

# Niobrara National Scenic River Boundary

## Introduction

In the original Wild and Scenic Rivers Act of 1968 Congress declared it the policy of the nation to protect and preserve selected American rivers and their immediate environments for the benefit and enjoyment of present and future generations. The Act made free-flowing rivers and their contextual environments nationally significant. In doing so Congress specifically identified seven resource types it considered worthy of protection on these riverscapes. These were labeled "**outstandingly remarkable values**," namely **scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values**. The nature of six of the seven values is self-evident. In application since 1968, the seventh category, the so-called "other similar values," has come to include hydrology, paleontology, and botany resources, among others. Section 3(b) of the original Act limits the potential acreage in any given Wild and Scenic River unit to an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river.

The Niobrara Scenic River Designation Act of 1991 amended the Wild and Scenic Rivers Act by designating seventy-six miles of the Niobrara River between the Borman Bridge southeast of Valentine to the Nebraska Highway 137 bridge north of Newport. Consistent with limitations set forth in the original Act, the protected acreage in the new unit could not exceed 24,320 acres, which was the simple calculation of 320 acres of land per mile multiplied by the seventy-six-mile length of the designated reach.

In the 1991 Niobrara Act, Congress did not specifically identify for the Niobrara any of the seven core outstandingly remarkable values that ought to be protected though it labeled the unit a Scenic River, implying a watershed still largely primitive with shorelines largely undeveloped. Nebraska's congressional delegation did speak eloquently in preauthorization testimony of the Niobrara as a "biological crossroads," a "canoeists' and outdoor persons' paradise," and of its "unique historical, paleontological and archaeological significance." In its silence in the legislation, however, Congress placed the responsibility of determining the Niobrara's outstandingly remarkable values on the assigned managing agencies.

This section documents and assesses the Niobrara's river-related values based on existing scientific data and informed professional judgment. This boundary analysis process commenced anew in the summer of 2000 employing methodology commended by the Interagency Wild and Scenic Rivers Coordinating Council.

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## Resource Assessment Process

The purpose of this resource assessment is to document those river-related values or features that are truly "outstandingly remarkable" and those that, while not outstandingly remarkable, are meritorious and contribute substantially to the river's setting or to the function of the river ecosystem or cultural context. To qualify as an outstandingly remarkable value, the river-related resource must be a unique, rare, or exemplary feature in a regional or national context. The region of comparison for the Niobrara River is generally considered to be the central Great Plains.

Specific criteria for the individual outstandingly remarkable values are described in the opening paragraph for each of the values. The criteria used in this Niobrara River assessment are given in a December 1999 technical report titled "The Wild & Scenic River Study Process" prepared by the Interagency Wild and Scenic Rivers Coordinating Council. The seven criteria are followed by a discussion of the respective resources existing within the Niobrara River valley, and a finding and rationale for a determination of significance. The description summarizes information on the existing condition of the respective resources drawn largely from the Affected Environment section of this plan. As applicable, the description may also address any possible threats to resource values. This resource assessment also identifies the specific location of individual values if they do not occur throughout the seventy-six-mile reach.

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## Discussion of Outstandingly Remarkable Values

### 1. Scenic Value

#### *Outstandingly Remarkable Criteria*

*The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions (such as power lines) are viewed may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.*

#### **Discussion**

The designated seventy-six-mile Niobrara River reach is particularly renowned for its aesthetically pleasing landscape and diversity of plant groups and ecosystems, a condition of diversity widely held as comprising the scenic wonder of the Niobrara. Congress spoke to this notion directly and repeatedly in preauthorization testimony. The Niobrara is noted in scientific literature for the many plants that exist in the valley at or beyond their normal geographic limits. Plant species of eastern, western, and northern forest ecosystems and three Great Plains prairie ecosystems meet and intermingle in the designated reach. Some 160 plants in the river valley are at the edge of their natural range.

As examples, ponderosa pine forest and savanna, a Rocky Mountain vegetative standard, occurs at its eastern limit in the Niobrara Valley. Eastern deciduous forest mixing bur oak, American elm, black walnut, green ash, basswood, and hackberry, among other species, has extended up the valley, while northern or boreal forest featuring paper birch, hybrid aspen, ferns, and several species of club mosses is found on cool, moist, north-facing slopes. These plants apparently have survived as relicts of the Pleistocene ice age, when they were more widely distributed across the Great Plains.

Three types of grassland plant communities are also found in the area. The Niobrara provides a botanical transition between the tallgrass prairie of the more humid east and the dryer shortgrass prairie to the west. Sandhills mixed-grass prairie covers the upland country south of the river, where plant species adapted to unique sandy conditions. Along the river and to the north, on

clayey soils, mixed-grass prairie is found without the specialized sandhills plants. Also along the river, small remnant patches of tallgrass prairie can be found on moist river bottoms.

The Niobrara River is a stable flowing stream fed mostly by groundwater discharge from the adjacent sandhills. The area is within the northern extent of the Ogallala or High Plains aquifer. The entrenchment of the Niobrara River drains local groundwater into cold springs, which flow constantly and favor northern vegetation types. Waterfalls form where spring-fed creeks pour over harder rock layers. Smith Falls, the highest waterfall in Nebraska, and Fort Falls, are among the most notable of approximately two-hundred waterfalls found to exist within the unit.

Changes to vegetation occurring after homesteading include the introduction of nonnative grasses and weeds. The forested areas have grown denser, largely due to fire suppression and the reduction of timber cutting. Fire suppression has resulted in the spread of eastern red cedar, a native plant that was formerly held in check by prairie fires that once occurred as frequently as every three to five years.

Modern developments are uncommon in the area. This is not a landscape encumbered with power lines and vestiges of modern America. Aged iron bridges and scattered ranches, instead, dot the unit and shape a cultural landscape many generations old. Recreational developments in the form of seasonal and permanent homesites, canoe accesses, and campgrounds exist, particularly in the western third of the unit, but they generally blend with the natural environment rather than disrupt it.

The unique and inherently sound, largely untransformed vegetative condition of the Niobrara Valley, where six continental ecosystems prosper and mix, is a broadly occurring condition existing from rim top and beyond to rim top and beyond, from Borman Bridge to Nebraska Highway 137, and encompassing more than 150,000 acres. See maps 3 and 4.

#### **Finding**

This seventy-six-mile reach of the Niobrara River retains a timeless natural character with a splendid and nationally recognized mixing of distinct ecosystems, some at their farthest continental range. Waterfalls add an addi-



tional, exhilarating dimension and combine to make the scenery highly diverse. This unique natural condition contributes directly to other values, particularly Geology and Fish and Wildlife discussed below. Despite pressures to expand recreational offerings and develop sea-

sonal and permanent homesteads, the valley remains largely undeveloped. Roads are few and powerlines and smokestacks do not mar the vistas. The scenic quality of the Niobrara River is found to be an outstandingly remarkable value.

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*A clear, spring branch canyon stream cascades over bedrock in the western portion of the Scenic River.*

## 2. Recreational Value

### *Outstandingly Remarkable Criteria*

*Recreational opportunities are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting and boating.*

### **Discussion**

Drawn by opportunities to explore and enjoy the untrammelled scenery of a Great Plains river and valley, people enjoy a surprising array of recreational activities within the Niobrara corridor from the Borman Bridge to Nebraska Highway 137. While sightseeing, photography, hunting, and fishing are popular activities, canoeing, kayaking, and tubing the Niobrara are easily the most heralded and fashionable forms of recreation luring thousands of regional and national visitors to the unit annually. While the river is widely marketed by state and local tourism officials, the Niobrara has also garnered extraordinary national attention. In January 1988, for instance, *Backpacker* magazine proclaimed the Niobrara as one of America's "10 best paddling rivers." In April 2000 *National Geographic Adventure* magazine labeled the Niobrara as one of America's 100 best outdoor adventures. About 12,785 commercially outfitted floaters launched at Fort Niobrara in 2003, along with another 1,208 independents. While counts are not yet generated at other access sites, heavy summer dispersed put-in also occurs at Berry Bridge, Smith Falls State Park, and Brewer Bridge.

Camping is also a popular activity in the unit, both at Smith Falls State Park, Meadville, and at private campgrounds along the canoeable reach. Some 72,400 visitors were recorded at the state park in 2002, drawn by the scenery, opportunities to explore and photograph the spectacular falls, float the river, and camp on its banks. More than 18,750 campers used the park in 2002. Aside from Meadville, camping across the Scenic River is closely linked to canoe or tube use and associated commercial outfitting.

Sightseeing by personal automobile is growing in popularity on the Niobrara, grounded in opportunities to view the diverse wildlife and cultural resources of the Fort Niobrara National Wildlife Refuge, the lofty falls at Smith Falls State Park (where before a bridge was installed in 1994 viewers either waded the river or arrived by canoe), and explore the valley's seasonal diversity from a network of primary and secondary roads. Two popular valley overlooks, the so-called Sparks overlook, a simple shoulder turnout on the north rim several miles south of Sparks, and the well developed Fred Thomas Wildlife Management Area overlook on Nebraska Highway 7 north of Bassett, offer equally dramatic views of the valley and adjacent sandhills to the south.

Developed trails at the Fort Niobrara Refuge and Smith Falls State Park augment sightseeing by vehicle, allowing for quiet explorations of the riverfront, waterfalls, and south valley rim.

Hunting has an enduring appeal in the Niobrara Valley, featuring an array of traditional opportunities, trophy hunting, and the emergence of small commercial hunting lodges, cabins, and bed and breakfasts in the valley itself and in the surrounding gateway communities.

The varied recreational activities of the Niobrara are widely scattered throughout the unit, with boating use largely occurring in the western third of the designated reach, sightseeing spotted throughout the unit but generally associated with existing roads, and hunting and fishing widespread and typically dependent upon permitted access to private land. See maps 5 and 6.

### **Finding**

Lured by dramatic, untrammelled scenery and friendly water, canoeing and tubing the Niobrara River are stellar activities with enthusiastic and loyal followings. With the addition of camping and sightseeing at places like Smith Falls State Park and the Fred Thomas Wildlife Management Area complementing long-available opportunities at the Fort Niobrara Refuge, recreational use of the Niobrara National Scenic River is a growth industry drawing regional and national audiences. The recreational attributes of the Niobrara Valley are found to comprise an outstandingly remarkable value.



### 3. Geologic Value

#### *Outstandingly Remarkable Criteria*

*The river, or the area within the river corridor, contains one or more examples of a geological feature, process, or phenomenon that is unique or rare within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a "textbook" example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic structures).*

#### **Discussion**

From its origins in the Hartville Uplift in eastern Wyoming, the Niobrara River meanders an easterly, leisurely course across northern Nebraska, traversing a corner of the Sandhills in Cherry County until reaching the vicinity of Valentine where, for the next forty miles, the river runs a constrained bedrock channel of the Rosebud and Valentine formations. The Niobrara in this location is the only Nebraska river flowing directly over its bedrock substrate, this occurrence giving rise to the popular canoeable reach of the river with its characteristic increased river velocity, frequent stretches of rapids and riffles, and surge flows. In the proximity of the Norden Bridge, the riverbed again widens and the water slows, dropping its sand load to form a continuously changing, braided streambed.

The valley's south-facing slopes particularly expose the Miocene-age Valentine Formation and the less visible Ash Hollow Formation lying directly above it. Few springs emerge from either of these formations, owing to their loamy and silty nature. On the opposite, north-facing slopes, water originating in the Ogallala aquifer underlying the Sandhills finds its way along the top of the relatively impervious Rosebud Formation to emergences in side canyons and valleys known locally as "springbranch canyons." This water flows to the river from permanent, cool springs and large and small waterfalls.

The Niobrara's waterfalls appear in a wondrous array, from the near seventy-foot-tall Smith Falls and sixty-foot-tall Fort Falls to the delicate Stairstep Falls featured nationally in a "Postcard from Nebraska" video report airing July 23, 1995, on the CBS Sunday Morning television show. Some falls tumble deep in the springbranch

canyons and others cascade directly into the river. More than two hundred waterfalls are recorded in the designated reach.

The geology of the Niobrara Valley is an intrinsic value occurring from rim top to rim top, and fully from the Borman Bridge to Nebraska Highway 137. As with the scenic quality discussed above, the geological value encompasses more than 150,000 acres in the Niobrara Valley.

#### **Finding**

The dynamic and evolved geology of the Niobrara Valley is a delicate mix of well-watered, shady, and cool north-facing gradients; wider, sun-drenched south facing slopes; the diversity of a riverbed flowing variously over rock and sand substrate; and the tumble of water over hard rock. In their abundance and unexpected variety, the waterfalls of the Niobrara alone are unique to both Nebraska and the Great Plains. This multifaceted geology, in turn, supports the incredibly diverse and rich biota discussed above as the inherent quality in the Scenic Outstandingly Remarkable Value, and the diversity of the river's fish and wildlife and remarkable paleontology detailed in respective outstandingly remarkable value discussions below. Because of individual uniquenesses and inextricable links to the river's flora, fauna, and paleontology, the Niobrara's geology is found to be an outstandingly remarkable value.



Fort Falls.



*The Niobrara River Valley is home to both free-roaming and enclosed elk herds.*

## 4. Fish And Wildlife Value

### *Outstandingly Remarkable Criteria*

*Fish values may be judged on the relative merits of either fish populations, habitat, or a combination of these river-related conditions. As relates to populations, the river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed (or candidate) threatened, endangered or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of "outstandingly remarkable." As relates to habitat, the river provides exceptionally high quality habitat for fish species indigenous to the region of comparison. Of particular significance is habitat for wild stocks and/or federal or state listed (or candidate) threatened, endangered or sensitive species. Diversity of habitats is an important consideration and could, in itself, lead to a determination of "outstandingly remarkable."*

*Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat or a combination of these conditions. As relates to populations, the river, or area within the river corridor, contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species considered to be unique, and/or populations of federal or state listed (or candidate) threatened, endangered, or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of "outstandingly remarkable." As relates to habitat, the river, or area within the river corridor, provides exceptionally high quality habitat for wildlife of national or regional significance, and/or may provide unique habitat or a critical link in habitat conditions for federal or state listed (or candidate) threatened, endangered, or sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitats is an important consideration and could, in itself, lead to a determination of "outstandingly remarkable."*

### **Discussion**

The Niobrara River drainage contains the largest number of fish species occurring in Nebraska. Fish species specifically recorded in the Scenic River reach include the plains topminnow, red shiner, sand shiner, creek chub, white sucker, and Iowa darter. The Scenic River also contains several species representing glacial relict populations, including the pearl dace and blacknose shiner. The latter species are almost entirely limited in Nebraska to the cool, clear side streams of the Scenic River.

