NATIONAL PARK SERVICE • U.S. DEPARTMENT OF THE INTERIOR

Foundation Document

Niobrara National Scenic River

Nebraska

October 2016

Signatures 10-11-2016

SOUTH DAKOTA
Pierre
Rapid City
Murdo
MINN.
90
385
Sioux Falls
Missouri River
Valentine
Chadron
20
IOWA
Niobrara River
20
83
Niobrara National Scenic River
Alliance
2
29
275
385
NEBRASKA
Omaha
80
2
North Platte
80
Grand Island
Lincoln
76
COLORADO
0
100 Kilometers
KANSAS
0
100 Miles

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Mission of the National Park Service

The National Park Service (NPS) preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

The NPS core values are a framework in which the National Park Service accomplishes its mission. They express the manner in which, both individually and collectively, the National Park Service pursues its mission. The NPS core values are:

- **Shared stewardship**: We share a commitment to resource stewardship with the global preservation community.
- **Excellence**: We strive continually to learn and improve so that we may achieve the highest ideals of public service.
- **Integrity**: We deal honestly and fairly with the public and one another.
- **Tradition**: We are proud of it; we learn from it; we are not bound by it.
- **Respect**: We embrace each other's differences so that we may enrich the well-being of everyone.

The National Park Service is a bureau within the Department of the Interior. While numerous national park system units were created prior to 1916, it was not until August 25, 1916, that President Woodrow Wilson signed the National Park Service Organic Act formally establishing the National Park Service.

The national park system continues to grow and comprises more than 400 park units covering more than 84 million acres in every state, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands. These units include, but are not limited to, national parks, monuments, battlefields, military parks, historical parks, historic sites, lakeshores, seashores, recreation areas, scenic rivers and trails, and the White House. The variety and diversity of park units throughout the nation require a strong commitment to resource stewardship and management to ensure both the protection and enjoyment of these resources for future generations.

The arrowhead was authorized as the official National Park Service emblem by the Secretary of the Interior on July 20, 1951. The sequoia tree and bison represent vegetation and wildlife, the mountains and water represent scenic and recreational values, and the arrowhead represents historical and archeological values.

In 1968, the Wild and Scenic Rivers Act (16 USC 1271-1287; Public Law 90-542) was signed into law. The act declared, as a matter of national policy, "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 . . . they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations" (16 USC 1271). To accomplish this goal, the act established a national wild and scenic rivers system (16 USC 1272).

The National Park Service is one of the four federal land-managing agencies with wild and scenic river management responsibilities. Wild and scenic rivers administered by the Secretary of the Interior through the National Park Service may flow wholly or partly within the boundaries of existing national park system units, or may constitute new and separate units of the national park system. These congressionally designated wild and scenic rivers are part of both the national park system and the national wild and scenic rivers system (16 USC 1281(c)). Other congressionally designated rivers are administered by the National Park Service in partnership with state and nongovernmental organizations. Some of these partnership rivers are considered part of the national park system and the national wild and scenic rivers system, while others are explicitly excluded in their enabling legislation from inclusion in the national park system and are only included in the national wild and scenic rivers system. Other wild and scenic rivers are designated by secretarial action (16 USC 1273(a)(ii)) for inclusion in the national wild and scenic rivers system, but are administered by a state agency, with limited NPS responsibilities. Additionally, some NPS units have river protection language in their enabling legislation that is similar or identical to some provisions of the Wild and Scenic Rivers Act, although these rivers are not included in the national wild and scenic rivers system.

The National Park Service conducts congressionally authorized studies (16 USC 1276) of rivers for potential inclusion in the national wild and scenic rivers system, and also evaluates rivers in park units for wild and scenic eligibility and suitability as part of its ongoing planning activities.

Introduction

Every unit of the national park system will have a foundational document to provide basic guidance for planning and management decisions—a foundation for planning and management. The core components of a foundation document include a brief description of the park as well as the park's purpose, significance, fundamental resources and values, other important resources and values, and interpretive themes. The foundation document also includes special mandates and administrative commitments, an assessment of planning and data needs that identifies planning issues, planning products to be developed, and the associated studies and data required for park planning. Along with the core components, the assessment provides a focus for park planning activities and establishes a baseline from which planning documents are developed.

A primary benefit of developing a foundation document is the opportunity to integrate and coordinate all kinds and levels of planning from a single, shared understanding of what is most important about the park. The process of developing a foundation document begins with gathering and integrating information about the park. Next, this information is refined and focused to determine what the most important attributes of the park are. The process of preparing a foundation document aids park managers, staff, and the public in identifying and clearly stating in one document the essential information that is necessary for park management to consider when determining future planning efforts, outlining key planning issues, and protecting resources and values that are integral to park purpose and identity.

While not included in this document, a park atlas is also part of a foundation project. The atlas is a series of maps compiled from available geographic information system (GIS) data on natural and cultural resources, visitor use patterns, facilities, and other topics. It serves as a GIS-based support tool for planning and park operations. The atlas is published as a (hard copy) paper product and as geospatial data for use in a web mapping environment. The park atlas for Niobrara National Scenic River can be accessed online at: http://insideparkatlas.nps.gov/.

Part 1: Core Components

The core components of a foundation document include a brief description of the park, park purpose, significance statements, fundamental resources and values, other important resources and values, and interpretive themes. These components are core because they typically do not change over time. Core components are expected to be used in future planning and management efforts.

