National Park Service
U.S. Department of the Interior

Niobrara National Scenic River
Nebraska

Niobrara National Scenic River • Nebraska

Final General Management Plan/Environmental Impact Statement

Actions directed by this general management plan or in subsequent implementation plans are accomplished over time. Budget restrictions, requirements for additional data or regulatory compliance, and competing National Park System priorities prevent the immediate implementation of many actions. Major, or especially costly, actions could be implemented ten or more years into the future, or may not be realized at all.

Niobrara National Scenic River

Brown, Cherry, Keya Paha and Rock Counties, Nebraska

Final General Management Plan
Environmental Impact Statement

This *Final Niobrara National Scenic River General Management Plan and Environmental Impact Statement* is responsive to two federal courts ordering the National Park Service to prepare a general management plan and environmental impact statement that complies with the Wild and Scenic Rivers Act and National Environmental Policy Act, and to prepare boundaries that will protect and enhance the outstandingly remarkable values of the Niobrara National Scenic River. Accordingly, this final plan presents three boundary alternatives and three alternatives for managing the Scenic River. It also analyzes the environmental consequences of implementing any of the alternatives.

Alternatives for managing the Scenic River include a no-action option (Alternative A), which establishes a baseline for comparing the environmental consequences of implementing each alternative, and analyzes the potential impacts of continuing the current situation. Because the conditions in 2006 arise from management actions taken in conformance with the 1996 Plan that was later nullified by the lawsuit discussed on page 4, the No-Action Alternative presented in this Plan reflects conditions that existed at the time the 1996 General Management Plan was written. The preferred alternative (Alternative B) develops a vision for cooperative management wherein the National Park Service would provide stewardship through an array of federal, state, and local partnerships to achieve management outcomes inherent in the operation of a unit of the National Park System on a landscape that would remain largely privately owned; and Alternative C develops a vision of independent National Park Service management on a landscape that would, in time, be federally owned within the limits permitted by the Wild and Scenic Rivers Act.

The *Draft General Management Plan and Environmental Impact Statement* was available for public review from August 15 - October 14, 2005. Responses to comments on the draft document are presented in the "Consultation and Coordination" section of this *Final Environmental Impact Statement*. There were no substantive comments that resulted in changes to the alternatives or environmental consequences. The final document will be on review for 30 days. If no major comments are received during this period, a Record of Decision, indicating which alternative has been selected as the approved plan, will be signed. Comments should be addressed to:

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U.S. Department of the Interior
National Park Service

September 2006

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The Niobrara: A National Treasure

Once traversed by trade routes of the Sioux and Pawnee, and land of the Ponca and Brule Sioux, the central Niobrara River seems to flow back in geological time, a time when huge ice sheets advanced and retreated during the Pleistocene changing the land and climate for millennia. As the ice melted northward, the earth again was warm and prairie spread once more across the plains. Wrote Mari Sandoz in *Love Song to the Plains:* "Half of this region was the old Nebraska Territory that lay like a golden hackberry leaf in the sun, a giant curling tilted leaf. The veins of it were the long streams rising out near the mountains and flowing eastward to the Big Muddy, the wild Missouri." One of these veins was the Niobrara, its name meaning "spreading waters" from the Omaha and Ponca whose ancestors left their stone tools and pottery in the river valley some 7,500 years ago.

Flowing from west to east, a "mountain stream in a prairie state," the Niobrara represents a time machine running in reverse. Its banks harbor unique and grand plant communities: paper birch, ponderosa pine, hybrid aspen that are remnants of their ancient ancestors of the Pleistocene Epoch when boreal forest and northern tundra scratched for survival along the glacial margins. These plants once kept company with musk oxen, wolves, and even the woolly mammoth.

Largely undisturbed, the Niobrara corridor is often taken for granted. It stretches through sparsely populated ranch lands, its waters are not diverted for agriculture, and it supports no large municipal well fields, while even the sacred sandhill cranes fly by in search of the shallows of the central Platte. Yet, one need not be a biologist to recognize that this pristine river canyon has extraordinary aesthetic, archaeological, and biological value. The number of diverse plant communities interacting here is overwhelming, including sandhills mixed-grass prairie from the south, tallgrass prairie from the east on the river bottoms, mixed-grass prairie on clayey soils to the north, and the rich associations of woody plants separated by their responses to environmental factors, such as soil moisture, exposure, fire, and wind.

This special stretch of the Niobrara represents a unique biological and cultural crossroads. The northwestern-most extension of temperate deciduous forest follows the south canyon walls and slopes, while the north bluff supports a western ponderosa pine forest at the eastern limit of its range. Exploring the south slope of the river canyon more closely, one can encounter stands of paper birch supported by cool, moist spring seeps. In Nebraska, paper birches are known only in Cherry and Brown counties and have been isolated from extant paper birch populations in the Black Hills for thousands of years.

The most elusive tree species in the Niobrara Valley is a hybrid aspen, which is confined to two different canyons and is apparently on the decline. It is a product of quaking aspen, a western species, and big-toothed aspen from the northeast. Big-toothed aspen is a Great Lakes species with the closest populations of this tree found some 210 miles east of the Niobrara. Earlier in time, the Niobrara provided the opportunity for the ranges of the two aspen species to overlap resulting in hybridization and isolation. Evolutionary biologists are quick to cite examples, such as Australia, the Galapagos Islands, or even the unglaciated driftless area of southwest Wisconsin, where isolation and time have played a key role in the development of new species. However, the question still remains: why have these plants survived only in this valley? Clues are everywhere, but mysteries still remain. Maintaining this pristine river will be a key to discoveries of the future.

Encounters among eastern and western species of birds and mammals also occur along the central Niobrara Valley. For example, indigo and lazuli buntings, yellow-shafted and red-shafted flickers, and Baltimore and Bullock's orioles are known to hybridize in the valley. In fact, 160 plant and animal species are found at the edge of their distributional ranges here. In the central Niobrara region, the number of rare or environmentally sensitive species, as determined by the Nebraska Natural Heritage Program, is truly phenomenal. No less than ninety-five plants, twenty-seven birds, eleven fish, six mammals, two reptiles, and six invertebrates are on this list. The valley constitutes a modern refugium where plants and animals can escape some of the harsh environmental extremes that dominate the surrounding central Plains.