Cold-water fish are present in several Scenic River tributaries, including brook trout and rainbow trout. Some sport fishing occurs, but this reach of the Niobrara is not generally regarded as a unique fishing river. Warm-water species such as channel catfish and panfish species including bluegill and green sunfish also inhabit the Niobrara and provide some angling opportunity.

An amazing array of Great Plains mammals exist in the Niobrara Valley. White-tailed deer, mule deer, free-ranging moose, beaver, mink, coyote, rabbits, squirrels, skunks, foxes, and other mammals thrive along the river. Larger animals like bison and elk occur in fenced enclosures, though free-ranging elk are sighted as well. Occasionally mountain lions are seen in the forested hills of the river valley. Documented sightings of river otter, a state threatened species, have been recorded along the designated portion of the Niobrara but its current population is unknown.

The Scenic River is distinctive in that it supports three mammal species that are uniquely associated with the Niobrara. Bailey's eastern woodrat, a southern species that possibly moved north during a warm, wet period, is now found as an isolated population in the central Niobrara Valley. The olive-backed pocket mouse is also found in the valley, this western species noted at the eastern limits of its range. The southern bog lemming, a rare mammal of northeastern origin, occurs within the Niobrara Valley at its interface with the Sandhills.

Bats are documented in the Niobrara Valley and represent an important component of the mammal community. Keen's bat and the Brazilian free-tailed bat have only been found in the central Niobrara Valley. Keen's bat is associated with moist, eastern-type habitats, while the Brazilian free-tailed bat ordinarily has an affinity for southern, neo-tropical habitats.

A diverse array of birds also inhabit the Niobrara Valley. Five western bird species reach their eastern limits in the valley, while six northern oriented species reach their southern limits in the valley. The central reach of the Niobrara Valley is ecologically significant because it serves as an east-west avian corridor and important meeting ground, especially for forest-dependent species. Hybridization of eastern and western associated species, such as indigo and lazuli buntings, yellow-shafted and red-shafted flickers, and Baltimore and Bullock's orioles are vivid testaments to the biological uniqueness of the Scenic River. Bald eagles are especially common in win-



ter months, but are also seen in lesser numbers throughout the year.

The Niobrara Valley is seasonal home to several threatened and endangered bird species. The interior least tern and piping plover nest on sandbars east of Norden Bridge. In September 2002, the U.S. Fish and Wildlife Service designated the river east of Norden Bridge as critical habitat for piping plovers. The river also provides important resting and forage habitat for several migrating birds, including whooping cranes.

The Niobrara Valley is home to several wildlife species that do not receive much attention but indeed are significant to the overall biodiversity and integrity of the river and its ecosystems. Some ninety-two species of butterflies have been recorded in the valley and sixteen species reach the edge of their range there. Hybridization of three species, the Red-spotted purple, Weidemeyer's admiral, and Eastern viceroy are noted as evolutionary and genetically significant and provide excellent opportunities for research.

Reptiles also occupy a special niche within the Niobrara Valley. The ringneck snake occurs in deciduous forest oriented areas of the valley and reaches its western limits there while the eastern hognose snake also occurs in the valley and is otherwise only marginally distributed across the Sandhills.

### **Finding**

The importance of native habitat in the seventy-six-mile-long Niobrara National Scenic River is a value closely associated with the diverse and rich biota referenced above that comprises a core quality in the Scenic Outstandingly Remarkable Value. By themselves any of the valley's animals can seem insignificant. But when examined within the context of traditional ranges and the unique diversity and intermingling of ecosystems, the profusion of habitats and animal species become an outstanding example of Great Plains biological diversity. The Scenic River is doubly unique in that it serves as an ecological crossroads for several species of fish, birds, mammals, reptiles, and invertebrates, and a major area for hybridization and evolution. As well, portions of the Scenic River are important as potential critical habitat for several threatened or endangered species. Accordingly, fish and wildlife and corresponding habitats are found to be an outstandingly remarkable value

found from rim-top to rim-top and throughout the seventy-six-mile length of the Scenic River.

## **5. Historic Value**

### ***Outstandingly Remarkable Criteria***

*The river, or area within the river corridor, contains a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare or one-of-a-kind in the region. Many such sites are listed in the National Register of Historic Places. A historic site(s) and/or feature(s) is 50 years old or older in most cases.*

### **Discussion**

This segment of the Niobrara Valley has witnessed human occupancy from the time of Paleo-Indians some 7,500 to 11,500 years before the present, to the era of cattle ranching, a cultural legacy arriving in the 1880s and persisting in modern time. Archaeological sites associated with Indian occupation are recorded in the valley, but none are listed in the National Register. White explorers traversed the river in the 1850s but left no traces. The United States Army established Fort Niobrara in 1879, largely to ensure peaceful Indian relations at the nearby Rosebud Sioux Reservation. One army structure survives and the fort site is listed in the National Register of Historic Places. The arrival of the Fremont, Elkhorn, and Missouri Valley Railroad in 1883 opened northcentral Nebraska to cattle ranching and homesteading, and several saw and flourmills were operating along the Niobrara River by the mid-1880s. Residents of Valentine, a community founded concurrently with Fort Niobrara, built the Cornell Dam in 1915-16 as a source of water and electricity. The dam ceased functioning in the fall of 1984 though it survives presently. Serving homesteaders, eight iron truss bridges spanned the Niobrara in the first quarter of the twentieth century. Four are listed in the National Register.

### **Finding**

The historic uses of the Niobrara River corridor for seasonal camping, as the site of a military post overseeing an Indian agency, and associated with community development or homesteading are typical of river settings in



the region. While several sites and structures are listed in the National Register of Historic Places, none are unusual within the region of comparison. History, therefore, is not considered an outstandingly remarkable value for the Niobrara National Scenic River.

## 6. Cultural Value

### *Outstandingly Remarkable Criteria*

*The river, or area within the river corridor, contains a site(s) where there is evidence of significant historic, archaeological, ethnographic, or design values. The site may have unique natural and built features and the dynamics inherent in natural processes and continued human and animal occupation.*

### Discussion

Though used by Indians as a seasonal camping and hunting landscape for millennia, the Niobrara Valley is not known to possess sites of unique cultural significance as is commonly associated with places like Bear Butte and Spirit Mound, South Dakota, Devils Tower, Wyoming, or the pipestone quarries in Minnesota. Such design values as may have been associated with the United States Army's development and garrisoning of Fort Niobrara were long ago compromised with abandonment and post-abandonment destruction of that site. Activities associated with cattle ranching, however, do comprise a traditional cultural value and landscape that are now more than a century old and still evincing the distinctive melding of a human endeavor on a diverse and delicate landscape. Testimony before Congress as the unit was being established applauded this characteristic Niobrara legacy, noting how this tradition of stewardship contributed to the outstanding natural integrity of the valley.

### Finding

The saga of cattle ranching in the Niobrara Valley is a legacy worthy of careful study, both for its perpetuation of a renowned Western cultural institution and because it so directly preserved the natural character of the landscape. While deserving of specific study and memorialization, however, the cattlemen's legacy on the Niobrara has many parallels on other riverscapes within the region. In fact, careful land stewardship generally asso-

ciated with cattle ranching is a renowned tradition in Nebraska and across the Great Plains and not so much a localized attribute. As such, the cultural resources of the Niobrara are not found to be an outstandingly remarkable value when compared with other rivers in the region.

## 7. Other Similar Values (Paleontology)

### *Outstandingly Remarkable Criteria*

*While no specific national evaluation guidelines have been developed for the "other similar values" category, assessments of additional river-related values consistent with the foregoing guidance may be developed — including, but not limited to, hydrology, paleontology, and botany resources.*

### Discussion

Congressional testimony preceding the establishment of the Niobrara National Scenic River repeatedly lauded the paleontology of the valley as nationally exceptional. One Nebraska congressman boldly quoted University of Nebraska paleontologist Michael Voorhies, who labeled the Niobrara "the best bone hunter's river in the world." Indeed, the designated reach is extraordinarily rich in documented fossil sites and has been studied by the nation's scientific community for nearly 125 years. Of 164 catalogued sites in the study area, fifteen were rated as internationally significant, thirty-seven as nationally significant, and 106 as regionally significant. Some eighty species of extinct vertebrates were first identified in the project area, including fifty-six mammals, thirteen reptiles, eight amphibians, two birds, and one fish.

Type localities are where a previously unknown species was first discovered. The project area contains twenty-six type localities. Diversity of species found at a site is scientifically noteworthy. No less than 146 vertebrate species were found at one site, a locale renowned as the best of its type in North America. Another site has produced eighty-nine mammal species (more than any other single fossil quarry in the world). Yet another site produced eighty-four microvertebrate species, and a late Pleistocene faunal site along the river yielded the only known remains of several species of northern forest mammals on the Great Plains. Of these sites, some twenty have been recommended for inclusion in the National Register of Historic Places, that assessment

noting that the sites in the area contribute to our understanding of prehistory of vertebrate life on the North American Great Plains. See maps 7 and 8.

### Finding

The designated reach of the Niobrara River is internationally renowned for the multiplicity of known species and type localities associated with the study of mammal evolution in North America. These paleontological resources have been studied by scientists for more than 125 years, and vigorous research continues. The paleontological resources of the Niobrara Valley are found to be an outstandingly remarkable value.

### Boundary Alternatives

The Niobrara Scenic River Designation Act of 1991 amending the Wild and Scenic Rivers Act of 1968 obligated the National Park Service to develop a boundary to facilitate protection of the Niobrara National Scenic River and associated outstandingly remarkable values. The Niobrara's outstandingly remarkable values are determined to include **Scenic, Recreational, Geologic, Fish and Wildlife, and Paleontological**. The three boundary alternatives detailed below are not linked to specific management alternatives. Any boundary alternative could be chosen independent of any management alternative selected. The National Park Service does not intend to post or fence the Scenic River boundary. The National Park Service may do surveying only if needed to resolve a matter of concern or dispute.

A boundary acts to highlight the most exemplary river corridor resources, defined as its outstandingly remarkable values. Unlike a boundary for a reservoir or highway construction project, this Scenic River boundary does not define land to be purchased. The Wild and Scenic Rivers Act encourages landscape protection by means other than federal purchase, although federal purchase of land is authorized. The Act also encourages the managing federal agency to cooperate with state and local governments, organizations, and individuals to plan, protect, and manage river resources. Assistance could be provided for protection of river-related resources inside or outside the boundary. Agreements to do so may include financial assistance. Cooperative planning and agreements with local governments and

private landowners can take place either inside or outside of the boundaries.

The National Park Service cooperated with several state and federal agencies and institutions to gather information and analyze the river's resources. This database was used to develop the preceding outstandingly remarkable value maps for scenic, recreational, and paleontological resources and three different boundary alternatives that seek to protect and enhance the values which caused the Niobrara to be included in the Wild and Scenic Rivers System.

### Boundary Alternative 1

Boundary Alternative 1 encompasses **one-quarter mile** (0.25) of land from the ordinary high water mark on each side of the Niobrara River for the seventy-six-mile length of the designated reach from Borman Bridge to the Nebraska Highway 137 highway bridge north of Newport. This boundary includes portions of the congressionally designated wilderness within the Fort Niobrara National Wildlife Refuge.

This quarter-mile interim boundary is the same as the so-called "study boundary" prescribed in Section 4(d) of the Wild and Scenic Rivers Act. The total land area for this boundary alternative is 24,320 acres, the sum a calculation derived directly from the Act. This alternative is not preferred because, although it protects many of the Niobrara's outstandingly remarkable values, it is not tailored to provide maximum protection to the most outstandingly remarkable values, and it does not take into consideration practical lines of demarcation such as roads and property lines. It is not considered to meet the full intent of the Wild and Scenic Rivers Act. See maps 9 and 10.

### Boundary Alternative 2

This boundary alternative favors protection of the Niobrara's outstandingly remarkable **Scenic and Paleontological** values, owing to their heralded national and international recognition, while incorporating but not always favoring its Recreational, Geologic, and Fish and Wildlife values and staying within the legislated

acreage limits prescribed in the Wild and Scenic Rivers Act. The wilderness area within the Fort Niobrara National Wildlife Refuge is protected by an Act of Congress and this boundary follows the ordinary high water mark through this 5.5-mile portion of the refuge. The presence of other protected lands was also considered and where they exist a minimum setback of two hundred feet above the ordinary high water mark was typically applied. Exceptions abound, the leased land of Smith Falls State Park being the most notable. Due to the complexity of the intertwined biological resources comprising the Scenic value and the widely dispersed locations of important paleontological sites, the boundary is substantially wider between the Allen and Norden bridges. In one instance the boundary extends nearly 2.75 miles from the river, and it extends nearly three miles up Fairfield Creek. The total land area associated with this alternative is 22,472 acres. This alternative meets congressional intent for Wild and Scenic River protection. **See maps 11 and 12.**

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#### Boundary Alternative 3 (Preferred Alternative)

The preferred boundary for the Niobrara National Scenic River was drawn to protect as equitably as possible the river's outstandingly remarkable **Scenic, Recreational, Geologic, Fish and Wildlife, and Paleontological** values, while staying within the legislated acreage limits prescribed in the Wild and Scenic Rivers Act. The protected values include unusual or excellent examples of the river's distinctive plant ecosystems, instances of integrated ecosystems, nearly all of the river's waterfalls including its signature falls, and associated geological features; riverine landscapes visible from the streambed, key roads, and overlooks, all in

the context of recreational enjoyment; critical habitats associated with fish and wildlife resources including that prescribed by the U. S. Fish and Wildlife Service for certain threatened and endangered species; and an array of global, national, and regional class fossil sites. Several documented National Register historic properties and a number of other historic sites in the seventy-six-mile reach are also included in the preferred boundary alternative.