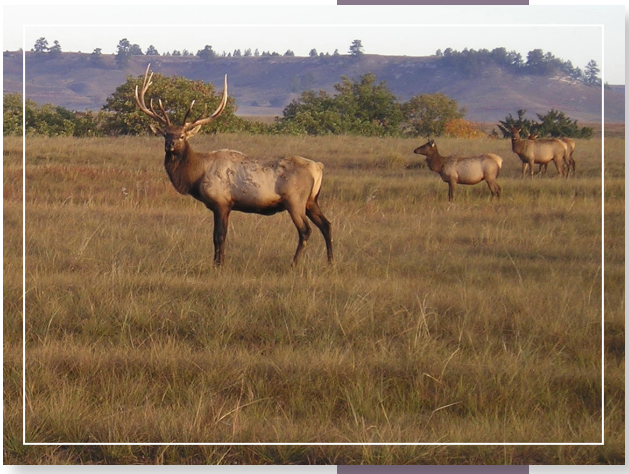
Brief Description of the Park

The Niobrara National Scenic River flows through 76 miles of beautiful, varied scenery and diverse plant and animal communities in north-central Nebraska. A Tier III Outstanding National Resource Water under the Clean Water Act, the river offers outstanding recreational opportunities for novice to highly experienced paddlers.

Most of the first 4 miles of river, located within the Fort Niobrara National Wildlife Refuge (U.S. Fish and Wildlife Service [USFWS]), are not accessible to the public. A public landing immediately downstream of a low-head dam allows the first access point to the river. The dam, which pre-existed the 1991 National Scenic River designation, is the only impediment to the free-flowing river.

The relatively narrow canyons in the western portion of the Niobrara National Scenic River display high, eroding bluffs topped by Ponderosa pine and eastern red-cedar interspersed with open vistas of mixed-grass prairie. A narrow, sheltering floodplain harbors plains cottonwood, green ash, and boxelder. The latter species is often festooned with river grape or Virginia creeper. Low-structured shrubs, such as smooth sumac, skunkbush sumac, wild plum, and chokecherry, provide food and hiding places for a variety of wildlife. Spring-branch canyons, mostly on the south side of the river, draw spring water from beneath the Sandhills prairie and are enclosed by trees more typical of the eastern United States, such as basswood, eastern hop-hornbeam and American elm. Most notable and striking, however, are the paper birch and aspen, relics of the ice age. The spring-branch canyons constitute a cool, moist microclimate uncharacteristic of the Great Plains in which numerous plants persist well outside their normal geographic range. Mosses, liverworts, and ferns can be found here. When walking into one of these moist, wooded canyons from the dry, sunny prairie, a person is struck by the rapid change in environment, scenery, and biology. Here, the sound of splashing water might be preceded by the startling view of a high waterfall tumbling over successive ledges of a geologic formation called the Rosebud. Hundreds of such waterfalls can be found here, most are tucked away in these canyons back of the river, with some spectacularly dropping directly into the river to canoers' delight.

The river and the valley widen as one proceeds downstream, the adjacent bluffs are now farther away and more rounded and gentle in appearance. Sandbars and vegetated islands become a prominent feature. Rare birds such as piping plover and interior least tern nest on bare, dry sandbars in mid-summer and whooping cranes sometimes make a brief stop during their spring and fall migrations across the plains. Otter and beaver easily navigate the current and deer spring from their island hideouts.



Given this vast diversity of plant communities and land forms, it is no surprise that wildlife is equally diverse. Several eastern and western species co-mingle here to hybridize and confound biologists' efforts at classification. This portion of the Niobrara River Valley is known as the biological crossroads of the Great Plains. The river provides the corridor along which eastern, western, and a few northern woodland species mingle and interact. Even species long dead surface here along the banks and within world-renowned fossil quarries adjacent to the river. The fossil finds chronicle millions of years of evolution, as represented by extinct horses, camels, rhinos, saber-toothed cats, and mammoths. Even petrified wood can be found here. All these educationally valuable resources make this an unparalleled research library for scientific study and visitor appreciation.

The upper portion of the scenic river is popular for floaters. Thousands of canoers, kayakers, and tubers take advantage of the free-flowing waters to enjoy time with friends and family in a beautiful setting. Slow, peaceful stretches offer serenity and sightseeing, while short rapids and chutes focus your attention on the water ahead. Several outfitters rent the craft of your preference, and most offer campgrounds for overnight stays on the north bank of the river, accessible by a county road. Most of the land bordering the Niobrara National Scenic River is in private ownership, with only a small percentage of publically accessible land. While most visitors float the river, Fort Niobrara National Wildlife Refuge and Smith Falls State Park (Nebraska Game and Parks Commission) offer land-based recreational opportunities. County roads also offer an alternative view of the outstanding scenic qualities. Fall and spring offer quieter periods and varied colors, but in any season this remarkable valley is worth exploration.

Park Purpose

The purpose statement identifies the specific reason(s) for establishment of a particular park. The purpose statement for Niobrara National Scenic River was drafted through a careful analysis of its enabling legislation and the legislative history that influenced its development. The park was established when the enabling legislation adopted by Congress was signed into law on May 24, 1991 (see appendix A for enabling legislation). The purpose statement lays the foundation for understanding what is most important about the park.

The purpose of Niobrara National Scenic River is to preserve its free-flowing condition, the significant scenic, geologic, biologic, historic, and prehistoric resources of the Niobrara River Valley in concert with local custom and culture, and provide opportunities for resource-based recreational use that is compatible with protection of the significant resources.

Park Significance

Significance statements express why a park's resources and values are important enough to merit designation as a unit of the national park system. These statements are linked to the purpose of Niobrara National Scenic River, and are supported by data, research, and consensus. Statements of significance describe the distinctive nature of the park and why an area is important within a global, national, regional, and systemwide context. They focus on the most important resources and values that will assist in park planning and management.