Management of this scenic river valley is essential to its biological integrity. In recent years, the popularity of the area has dramatically increased. Canoeing, camping, hunting, and fishing are significant local economies, but can contribute to habitat degradation. Another consequence of settlement is fire suppression that has impacted ponderosa pine communities. These ponderosa pine forests that inhabit the dry canyons and the north bluff of the Niobrara are adapted to the arid rocky soils and warm summer winds of the region. Fire scars on pines that date back to the 1600s indicate that ground fires occurred here every three to five years on the average. The original forest understory is typically a savanna consisting of native perennial grasses and occasional shrubs. However, the lack of fire has resulted in increased populations of eastern red cedar that can crowd and choke other native species. As a result, when these kinds of invasions go unchecked, the original pine forests are altered affecting both plant and animal communities.

The archaeological, biological, and recreational significance of the Niobrara Valley is unmatched elsewhere in the Great Plains. Its significance lies in its beauty, easily recognizable by citizen as well as scientist. Whether one studies the details of how and why this ecosystem operates, or simply stands back in awe of this place, the Niobrara is truly a Wild and Scenic River. To better educate our citizens ecologically and to develop a true environmental ethic, the river is the best of all classrooms. In the words of Aldo Leopold, “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.” The Niobrara is “right” because it is the quintessential example of what is meant by a National Scenic River. It helps to define what ***is*** Nebraska, but it is indeed a national treasure whose significance runs far beyond the state's borders.

Purpose of and Need for the Plan

Legislative Background

Public Law 102-50, the Niobrara Scenic River Designation Act of 1991, amended section 3(a) of the Wild and Scenic Rivers Act of 1968 to designate portions of the Niobrara River in north central Nebraska as a unit of the national Wild and Scenic Rivers System.

The purpose of the Wild and Scenic Rivers Act is to protect selected American rivers and their immediate environments for the benefit and enjoyment of present and future generations. Congress declared this national policy of preserving selected rivers in their free-flowing condition as a complement to dams and other diversions that were built on many American rivers. To qualify for this protection, the Wild and Scenic Rivers Act requires that rivers be free-flowing, relatively undeveloped, and possess one or more "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values."

The 1991 Niobrara Act initially designated a forty-mile segment of the Niobrara from Borman Bridge near Valentine, Nebraska, to Chimney Creek, north of Ainsworth, and a thirty-mile segment from Rock Creek, near the Meadville Bridge, to Nebraska Highway 137, north of Newport, Nebraska. The six-mile gap between Chimney and Rock creeks was initially designated as a study segment. The Act provided that this study segment would be included in the Niobrara National Scenic River if, after the passage of five years, funds were not authorized and appropriated by Congress for a water resources project there. Congress did not authorize or appropriate funding for such a project and on May 24, 1996, the six-mile segment was included in the Niobrara National Scenic River, thereby making it a seventy-six-mile-long unit.

The 1991 Niobrara Act stated that the Scenic River would be administered by the secretary of the interior. It specifically directed that the segment of designated river located within the Fort Niobrara National Wildlife Refuge would continue to be managed by the secretary through the director of the U. S. Fish and Wildlife Service. General planning for the unit and operation of the designated reach beyond the refuge was delegated by the secretary to the director of the National Park Service. Accordingly, the designated river has become a unit of the national park system.

The Wild and Scenic Rivers Act directs the administering agency to prepare a management plan and establish final boundaries for protection of the river's outstandingly remarkable values. The act requires the managing agency (agencies in this specific instance) to emphasize the protection of scenic, historic, archaeological, and scientific features. It states that recreational use may be permitted so long as those resource values are not jeopardized. Under the act, a boundary of one-quarter-mile from the ordinary high water mark on both sides of the river is imposed until a final boundary is established.

Purpose of the Plan

As required by law and agency policy, general management plans are developed for all units of the national park system to direct basic management concepts and establish a role for the unit within regional and national contexts. This plan complies with legislative and policy requirements. Boundaries and management organization were not determined for the Niobrara National Scenic River by legislation but alternatives for each are commended in this plan. Issues and concerns voiced by landowners, businesses, recreational users, local governments, and state and federal agencies have been considered, analyzed, and incorporated.

The Niobrara Lawsuits

On December 20, 1996, following five years of involved planning and public participation, the National Park Service signed a record of decision completing a *Niobrara National Scenic River General Management Plan and Final Environmental Impact Statement* for the designated seventy-six-mile-long Niobrara reach. This final plan described the management and boundary alternatives that had been considered, the mitigation measures adopted to avoid or minimize environmental harm, and the reasoning behind the decisions reached.

The preferred alternative called for the formation of a local management council that would receive technical and financial assistance and would work in partnership with the National Park Service to manage the river. The four affected county commissions, Brown, Cherry, Keya Paha, and Rock, formed the Niobrara Council in the spring of 1997 under the Nebraska Inter-local Cooperation Act. The Council and National Park Service then entered into a cooperative agreement in August 1997 as envisioned in the general management plan.

In March 1998 the National Parks and Conservation Association* and American Canoe Association filed a lawsuit against the National Park Service for "allowing the Niobrara National Scenic River to be managed by a local council consisting of local landowners, business owners, and politicians," at the evident exclusion of the National Park Service. On June 15, 1999, a federal court judge ruled in Washington, D.C., that the National Park Service had, indeed, unlawfully delegated its management responsibility on the Niobrara. The judge demanded that the agency fulfill its statutory obligation. The Service was ordered to prepare a new general management plan and environmental impact statement. Rather than prolonging the litigation through appeal, the Service accepted the judge's order.

In a separate lengthy litigation, an Omaha businessman challenged the manner in which the National Park Service had determined a boundary for the Scenic River. In a ruling from the Eighth Circuit Court of Appeals on April 10, 2000, the court ordered the Service to redraw the Scenic River boundary. That remedial effort, too, is undertaken in this plan.