As the Fort Niobrara Wilderness is already protected by an Act of Congress, the boundary follows the ordinary high water mark through this portion of the Fort Niobrara Refuge. The presence of other protected lands was also considered and where they exist a minimum setback of two hundred feet above the ordinary high water mark, measured horizontally, was typically applied. Exceptions abound, the leased land of Smith Falls State Park being the most notable. Due to the complexity of the intertwined biological resources comprising the Scenic, Geologic, and Fish and Wildlife values, the boundary is generally wider between the refuge and Norden Bridge, but to protect distinctive biological resources and viewsheds downriver it expands noticeably again at the paved Highway 183, 7, and 137 crossings. Aside from the wilderness passage, the boundary does not measure less than two hundred feet above the ordinary high water mark of the river elsewhere, and in some areas it extends nearly one mile from the river. It extends about 2.5 miles up Fairfield Creek, site of key paleontological resources. Although the Niobrara's outstandingly remarkable values encompass more than 150,000 acres in the designated reach, the total land area associated with this boundary, 23,074 acres, is within congressionally prescribed limits. This alternative meets congressional intent for Wild and Scenic River protection. **See maps 13 and 14.**

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*Canoeists enjoy one of the Niobrara's numerous waterfalls that plunge directly into the river.*



# Management Alternatives

## Introduction

Section 10(a) of the Wild and Scenic Rivers Act directs that each component of the national system be administered in a manner that protects and enhances the values which caused the segment to be included in that system, without limiting other uses that do not substantially interfere with public use and enjoyment of those values. In such administration primary emphasis is given to protecting the component's esthetic, scenic, historic, archaeological, and scientific features, numerous attributes known collectively as Outstandingly Remarkable Values. Specific management plans for such components establish varying degrees of intensity for landscape and resource protection and development, based on the special qualities of the area.

Guidelines adopted in 1982 by the departments of the interior and agriculture give added planning and management direction. Land uses and developments on private land in the river area that existed when the segment was designated would continue, provided they were consistent with the purposes of the Wild and Scenic Rivers Act. Public use would be regulated and distributed where necessary to protect and enhance resource values. The managing agency or agencies could provide basic accommodations to absorb user impacts on the resource. Major public use facilities would, where feasible, be located outside the river area. Agricultural and forestry practices would be similar in nature and intensity to those present in the area at the time of designation. As well, patterns of land use and ownership would be maintained, provided they remained consistent with the purposes of the Wild and Scenic Rivers Act.

As prescribed by the National Environmental Policy Act, a federal agency's environmental impact statement must include a "continue existing conditions" (in this case, no National Park Service action) and multiple action alternatives for managing the land and associated uses in the project area. The action alternatives must each address planning issues and concerns, comply with identified legislative mandates, and lead to the desired future conditions.

The management alternatives in this plan discuss land along a river that is mostly privately owned. Congressional debate preceding the 1991 Niobrara

Scenic River Designation Act and early discussions in the planning process directed the focus away from large-scale federal land purchases and toward maintaining private ownership and encouraged landscape protection through partnerships with local governments and landowners.

The alternatives for managing the Niobrara National Scenic River presented here evolved from protracted planning between 1991 and 1996, a brief experience at a partnering venture between 1997 and 1999 involving the National Park Service and newly created Niobrara Council, a 1999 court order that terminated that venture by invalidating the general management plan/environmental impact statement upon which the partnership was based, and input received from planning partners participating in the court-ordered replanning effort of 2000 through 2005.

## Existing Authorities, Laws, and Programs

This section describes existing authorities, laws, and programs that could and in many instances must be used in Niobrara National Scenic River management.

### Water Resource Authorities

Section 7(a) of the Wild and Scenic Rivers Act declares that

*...no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration.*

This authority affects the seventy-six-mile Niobrara National Scenic River and also applies to actions above and below the designated segment and on tributaries if the action would invade the designated segment or otherwise have an adverse effect on the designated segment. For example, the National Park Service's Section 7(a) evaluations weigh heavily in the U. S. Army Corps of Engineers's granting of Section 404 permits for water resources projects occurring on the Scenic River.

Section 404 of the Clean Water Act requires permits for discharge of fill into streams, lakes, and wetlands. The Corps of Engineers issues the permits to individuals and government agencies for construction projects. With appropriate environmental analysis and redress, landowners and agencies with Section 404 permits could continue to construct such things as check dams and other erosion control structures on tributaries **outside** the boundary. Natural materials incorporating bioengineering methods are preferred for erosion control.

Action **inside** a Wild and Scenic River boundary that in any way impairs the free-flowing condition of the river or section of a river is expressly prohibited by Section 1(b) of the Wild and Scenic Rivers Act, which reads in part

*It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.*

Section 16(b) of the Act provides further definition:

*"Free-flowing", as applied to any river or section of a river, means existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.*

As described in the Wild and Scenic Rivers Act in Sections 13(b) to 13(d), the Act does not change state and federal water law but does require that flows needed to protect river values be maintained. The designated segment is well watered at this time. Unless future diversions by owners with valid water rights alter this situation, there would be no need for the National Park Service to seek enforcement of its water rights. To date, the state has not sought to adjudicate water rights pursuant to the McCarran Amendment, 43 U. S. Code Section 666(a). Therefore, it is not known whether there were unappropriated waters at the time of designation. If not, and future legitimate rights were exercised to the point of adversely affecting outstandingly remarkable values, the Federal government would have to consider purchasing water rights. The National Park Service will determine needed in-stream flows for the Niobrara National Scenic River as soon as practical.

The Environmental Protection Agency via the Clean Water Act delegates water quality management to states. Federal oversight is provided by the Environmental Protection Agency. The Nebraska Department of Environmental Quality establishes and administers surface water quality standards and stream classifications under Title 117 (Nebraska DEQ 1991), standards for new septic systems under Title 124 (Nebraska DEQ 1987), and regulations pertaining to feedlots and animal waste control under Title 130 (Nebraska DEQ 1989). Under Nebraska law the water column is under state jurisdiction. The Niobrara River is rated a Class A river in which the existing water quality shall be maintained and protected. Department of Environmental Quality permits for new septic disposal systems, including septic tanks and underground absorption beds, require that they be located at least fifty feet from Class A streams, be under review for a distance of two hundred feet from Class A streams, be at least four feet above the seasonal high water elevation of ground water, and be installed on slopes not exceeding a twelve percent grade.

#### **County and Niobrara Council Zoning Authorities**

Real estate development can greatly influence the scenic, social, and environmental values along the river. Land use zoning by counties is intended to guide new development to protect health, safety, and welfare in the long term. Brown, Cherry, Keya Paha, and Rock counties have zoning ordinances for new use and development of private property. County zoning ordinances must be countywide under Nebraska law. The zoned counties developed codes that are consistent with the purposes of the Wild and Scenic Rivers Act by generally adopting land protection recommendations made by the National Park Service in its 1996 *Niobrara National Scenic River General Management Plan/Environmental Impact Statement*. The 1996 development commendations are reaffirmed in this plan. **See Appendix E.**

In 2000 the State of Nebraska passed LB1234 that reorganized the Niobrara Council, bestowed it with state authority to assist the National Park Service in all aspects of Scenic River management, and, most important, charged it with reviewing and approving or rejecting existing, new, or proposed zoning regulations and variances on lands within the Scenic River boundary. The Council reorganized in July 2000 under this state authority and has been exercising its responsibilities ever since. **See Appendix G** for a copy of this statute.



The federal government does not have zoning authority over privately owned lands, unlike counties, municipal governments, and other political subdivisions of the state.

### **Federal Land Acquisition Authority and Limits**

The Niobrara Scenic River Designation Act of 1991 and the Wild and Scenic Rivers Act provide authority for but do not require government acquisition of land. The federal government may control land use along the Scenic River by acquisition of land or easements. Under Wild and Scenic Rivers Act authority, acquired land must be inside an approved boundary or be part of a tract partially inside the boundary. Acquisition could include accepting a donation of land, purchase of all interests in land (full fee title purchase), purchase of an easement, or condemnation of fee title or an easement. For any purchase, appraisers determine market value based on comparable land sales.

An easement is a purchase of certain rights or a partial interest in a property. It results in a restriction on the deed that is binding on future owners. Changes in the easement can only be made by the agreement of the original parties or their successors in title. Use easements could permit some activities such as hiking or picnicking. Scenic or conservation easements could restrict activities such as construction. Valuations are determined by current land appraisals performed with and without the easement provisions and the difference between the values is paid to the landowner.

Acquisition of land by the federal government is limited by the Wild and Scenic Rivers Act. A managing agency cannot acquire fee interest in land exceeding an average of one hundred acres per river mile. Forced sale by condemnation could occur for fee title or easement. Condemnation could not be used for fee title purchase if total public ownership exceeds fifty percent of the acreage within the boundary. An agency can condemn scenic or use easements or in order to clear title.

Sections 4(a) and 4(b) of the Niobrara Scenic River Designation Act of 1991 further restrict the use of condemnation on the Niobrara unless it can be demonstrated that state or local governments are not adequately protecting the values for which the river was designated, whether through statute, regulation, or ordinance. Otherwise, purchase of land in fee title by use of con-

demnation could not exceed two percent of total acreage within the boundary. Total purchase of land (fee title or easement) by condemnation could not exceed five percent of the total acreage within the boundary.

### **Jurisdiction and Law Enforcement**

The Niobrara Scenic River Designation Act of 1991 established federal jurisdiction on the surface waters of the Niobrara from the commencement of the unit at Borman Bridge to its terminus at Nebraska Highway 137, and over such federal lands existing presently or may subsequently be acquired. The 1991 Niobrara Act provided that that portion of the river located within the Fort Niobrara National Wildlife Refuge would continue to be managed by the U. S. Fish and Wildlife Service, while the National Park Service was assigned management over the remainder of the unit. Accordingly, primary law enforcement on the federal jurisdiction will necessarily be managed by the U. S. Fish and Wildlife Service and National Park Service, respectively.

Federal law enforcement agents have minimal jurisdiction over private land and other non-federal property. Accordingly, primary law enforcement on such lands will continue to be provided by county sheriff's departments under all alternatives. Search and rescue and wildfire suppression responsibilities will typically continue under county jurisdiction.

The U. S. Fish and Wildlife Service has concurrent jurisdiction with the State of Nebraska on the Fort Niobrara National Wildlife Refuge. Some Fish and Wildlife law enforcement officers are also deputized state wildlife conservation officers under cooperative agreement with the state.

Nebraska Game and Parks Commission law enforcement jurisdiction is unchanged by the 1991 Niobrara Act and wildlife conservation officers will continue enforcing state wildlife and boating regulations throughout the Scenic River unit, and state park regulations at Smith Falls State Park.

Under Section 13(a) of the Wild and Scenic Rivers Act, state jurisdiction over fishing, hunting, and trapping on private land will continue. Fishing and hunting will continue on all lands in the boundary except at Fort Niobrara National Wildlife Refuge and Smith Falls State Park, unless the National Park Service determines that it

should designate zones or establish periods when fishing or hunting is not allowed, whether for resource preservation, public safety, administration, or public use and enjoyment of the designated river segment, and the Service would seek concurrence and enforcement through the state. Trapping is prohibited on federally owned land under National Park Service management unless authorized by specific statute, which in this case it is not.

National Park Service regulations prohibit the use of airboats and personal water craft on waters under the Service's jurisdiction except for emergency or specially permitted administrative uses. Other applicable boating regulations are set forth in Part 3 of Title 36 of the Code of Federal Regulations.

#### **Fort Niobrara National Wildlife Refuge**

The 1991 Niobrara Act provides that the 9.2-mile segment of river flowing through the Fort Niobrara National Wildlife Refuge will continue to be managed by the U. S. Fish and Wildlife Service. Coordination of Scenic River management will be achieved through approval of the general management plan and a subsequent interagency agreement.

Public Law 94-557 passed by Congress on October 19, 1976, established the 4,635-acre Fort Niobrara Wilderness Area within the existing boundaries of the Fort Niobrara National Wildlife Refuge. The wilderness is managed consistent with general provisions of the Wilderness Act of 1964, acknowledging and perpetuating a landscape untrammelled by man. The Niobrara

National Scenic River passes some 5.5 miles of this wilderness which presence affords protection of resources counted among the outstandingly remarkable values of the Scenic River.

#### **Threatened and Endangered Species**

The U. S. Fish and Wildlife Service via the Endangered Species Act oversees protection and recovery of plant and animal species federally listed as threatened or endangered, or are candidates for listing. Several protected species are found in the area. All actions by federal agencies, including the National Park Service, are reviewed in consultation with the Fish and Wildlife Service for compliance with the Endangered Species Act, and the Fish and Wildlife Service has authority to monitor endangered and threatened species and to enforce the Act's prohibitions against harming such species. By agreement, the National Park Service also manages to protect state listed species.

#### **State and Federal Conservation Programs on Private Land**

Programs providing technical assistance and cost-share assistance to private landowners would be continued by various federal, state, and local agencies for purposes of water, soil, and wildlife conservation, in conformance, however, with Wild and Scenic Rivers Act Section 7(a) provisions discussed above. County governments and natural resources districts have the authority to accept voluntary conservation easements given by landowners.

# Management Alternative A No-Action Alternative

## Management Concept

The National Environmental Policy Act requires the consideration of a "no action" alternative along with action alternatives for, in this instance, the management of a unit of the National Park System. The no action alternative is developed, analyzed, and used as a baseline for comparing the effects of the action alternatives. Under Alternative A it is assumed that many local, state, and federal government programs, agencies, and authorities would continue to function within the Scenic River area, and change over time, but with no systematic coordination or oversight. It would also be assumed that the National Park Service would be limited in its ability to meet legal or policy requirements in the park.