The following significance statements have been identified for Niobrara National Scenic River. (Please note that the sequence of the statements does not reflect the level of significance.)

1. The Niobrara River is an outstanding example of a largely free-flowing Great Plains river.

2. The Niobrara River Valley contains a large concentration of scenic river cliffs and waterfalls that are rare on the Great Plains.

3. The high bluffs along the river provide scenic vistas of the Niobrara River Valley and its many plant communities. From the north rim of the valley, distant views of the Sandhills prairie to the south are unusual in the Great Plains states. The river valley itself provides scenic views.

4. The braided lower river provides important nesting habitat for the federally endangered interior least tern and threatened piping plover. The river also provides important migratory habitat for endangered whooping cranes and the recently delisted peregrine falcon and bald eagle.

5. The Niobrara River Valley supports exceptional biological diversity within its narrow confines. The following ecosystems exist in the same area or in proximity to each other: northern boreal forest, western coniferous forest, eastern deciduous forest, tallgrass prairie, northern mixed-grass prairie, and Sandhills prairie.

6. Approximately 160 species of plants and animals found in the Niobrara River Valley are at the perimeter 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 communities found close together is unusual. Some plant and animal species are considered rare or are state or federally listed as threatened, endangered, or candidate species.

7. 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 of intrinsic value.

8. The area contains scientifically important deposits of mid-Tertiary and Pleistocene fossils. These fossils are important to our knowledge of past life forms.

9. 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.

10. The western portion of the designated Niobrara River offers high-quality and relatively safe river recreation for people of differing skill levels.

11. The Niobrara River Valley provides a high-quality setting for a wide variety of resource-based recreation.

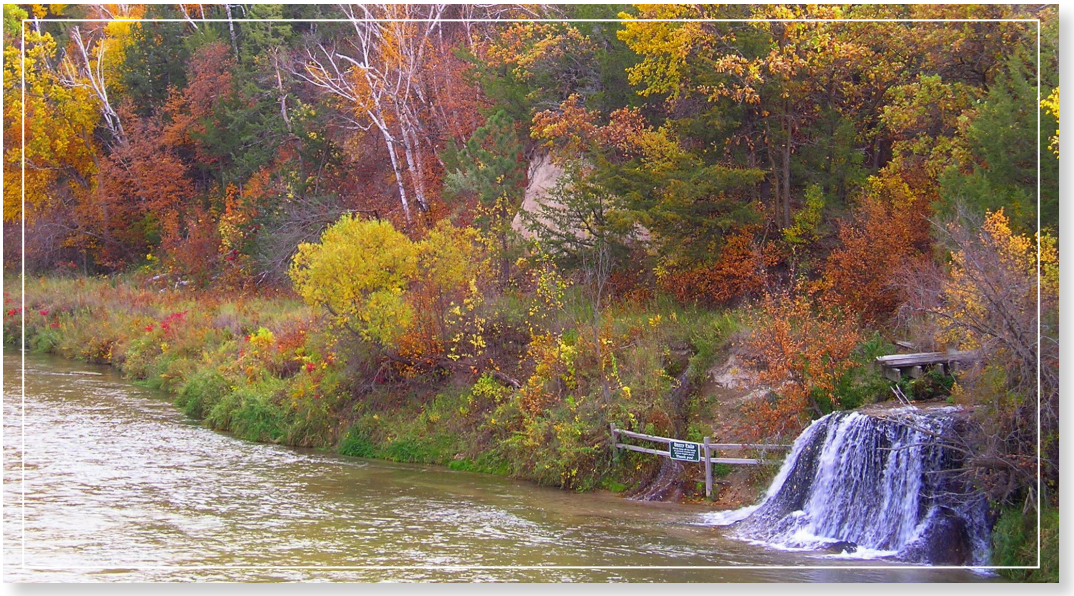
Fundamental Resources and Values

Fundamental resources and values (FRVs) are those features, systems, processes, experiences, stories, scenes, sounds, smells, or other attributes determined to warrant primary consideration during planning and management processes because they are essential to achieving the purpose of the park and maintaining its significance. Fundamental resources and values are closely related to a park's legislative purpose and are more specific than significance statements. For a designated wild and scenic river, the fundamental resources and values are generally those that have been identified as outstandingly remarkable values (ORVs) related to the river. The ORVs have been described in more detail and recorded in a separate ORV report.

Fundamental resources and values help focus planning and management efforts on what is truly significant about the park. One of the most important responsibilities of NPS managers is to ensure the conservation and public enjoyment of those qualities that are essential (fundamental) to achieving the purpose of the park and maintaining its significance. If fundamental resources and values are allowed to deteriorate, the park purpose and/or significance could be jeopardized.

The following fundamental resources and values (which are the same as the river's outstandingly remarkable values) have been identified for Niobrara National Scenic River:

- **Fish and Wildlife Value.** The importance of native habitat in the 76-mile-long Niobrara National Scenic River is a value closely associated with the diverse and rich biota that comprises a core quality in the Scenic Outstandingly Remarkable Value. 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 novel evolution.
- **Free-Flowing Condition and Water Quality Values.** Free-flowing condition and water quality support the integrity of the river's outstandingly remarkable values.
- **Geologic Value.** The dynamic and unique geology of the Niobrara River Valley gives rise to a delicate mix of well-watered, shady, and cool, north-facing gradients; wider, sun-drenched south-facing slopes; the structurally diverse riverbed flowing variously over rock and sand substrate; and the tumble of waterfalls over hard rock. In their abundance and unexpected variety, the waterfalls of the Niobrara River Valley alone are unique to both Nebraska and the Great Plains.