The Planning Process

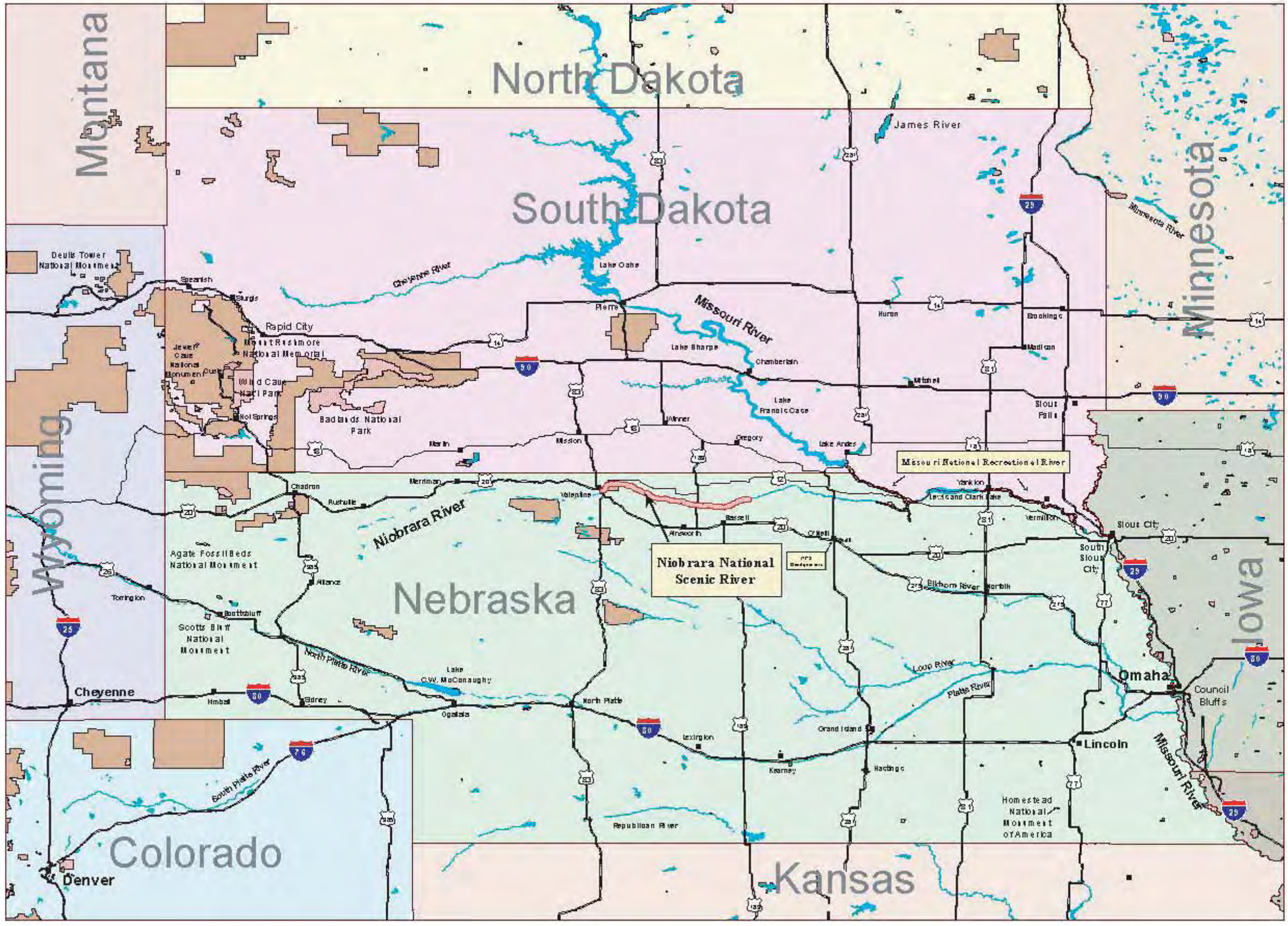
The National Park Service management planning process is guided by several federal requirements, including the National Environmental Policy Act of 1969. That Act requires that a full range of alternatives be considered (including a "no action" option for baseline analysis), that public opinion be considered during the process, and that alternatives be analyzed for their impacts. Council on Environmental Quality regulations also require full consideration of other acts such as the Endangered Species Act, Clean Water Act, Clean Air Act, National Historic Preservation Act, Executive Order 11988 "Floodplain Management," Executive Order 11990 "Protection of Wetlands," and Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations."

As this plan is a court-ordered revision of the 1996 *Niobrara National Scenic River General Management Plan/Final Environmental Impact Statement*, the National Park Service evolved a strategy for assessment and incorporation of new data, producing new boundary alternatives and a revised range of management alternatives, and addressing issues arising since completion of the earlier plan. An ad hoc planning team in the National Park Service's O'Neill office directed this effort, with assistance from National Park Service staff in Washington, D.C., Omaha and Lincoln, Nebraska, Denver, Colorado, and Madison, Wisconsin. The ad hoc team was additionally supported by representatives from the University of Nebraska at Kearney, U. S. Fish and Wildlife Service, Nebraska Game and Parks Commission, Middle and Lower Niobrara natural resources districts, Niobrara Council, and The Nature Conservancy.

A federal advisory commission with a ten-year lifespan was authorized by the 1991 Niobrara Act. Members were appointed by the secretary of the interior to represent landowners, canoe outfitters, environmental groups, the natural resources districts, counties, and governor's office. During its lifespan, the advisory commission provided resource information and community contacts and reviewed planning documents, including as recently as May 10, 2001.

The public will be given opportunities to comment on this draft general management plan and environmental impact statement. Public comments will be analyzed and the document revised as necessary to produce a final plan and environmental impact statement. After a second review, the National Park Service will select a management option for the unit and announce its decision in a formal record of decision. Notices of the availability of draft and final general management plans/environmental impact statements and announcement of the record of decision will appear in the *Federal Register* and local media outlets.

*This organization subsequently changed its name to National Parks Conservation Association. Both names are used in this document, correct in context.



Map 1
REGION
NIOBRARA NATIONAL SCENIC RIVER

United States Department of the Interior • National Park Service
University of Nebraska – Kearney/MWAC – 656/80001 – September 2003

Summary of Public Involvement and Issues Identified

The foundation for this 2006 final general management plan/environmental impact statement was well laid in the public information, scoping, planning meetings, and consultations held across Nebraska from 1991 into 1996 during initial planning for the Niobrara National Scenic River. These meetings identified issues and concerns important to the citizens of the Scenic River area and the entire region. Newsletters appearing annually in 1992, 1993, and 1994 summarized these issues and subsequently reported on the activities and findings of Scenic River planning and advisory teams as they explored the unit's legislative mandates and purposes and determined its desired future conditions. These matters are detailed in the 1996 *Niobrara National Scenic River General Management Plan/Environmental Impact Statement* and are referenced here because public comments voiced in the court-ordered replanning beginning in 2000 in many ways echoed or are grounded in the diverse sentiments first heard a decade earlier. As well, the National Park Service carefully consulted with the Yankton Sioux Tribe, Ponca Tribe of Nebraska, and Santee Sioux Tribe during general planning for the Niobrara National Scenic River and Missouri National Recreational River. In replanning, the National Park Service chose to wholly embrace these earlier efforts relating to determinations on legislative mandates, purposes, scoping issues, and desired future conditions.