In the no-action alternative, the river area would continue to evolve without a coordinated, comprehensive effort by a congressionally delegated managing agency and would generally continue current trends of landscape oversight, visitor use, and development. The Niobrara River would retain its legislated status as a unit of the National Wild and Scenic River System as specified in the Niobrara Scenic River Designation Act of 1991. National Park Service administration would be minimal, at best, and consist mostly of loose coordination with state and federal agencies and review of federal permits to maintain the river in its free-flowing condition in compliance with the Wild and Scenic Rivers Act.

Local interests, chiefly landowners, outfitters, natural resources districts, and county governments, would continue to provide services such as public information, law enforcement, river access, road maintenance, outfitting, and camping.

Landowners would continue using their land as they saw fit, subject only to other state and federal regulations and programs. Protection of the scenery and natural features would depend almost exclusively on existing or developing programs, including county zoning, voluntary landowner covenants, and other private land protection strategies. The Niobrara Council, utilizing authorities for land protection accorded it by the State of Nebraska, would continue to review local zoning actions.

Land ownership would follow existing patterns with limited or no public purchase of land or easements.

## Niobrara Council

The original Niobrara Council was established in 1997 as an outgrowth of the preferred management alternative in the 1996 *Niobrara National Scenic River General Management Plan/Environmental Impact Statement*. As envisioned, this then fifteen-member consortium representative of local county governments and landowners, natural resources districts, river industries, and state and federal governments was tasked by the National Park Service with many Scenic River operational responsibilities, including land protection, resources management, and infrastructure management. A federal court ruling in a lawsuit brought against the National Park Service in 1997 invalidated the 1996 general management plan and required that the Service sever its ties with the original Council, ruling that the Service had exceeded its authority in delegating management responsibilities to another agency. Although the National Park Service disagrees with this characterization, it respects the court and is following its ruling. Meanwhile, a state law passed in 2000 by the Nebraska Unicameral formally reconstituted the Niobrara Council as a sixteen-member state body with specific charges of reviewing, approving, or rejecting zoning regulations and variances affecting Scenic River land, and assisting in other aspects of the management of the unit.

Under the No-action Alternative, the Niobrara Council would engage in an array of self-directed land protection and resource management initiatives, but would not receive National Park Service funding. Instead, it would depend on state and county support and grantsmanship.

## Staffing / Funding / Cost

The National Park Service would retain an employee dedicated to Niobrara River matters at its Niobrara/Missouri headquarters in O'Neill. This individual would chiefly review actions emanating from other federal agencies such as the U. S. Fish and Wildlife Service, U. S. Army Corps of Engineers, and Bureau of Reclamation in lieu of similar agency-to-agency review



at the National Park Service's Midwest Regional Office in Omaha.

The annual operating cost for limited government-to-government liaison on the Niobrara National Scenic River would be approximately \$100,000.

See Appendix H for a cost comparison of alternatives A, B, and C.

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### Land Protection / Acquisition

General patterns of private and public ownership and management would continue. Protection of the landscape and natural features would depend on the owner and existing or developing programs, including county zoning, voluntary deed restrictions, and private land conservation programs. County zoning established in Brown, Cherry, Keya Paha, and Rock counties provides reasonable landscape protection consistent with values and standards developed in the invalidated 1996 *Niobrara National Scenic River General Management Plan/Environmental Impact Statement*. Utilizing authorities given it by the State of Nebraska, the Niobrara Council would continue to review local zoning decisions making consistent with the tenets of the defunct 1996 management plan and general precepts of the Wild and Scenic Rivers Act, but would be dependent upon non-federal funding to support its oversight activities.

The National Park Service would not purchase land or easements, nor would it support financially any local entity even if that entity were willing or able to engage in land protection activities.

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### Resource Management

Private and public land would be managed for various objectives under county, state, and federal environmental regulations. Various conservation programs would continue to provide technical and financial assistance in resource conservation. The National Park Service would draft a resource stewardship plan, likely by contract, and may provide minimal financial support for implementation. Fire management would continue to be the obligation of the state. Rural fire departments would be responsible for wildland fire suppression.

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### Visitor Information and Interpretation

River information services would be provided by outfitters, chambers of commerce, local tourism committees, the Nebraska Game and Parks Commission, and U. S. Fish and Wildlife Service. While the Commission and Fish and Wildlife Service stress in their literature the importance of the locale's natural resources, local efforts typically feature "getting there" and "using it" concepts rather than developing resource understandings in a national context integral with river and landscape preservation. The National Park Service would not develop a long-range interpretive vision for the park or support financially any efforts along those lines.

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### Law Enforcement and Emergency Services

Those agencies and governments with law enforcement jurisdiction within the Niobrara National Scenic River would provide law enforcement, search and rescue, and fire control within their individual jurisdictions or as may be permitted by cross-jurisdictional agreements. To the extent of its capabilities, the National Park Service would seek to implement limited visitor and resource protection efforts pursuant to its jurisdiction, likely with minimal financial support.

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### Visitor Use and Outfitter Management

Recreational uses and services consisting mainly of canoeing and inner tubing on the western third of the designated river, plus camping and sightseeing would continue. Hunting would continue on private property. The U. S. Fish and Wildlife Service would continue to manage river use and outfitters within its jurisdiction on the Fort Niobrara National Wildlife Refuge. Outfitters would still be required to obtain restricted annual special use permits issued by the U.S. Fish and Wildlife Service in an effort to address resource and recreational impacts on the Refuge.

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## Public Facilities / Maintenance

River access would continue to be provided at publicly owned sites at Fort Niobrara National Wildlife Refuge, Smith Falls State Park, and the Middle Niobrara Natural Resources District's Brewer Bridge launch. Privately owned commercial access sites also exist between the Berry and Norden bridges, and at the Meadville bridge. These sites could continue and new sites could be developed based on the desires of private landowners and

county zoning regulations. Camping would be provided at Smith Falls and at privately owned commercial campgrounds along the river east of Berry Bridge and at Meadville. Public sanitary facilities on the canoeable reach would be limited to Fort Niobrara, Smith Falls, and the Brewer Bridge site. County and state roads would continue to provide recreational access to the river valley but financial support for routine maintenance and desired upgrades would be limited to local and state sources.

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*A solo canoeist enjoys a Class II drop at Fritz's Island.*

# Management Alternative B

## National Park Service Manages With Assistance From Partners (Preferred Alternative)

### Management Concept

This alternative acknowledges several realities confronting the National Park Service in the twenty-first century. First, Congress continues to create units of the National Park System that in many instances include significant tracts of privately owned land within their boundaries. Second, there are many privately owned lands in America that retain their inherent outstanding natural or cultural value. Third, the American legal system provides certain rights to owners of private lands that protect an individual's rights of property. Lastly, it is possible to build varied partnerships that successfully serve national interests like preserving and managing an American treasure as remarkable as the Niobrara National Scenic River, while still respecting private land ownership within the Scenic River's boundaries.

This alternative recognizes the considerable success enjoyed by the National Park Service in forging productive working relationships with federal, state, and private partners to manage the Scenic River's diverse resources and challenges. It recognizes as well that a high percentage of the land within the boundary of the Niobrara National Scenic River is privately owned and likely to remain so in the foreseeable future. And it fully acknowledges a federal court order directing the National Park Service to retain its statutorily mandated authority over Scenic River management.

In this preferred alternative, the National Park Service would provide numerous services and retain management control over such core functions as natural and cultural resources management and law enforcement. The National Park Service would also take a lead role in areas where it is a recognized leader, such as interpretation. Finally, the National Park Service would act as the lead agency, technical advisor, and facilitator in other functional areas where partnerships might more logically achieve National Park Service-standards of performance such as resource protection on private lands. This alternative also recognizes that if selected partnering efforts were not achieving desired objectives, the National Park Service would seek a better partnership or manage the task directly. In any event, under this alternative the National Park Service would retain

ultimate authority for protecting resources as assigned by Congress through the Wild and Scenic Rivers designation.

### Staffing / Funding / Costs

The National Park Service would maintain a field presence in Valentine and its headquarters office in O'Neill (which is also headquarters for the National Park Service's management of the Missouri National Recreational River).

The Valentine field office in 2005 would be composed of a mix of permanent resource management specialists and visitor and resource protection rangers under the charge of a chief ranger. A seasonal staff of biological technicians and visitor and resource protection specialists would support the permanent staff. Annual costs for this resource management and visitor protection field staff in 2005 would be approximately \$250,000, including personnel, equipment, rent, supplies, and transportation.

The O'Neill headquarters office in 2005 includes a superintendent, administrative officer, administrative assistant, resource management specialists, and a hydrologist. Four of these employees divide their time equally between the Niobrara and Missouri units and provide technical support to field staffs and partners. One of the resource management specialists is dedicated to the Niobrara. The Niobrara-affiliated headquarters staff in 2005 cost approximately \$245,000.

This alternative envisions the creation of a Valentine-based field staff of interpretive rangers consisting of two permanent full-time employees and several seasonal employees. They would provide educational and interpretive services for the river in the interim before construction of a cooperative National Park Service-U. S. Fish and Wildlife Service-Nebraska Game and Parks Commission research and education center at or near the west end of the Scenic River. This interim interpretive staff is estimated to cost \$250,000 annually, including personnel, equipment, supplies, and transportation.



Costs for staffing the envisioned cooperative visitor education center will be detailed when that project is further developed.

This alternative envisions cooperative management costs of \$400,000 annually, subject to appropriation, for such functions performed through cooperators like the Niobrara Council, Nebraska Game and Parks Commission, and local counties, as land protection, zoning oversight, resource management, law enforcement and emergency services, and public facility management and maintenance. This is an increase of \$250,000 over existing funding for partnering activities.

See **Appendix H** for a cost comparison of alternatives A, B, and C.

#### Land Protection / Acquisition / Cost

The National Park Service would encourage continued private ownership of agricultural lands within the Scenic River boundary as a practical method of ecosystem, scenic, and cultural preservation, believing that woodlands, prairie, ranches, farms, hay land, and cultivated land comprise, in part, the natural and cultural legacy of the Niobrara Valley. The conversion of ranch and farmland for non-agricultural purposes would be discouraged.

Recreational uses occur on both public and private lands within the boundary, and include canoeing, kayaking, tubing, camping, hunting, fishing, sightseeing, and lodging. Some services associated with this use are essential to accommodate the public's use and enjoyment of the river and limited improvements are envisioned, but the conversion of ranchland for recreational purposes would be discouraged.

As the preferred means of land protection within the boundary of the Niobrara National Scenic River, the National Park Service would encourage and support the full use of zoning in the four counties through which the designated Niobrara River segment flows.

Believing in the utility and logic of local land use control of private lands within the federal boundary, the National Park Service would encourage that Niobrara Council be accorded pro forma notification by the counties of all zoning variance requests originating within the Scenic River boundary; that the Council actively meas-

ure each request for consistency with the respective county code and parallel land protection recommendations in this plan; and that the Council actively participate in the public discourse leading to a decision on the request.

The National Park Service would also seek pro forma notification of variance applications affecting lands within the Scenic River boundary, independently measure each request for consistency with respective codes and this plan, and work closely with the Council and/or counties during the course of application review and approval.

As an additional land and resource protection measure, the National Park Service would encourage the Niobrara Council to exercise fully the zoning oversight authority accorded it by the State of Nebraska in 2000. A state bill passed by the Unicameral that year endowed the Council with binding override authority on decisions made by respective county zoning boards affecting the Niobrara National Scenic River. The exercise of that authority allows the Council to review and approve or reject a local zoning decision if, in collective opinion, the first decision had the potential to derogate a Scenic River resource defined in this plan.

Certain small, discontinuous tracts of federal land exist within the project area. Where such tracts no longer serve original purposes and are deemed surplus by their holding agencies, the National Park Service would seek their direct transfer for protection and management as Scenic River lands. Of such tracts existing outside of but within the proximity of the eventual boundary, the Service would ask retaining agencies that they be held in suspension as potential trading stock ultimately benefiting the Scenic River.

As an additional preferred resource protection measure, the National Park Service would actively promote the utilization of conservation or scenic easements acquired from willing sellers. An array of entities including federal, state, or local governments or qualifying land trusts could act as the acquisition agent but the National Park Service would specifically seek to empower the Niobrara Council with this land protection objective. To facilitate such a program, the Service would specifically seek an appropriation from Congress to endow the Council's capability of commencing and managing a conservation easement program, and would join the Council in prioritizing acquisition prospects. The

Service would ensure that all easements purchased with federal funds would provide for suitable enforcement of their terms and reversion to a comparable public entity or the Service itself if the Council or other easement holder was no longer able to own or manage the tract.

The acquisition of easements is preferable to fee title acquisition, but the National Park Service could also engage in fee title acquisition from willing sellers if preferable to the seller. The Service could also promote fee title acquisition by state and local governments or qualifying land trusts if preferable to the seller, but would encourage that a conservation easement prohibiting future development be attached to the title and the property thereafter resold for grazing purposes. The principal objective of any fee title acquisition from willing sellers would be the retention of lands in their natural state or the allowance of lands to revert to their natural state.

Where there exists a clear and direct threat to the river or river-related resources within the boundary, federal acquisition could be used to protect the land. The use of this authority would occur only after other alternatives such as zoning or easement acquisition by any public or non-profit agency failed to protect Scenic River resources. If acquisition were used to protect Scenic River resources, a conservation easement would be preferred over fee title.

Initial land acquisition costs allowing for the purchase of conservation easements and river access sites in fee (**discussed below**) is estimated at \$5.5 million and is potentially renewable.

## Resource Management

The impressive untrammeled condition of the designated segment of the Niobrara River is a distinct tribute to thoughtful resource stewardship by generations of private landowners in the valley. It would be the National Park Service's highest objective to work cooperatively with private landowners to maintain the inherent natural and ranching integrity of the valley and to preclude undesirable changes that could affect its array of outstandingly remarkable values.

Foremost, the National Park Service acknowledges that agency-led resource management activities on private

lands should only occur with the owner's consent and that it has limited options otherwise.