- **Paleontologic Value.** The designated reach of the Niobrara River is internationally renowned for the multiplicity of known species and type localities (first discovery of a new species) associated with the study of mammal evolution in North America. These paleontologic resources have been studied by scientists for more than 125 years, and vigorous research continues. The paleontologic resources of the Niobrara River Valley are found to be an outstandingly remarkable value.
- **Recreational Value.** Dramatic, untrammeled scenery and friendly water make canoeing and tubing the Niobrara River stellar activities with enthusiastic and loyal followings. With the addition of camping along the river at places like Smith Falls State Park and sightseeing throughout the area, along with wildlife viewing at Fort Niobrara National Wildlife Refuge, recreational use of the Niobrara National Scenic River is expected to increase, with the potential of drawing significant regional and national audiences.
- **Scenic Value.** The 76-mile reach of the Niobrara River retains a timeless natural character with a splendid and nationally recognized mix of distinct ecosystems, some at their farthest continental range.

Other Important Resources and Values

Niobrara National Scenic River contains other resources and values that are not fundamental to the purpose of the park and may be unrelated to its significance, but are important to consider in planning processes. These are referred to as "other important resources and values" (OIRV). These resources and values have been selected because they are important in the operation and management of the park and warrant special consideration in park planning.

The following other important resources and values have been identified for Niobrara National Scenic River:

- **Historic Value.** While history is not considered an outstandingly remarkable value for the Niobrara National Scenic River, the historic uses of the Niobrara River corridor include seasonal camping, community development, and homesteading. The area also includes Fort Niobrara, which was a military post dating to a period of American Indian agency oversight. While several sites and structures are listed in the National Register of Historic Places, none are unusual within the region of comparison.
- **Cultural Value.** While cultural resources of the Niobrara National Scenic River are not found to be an outstandingly remarkable value when compared with other rivers in the region, the saga of cattle ranching in the Niobrara River 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, the cattleman's legacy on the Niobrara River Valley has many parallels on other riverscapes in the region. In fact, careful land stewardship generally associated with cattle ranching is an established tradition in Nebraska and across the Great Plains and not so much a localized attribute.

Interpretive Themes

Interpretive themes are often described as the key stories or concepts that visitors should understand after visiting a park—they define the most important ideas or concepts communicated to visitors about a park unit. Themes are derived from, and should reflect, park purpose, significance, resources, and values. The set of interpretive themes is complete when it provides the structure necessary for park staff to develop opportunities for visitors to explore and relate to all park significance statements and fundamental and other important resources and values.

Interpretive themes are an organizational tool that reveal and clarify meaning, concepts, contexts, and values represented by park resources. Sound themes are accurate and reflect current scholarship and science. They encourage exploration of the context in which events or natural processes occurred and the effects of those events and processes. Interpretive themes go beyond a mere description of the event or process to foster multiple opportunities to experience and consider the park and its resources. These themes help explain why a park story is relevant to people who may otherwise be unaware of connections they have to an event, time, or place associated with the park.

The following interpretive themes have been identified for Niobrara National Scenic River:

- **Fish and Wildlife.** Six distinct ecosystems converge along the Niobrara River Valley, creating exceptional biological diversity of over 160 plants and many animals that survive at the extreme perimeter of their normal range and respond easily to disruptions including threatened and endangered species.
- **Scenic.** The unique geography of the Niobrara River Valley, along with its pattern of settlement and use, provides exceptionally serene and beautiful vistas and a relatively undeveloped view from the river.
- **Geologic.** The Niobrara River and its spring branch canyon creeks carve through layers of geologic time, exposing the primeval history of the area, illuminating its influence on the diversity of life in the valley, and creating over 200 waterfalls.
- **Paleontologic.** Hills, cliffs, and streambanks in the Niobrara River Valley reveal abundant fossil evidence of an ancient world vastly different from today, with ancestors of species familiar and exotic, living and extinct, preserved over time in the rock.
- **Recreation.** A variety of high-quality recreational experiences in the Niobrara corridor can offer relaxation, discovery, challenge, and fun in the escape from everyday routine.
- **Free-Flowing / Water Quality.** The free-flowing high water quality character of the Niobrara River is extremely rare for a Great Plains river and in jeopardy from many threats including nonpoint source pollution and subsurface and river channel water withdrawal.
- **National Parks.** The Niobrara is protected by the National Park Service for all Americans to enjoy this scenic river heritage.

Part 2: Dynamic Components

The dynamic components of a foundation document include special mandates and administrative commitments and an assessment of planning and data needs. These components are dynamic because they will change over time. New special mandates can be established and new administrative commitments made. As conditions and trends of fundamental and other important resources and values change over time, the analysis of planning and data needs will need to be revisited and revised, along with key issues. Therefore, this part of the foundation document will be updated accordingly.