Notices of intent to prepare an environmental impact statement for a revised *Niobrara National Scenic River General Management Plan/Environmental Impact Statement* appeared in the *Federal Register* on February 28, 2000, and May 22, 2000. The former notice limited the planning scope to a court-ordered revision of the management alternatives section of the plan and indicated a general intent to update other sections, exclusive of boundary analysis and decisions in the 1996 plan that this court did not invalidate. The second notice qualified the first by stating that the National Park Service would examine the boundary section as well. This resulted from a decision rendered by the Eighth Circuit Court of Appeals on April 10, 2000, in a separate lawsuit that overturned a lower court's ruling on the boundary the Service had established.

In August 2000 the National Park Service commenced general distribution of some 2,000 newsletters titled "River Planning: The Second Time Around!" Intended to serve as a vehicle for additional scoping, copies were mailed using a variety of lists and also in response to a widely reproduced news release distributed on August 28, 2000. Other copies were distributed at formal and informal meetings held throughout the winter and spring of 2000-2001.

Park staff addressed nine different audiences between December 2000 and April 2001, including Sierra Club-organized open houses in Omaha and Chadron, Nebraska; the Lower Niobrara Natural Resources District in Butte, Nebraska; the Friends of the Niobrara in Lincoln; at Nebraska Wesleyan University in Lincoln; and the annual Nebraska Audubon crane conference in Kearney. As well, scoping issues and planning updates became standard agenda fare at monthly Niobrara Council meetings in Ainsworth from December 2000 through April 2001. These meetings were all open to the public.

The pace of scoping and writing changed markedly in May 2001 when O'Neill staff commenced distributing at meetings and by mail pre-draft components of the new plan, particularly sections detailing the Niobrara's outstandingly remarkable values and boundary alternatives, and new management alternatives. In May through September 2001, formal presentations were made to Nebraska congressional staff and several state senators in Lincoln, the Nebraska Game and Parks Commission in Lincoln, Niobrara River Outfitters Association in Sparks, Niobrara Scenic River Advisory Commission in Valentine, Niobrara Council in Ainsworth, Rock County Commission in Bassett, The Nature Conservancy in Johnstown, Middle Niobrara Natural Resources District in Valentine, Nebraska Wildlife Federation in Valentine and Lincoln, the National Parks Conservation Association in Washington, D.C., and U. S. Fish and Wildlife Service in Valentine. The desired futures and management and boundary alternatives were conveyed to the Rosebud Sioux Tribe in Mission, South Dakota, in November 2001. Comments received at these various scoping meetings were duly evaluated and resulted in additions and improvements to the document.

The presentations to the public of boundary determinations — actual lines on maps — occurred separately from the boundary analysis and management alternative previews detailed above. Beginning in March and continuing through August 2002, park staff made formal presentations on the character of the river's resources, identified locations of respective resources inside the

designated seventy-six-mile reach, and outlined alternative strategies for protecting those outstandingly remarkable values. Audiences included Nebraska congressional staff and several state senators in Lincoln; Niobrara Council, formally at their March and April meetings and informally throughout the summer; Keya Paha, Cherry, Rock, and Brown county commissions; Niobrara River Outfitters Association; Middle and Lower Niobrara Natural Resources districts, The Nature Conservancy; and face-to-face in O'Neill, Valentine, and on the river with a number of local landowners. The Keya Paha and Cherry County commissions welcomed the occasional use of road rights-of-way to define the boundary and in those instances preferred the inclusion rather than exclusion of the particular road in the boundary. Comments received at these preview meetings led to several instances of redoubled groundtruthing to ensure the veracity of pertinent information.

The following planning issues were identified in public meetings or in response to the August 2000 newsletter:

Landownership Issues

Landowners expressed concerns about effects on property values, federal control of their activities, and their ability to sell. Impacts to county tax bases, increasing property taxes, loss of local control, changing neighboring uses, federal land acquisition by condemnation, and restrictions on development were also concerns. Recreational use has resulted in some trespass, littering, unauthorized fires, and concerns about liability.

Resource Protection Issues

Protection of high quality scenic and natural resources are concerns, particularly in the western third of the Scenic River where development of distinctive recreational properties and homesites occurred in the 1990s. Many respondents demanded that the development of the valley be curtailed, perhaps through the use of conservation easements.

Concerns were expressed over the free-flowing condition of the river and with water quality, water rights, livestock watering, erosion, stream degradation along tributaries, and bank stabilization.

In 2001 National Park Service planners challenged the issue of the retention of Cornell Dam and respondents were nearly equally divided as to retention or removal, with about one-third still undecided.

Several respondents expressed concerns with the National Park Service's personal watercraft ban on waters of the National Park System, an issue of contemporary concern on the nearby Missouri National Recreational River.

Fishing, Hunting, and Trapping Issues

Concerns were expressed over National Park Service's policies regarding continued fishing, hunting, and trapping, and whether canoers and tubers are impairing the fishery.

Visitor Protection Issues

Rowdiness and public intoxication on the river were voiced as concerns, as were apparent inconsistencies between National Park Service and U. S. Fish and Wildlife Service visitor use regulations. Some respondents urged that the Niobrara become an alcohol free river.

Terminology Issue

A number of respondents expressed a concern with the National Park Service labeling the Niobrara National Scenic River a "park" in the planning newsletter. Words like park and unit are synonymous terms used throughout this general management plan. National Park Service terminology in this regard is discussed in **A Note on Terminology**, on page 11.

Management Alternative Issues

Several respondents expressed unhappiness with the National Park Service's partnering efforts with the Niobrara Council, but many more favored renewing that partnership. One respondent expressed concern that the National Parks and Conservation Association lawsuit might be used as a cover allowing the National Park Service to adopt a more independent management course.

Consultation With Other Agencies and Issues Identified

Land managing agencies with parallel or specific interests in the Niobrara National Scenic River were purposefully engaged during the course of scoping, infor

mation development, and plan review and the following issues and concerns were voiced:

Visitor Information, Education, Interpretation Issues

No cohesive effort is made to orient the public generally to Scenic River services, opportunities, and responsibilities, and no concerted effort is made to develop greater public understanding and appreciation of the unit's stellar natural and cultural resources. Some users do not understand that the riverbanks are mostly private property.

Facility/Infrastructure Issues

The adequacy and condition of public and private parking, roads, restrooms, camping, and river access was questioned, as was compliance with pollution and sanitary requirements, handicapped accessibility law, safety codes, and emergency and fire response capabilities. The need for a central education and orientation facility was raised.