Upon completion of this general management plan/environmental impact statement, the National Park Service would complete a Niobrara National Scenic River Resource Stewardship Plan. The resource stewardship plan would more particularly develop action agendas that achieve desired future conditions for the park's natural and cultural resources, establish standards for managing the unit's resources consistent with the policies of the National Park System, and prioritize a broad array of inventorying, monitoring, and resource management actions to be undertaken by the Service in cooperation with public and private partners. A fully developed resource stewardship plan is essential to gaining specialized federal funding for selected management initiatives and undertakings.

In large measure, a Scenic River resource stewardship plan would also provide general technical guidance to partners sharing common ideals and goals. Partners, in turn, could prove critical to implementing management actions on private lands and could more readily access an array of additional funding from local and state sources not conventionally available to the National Park Service.

The Service would seek to formally engage several resource management partners aiming to capitalize on various technical strengths, funding capabilities, and, in the case of the Niobrara Council or local natural resources districts, the capability of promoting resource management actions on private lands. While availing itself of all opportunities to work with diverse partners, the Service would strive for results consistent with the stewardship vision derived from the Scenic River's resource stewardship plan and Service-wide standards for resource management in the National Park System, and would retain final review and approval authority over all actions implementing federal management of Scenic River resources.

## Fire Management

The National Park Service would create a comprehensive fire management plan for the Scenic River. Maintaining the natural landscape both visually and ecologically would be prioritized. Cooperative agreements would be sought with state and federal agencies and willing landowners to protect structures and other

resources and perpetuate the scenic viewshed and exemplary biological diversity found in the Niobrara Valley. Procedures including conscientious forest management practices (timber cutting and thinning), hazard fuel reduction, prescribed fire, and suppression of wildland fire would be features of the program. Land restoration projects involving fire on private land would be sought.

The National Park Service would maintain a resource management and ranger staff with collateral fire duties and would rely primarily on regional expertise and leadership in matters of planning and funding. A small engine or slip-on unit with a four to six person wildland fire cache would be maintained at the Valentine Ranger Station. Annual funding (as available) would be sought for rural fire assistance, supplies and training needs, and supporting hazard fuel reduction, restoration projects, and prescribed fire uses. To respond to wildland fires the Service would be involved in local mutual aid agreements as a supportive partner on private and public lands.

### **Forest Management**

The National Park Service would seek to maintain and enhance forest resources within the Scenic River by promoting timber management practices that ensure improved forest health, reduces fire risk, and preserves desired ecosystem composition and biotic diversity. Green certification of wooded properties and harvesting done in consultation with a state forester would be encouraged as would the use of fire and hazard fuel reduction as management tools for fuel reduction, seed bed preparation, and timber stand and wildlife habitat improvement. Grazing would also be considered for use as a management tool. These initiatives could be implemented through technical assistance and cost-share programs sponsored by cooperators.

### **Prairieland Management**

The National Park Service would also seek to maintain and enhance the diverse prairie resources within the Scenic River by endorsing best management practices that promote prairie health through, among other means, the utilization of appropriate grazing regimes, the uses of prescribed fire, and the eradication of invasive species like red cedar by mechanical means or burning. These initiatives could be implemented through

technical assistance and cost-share programs sponsored by cooperators.

### **Fossil Resource Protection**

The National Park Service would seek to protect the Scenic River's fossil resources by educating cooperators and landowners on the significance of these resources. This educational effort could be effected through on-site visits or at annual or periodic information meetings. Additionally, the Service would seek to implement a voluntary monitoring protocol aimed at ensuring the integrity of these sites.

### **Cornell Dam**

The very essence of the Wild and Scenic Rivers Act is protection of free-flowing rivers. It is therefore imperative to examine whether retention of the non-functional, aging Cornell Dam is consistent with protection of one of the Great Plains' most unique watercourses. The Wild and Scenic Rivers Act provides no guidance regarding retention or removal of existing dams. In this management alternative, the National Park Service would request that the U. S. Fish and Wildlife Service conduct a joint evaluation of the appropriateness of retaining Cornell Dam and of the impacts and mitigation associated with retention and removal. As necessary, a second study evaluating the historical significance of the dam would be completed.

### **Non-proliferation of River Crossings**

Being a linear resource, there is often interest in building new crossings of a river. Crossings come in three forms: bridges, overhead wires for communications and electrical energy, and under-river crossings for communications, electrical energy, and material such as fuel or natural gas. The Service would seek to reduce the number and size of Niobrara River crossings by encouraging safe, compatible, multiple uses of existing corridors and structures. All proposed changes to river crossings or corridors would require site-specific environmental evaluations and approval from applicable local, state, and federal agencies. The impacts of each proposal would be analyzed and documented before the managing agencies permitted any changes in crossings or corridors.



## **Wireless Telecommunication Facilities**

In 1999 the National Park Service adopted specific procedures for permitting wireless telecommunication facility sites in units of the National Park System. These Service-wide procedures are unique to this specific issue and are in addition to other requirements and procedures for permitting rights-of-way and other special park uses. These procedures are additionally tempered by the character of the Scenic River's private landscape. While wireless telecommunication facility sites may be permitted within park boundaries, the Service will work with providers and regulators to explore and analyze alternatives and protect the values and purposes for which the park was established.

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## **Visitor Information and Interpretation**

The Service would prepare a long-range interpretive plan for the Niobrara National Scenic River to determine the array of personal and non-personal interpretive programming appropriate for this unique unit. The long-range interpretive plan examines different media applications for carrying interpretive, safety, and conservation messages to the visiting public. As well, such a plan develops strategies for partnering opportunities to achieve those goals on the Scenic River. Thereafter, as logical and applicable, the Service would commence and/or facilitate programming with the U. S. Fish and Wildlife Service, Nebraska Game and Parks Commission, and other land managing partners that ensures the public's safe and enjoyable use of resources, provides opportunities to learn about the distinctive natural and cultural features of the area, and safeguards the private landscape.

The National Park Service would work with the Niobrara Council, recreation service providers, and other partners to coordinate previsit orientation materials and information. It would continue to endorse and support the Council's "River Code of Ethics" initiative. And it would seek to standardize and enhance state and local tourism promotional materials and the manner in which they present, discuss, and market the Niobrara National Scenic River.

The Service would continue to support the Niobrara Council's "Niobrara Class" initiative at Valentine Rural

High School and elsewhere. It would also support other Scenic River educational initiatives driven by the Council, The Nature Conservancy at its Niobrara Valley Preserve, the community of Ainsworth desiring a Sandhills interpretive center, and other outreach initiatives, offering technical support that develops or expands the understanding and appreciation of the significant natural and cultural resources of the Scenic River.

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## **Law Enforcement and Emergency Services**

The National Park Service would manage a law enforcement program on lands and waters under its jurisdiction and would seek cooperative agreements with other federal, state, and local agencies and departments to facilitate and standardize responses in other jurisdictions. The Service would seek to develop response capabilities in the full array of law enforcement, emergency, and fire situations to uniformly respond to increased public use and varying environmental conditions.

The National Park Service would seek concurrent jurisdiction with the State of Nebraska for the enforcement of laws on lands and waters under federal jurisdiction, and would investigate deputization of its rangers as state wildlife conservation and/or sheriff's officers.

The National Park Service would initiate law enforcement and emergency service meetings with all federal, state, and local agencies and departments having jurisdiction in the Niobrara National Scenic River. These meetings would serve to orient agency and department members new to the locale and provide an opportunity to discuss law enforcement and emergency service programs and initiatives.

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## **Visitor Use and Outfitter Management**

Recreational opportunities along the Niobrara River have traditionally focused on hunting, fishing, canoeing, kayaking, tubing, swimming, enjoyment of scenic vistas, hiking, camping, and wildlife observation. Since the designation of the river as a component of the Wild and Scenic Rivers System in 1991, the number of people canoeing and tubing the river appears to be steadily

increasing. Outfitters and U. S. Fish and Wildlife personnel have collected visitor use data and made limited conclusions on visitor use since 1993.

Increased river use has led river managers to express concerns about possible disturbances to wildlife, impacts to vegetation, and the quality of experiences for river users. The compatibility of increased public use with the intents of the Wilderness Act has itself raised issues on the Fort Niobrara Refuge. The various commercial outfitters offering canoe and tube rental services on the Niobrara River operate in part on the Fort Niobrara National Wildlife Refuge. Recently outfitters were required to obtain restricted annual special use permits issued by the U. S. Fish and Wildlife Service in an effort to address resource and recreational impacts on the Refuge. The numbers of permittees and total canoe and tube inventory allowed to operate on the Refuge is under continuing review.

The National Park Service funded a detailed visitor survey by the University of Minnesota's Cooperative Park Studies Program in 1993 during initial general management planning for the Scenic River. The Service renewed that university contract in 2001 to replicate and build upon the 1993 study in an effort to gather necessary information to make reasoned management decisions regarding visitor use. Results and conclusions in the *2001 Niobrara National Scenic River Visitor Study* are reflected often in this plan.

Outfitter operations on the Fort Niobrara Refuge also influence use levels and trip patterns along the entire canoeable reach of the Niobrara National Scenic River. The National Park Service would measure and monitor visitor impacts to natural and cultural resources and seek to preserve appropriate visitor experiences on the river while working to prevent degradation of those resources. If resources are negatively impacted or the visitor experience seriously degraded, the Service would take management actions within the limits of its jurisdiction and in concert with partners to avoid, restore, or mitigate recreation-caused impacts.

Managing agencies are also required as part of their long-term planning to address the issue of resource protection in relation to visitor capacity. For further explanation of this concept, please refer to the discussion of Carrying Capacity addressed under "Foundations of the Plan" found at the beginning of this document.

## Public Facilities

To better accommodate the visitor use and management goals discussed at the beginning of this document (see "Foundations of the Plan"), the National Park Service would seek to develop additional public access sites on the river, particularly in the proximity of Berry Bridge immediately downstream from the Fort Niobrara Refuge and in the proximity of Rocky Ford. Specific locations could be detailed in the river use management plan or a separate development concept plan. Actual development of new access sites could be undertaken by the Service or any public partner with National Park Service technical and financial support. To minimize the proliferation of recreational sites on the river, development of new access sites would occur only when it can be demonstrated that such action netted the closure of nearby traditional use sites. Access sites would be purchased from willing sellers only.

The National Park Service would seek cooperators like the Niobrara Council and Middle Niobrara Natural Resources District to develop or improve permanent restroom facilities at critical locations on the canoeable river, in part replacing seasonal portable toilets the Service has funded in recent years. The availability of permanent toilets at appropriate distances on the canoeable river would significantly reduce human waste problems and lessen trespass on private lands.

The National Park Service would engage the Nebraska Game and Parks Commission and U. S. Fish and Wildlife Service to explore the potential of connecting the Commission's Cowboy Trail, a hiking and biking Rails-to-Trails initiative across northern Nebraska, with the Fort Niobrara access. This five or six mile side trail could introduce a discrete new, typically non-canoeing audience to the Scenic River's unique natural and cultural resources and also the distinct wildlife and cultural resources of the Fort Niobrara National Wildlife Refuge.

## Research and Education Center

The National Park Service, U. S. Fish and Wildlife Service, Nebraska Game and Parks Commission, and others would explore a jointly developed and managed Niobrara River Research and Education Center located somewhere on the Fort Niobrara Refuge in the proximity of the Fort Niobrara access, in the vicinity of the Borman Bridge, or the vicinity of the US 20 crossing of

the Niobrara River. Such a center would orient the visiting public to the nationally significant natural and cultural resources of the Scenic River and Refuge, safe uses of the river, and obligations due private landowners that own the majority of the downstream resource. The center could also provide offices for partners like the Niobrara Council. Specific sites and design plans would be prescribed in a development concept plan undertaken jointly by the partners.

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### Development Costs

Preliminary cost estimates for the construction envisioned in this alternative are based on federal construction costs in the Midwest Region of the National Park System and not on specific site information or facility design. Called Class C estimates, these conceptual costs are based on square foot costs of similar construction or identifiable unit costs of similar construction elements. Variables such as job location, material suppliers, labor availability and wage rates, season of construction, geographical areas, and difficulty of terrain all figure in the estimate. Actual costs could also depend on participation of local partnering agencies and could be greater or lesser less than shown.

A typical river access site is assumed to provide gravel surface parking for fifty cars, have a one-tenth-mile gravel two-lane access road, vault toilet, four picnic tables, wheel stop delineations, a bulletin board, traffic signs, and an interpretive sign. The cost in 2004 is estimated at \$175,000 per site, or \$350,000 for two sites. Land costs are additional, and acquisition would be from willing sellers only.

A typical vault toilet was estimated in 2004 to cost \$27,500 per unit. Since 1999 the National Park Service and Niobrara Council have placed eight to ten portable toilets at scattered river locations that each held promise for permanent toilets. Some were public locations and others were private. At private sites, land costs are additional, with the National Park Service typically requiring fee simple acquisition before expending appropriated funding on a project of its making. Land or easement acquisition for access or toilet sites, if necessary, would be from willing sellers only.

A typical research and education center built on existing federal property is assumed to provide substantial exhib-

it space, cooperating association sales space, public restrooms, offices for interpretive, association, and management personnel, library, multi-purpose room, and auditorium. Site development assumes a paved parking area with curb and gutter for some forty-five to sixty cars and three buses, sidewalks, landscaping, exterior lighting, and entrance and traffic signs. Current Class C estimates for National Park Service environmental education centers are \$250 per square foot. Costs for site development, utility delivery, and exhibits are additional. At minimum, the U. S. Fish and Wildlife Service and Nebraska Game and Parks Commission are envisioned as equal partners. Others such as the Niobrara Council are possible and desirable. Cost estimates in 2004 ranged from \$4.75 million to \$6.75 million for a one-entity Niobrara River Research and Education Center. Once the spatial requirement of partners was determined, center costs would increase proportionately.

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### Maintenance

Existing public bridges, river access sites, and facilities would be maintained by current management entities. If public use of existing facilities continues to grow and the need for improvements, regularized service, and other direct visitor-related maintenance expands with this growth, the National Park Service would seek to partner with the Niobrara Council, counties, or natural resources districts to administer an array of grants, subsidies, and contracts for improved or more timely provided maintenance services beyond those already rendered by current management entities.