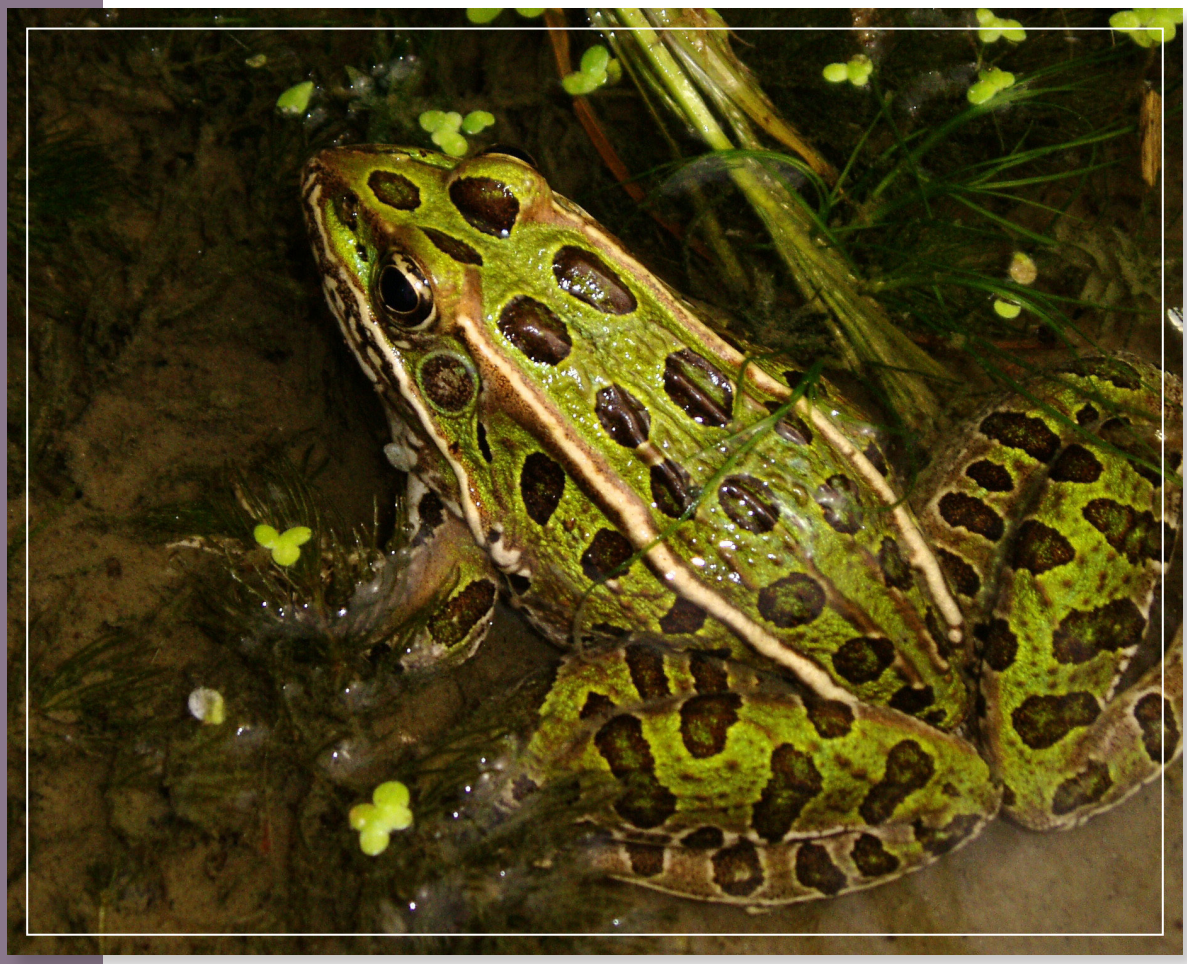
Special Mandates and Administrative Commitments

Many management decisions for a park unit are directed or influenced by special mandates and administrative commitments with other federal agencies, state and local governments, utility companies, partnering organizations, and other entities. Special mandates are requirements specific to a park that must be fulfilled. Mandates can be expressed in enabling legislation, in separate legislation following the establishment of the park, or through a judicial process. They may expand on park purpose or introduce elements unrelated to the purpose of the park. Administrative commitments are, in general, agreements that have been reached through formal, documented processes, often through memorandums of agreement. Examples include easements, rights-of-way, arrangements for emergency service responses, etc. Special mandates and administrative commitments can support, in many cases, a network of partnerships that help fulfill the objectives of the park and facilitate working relationships with other organizations. They are an essential component of managing and planning for Niobrara National Scenic River.

Special Mandates

- Public Law 102-50 Section 2(a) – Requires that the river segment within the Fort Niobrara National Wildlife Refuge continue to be managed by the U.S. Fish and Wildlife Service.
- Public Law 102-50 Section 3(b) – Designates the 6-mile segment of the Niobrara River, from its confluence with Chimney Creek to its confluence with Rock Creek, as a component of the national wild and scenic rivers system by operation of law within five years after May 24, 1995, because funds were not authorized or appropriated for the construction of a water resources project in that segment of the river.
- Public Law 102-50 Section 4 (a)(b) – Limits acquisition of land or interests in land, without the consent of the owner, in not more than 5% of the area within the boundaries of the river, and limits fee ownership acquisition, without the consent of the owner, of not more than 2% of such area. The limitations on land acquisition contained are in addition to, and not in lieu of, the limitations on acquisition contained in section 6 of the Wild and Scenic Rivers Act. The 5% limitation and the 2% limitation do not apply if the Secretary of the Interior finds, after notice and opportunity for public comment, that state or local governments are not, through statute, regulation, ordinance, or otherwise, adequately protecting the values for which the segment concerned is designated as a component of the national wild and scenic rivers system.

For more information about the existing special mandates and administrative commitments for Niobrara National Scenic River, please see appendix B.



Assessment of Planning and Data Needs

Once the core components of part 1 of the foundation document have been identified, it is important to gather and evaluate existing information about the park's fundamental and other important resources and values, and develop a full assessment of the park's planning and data needs. The assessment of planning and data needs section presents planning issues, the planning projects that will address these issues, and the associated information requirements for planning, such as resource inventories and data collection, including GIS data.

There are three sections in the assessment of planning and data needs:

1. analysis of fundamental resources and values
2. identification of key issues and associated planning and data needs
3. identification of planning and data needs (including spatial mapping activities or GIS maps)

The analysis of fundamental resources and values and identification of key issues leads up to and supports the identification of planning and data collection needs.