Recreational Use Issues

Matters of crowding, inappropriate public behavior, trespass, and resource degradation were questioned, as were specific issues related to wilderness values at the Fort Niobrara National Wildlife Refuge, including quality of visitor experience and impacts to wildlife.

Outfitter management, including numbers of rental craft, visitor service standards, and associated riverbank development and degradation was questioned, as was dispersal options associated with public access development. Associated ancillary recreational development was also discussed.

Resource Management Issues

The U. S. Fish and Wildlife Service expressed concerns over perceived conflicts between traditional river users and values such as solitude and wildlife and habitat protection in the Fort Niobrara Wilderness.

The Middle Niobrara and Lower Niobrara Natural Resources districts particularly challenged the National Park Service's preliminary assessment of the viability of Cornell Dam, and both groups resolved for its preservation.

Resource impacts associated with private and public sector development were questioned, as were strategies for proactive resources management on the largely privately owned Scenic River landscape.

Boundary Issues

The Nebraska Game and Parks Commission questioned the National Park Service's preliminary assessment that "wildlife" did not constitute an outstandingly remarkable value, and offered a rationale for its inclusion. The U. S. Fish and Wildlife Service concurred with the Commission's assessment and also spoke for consideration of fish and wildlife as an outstandingly remarkable value.

Related Plans and Directives

The Niobrara Scenic River Designation Act of 1991 directed the National Park Service to study the potential of creating a Niobrara-Buffalo Prairie National Park near Valentine utilizing traditional National Park Service enabling authorities quite different from those of the Wild and Scenic Rivers Act. This feasibility study was undertaken concurrently with the early 1990s planning for the Scenic River and proved challenging, especially because of the subtleties of National Park Service nomenclature and differences in enabling authorities. The Niobrara Buffalo-Prairie National Park study identified many significant natural, cultural, and recreational resources throughout the study area that were worthy of increased protection. When completed and transmitted to Congress in July 1995, however, the National Park Service took no stand on the Niobrara Buffalo-Prairie National Park pending the outcome of the Scenic River boundary establishment and an evaluation of the probability and effectiveness of utilizing county zoning as a land protection strategy. The National Park Service has not subsequently urged Congress to revisit the authorization of a "National Park" and Congress has not taken any follow-up action.

The National Park Service completed a *Niobrara National Scenic River General Management Plan/Environmental Impact Statement* in December 1996, adopting with advice from the Niobrara Scenic River Advisory Commission Alternative B, "Local Council Management with Federal Funding." As noted above, however, the National Parks and Conservation

Association and others successfully challenged the 1996 plan in a Washington, D.C., federal court contending that the National Park Service had exceeded its authority in transferring management responsibility to a local agency. The Service was ordered to prepare another general management plan/environmental impact statement for the unit that complies with the National Park Service Organic Act, Wild and Scenic Rivers Act, and National Environmental Policy Act. Where possible non contested components in the 1996 plan served as section drafts for the new plan, and core underpinnings such as analyses of legislative intent and the detailed, all-encompassing scoping results in the earlier document were retained, updated, and incorporated into the revised plan.

The boundary determination in the 1996 plan was contested in a federal district court separately by a Niobrara River landowner. The district court upheld the National Park Service. That decision was appealed and in April 2000 the Eighth Circuit Court of Appeals concurred with the plaintiff that the National Park Service had not selected lands for protection within the study area on the basis of "outstandingly remarkable values," reversing and remanding the case to the federal district court with instructions that the "Park Service should select boundaries that seek to protect and enhance the outstandingly remarkable values of the Niobrara Scenic River area." That order is complied with fully in this plan.

The Nebraska Game and Parks Commission developed a *Smith Falls State Park Management Plan* in March 1993 to guide the development and management of that vital public access and recreation area midway on the heavily used canoeable reach of the Scenic River. The Commission consults regularly with the National Park Service on Smith Falls development, and relevant planning and design elements are reflected in this general management plan.

The Nebraska Game and Parks Commission also developed the Fred Thomas Wildlife Management Area on Nebraska Highway 7, north of Bassett. Again the Commission consulted with the National Park Service on this acquisition and development, and the agencies collaborated on a wayside exhibit at a river overlook within the area.

The State of Nebraska completed a statewide comprehensive recreational trail plan in 1994. This plan identified different potential trails and byways in the Scenic River area, including a reach of the river useable as a canoe trail, the creation of a hiking and biking trail connection from the Cowboy Trail paralleling US Highway 20 with the Fort Niobrara canoe access, and the designation and marking of county roads and paved state highways in the area and along the Niobrara River. Several of these concepts are endorsed in this plan.

Brown, Cherry, Keya Paha, and Rock counties have enacted countywide zoning regulations that regulate land use and development along the Niobrara River. The respective county zoning codes each incorporated development standards proffered in the 1996 *Niobrara National Scenic River General Management Plan*.