Accepting the adequacy of existing river bridges and utility crossings, the National Park Service would work to minimize the proliferation of additional passages by encouraging the uses of existing rights-of-way. The Service would advocate the elimination of existing crossings when opportunity allows.

### Roads

Recreational impacts to existing roads within and leading to the Scenic River are substantial and markedly greater than impacts attributable to local residential or farm to market uses alone. While existing public roads



would be maintained by current management entities, the National Park Service would be willing to provide technical assistance to local governments if they chose to seek grants or subsidies from the Federal Highway Administration or other sources to upgrade conditions and standardized maintenance of the some sixty miles of

gravel roads leading to or within the unit. The Service would be especially supportive when it can be demonstrated that surface treatments of roads or other engineering improvements alleviate the erosion of sediment into the river, or when public safety is affected.

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# Management Alternative C

## National Park Service Manages Independently

### Management Concept

In this alternative, the National Park Service would develop a more traditional national park operating system grounded in the broad utilization of federal land management and regulatory authorities exercised on maximized federal fee title land ownership to the extent permitted by the Wild and Scenic Rivers Act. Over time operation of the Niobrara National Scenic River would resemble the more familiar national park system units across the nation, relying in large measure on congressional funding and a federal workforce. The Service could develop some cooperative agreements for services more logically provided by other entities such as federal or state agencies, or natural resources districts. Within this alternative the Service would place a greater reliance on fee simple land acquisition as a land protection tool and precursor to independent resources management and public service on what would be a continually growing federal landbase. A full spectrum of interim and long-term land protection measures would also be utilized.

### Staffing / Funding / Cost

The National Park Service would expand its field presence in Valentine and maintain its headquarters office in O'Neill. The Valentine field office would likely be composed of a mix of professional resource managers, interpretive rangers, maintenance employees, and one or more administrative assistants, all under the charge of a chief ranger. A seasonal staff of biological technicians, visitor and resource protection specialists, interpreters, and laborers would support the permanent staff. Annual costs for this field staff in 2005 terms would be approximately \$1,186,000, including personnel, equipment, rent, supplies, and transportation.

Additionally, as the land base, facilities, and recreational use increased, another district office could be established somewhere on the eastern portion of the river. Costs associated with this staffing expansion would be detailed when that need is further defined.

The O'Neill headquarters office in 2005 comprised a superintendent, administrative officer, administrative

assistant, two resource management specialists, and a hydrologist. Four of these employees divide their time equally between the Niobrara and Missouri units and provide technical support to field staffs and partners. One of the resource management specialists is dedicated to the Niobrara. The Niobrara headquarters staff in 2005 cost approximately \$245,000.

See **Appendix H** for a cost comparison of alternatives A, B, and C.

### Land Protection / Acquisition / Cost

The National Park Service would aggressively promote conservation or scenic easements acquired from willing sellers as the preferred landscape and resource protection measure. An array of public entities including federal, state, or local governments or qualifying land trusts could act as the acquisition agent. To facilitate such a program, the Service would specifically seek an appropriation from Congress to enable it to commence and manage the initiative. The Service itself would enforce the terms of the easements it purchased, and it would offer that enforcement capability to other public easement holders. It would also seek easement reversion to the United States if other public easement holders no longer wished to own or manage the easement.

Acquiring easements is preferable to fee title acquisition, but the National Park Service would also develop a strategy for and actively promote fee title acquisition from willing sellers to the extent permitted by the Wild and Scenic Rivers Act and 1991 Niobrara Scenic River Designation Act. The Service would also promote fee title acquisition by state and local governments or qualifying land trusts if preferable to the seller. The principal objective of acquiring fee title from willing sellers would be to retain lands in their natural state or allow lands to revert to their natural state.

Where there existed a clear and direct threat to the river or river-related resources within the boundary, federal acquisition would be used to protect the landscape. The use of this authority would occur only after other alternatives such as zoning or easement acquisition by any public or non-profit agency failed to protect Scenic River resources.

Recreational uses occur on both public and private lands within the boundary, and include canoeing, kayaking, tubing, camping, hunting, fishing, sightseeing, and lodging. Some services are essential to accommodate the public's use and enjoyment of the river and limited improvements are envisioned, but conversion of the landscape for recreational purposes would be discouraged.

The National Park Service would support the full use of zoning in the four counties through which the designated Niobrara River segment flows, and would encourage the Niobrara Council to exercise its zoning oversight authority accorded by the State of Nebraska in 2000. At the same time, the Service would seek pro forma notification by the counties of all zoning variance requests originating within the Scenic River boundary, independently measure each request for consistency with the respective county code and parallel land and resource protection recommendations in this plan, and actively participate in the public discourse leading to a decision on the request.

Certain small, discontinuous tracts of federal land exist within the project area. Where such tracts no longer serve original purposes and are deemed surplus by their holding agencies, the National Park Service would seek their direct transfer for protection and management as Scenic River lands. Of such tracts existing outside of but within the proximity of the eventual boundary, the Service would ask retaining agencies that they be held in suspension as potential trading stock ultimately benefiting the Scenic River.

Land acquisition costs allowing for the purchase of conservation easements, river access sites in fee, and other fee holdings to the maximum extent permitted by the Wild and Scenic Rivers Act and 1991 Niobrara Act amendment are estimated at \$20 million.

## Resource Management

Upon completion of this general management plan/environmental impact statement, the National Park Service would complete a Niobrara National Scenic River Resource Stewardship Plan. This resource plan would more particularly develop a program that would achieve desired future conditions for park resources, establish standards for managing those resources, and prioritize

inventorying, monitoring, and resource management actions to be assumed by the Service with lesser dependence on public and private partners. A fully developed resource stewardship plan is essential to gaining specialized federal funding for selected management initiatives and undertakings. The Service's ability to independently implement resources management programming would grow as federal ownership expanded across the Scenic River.

## Fire Management

The National Park Service would create a comprehensive fire management plan for the Scenic River. The maximum purchase of fee-title lands would be sought to accelerate opportunities to maintain and restore critical natural habitats. Cooperative agreements would be sought with state and federal agencies and willing landowners to protect structures and other resources and to perpetuate the scenic viewshed and exemplary biological diversity found in the valley. Actions including conscientious forest management practices (timber cutting and thinning), hazard fuel reduction, prescribed fire, and suppression of wildland fire would be employed.

The National Park Service would have additional staff assigned with primary fire duties including a Fire Management Officer. Several engines and water tenders with a ten to twelve-person wildland fire cache would be maintained at the Valentine Ranger Station or other district offices. Annual funding would be sought for rural fire assistance, supplies, and training needs, and to support hazard fuel reduction, restoration projects, and prescribed fire uses. The Service would be involved in local mutual aid agreements to respond to wildland fires as a lead agency on federal lands, and as a partner on private and other agency lands.

## Forest Management

The National Park Service would seek to maintain and enhance forest resources on private lands within the Scenic River by promoting timber management practices that ensure improved forest health, reduce fire risk, and preserve desired ecosystem composition and biotic diversity. Green certification of wooded properties and harvesting done in consultation with a state forester would be encouraged, as would the use of fire and hazard fuel reduction as management tools for fuel reduction, seed bed preparation, and timber stand and



wildlife habitat improvement. Grazing would also be considered for use as a management tool. These initiatives could be implemented through technical assistance and cost sharing programs provided by cooperators. Federal lands within the Scenic River boundary would be managed with prescribed fire and other sound resource principles used to maintain and restore native ecosystems.

### **Prairieland Management**

The National Park Service would also seek to maintain and enhance the diverse prairie resources within the Scenic River by endorsing best management practices that promote prairie health through, among other means, the utilization of appropriate grazing regimes, the uses of prescribed fire, and the eradication of invasive species like red cedar by mechanical means or burning. These initiatives could be implemented through technical assistance and cost-share programs sponsored by cooperators. Federal fee lands and easements would incorporate the reintroduction of native grazers and fire as primary tools for the restoration and maintenance of those ecosystems.

### **Fossil Resource Protection**

The National Park Service would seek to protect the Scenic River's fossil resources by educating cooperators and landowners on the significance of these resources. Additionally, the Service would seek to implement a mandatory monitoring protocol aimed at ensuring the integrity of these sites. Sites of national or global significance could be purchased in fee-title or easement and developed into interpretive sites, encouraging scientific investigation and public interpretation and education.

### **Cornell Dam**

The very essence of the Wild and Scenic Rivers Act is protection of free-flowing rivers. It is therefore imperative to examine whether retention of the non-functional, aging Cornell Dam is consistent with protection of one of the Great Plains' most unique watercourses. The Wild and Scenic Rivers Act provides no guidance regarding retention or removal of existing dams but, anticipating an answer in this instance, in this alternative the National Park Service would actively advocate the removal of Cornell Dam by underwriting the necessary environmental, historical, and safety evaluations of the dam and engaging in a senior level negotiation with the

U. S. Fish and Wildlife Service to remove this unnatural and non-functional river impediment.

### **Non-proliferation of River Crossings**

There is often interest in new crossings of linear resources like rivers. Crossings come in three forms: bridges, overhead wires for communications and electrical energy, and under-river crossings for communications, electrical energy, and material such as fuel or natural gas. The Service would seek to reduce the number and size of Niobrara River crossings by encouraging safe, compatible, multiple uses of existing corridors and structures. All proposed changes to river crossings or corridors would require site-specific environmental evaluations and approval from applicable local, state, and federal agencies. The impacts of each proposal would be analyzed and documented before the managing agencies permitted any changes in crossings or corridors.

### **Wireless Telecommunication Facilities**

In 1999 the National Park Service adopted specific procedures for permitting wireless telecommunication facility sites in units of the National Park System. These Service-wide procedures are unique to this specific issue, and supplement other requirements and procedures for permitting rights-of-way and other special park uses. The character of the Scenic River's private landscape additionally tempers these procedures. While wireless telecommunication facility sites may be permitted within park boundaries, the Service will work with providers and regulators to explore and analyze alternatives and protect the values and purposes for which the park was established.

## **Visitor Information and Interpretation**

The Service would prepare a long-range interpretive plan for the Niobrara National Scenic River to determine the array of personal and non-personal interpretive programming appropriate for this unique unit. The long-range interpretive plan examines different media applications for carrying interpretive, safety, and conservation messages to the visiting public. As well, such a plan develops strategies for partnering opportunities to achieve those goals on the Scenic River, particularly with other land managing agencies such as the U. S. Fish and

## Wildlife Service and Nebraska Game and Parks Commission.

The Service would recruit an initial field staff of interpretive rangers to provide educational and interpretive services envisioned in the long-range interpretive plan, this in the interim before construction of a cooperative National Park Service-U. S. Fish and Wildlife Service-Nebraska Game and Parks Commission research and education center serving multiple interests in the Scenic River area. This initial interpretive programming would particularly focus on public safety and enjoyable uses of the resource, provide opportunities for the public to learn about the distinctive natural and cultural features of the area, and aim at safeguarding the private landscape. Expanded interpretive staffing for the cooperative visitor education center would be detailed when that project is further defined.

The Service's interpretive staff would work with recreation service providers and other partners to coordinate previsit orientation materials and information. It would continue to endorse and support the Niobrara Council's "River Code of Ethics" initiative. And it would seek to standardize and enhance state and local tourism promotional materials and the manner in which they present, discuss, and market the Niobrara National Scenic River.

The Service would continue to support the Niobrara Council's "Niobrara Class" initiative at Valentine Rural High School and elsewhere. It would also support Scenic River educational initiatives driven by The Nature Conservancy at its Niobrara Valley Preserve, the community of Ainsworth desiring a Sandhills interpretive center, and other outreach initiatives, offering technical support that develops or expands the understanding and appreciation of the significant natural and cultural resources of the Scenic River.

## Law Enforcement and Emergency Services

The National Park Service would manage a law enforcement program on lands and waters under its jurisdiction and would seek cooperative agreements with other federal, state, and local agencies and departments to facilitate and standardize responses in other jurisdictions. The Service would seek to develop response capabilities in the full array of law enforcement, emergency, and fire to uniformly respond to increased public use and vary-

ing environmental conditions. The National Park Service law enforcement program would grow as federal land ownership expanded across the Scenic River landscape. This could entail the addition of another district ranger station staffed with protection rangers in the eastern portion of the Scenic River to protect natural and cultural resources on federal lands, manage increased visitor use, and provide visitor services in that sector.

The National Park Service would seek concurrent jurisdiction with the State of Nebraska for the enforcement of laws on lands and waters under federal jurisdiction, and would seek deputization of its rangers as state wildlife conservation and sheriff's officers.

The National Park Service would initiate annual law enforcement and emergency service meetings with all federal, state, and local agencies and departments having jurisdiction in the Niobrara National Scenic River. These forums would serve to orient agency and department members new to the locale and provide an opportunity to discuss law enforcement and emergency service programs and initiatives.

## Visitor Use and Outfitter Management

Recreational opportunities along the Niobrara River have traditionally focused on hunting, fishing, canoeing, kayaking, tubing, wading, swimming, enjoyment of scenic vistas, hiking, camping, and wildlife observation. Since the designation of the river as a component of the Wild and Scenic Rivers System in 1991, the number of people canoeing, kayaking, and tubing the river appears to be steadily increasing. Outfitters and U. S. Fish and Wildlife personnel have collected visitor use data and made limited conclusions on visitor use since 1993.

Increased river use has led river managers to express concerns about possible disturbances to fish and wildlife, impacts to vegetation and streambank stability, and the quality of experiences for river users. The compatibility of increased public use with the intents of the Wilderness Act has itself raised issues on the Fort Niobrara Refuge where commercial outfitters offering canoe and tube rental services operate. Recently outfitters were required to obtain restricted annual special use permits issued by the U. S. Fish and Wildlife Service in an effort to address resource and recreational impacts on the Refuge. The numbers of permittees and total

canoe and tube inventory allowed to operate on the Refuge is under continuing review.