Analysis of Fundamental Resources and Values

The fundamental resource or value analysis table includes current conditions, potential threats and opportunities, planning and data needs, and selected laws and NPS policies related to management of the identified resource or value.

Fundamental Resource or Value	Fish And Wildlife Value
Related Significance Statements	Significance statements 4, 5, 6, and 9.
Current Conditions and Trends	**Conditions** • Six plant communities converge along the river forming a biological crossroads that is dependent on the geology and hydrology of Niobrara National Scenic River. There are eastern deciduous, western coniferous, and northern boreal forest, as well as tallgrass, Sandhills, and northern mixed-grass prairie species. • This rare mix of habitats supports over 160 plants and many animals that survive at or beyond their normal range. These diverse plant communities provide unique habitats for mammals, reptiles, birds, fish, and many other organisms not common or declining in the Great Plains. • The range of river depths, velocities, gradients, sediment loads, channel entrenchment, and braiding provide a variety of habitats for aquatic and riparian species. Several threatened or endangered species make their home in the Niobrara National Scenic River using braided river channels, geologically dependent sandbars, streambanks, and open water for nesting, rearing, feeding, and migratory habitat. Species include the federally listed piping plover, interior least tern, and whooping crane, as well as the state listed river otter. • The diverse habitats of the Niobrara National Scenic River corridor may have contributed to the formation of hybrid species of several birds, butterflies, and plants. • Fish and wildlife and their forest and grassland habitats are integral components of the overall scenic experience of the Niobrara River. Fish and wildlife also play an important function in recreation through such activities as hunting, fishing, wildlife viewing, and photographing the natural world. • Instream flows remain at risk and have not yet been protected by the state or through a federal reserved water right. • The Niobrara River corridor currently experiences limited influence from noise and artificial light. Increases in development and changes in nearby land use could increase these pollutants and impact wildlife. **Trends** • Continued pressure for water development could impact instream flows. • Regeneration of paper birch and the hybrid aspen trees has slowed, which may be due to climate changes resulting in changes in population sustainability.
Threats and Opportunities	**Threats** • In select areas, social trails threaten fragile boreal ecosystems, which leads to increased erosion. • Disease and possibly climate change threaten unique hybrid aspens and boreal species. • Invasive plants and animals are displacing native species and degrading natural habitat including foreign disease organisms such as aspen scale, Dutch elm disease, and the emerald ash borer. • Climate change resulting in increasing average annual temperatures, extreme heat events, and more large storms may prompt catastrophic wildfire, flooding, erosion, northward shifts in native species, and an increase in invasive species, all of which may alter plant and animal communities and river hydrology. • The State of Nebraska has not yet recognized the federal reserved water right established at the time the river was designated. • The federal reserved water right has not been judicially quantified. • Limited cooperation with landowners hampers monitoring access. • Increasing river-based recreation and changing characteristics of river use may degrade aquatic and riparian resources. • A reduction or change in timing of spring peak flows may negatively affect geomorphic processes and/or fish and sensitive bird species.

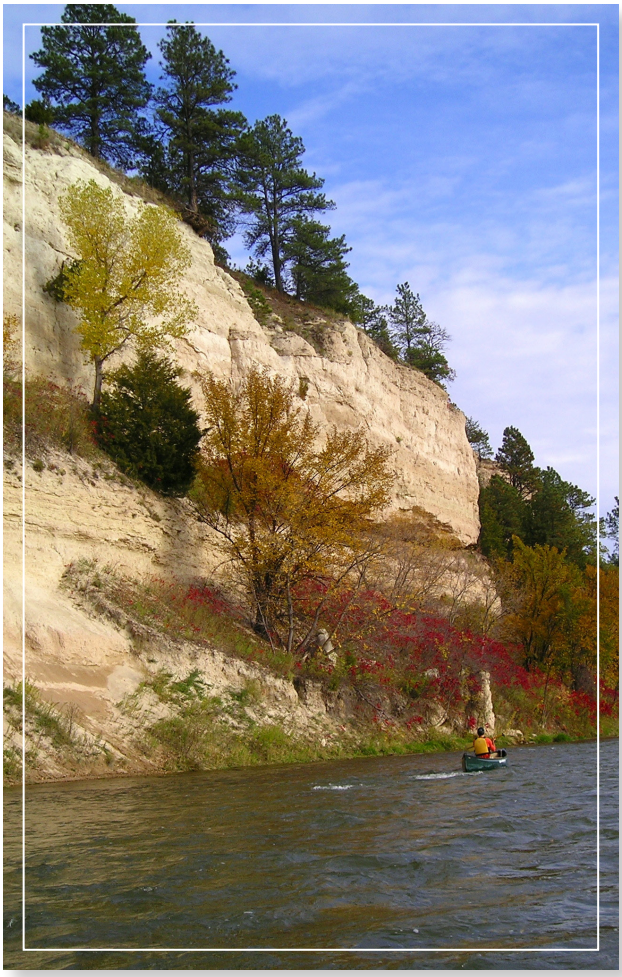
Fundamental Resource or Value	Fish And Wildlife Value
Threats and Opportunities	**Opportunities** • Partner with other local, state, and federal agencies such as Natural Resources Conservation Service, Farm Service Agency, The Nature Conservancy, and county extension agencies to manage fish and wildlife. • Discuss the management of Cornell Dam with the U.S. Fish and Wildlife Service.
Data and/or GIS Needs	• Identify microclimate / special habitat for fish and wildlife. • Benthic macroinvertebrate study – aquatic submerged resources study. • Identify and monitor trends of representative riparian plants and animals. • Long-term ecological monitoring locations and data gathering.
Planning Needs	• Regional planning for adaptation to climate change. • Update 2011 resource stewardship strategy.
Laws, Executive Orders, and Regulations That Apply to the FRV and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Wild and Scenic Rivers Act (1968); 16 USC 1271 et seq. • Endangered Species Act of 1973, as amended; 16 USC 1531 et seq. • National Invasive Species Act; 16 USC 4701 • Lacey Act, as amended; 16 USC 3371–3378 • Migratory Bird Treaty Act; 16 USC 703–712 • Eagle Protection Act; 16 USC 668 • National Environmental Policy Act of 1969; 42 USC 4321 • Federal Noxious Weed Act of 1974, as amended; 7 USC 2801 et seq. • Clean Water Act; 33 USC 1251–1387, 33 USC 1151 • Clean Air Act; 42 USC 7401 et seq. • Paleontological Resources Preservation Act of 2009 • Executive Order 13112, "Invasive Species" • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources" **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (1.6) "Cooperative Conservation Beyond Park Boundaries" • NPS *Management Policies 2006* (4.7) "Air Resource Management" • NPS *Management Policies 2006* (4.9) "Soundscape Management" • NPS *Management Policies 2006* (4.10) "Lightscape Management" • NPS *Management Policies 2006* (4.1) "General Management Concepts" • NPS *Management Policies 2006* (4.1.4) "Partnerships" • NPS *Management Policies 2006* (4.4.1) "General Principles for Managing Biological Resources" • NPS *Management Policies 2006* (4.7.2) "Weather and Climate" • Director's Order 18: *Wildland Fire Management* • Director's Order 47: *Soundscape Management and Noise Reduction* • NPS *Natural Resource Management Reference Manual 77* • NPS *Wildland Fire Management Reference Manual 18* • Director's Order 46: *Wild and Scenic River Management*

