these explanations.

**(4) Preparation of refuge-specific regulations.** List bag limits, seasons, and hours that differ from the State’s in the refuge-specific regulations. Please use the example in Exhibit 1 for your submission for changes or additions to 50 CFR 32.

/sgd/ H. Dale Hall  
DIRECTOR

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