The National Park Service funded a detailed visitor survey by the University of Minnesota's Cooperative Park Studies Program in 1993 during initial general management planning for the Scenic River. The Service renewed that university contract in 2001 to replicate and build upon the 1993 study in an effort to gather necessary information to make reasonable management decisions regarding visitor use. Results and conclusions in the *2001 Niobrara National Scenic River Visitor Study* are reflected in this plan.

Outfitter operations on the Fort Niobrara Refuge also influence use levels and trip patterns along the entire canoeable reach of the Niobrara National Scenic River. The National Park Service would measure and monitor visitor impacts to natural and cultural resources and seek to preserve appropriate visitor experiences on the river while working to prevent degradation of those resources. If resources are unacceptably impacted or the visitor experience seriously degraded, the Service would take management actions to the extent of its jurisdiction and in concert with partners to avoid, restore, or mitigate recreation-caused impacts.

Managing agencies are also required as part of long-term planning to address the issue of resource protection in relation to visitor capacity. For further explanation of this concept, please refer to the discussion of Carrying Capacity addressed under "Foundations of the Plan" found at the beginning of this document. (pp. 17-18).

## Public Facilities

To better accommodate the visitor use and management goals suggested above, the National Park Service would seek to develop additional public access sites on the river, particularly in the proximity of Berry Bridge immediately downstream from the Fort Niobrara Refuge and in the proximity of Rocky Ford. Specific locations could be detailed in the river use management plan or a separate development concept plan. The Service would undertake development of new access sites with in-house technical and financial support. So as to minimize the proliferation of recreational sites on the river, development of new access sites would occur only when

it can be demonstrated that such action netted the closure of nearby traditional use.

The National Park Service would seek to develop or improve permanent restroom facilities at critical locations along the canoeable river, in part replacing seasonal portable toilets the Service has funded in recent years. The availability of permanent toilets at appropriate distances on the canoeable river would demonstrably reduce human waste problems and lessen trespass on private lands.

The National Park Service would engage the Nebraska Game and Parks Commission and U. S. Fish and Wildlife Service to explore the potential of connecting the Commission's Cowboy Trail, a hiking and biking Rails-to-Trails initiative across northern Nebraska, with the Fort Niobrara access. This five or six mile side trail could introduce a discrete new, typically non-canoeing audience to the Scenic River's unique natural and cultural resources and also those wildlife and cultural resources of the Fort Niobrara National Wildlife Refuge.

An additional district ranger station could be developed on the eastern portion of the river that could include public restrooms, offices, and interpretive space focusing on the unique natural resources of the river corridor. Campgrounds could be added on federal lands if private campgrounds are closed or campsites are significantly reduced in number.

## Research and Education Center

The National Park Service, U. S. Fish and Wildlife Service, and Nebraska Game and Parks Commission would explore a jointly developed and managed Niobrara River Research and Education Center located somewhere in the proximity of the Fort Niobrara access, the vicinity of the Borman Bridge, or the vicinity of the US 20 crossing of the Niobrara River. Such a center would orient the visiting public to the nationally significant natural and cultural resources of the Scenic River and Refuge, safe uses of the river, and obligations due private landowners that own a significant percentage of the downstream resource. Specific sites and design plans would be prescribed in a development concept plan undertaken jointly by the federal agencies.

Preliminary cost estimates for the construction envisioned in this alternative are based on federal construction costs in the Midwest Region of the National Park



System and not on specific site information or facility design. Called Class C estimates, these conceptual costs are based on square foot costs of similar construction or identifiable unit costs of similar construction elements. Variables such as job location, material suppliers, labor availability and wage rates, season of construction, geographical areas, and difficulty of terrain all figure in the estimate. Actual costs would also depend on participation of local partnering agencies and could be less than shown.

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### Development Costs

A typical river access site is assumed to provide gravel surface parking for fifty cars, have a one-tenth-mile gravel two-lane access road, vault toilet, four picnic tables, wheel stop delineations, a bulletin board, traffic signs, and an interpretive sign. The cost in 2004 was estimated at \$175,000 per site, or \$350,000 for two sites. Land acquisition costs are additional.

A typical vault toilet is estimated in 2004 to cost \$27,500 per unit. Beginning in 1999 the National Park Service and Niobrara Council have placed eight to ten portable toilets at scattered river locations that each held promise for permanent toilets. Some were public locations and others were private. Land costs are additional, with the National Park Service typically requiring fee simple acquisition before expending appropriated funding.

A typical research and education center built on existing federal property is assumed to provide substantial exhibit space, cooperating association sales space, public restrooms, offices for interpretive, association, and management personnel, library, multi-purpose room, and auditorium. Site development assumes a paved parking area with curb and gutter for some forty-five to sixty cars and three busses, sidewalks, landscaping, exterior lighting, and entrance and traffic signs. Current Class C estimates for National Park Service environmental education centers are \$250 per square foot. Costs for site development, utility delivery, and exhibits are additional. At minimum, the U. S. Fish and Wildlife Service and Nebraska Game and Parks Commission are envisioned as equal partners. Others such as the Niobrara Council are possible and desirable. Cost estimates in 2003 ranged from \$4.75 million to \$6.75 million for a one entity Niobrara River Research and Education Center.

Once the spatial requirement of partners was determined, center costs would increase proportionately.

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### Maintenance

Unless ownership changed hands, existing public bridges, river access sites, and facilities would be maintained by current management entities. If public use of current facilities continues to grow and the need for improvements, regularized service, and other direct visitor-related maintenance expands with this growth, the National Park Service would seek to partner with individual service providers and utilize an array of grants, subsidies, and contracts for improved or more timely provided maintenance services beyond those already rendered by current management entities.

National Park Service purchase and development of the river access sites, campgrounds, roads and parking lots, picnic areas, interpretive centers, or toilet facilities would necessitate Service maintenance of those facilities by federal employees.

Accepting the adequacy of existing river bridges and utility crossings, the National Park Service would work to minimize the proliferation of additional passages by encouraging the uses of existing rights-of-way. The Service would advocate the elimination of existing crossings when opportunity allows.

### Roads

Recreational impacts to existing roads within and leading to the Scenic River are substantial and markedly greater than impacts attributable to local residential or farm-to-market uses alone. While existing public roads would be maintained by current management entities, the National Park Service would be willing to provide technical assistance to local governments if they chose to seek grants or subsidies from the Federal Highway Administration or other sources to upgrade conditions and standardized maintenance of the some sixty miles of gravel roads leading to or within the unit. The Service would be especially supportive when it can be demonstrated that surface treatments of roads or other engineering improvements alleviate the erosion of sediment into the river, or when public safety is affected.

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# Environmentally Preferred Alternative

The environmentally preferable alternative is defined as "the alternative or alternatives that will promote the national environmental policy as expressed in Section 101 of the National Environmental Policy Act. Ordinarily this means the alternative that causes least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources."

The last clause within this guidance is particularly relevant in identifying the environmentally preferable alternative for the Niobrara National Scenic River. Public Law 90-542 establishing the Wild and Scenic Rivers System, and Public Law 102-50 amending the first Act by adding a seventy-six-mile reach of the Niobrara to the system, applied to a section of the Niobrara River the national policy of preserving selected rivers and their immediate environments for the benefit of present and future generations. The Wild and Scenic Rivers Act particularly identified seven resource types labeled "outstandingly remarkable values" that Congress prescribed as worthy of protection on those riverscapes. The boundary analysis in this general management plan found that five of those seven resource types exist in a nationally significant state on the Niobrara.

In consideration of the purposes of the Wild and Scenic Rivers Act and the Niobrara Scenic River Designation Act of 1991, the National Park Service has identified Preferred Alternative B as the environmentally preferable alternative. The preferred alternative achieves desired future conditions by employing a careful strategy of direct agency action mixed with an array of partnering activities, particularly with the state empowered

Niobrara Council, to effect resource protection on what is and likely always will be a predominantly privately owned land base. Without the cooperation of landowners, the National Park Service alone has limited management prerogative, but the Service's options and opportunities are significantly enhanced by its partnering prospects.

Alternative A was created as a baseline for the comparison of other management options. This alternative imagines continuous change over time on the Niobrara River, and without any systematic coordination and oversight across multiple jurisdictions and interests. The Niobrara Council would exercise its responsibilities in the river corridor. The U. S. Fish and Wildlife Service and Nebraska Game and Parks Commission would demonstrate thoughtful stewardship on its lands, but generally the protection of the river and its resources and values would depend on the limits of self-interest.

The underlying premise of Alternative C, a growing federal land base upon which the National Park Service would exercise autonomous action, could surely function in the long run but face disastrous consequences in the near term from the political and functional upheavals of aggressive federal land acquisition that might easily imperil the very river resources Congress sought to protect. Whether Congress would fund major federal land acquisition ought to be questioned, as well. The preferred alternative, therefore, provides opportunities for immediate effectual resource protection and the prospects of continuing, orderly resource and visitor management.

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*Late summer afternoon east of Sunny Brook Camp.*



# Table 1: Management Alternatives

Management Alternative A (Continue Existing Conditions / No Action)	Management Alternative B (NPS Manages with Partners / Preferred Alternative)	Management Alternative C (NPS Manages Independently)
Management Concept		
<ul style="list-style-type: none"> <li>• The park would retain its status as a national scenic river.</li> <li>• The river area would continue to evolve without a coordinated comprehensive management plan.</li> <li>• NPS administration would be minimal with loose coordination with state and federal agencies and some permit review oversight.</li> </ul>	<ul style="list-style-type: none"> <li>• The park would retain its status as a national scenic river.</li> <li>• NPS would manage the park partly autonomously and partly through a coordinated partnership among private, local, county, state, and federal entities.</li> <li>• If partnering proved unsuccessful, NPS would seek alternate partners or directly manage the task.</li> <li>• NPS would retain final review and approval authority over all activities implementing federal management of the park, while actively seeking consensus with partners in determining management actions.</li> </ul>	<ul style="list-style-type: none"> <li>• The park would retain its status as a national scenic river.</li> <li>• The park would be managed using federal land management and regulatory authorities exercised to maximize federal fee title land ownership to the extent permitted by the Wild and Scenic Rivers Act.</li> <li>• Over time, the park would rely on congressional funding and federal staffing for operations.</li> <li>• NPS would develop cooperative agreements for services logically provided by other entities.</li> <li>• Through time, NPS would become solely responsible for park management and services, although in the interim, an array of protection measures would be used.</li> </ul>
Resource Management		
<ul style="list-style-type: none"> <li>• Private and public land would be managed for various objectives under county, state, and federal environmental regulations.</li> <li>• Private conservation programs would provide some technical and financial resource management assistance.</li> <li>• State would continue to provide fire protection.</li> <li>• NPS would not manage a prescribed fire regime in the park.</li> </ul>	<ul style="list-style-type: none"> <li>• NPS would act as lead, technical advisor, and facilitator directly or through partnerships where appropriate.</li> <li>• Agency-led resource management actions on private property would require landowner consent.</li> <li>• NPS would develop a resource stewardship plan, which would define desired future conditions for natural and cultural resources in the park.</li> <li>• NPS would develop a resource stewardship plan that would also provide guidance to private landowners.</li> <li>• NPS would draft a comprehensive fire management plan.</li> <li>• NPS would seek cooperative agreements with state and federal agencies and willing land-owners to coordinate fire management.</li> <li>• NPS would maintain a ranger and resource management staff with collateral fire duties and would rely on regional expertise and fire planning leadership.</li> <li>• NPS would use best management practices to manage forest lands and prairie land within the park.</li> <li>• NPS would maintain a small engine/slip-on unit with 4 to 6 person fire cache at the Valentine ranger station.</li> <li>• NPS would seek annual funding to manage the comprehensive fire management plan.</li> <li>• Forest management initiatives could</li> </ul>	<ul style="list-style-type: none"> <li>• NPS would develop a resource stewardship plan, which would define desired future conditions for natural and cultural resources in the park.</li> <li>• NPS's ability to independently implement resource management programming would grow as federal landownership expanded.</li> <li>• NPS would draft a comprehensive fire management plan.</li> <li>• NPS would aggressively seek opportunities to purchase fee-title lands to accelerate opportunities to maintain and restore critical natural habitats.</li> <li>• NPS would use best management practices to manage forests and prairie land within the park.</li> <li>• NPS would maintain several 6 to 10-person fire caches at the Valentine ranger station or other subdistricts.</li> <li>• NPS would seek annual funding to manage the comprehensive fire management plan.</li> <li>• NPS would encourage fossil resource protection by educating partners and private landowners.</li> <li>• NPS would seek to implement a mandatory fossil monitoring program.</li> <li>• NPS could purchase fee-title or easements for fossil sites with national or global significance, develop the sites, and encourage scientific investigation and public interpretation and education.</li> </ul>