Fundamental Resource or Value	Free-Flowing Condition and Water Quality Values
Related Significance Statements	Significance statements 1, 9, 10, and 11.
Current Conditions and Trends	**Conditions** • The Niobrara River is predominantly groundwater-fed from the High Plains Aquifer over much of its length, but receives increasing contributions from tributary sources along its eastward course. • There are three dams on the mainstream—Box Butte Dam, Cornell Dam, and Spencer Dam. Cornell Dam is within the Niobrara National Scenic River boundary, while Box Butte Dam is approximately 195 river miles upstream, and Spencer Dam is approximately 40 miles downstream. Cornell Dam is now a run-of-the-river structure and is being considered for possible removal. Merritt Dam is on the Snake River, a tributary of the Niobrara River upstream of Niobrara National Scenic River and along with Box Butte Dam is a major source of irrigation water for northwest and north-central Nebraska. • A public landing immediately downstream of a low-head dam provides the first access point to the river. The dam, which pre-existed the 1991 national scenic river designation, is the only impediment to the free-flowing river. • Water quality conditions of the Niobrara River are generally considered to be high and the river is generally within state water quality standards except for Minnechaduza, Plum, and Long Pine Creeks because they fail to attain one or more state-designated standards due to the presence of excessive E. coli bacteria. • The geohydrologic setting is largely unaltered and the level of development in the watershed is light. • The river is predominantly groundwater-fed, meaning that contaminants from surface water runoff are reduced relative to more tributary-fed rivers and that seasonal fluctuations in flow are relatively more tempered. • Under the Clean Water Act, the Niobrara River is classified as a Tier III Outstanding National Resource Water. No degradation is allowed in these waters, except on a short-term basis. • Water flow through Niobrara National Scenic River is unprotected. The federal reserved water right has not been judicially quantified and instream flows are not protected. A reduction in summer flows could increase the number of days where flows are inadequate to provide a satisfactory boating experience. Research suggests that if flows were reduced by as little as 50 cubic feet per second (cfs) in summer, it would translate to 15–17 days of inadequate/unacceptable flow levels. **Trends** • Development continues to occur along the river that is either permitted or in some cases, exploits loopholes in the regulatory structure, which has impacts on the river.
Threats and Opportunities	**Threats** • The Wild and Scenic Rivers Act establishes a 1991 federal reserved water right, subordinate to prior existing water appropriations. In 2004, the Nebraska Department of Natural Resources declared the Upper Niobrara to be fully appropriated, followed in 2008 by the Middle Niobrara, prohibiting new diversions of water. However, the middle and lower Niobrara declarations were overturned in 2011 by the Nebraska State Supreme Court, resulting in the granting of many new water rights. While full appropriation status has not yet been re-declared for either the middle or lower river sections as of December 2015, both the Middle and Lower Niobrara are under a voluntary moratorium that prevents new diversions. The National Park Service has been working with the Niobrara River Basin Alliance of natural resources districts and the Nebraska Game and Parks Commission to obtain a state-based instream water right that would protect fish, wildlife, and recreation. The outcome of those efforts remains a work in progress with no assured time line for implementation.