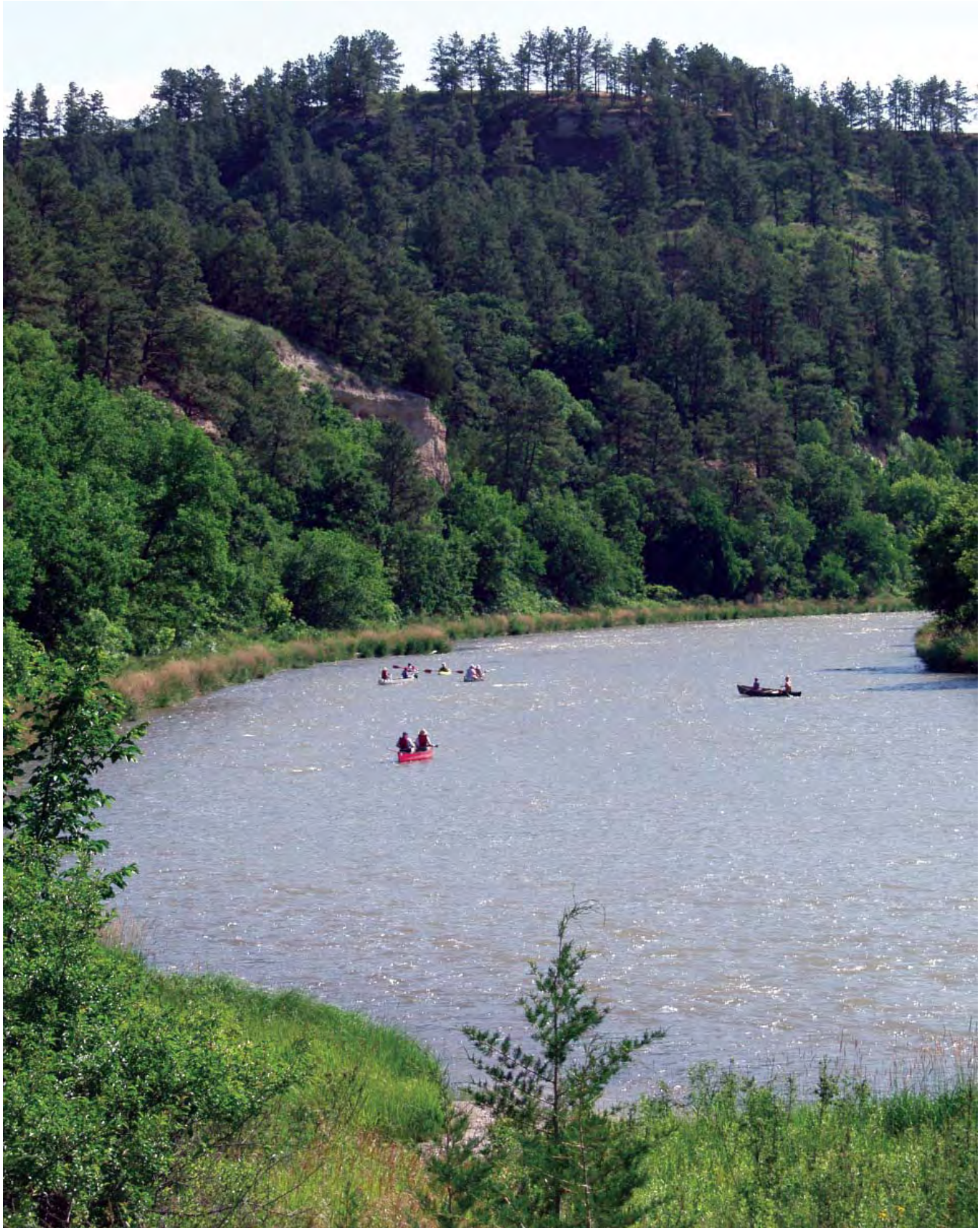
The U. S. Fish and Wildlife Service adopted a *Fort Niobrara National Wildlife Refuge Comprehensive Conservation Plan* in September 1999, addressing a range of habitat, wildlife, recreation, and ecosystem management issues throughout the refuge and Scenic River corridor. The plan particularly commends the preparation of "step-down" plans such as for visitor use management on the river. Already the U. S. Fish and Wildlife Service and National Park Service are discussing a visitor use plan to be undertaken collaboratively to address visitor use management on the entire canoeable river and elsewhere. Several other concepts in the comprehensive conservation plan are endorsed in this plan.

The U. S. Fish and Wildlife Service is also developing a Fort Niobrara-Valentine National Wildlife Refuges Comprehensive Facility and Public Use Master Plan that will, among other matters, commend and justify a new education center for Fort Niobrara that might well be constructed and operated jointly with the National Park Service. That prospect, too, is endorsed in this plan.