Management Alternative A (Continue Existing Conditions / No Action)	Management Alternative B (NPS Manages with Partners / Preferred Alternative)	Management Alternative C (NPS Manages Independently)
<b>Resource Management continues</b>		
	<p>be implemented through technical and cost-share programs among partners.</p> <ul style="list-style-type: none"> <li>• NPS would encourage fossil resource protection by educating partners and private landowners.</li> <li>• NPS would seek to implement a voluntary fossil monitoring program.</li> <li>• NPS would request FWS to conduct a joint evaluation of the appropriateness of retaining Cornell Dam.</li> <li>• NPS would seek to reduce the number and size of river crossings by encouraging safe, compatible, multiple uses of existing corridors and structures.</li> <li>• NPS would work with wireless communications providers and regulators to find communication sites outside the park.</li> <li>• NPS would take the lead in interpre-</li> </ul>	<ul style="list-style-type: none"> <li>• NPS would actively advocate removing Cornell Dam by underwriting the necessary environmental and safety evaluations and engaging senior-level negotiations with FWS to remove the river impediment.</li> <li>• NPS would seek to reduce the number and size of river crossings by encouraging safe, compatible, multiple uses of existing corridors and structures.</li> <li>• All changes to river crossings would require an EA or EIS.</li> <li>• NPS would work with wireless communications providers and regulators to find communication sites outside the park.</li> </ul>
<b>Visitor Information and Interpretation</b>		
<ul style="list-style-type: none"> <li>• Information services would be provided by outfitters, chambers of commerce, and local tourism entities, as well as by other state and federal agencies.</li> <li>• Most local efforts would focus on "getting to" and "using" the river, not resource protection/ appreciation.</li> <li>• There would be no long-range NPS interpretive vision.</li> </ul>	<p>tation.</p> <ul style="list-style-type: none"> <li>• NPS would develop a long-range interpretive plan for the park.</li> <li>• A joint NPS-FWS research and visitor center would be constructed somewhere in the western end of the park.</li> <li>• An interpretive staff would provide interim educational and interpretive services while cooperative visitor center is being constructed.</li> <li>• NPS would partner and coordinate with FWS, NE Game and Parks Commission, and other land-managing agencies to ensure appropriate visitor use and enjoyment of the river.</li> <li>• NPS would partner with the Niobrara Council, recreation service providers, and others to coordinate pre-visit orientation materials.</li> <li>• NPS would support the Council's "River Code of Ethics" initiative.</li> <li>• NPS would continue to support the Niobrara Council's "Niobrara Class" high school initiative and education initiatives sponsored by The Nature Conservancy and others.</li> </ul>	<ul style="list-style-type: none"> <li>• NPS would implement a long-range interpretive plan for the park.</li> <li>• A joint NPS-FWS research and visitor center would be constructed somewhere in the western end of the park.</li> <li>• NPS would recruit interpretive staff that would provide interim educational and interpretive services while the cooperative visitor center is being constructed.</li> <li>• NPS would partner and coordinate with FWS, NE Game and Parks Commission, and other land-managing agencies to ensure appropriate visitor use and enjoyment of the river.</li> <li>• The interpretation program would focus on public safety, enjoyable uses of resources, and distinctive natural and cultural resources in the park.</li> <li>• NPS would detail expanded interpretive staffing needs for the cooperative center when the project is further defined.</li> <li>• NPS would work with recreation service providers and others to coordinate pre-visit orientation materials.</li> <li>• NPS would support the Niobrara Council's "River Code of Ethics" initiative.</li> <li>• NPS would continue to support the Council's "Niobrara Class" high school initiative and education initiatives sponsored by The Nature Conservancy and others.</li> </ul>

Management Alternative A (Continue Existing Conditions / No Action)	Management Alternative B (NPS Manages with Partners / Preferred Alternative)	Management Alternative C (NPS Manages Independently)
<b>Visitor Use and Outfitter Management</b>		
<ul style="list-style-type: none"> <li>• Canoeing, inner tubing, camping, and sightseeing on the western third of designated river would continue.</li> <li>• Hunting would continue on private property.</li> <li>• FWS would manage river use and outfitters within its jurisdiction.</li> </ul>	<ul style="list-style-type: none"> <li>• Recreational uses would occur on public and private lands, and would include canoeing, kayaking, tubing, camping, hunting, fishing, sightseeing, and lodging.</li> </ul>	<ul style="list-style-type: none"> <li>• Recreational uses would occur on public and private lands, and would include canoeing, kayaking, tubing, camping, hunting, fishing, sightseeing, and lodging.</li> </ul>
<b>Land Protection / Acquisition</b>		
<ul style="list-style-type: none"> <li>• Local interests would continue providing local services/protection.</li> <li>• Niobrara Council would continue reviewing county zoning.</li> <li>• Private land conservation programs would continue.</li> <li>• Land ownership would follow existing patterns.</li> <li>• NPS would acquire no easement or fee parcels.</li> </ul>	<ul style="list-style-type: none"> <li>• NPS would continue efforts towards private ownership of agricultural lands.</li> <li>• NPS would actively promote conservation or scenic easements from willing sellers.</li> <li>• Converting ranch land for recreational purposes would be discouraged.</li> <li>• NPS would encourage and support the use of county zoning as a means of land protection.</li> <li>• NPS would encourage the Niobrara Council to exercise its full zoning oversight authority accorded by the state.</li> <li>• NPS would encourage that the Council be afforded <i>pro forma</i> notification of all county variance requests pertaining to the park.</li> <li>• NPS would encourage the Council to advocate consistency among county codes and parallel land protection recommendations of this plan.</li> <li>• NPS would encourage the Council to actively participate in public discourse involving variance requests and decisions.</li> <li>• NPS would seek <i>pro forma</i> notification of variance requests for properties within the park and would work closely with the Council and counties during the application review and approval process.</li> <li>• NPS would request that discontinuous tracts of federal land within the park be transferred to the NPS.</li> <li>• NPS would seek Congressional appropriations that would permit the Council to develop and manage</li> </ul>	<ul style="list-style-type: none"> <li>• NPS would aggressively promote conservation or scenic easements acquired from willing sellers as the preferred landscape and resource protection measure.</li> <li>• NPS would discourage converting landscapes for recreational purposes.</li> <li>• NPS would encourage and support the use of county zoning as a means of land protection.</li> <li>• NPS would encourage the Niobrara Council to exercise its full zoning oversight authority accorded by the state.</li> <li>• NPS would seek <i>pro forma</i> notification of variance requests for properties within the park and would work closely with the Council/ counties during the application review and approval process.</li> <li>• NPS would request that discontinuous tracts of federal land within the park be transferred to the NPS.</li> <li>• NPS would request Congressional funding to initiate and manage the easement acquisition program.</li> <li>• Federal, state, or local government or qualifying land trust could act as the easement acquisition agent.</li> <li>• NPS would ensure the terms of all easements purchased with federal funds would be enforced and reverted to NPS ownership if the public easement holder no longer wished to own or manage the easement.</li> <li>• Although easements are preferred, NPS would also actively promote fee title acquisition from willing sellers in conformance with the Wild and</li> </ul>



Management Alternative A (Continue Existing Conditions / No Action)	Management Alternative B (NPS Manages with Partners / Preferred Alternative)	Management Alternative C (NPS Manages Independently)
<b>Land Protection / Acquisition continues</b>		
	<p>a conservation easement program and would work with the Council to prioritize acquisitions.</p> <ul style="list-style-type: none"> <li>• NPS would ensure the terms of all easements purchased with federal funds would be enforced and that any reversions would be managed by a comparable public entity or NPS.</li> <li>• NPS could also use fee title land acquisition, although easements would be preferred.</li> <li>• NPS would promote fee title acquisitions by state and local governments or qualifying land trusts and would encourage easements prohibiting future development or resale of property as grazing land only.</li> <li>• Federal condemnation of land would be possible when a clear and direct threat to resources exists.</li> <li>• Project initial costs for conservation easements would be \$5.5 million.</li> </ul>	<p>Scenic Rivers Act and 1991 Niobrara River Designation Act.</p> <ul style="list-style-type: none"> <li>• NPS would also promote fee title acquisition by state and local government or qualifying land trusts if preferable to the seller.</li> <li>• Federal condemnation of land would be possible when a clear and direct threat to resources exists, with a condemnation easement preferred over a fee title acquisition.</li> <li>• Condemnation would be the least preferred land protection method.</li> <li>• Condemnation could also be used to secure public access to the scenic river or scenic river resources.</li> <li>• Land and easement costs would be approximately \$20 million.</li> </ul>
<b>Public Facilities / Maintenance</b>		
<ul style="list-style-type: none"> <li>• River access would be provided at existing publicly owned sites.</li> <li>• Private access sites would continue to operate at Berry, Norden, and Meadville bridges.</li> <li>• New private access sites could be developed.</li> <li>• Camping would be provided at Smith Falls and at private campgrounds.</li> <li>• Public sanitation on canoeable reach would be limited.</li> <li>• County/state roads would continue to provide access, but with limited local and state maintenance resources.</li> </ul>	<ul style="list-style-type: none"> <li>• NPS would seek to develop additional public access sites along the river.</li> <li>• Development of new sites could be undertaken by the NPS or any public partner with NPS technical and financial support.</li> <li>• New sites would be developed when it could be demonstrated that other private sites could be eliminated or replaced.</li> <li>• NPS would purchase new access sites only from willing sellers.</li> <li>• NPS would work with the Niobrara Council and Middle Niobrara NRD to develop and improve restroom facilities at critical locations on the canoeable river.</li> <li>• NPS would seek opportunities for interconnecting hiking and biking trails managed by other federal and state agencies.</li> <li>• NPS, NGPC, and FWS would explore and manage a joint research and education center that would orient and educate visitors and perhaps provide office space for the Niobrara Council.</li> <li>• Current management entities would continue to maintain existing bridges, river access sites, and facilities.</li> <li>• If these facilities required major improvements NPS would administer</li> </ul>	<ul style="list-style-type: none"> <li>• NPS would seek to develop additional public access sites along the river.</li> <li>• NPS would develop new access sites using in-house technical and financial support.</li> <li>• New sites would be developed when it could be demonstrated that other private sites could be eliminated or replaced.</li> <li>• NPS would purchase new access sites only from willing sellers.</li> <li>• NPS would develop and improve restroom facilities at critical locations on the canoeable river.</li> <li>• NPS would seek opportunities for interconnecting hiking and biking trails managed by other federal and state agencies.</li> <li>• NPS could add an additional ranger station in the eastern portion of the park.</li> <li>• NPS could add campgrounds on federal lands if private campgrounds were closed or campsites were significantly reduced in number.</li> <li>• NPS, NGPC, and FWS would explore and manage a joint research and education center that would orient and educate visitors on the park's nationally significant natural and cultural resources, safe uses of the river, and obligations due private landowners.</li> </ul>

Management Alternative A (Continue Existing Conditions / No Action)	Management Alternative B (NPS Manages with Partners / Preferred Alternative)	Management Alternative C (NPS Manages Independently)
<b>Public Facilities / Maintenance continues</b>		
	<p>necessary grants, subsidies, and contracts needed for improvements.</p> <ul style="list-style-type: none"> <li>NPS would support standardized maintenance of 60+ miles of gravel roads providing access to the park, especially when it could be demonstrated that improved road treatments would reduce erosion or that public safety would be affected.</li> </ul>	<ul style="list-style-type: none"> <li>Unless ownership changes, current management entities would continue to maintain existing bridges, river access sites, and facilities.</li> <li>If these facilities required major improvements, NPS would administer the grants, subsidies, and contracts needed for improvements.</li> <li>NPS would maintain any purchased access sites, campgrounds, roads and parking lots, picnic areas, interpretive centers, or toilet facilities.</li> <li>NPS would support standardized maintenance of 60+ miles of gravel roads providing access to the park, especially when it could be demonstrated that improved road treatments would reduce erosion or that public safety would be affected.</li> </ul>
<b>Law Enforcement and Emergency Services</b>		
<ul style="list-style-type: none"> <li>Local interests would continue providing local law enforcement, search and rescue, and fire protection services.</li> </ul>	<ul style="list-style-type: none"> <li>NPS would manage law enforcement on lands and water under its jurisdiction.</li> <li>NPS would seek cooperative agreements with other federal, state, and local agencies to provide law enforcement in other jurisdictions.</li> <li>NPS would develop comprehensive response capabilities.</li> <li>NPS would seek concurrent jurisdiction with the State of Nebraska on lands and waters under federal jurisdiction and would seek to deputize its rangers as state wildlife conservation and sheriff's officers.</li> <li>NPS would begin an annual law enforcement and emergency service meeting with all federal, state, and local agencies with jurisdiction along the scenic river.</li> </ul>	<ul style="list-style-type: none"> <li>NPS would manage law enforcement on lands and water under its jurisdiction.</li> <li>NPS would seek cooperative agreements with other federal, state, and local agencies to provide law enforcement in other jurisdictions.</li> <li>NPS would develop comprehensive response capabilities.</li> <li>NPS would seek concurrent jurisdiction with the State of Nebraska on lands and waters under federal jurisdiction and would seek to deputize its rangers as state wildlife conservation and sheriff's officers.</li> <li>NPS would initiate an annual law enforcement and emergency service meeting with all federal, state, and local agencies with jurisdiction along the scenic river.</li> <li>Independent NPS law enforcement programming would grow as federal land ownership expanded.</li> <li>NPS could add another district ranger station in the eastern portion of the park.</li> </ul>
<b>Staffing / Funding / Cost</b>		
<ul style="list-style-type: none"> <li>The O'Neill office would continue to dedicate one staff member for the park.</li> <li>A staff member would review actions of other state and federal agencies.</li> </ul>	<ul style="list-style-type: none"> <li>NPS would maintain a field presence in Valentine and its O'Neill offices.</li> <li>The Valentine office would have a mix of permanent resource management specialists, visitor and resource protection rangers, and interpretive rangers under a chief ranger.</li> </ul>	<ul style="list-style-type: none"> <li>The Valentine office would have a mix of professional resource managers, interpretive rangers, maintenance employees, and one or more administrative assistants, under a chief ranger.</li> <li>Seasonal employees would be</li> </ul>

Management Alternative A (Continue Existing Conditions / No Action)	Management Alternative B (NPS Manages with Partners / Preferred Alternative)	Management Alternative C (NPS Manages Independently)
<b>Staffing / Funding / Cost continues</b>		
	<ul style="list-style-type: none"> <li>• Seasonal employees would be added during high-use seasons.</li> <li>• The O'Neill office would have a superintendent, administrative officer, administrative assistant, hydrologist, and resource management specialists.</li> <li>• Three O'Neill staff members would divide their time between the Niobrara and Missouri units to support field staff and partners.</li> <li>• One resource management specialist would be dedicated to the Niobrara unit.</li> </ul>	<p>added during high-use seasons.</p> <ul style="list-style-type: none"> <li>• As more fee title land and services were added to the park, another district office could be established in the eastern portion of the river.</li> <li>• The O'Neill office would have a superintendent, administrative officer, administrative assistant, hydrologist, and resource management specialists.</li> <li>• Three O'Neill staff members would continue to divide their time between the Niobrara and Missouri units to support field staff and partners.</li> <li>• One resource management specialist would be dedicated to the Niobrara unit.</li> </ul>