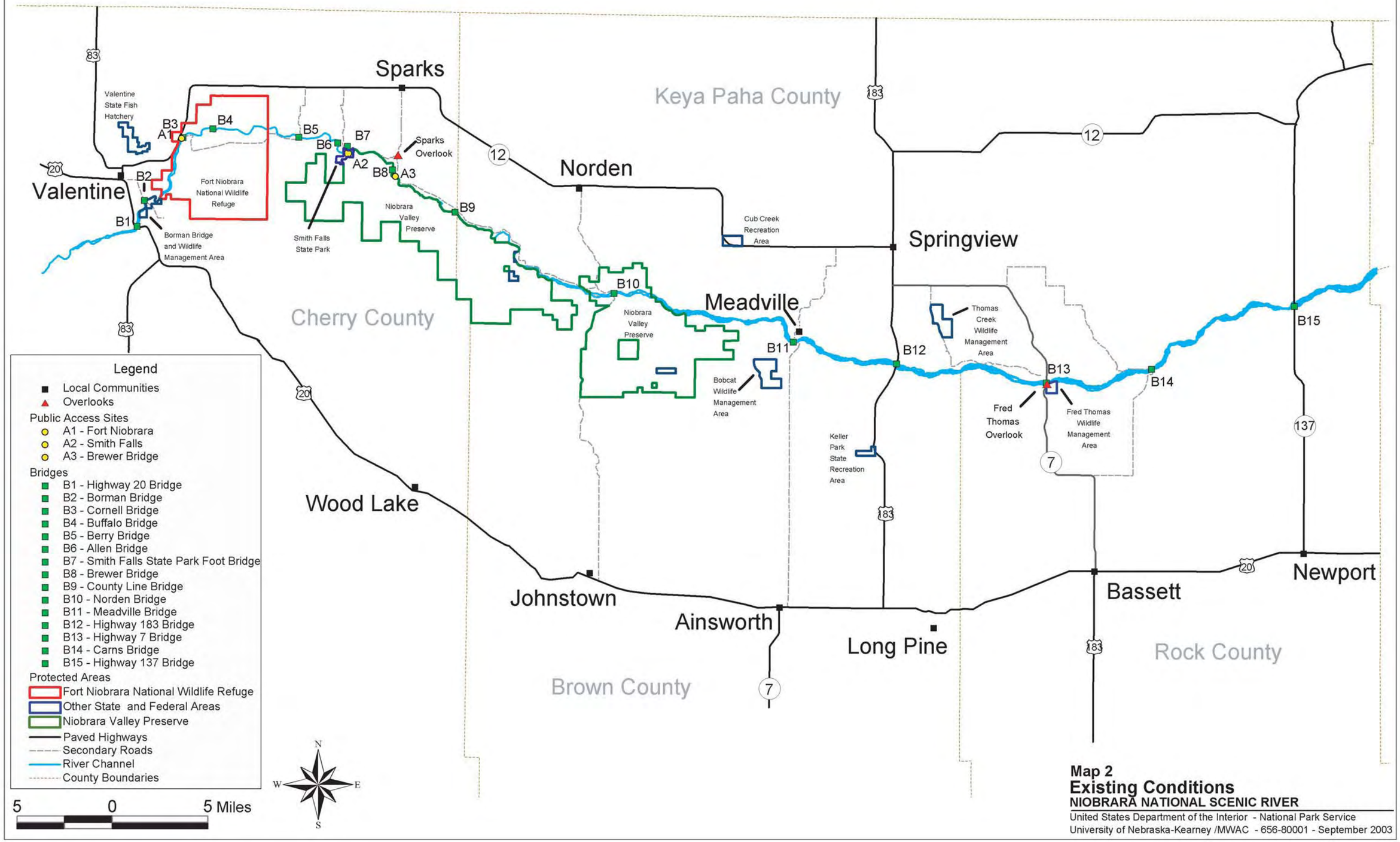
A Note on Terminology

The National Park Service operates units having many different names and with many different legislative authorities. Whether a "National Monument" like Scotts Bluff National Monument or Homestead National Monument of America, "National Historic Site" like Golden Spike National Historic Site or Fort Union Trading Post National Historic Site, "National Park" like Yellowstone National Park or Wind Cave National Park, or "Wild and Scenic River" like Niobrara National Scenic River or Missouri National Recreational River, all 388 such units are components of the National Park System and are all "parks" or "national parks." But the conventional nomenclature of this national system of parks differentiates "National Park" from "national park," the former referring exclusively to a specific type of unit with particular legislative authorities and land protection strategies, and the latter referring generally to this unique collective American park system. Moreover, words like "unit," "park," and "area" are used interchangeably in the National Park Service's lexicon, and in this document. Confusion across the Niobrara region over terminology and ultimate management strategies arose in the early 1990s when the National Park Service undertook simultaneously general management planning for the Niobrara National Scenic River and a pre-authorization study for a Niobrara-Buffalo Prairie National Park (see **Related Plans and Directives**, above). The differences are many. A Scenic River is a "national park" but not a "National Park," and readers are cautioned to remember the distinctions.

An October float rewards canoeists with fall colors, and clear blue skies.



Fort Niobrara National Wildlife Refuge at Cornell Bridge.



Map 2
Existing Conditions
NIOBRARA NATIONAL SCENIC RIVER
United States Department of the Interior - National Park Service
University of Nebraska-Kearney /MWAC - 656-80001 - September 2003

Foundations of the Plan

Purposes of Scenic River Designation

The basic purposes of the Niobrara National Scenic River designation were identified in the 1996 *General Management Plan/Final Environmental Impact Statement* and are reaffirmed here. These purposes reflect extensive planning team analysis of the 1991 Niobrara Act and legislative history, public comments received in scoping, and advisory commission recommendations.

- Preserve the river in a free-flowing condition (existence of low-head dams at the time of designation does not preclude a river from being included in the national Wild and Scenic Rivers System).
- Preserve the significant scenic, geological, biological, historic, and prehistoric resources of the Niobrara River valley in concert with local custom and culture.
- Provide for only that resource-based recreational use that is compatible with protection of the significant resources.

Legislative direction was identified early in the process creating the 1996 General Management Plan and is reaffirmed here. This was derived from specific laws and congressional testimony that led to the 1991 Niobrara Act designating the Scenic River and includes the following mandates:

- Consult with all interested individuals and organizations to foster and develop intergovernmental cooperation in developing boundaries, formulating a management plan, and managing the Scenic River.
- Limit government acquisition of land, contingent on effective local resource protection.
- Respect the rights of landowners and recognize the significance of ranching in the Niobrara Valley.
- Allow hunting, fishing, and trapping on private property to continue under state regulations.
- Continued management of the portion of the river within the Fort Niobrara National Wildlife Refuge by the U. S. Fish and Wildlife Service.

Significance of Area Features

Area features were analyzed and listed for consideration during the course of creating the 1996 *Niobrara National Scenic River General Management Plan/Environmental Impact Statement* and are reaffirmed here. These diverse attributes make the Scenic River important and unique, and some contribute to the outstandingly remarkable values discussed later in this document.

- The Niobrara River is an outstanding example of a largely free-flowing Great Plains river.
- The Niobrara Valley contains a large concentration of scenic river cliffs and waterfalls that are rare on the Great Plains.
- The high bluffs along the river provide scenic vistas of the Niobrara River valley and its many ecosystems. Distant views of the sandhills prairie to the south are unusual in the Great Plains states. The river valley itself provides scenic views.
- The braided lower river provides important nesting habitat for the endangered interior least tern and threatened piping plover. The river also provides important migratory habitat for endangered whooping cranes, threatened bald eagles, and the recently delisted peregrine falcon.
- The Niobrara Valley supports exceptional biological diversity within its narrow confines, where elements of the following ecosystems exist in the same area or very close to each other: northern (boreal) forest, ponderosa pine forest and savanna, eastern deciduous forest, tallgrass prairie, mixed-grass prairie, and sandhills prairie. Approximately 160 species of plants and animals found in the Niobrara Valley are at the edge of their range. The number of plant species at or beyond their normal geographic range, the wide variety of plants, and the number of distinctly different plant ecosystems found close together is very unusual. Some plant and animal species are state or federally listed as rare, threatened, endangered, or candidate species.
- The Niobrara River valley is an excellent example of a rural cultural landscape that contains ranches, limited development, and scenic vistas. Ranches are an important and integral part of the historic landscape and can be themselves of intrinsic value. The existence of farms and ranches contributes greatly to the maintenance and preservation of the valley.
- The area contains scientifically important deposits of mid-Tertiary and Pleistocene fossils. These are important to our knowledge of past life forms.

- Fort Niobrara played an important role as a frontier army post, and then as an early national wildlife refuge preserving bison, elk, and native birds.
- The sandhills near the river act as both a filter and reservoir of high quality water to sustain spring seeps, unusual plants, aquatic lifeforms, river flow, and scenic waterfalls.
- The western portion of the designated Niobrara River offers high quality and relatively safe river recreation for people of differing skill levels.
- The river valley provides a high quality setting for a wide variety of resource-based recreation.

The above list was used to make the following short list of the most significant features the plan is meant to protect over the long term by different methods discussed under several management alternatives. With the exception of specific fossil beds and waterfalls, these features are widely distributed throughout the valley:

- The free-flowing Niobrara River.
- The rural agricultural landscape of ranches and limited development.
- Unusually diverse natural ecosystems with many plant and animal species found at the edge of their range or beyond their usual range.
- Deposits of scientifically important fossils of mid-Tertiary and Pleistocene geological periods.
- A scenic landscape with views of waterfalls, cliffs, forests, and open spaces with few developments.

Desired Future Conditions

The Niobrara National Scenic River vision statement is the sum of the desired future conditions for the park. These were developed by the original planning team, modified after public comments during the initial planning process, and are reaffirmed here. These broad descriptions were developed in three separate categories: landscape preservation, visitor management, and resource management.

Landscape Preservation

- The mosaic of natural and cultural landscapes, including agricultural customs and culture, will be maintained in the valley. The intent is to maintain the nature and intensity of uses of the landscape that existed at the time of designation.
- Riparian landowners will continue to have access to water. There will be minimal impact on riverbanks and water quality.
- New development will have minimal impact on the largely natural and undeveloped conditions of the Niobrara River valley.
- Roads and bridges will complement acceptable levels of use and not detract from the pastoral nature of the landscape.
- The management of the Scenic River will enhance and not detract from county economics.

Visitor Management

- Visitors will respect the privacy and property rights of residents.
- Hunting, fishing, and trapping on private and state land will be permitted consistent with state laws. Trapping is prohibited on federally owned parklands. Fort Niobrara National Wildlife Refuge regulations are unaffected by the Scenic River designation.
- Visitors will see few developments and have the opportunity to enjoy and appreciate the resources.
- Recreational development will be consistent with acceptable levels of public use and will provide for public health and safety as well as resource protection.
- Camping opportunities will range from primitive to moderately developed. These camping developments will minimally impact visitors' visual experiences.
- Opportunities will exist for canoeists and other visitors to experience relative solitude.
- Visitors will have a canoeing experience free from user conflicts and without overcrowding.
- Motorized water travel will be prohibited except for emergency or approved administrative use.
- Noise experienced by visitors will be typical for the surrounding natural and cultural environment, and will not be a nuisance to the majority of users.
- Interpretive programming will address the natural and cultural resource values of the Scenic River, along with visitor courtesies and safety concerns.

Resource Management

- Significant historic sites, archeological sites, ethnographic resources, and cultural landscapes will be preserved.

- Natural processes and geologic features such as bluffs, waterfalls, and streambanks will retain their inherent natural qualities.
- Water quality and historic in-stream flows will be maintained to support wildlife, fisheries, agriculture, and the recreational values associated with the river.
- Wildlife, recreation, and agricultural interests will work cooperatively to ensure an adequate future supply of water.
- The wildlife resources and habitat of the Niobrara River valley will be managed and some missing species will be restored where culturally and biologically feasible.
- The National Park Service will work with partners to ensure the continued good air quality of the valley.
- The biological diversity of the Niobrara River valley, including its six major ecosystems, will be preserved and enhanced.
- The significant fossil resources inside the Scenic River boundaries will be preserved and made available for scientific research. Opportunities for interpretation will be made available.

Carrying Capacity

General management plans are required to identify and implement visitor carrying capacities for all areas of a park. The National Park Service defines visitor carrying capacity as the type and level of visitor use that can be accommodated while sustaining desired park resource conditions and visitor experiences consistent with the purposes of the park. At the general management plan level of decision-making, management prescriptions establish carrying capacities in terms of the desired resource conditions and visitor opportunities in both frontcountry and backcountry management zones.

The National Park Service now uses general management plans to set goals for desired resource conditions and visitor experiences in parks. The plan is needed to make major decisions related to the kinds and levels of visitor uses and support facilities, park carrying capacity, appropriate private uses and public access, and the appropriate level of focus on cultural resources. These decision points involve numerous park, visitor, and community values. While this general management plan does not address the Visitor Experience and Resource Protection (VERP) in detail, Niobrara National Scenic River is committed to developing indicators and standards for assessing carrying capacity and a monitoring plan in a separate planning effort commencing in fall 2005. The National Park Service will prepare a river management plan that will determine prescriptive management zones and the carrying capacity for those zones, and will provide ample opportunity for public involvement. On the following page is a chart that shows the progress made to date in determining carrying capacities and the schedule for the future.

The VERP Process

In 1992, the National Park Service began developing the Visitor Experience and Resource Protection (VERP) framework to address visitor management and user capacity issues within the National Park System. In the VERP framework, user capacity is defined as: “The type and level of visitor use that can be accommodated while sustaining the desired resource and social conditions that complement the purposes of the park units and their management objectives.” Carrying capacity is not strictly interpreted as an absolute number, but as a range within which acceptable limits of change may occur. VERP addresses user capacity by prescribing desired conditions for both the quality of resources and the visitor experience. Based on the desired conditions, VERP will identify the types and levels of visitor use that are appropriate, with particular focus on the protection of the Niobrara's outstandingly remarkable values.

Indicators and Standards

In the VERP model, measures of success are quantified through a series of indicators and standards. An indicator presents a subject to be measured (e.g., water quality, campsite condition, social trails) and is monitored periodically to detect change. A standard establishes the threshold for the indicator (e.g., there would be no more than X number of social trails in a given area). When the standard is reached or exceeded, management action can be taken, if monitoring indicates that conditions are changing to an undesirable level.

Monitoring

Monitoring is a key element in the VERP framework. It is vital to have reliable data on resource conditions and visitor use so that the park staff can determine if discrepancies are occurring between desired and existing

conditions. Resource and visitor data need to be collected at regular intervals to show if standards are being exceeded.

In some cases, monitoring plans and schedules have been in place for years (e.g., water quality readings). For areas that do not have monitoring programs in place, plans will be developed beginning fall 2005 and implementation will begin in spring 2006. Detailed monitoring plans will ensure that data are properly collected and to minimize the potential for misinterpretations and other errors. These technical plans will describe how, where, and when each indicator will be monitored.

The VERP Framework

Nine steps, or elements, are integral to the development of the VERP framework. While the scope of the elements, the order in which they are undertaken, and the specific methods used to complete the elements may vary in different situations, all of the elements are necessary to implement a VERP program. Although the elements may appear to follow a linear process, it is important to remember that the VERP framework is iterative, with feedback and "feed-forward" occurring throughout the elements.

VERP Framework

Step	Description	Status of VERP process at Niobrara National Scenic River
1	Assemble an Interdisciplinary Project Team	Completed as part of development of the GMP
2	Develop a Public Involvement Strategy	Completed as part of development of the GMP
3	Develop Statements of Park Purpose, Significance, and Primary Interpretive Themes; Identify Planning Constraints	Completed as part of development of the GMP
4	Analyze Park Resources and Existing Visitor Use	Completed as part of development of the GMP
5	Describe a Potential Range of Visitor Experiences and Resource Conditions (potential prescriptive zones)	Underway
6	Allocate the Potential Zones to Specific Locations in the Park (prescriptive management zoning)	Begins fall 2005 as part of river management plan process
7	Select Indicators and Specify Standards for Each Zone; Develop a Monitoring Plan	Begins fall 2005 as part of river management plan process
8	Monitor Resource and Social Indicators	Begins spring 2006 for newly developed standards and indicators
9	Management Action	To be undertaken as needed in response to monitoring