Fundamental Resource or Value	Free-Flowing Condition and Water Quality Values
Threats and Opportunities	**Threats (continued)** • There are two water quality concerns—the presence of E. coli and agricultural chemicals. The Nebraska Department of Environmental Quality data currently show minor E. coli elevations in three Niobrara tributaries: Minnechaduza, Plum, and Long Pine Creeks. The bacterial load reflects both animal and human sources. While livestock in side streams and the river mainstream are one possible source, large feedlot operations beyond the scenic river boundary are likely to be the more significant contributor. Human bacterial wastes may arise from municipal treatment facilities, riverside developments, and undesirable visitor behaviors. • Currently, activities related to agriculture do not require a permit, which could lead to repurposing agricultural river diversion structures to landing sites. • Inconsistent application of regulations and laws by regulating entities affects water quality, land use development along the river, and limits the park's ability to effectively manage. • Current implementation of the Clean Water Act sometimes allows incompatible development and degradation of resources along the Niobrara River. **Opportunities** • Update/evaluate engagement with relevant agencies. • Engaging regulatory partners to encourage consistent enforcement of regulation. • Discuss possibilities for future management of Cornell Dam with the U.S. Fish and Wildlife Service. • Share water quality and use data collected by the Nebraska Natural Resources District (NRD), NPS Northern Great Plains Inventory and Monitoring Network, and the USGS Nebraska Water Science Center.
Data and/or GIS Needs	• None identified.
Planning Needs	• Regional planning for adaptation to climate change.
Laws, Executive Orders, and Regulations That Apply to the FRV and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Wild and Scenic Rivers Act (1968); 16 USC 1271 et seq. • Clean Water Act; 33 USC 1251–1387, 33 USC 1151 • Executive Order 11514, "Protection and Enhancement of Environmental Quality" • Executive Order 11988, "Floodplain Management" • Executive Order 12088, "Federal Compliance with Pollution Control Standards" • National Flood Insurance Program • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources" **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (4.3.4) "National Wild and Scenic Rivers System" • Director's Order 77-2: *Floodplain Management* • Special Directive 93-4 "Floodplain Management, Revised Guidelines for National Park Service Floodplain Compliance" (1993) (replaced by Director's Order 77-2: *Floodplain Management)* • NPS *Natural Resource Management Reference Manual 77* • Director's Order 46: *Wild and Scenic River Management*

Fundamental Resource or Value	Geologic Value
Related Significance Statements	Significance statements 3 and 9.
Current Conditions and Trends	**Conditions** • The Niobrara River is the only river in Nebraska that flows directly over its bedrock substrate. • Niobrara National Scenic River is on the northern extent of the High Plains Aquifer. The groundwater from this aquifer is of exceptional quality and provides a consistently uniform base flow for the Niobrara River, which is unique to the region and a major characteristic for recreational boating. • Natural erosional processes continue to contribute to the geologic and biologic conditions along the river. **Trends** • Natural and anthropogenic sources of erosion are changing the configuration of the streambed and influences river flow. • Natural erosion of waterfall faces could be accelerated by groundwater depletion and unauthorized climbing by visitors.
Threats and Opportunities	**Threats** • Potential failure of Cornell Dam, which had been abandoned since 1984. The reservoir behind the dam is filled with sediment. • Unauthorized climbing on waterfalls and geologic formations and groundwater depletion increases erosion. • Downcutting and subsequent isolation of flood terraces negatively impacts cottonwood regeneration and other riparian vegetation. • Increased groundwater use affects the river flow and waterfalls. • Potential leaks from underground (degrading) pipelines and hazardous waste spills that impact the aquifer. • Bridge replacement and culvert without sensitive engineering could trigger impacts to geologic and biologic resources and river flow. • Hardening riverbanks can lead to accelerated erosion. **Opportunities** • Partner with other natural resource districts on groundwater withdrawal plan. • Opportunity to host geoscientist program for sedimentation study. • Discuss management of Cornell Dam with U.S. Fish and Wildlife Service. • Educate and foster cooperation with partners and landowners on appropriate shoreline management. • Work with partners during bridge replacement and culvert projects to protect free-flowing river resources, fish and wildlife, and scenic river characteristics.

Fundamental Resource or Value	Geologic Value
Data and/or GIS Needs	• Determine the nature of Niobrara National Scenic River fluvial-geologic features using a sediment budget.
Planning Needs	• None identified.
Laws, Executive Orders, and Regulations That Apply to the FRV and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Paleontological Resources Preservation Act of 2009 • Wild and Scenic Rivers Act (1968); 16 USC 1271 et seq. • Clean Water Act; 33 USC 1251–1387, 33 USC 1151 **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (4.6.1) "Protection of Surface Waters and Ground Waters" • NPS *Management Policies 2006* (4.6.2) "Water Rights" • NPS *Management Policies 2006* (4.6.4) "Floodplains" • NPS *Management Policies 2006* (4.8) "Geologic Resource Management" • NPS *Management Policies 2006* (4.8.1) "Protection of Geologic Processes" • NPS *Management Policies 2006* (4.8.2) "Management of Geologic Features" • NPS *Natural Resource Management Reference Manual 77* • Director's Order 46: *Wild and Scenic River Management*



Fundamental Resource or Value	Paleontolgic Value
Related Significance Statements	Significance statement 8.
Current Conditions and Trends	**Conditions** • The Niobrara River has exposed geologic formations containing diverse paleo-environments of savannahs that provided homes for prehistoric fish, amphibians, reptiles, birds, and mammals. • Known paleontologic sites are internationally, nationally, and regionally significant and 20 locations are recommended for inclusion in the National Register of Historic Places and National Registry of Natural Landmarks. • Multiple locations exist where scientists have discovered previously unknown species illustrating an astounding diversity of ancient life forms. Almost 150 vertebrate species were found in one location, surpassing any other site in North America. • The Niobrara River Valley has exposed prominent geologic formations that are composed of two Tertiary fossil-bearing layers—the Ash Hollow and Valentine Formations. • The Ash Hollow Formation formed during a time when savannahs dominated the landscape and the climate was warm and dry. Fossils of tortoises and large grazing mammals are abundant, including horses, rhinos, camels, and ruminants such as deer-like animals. Aquatic species and browsing mammals are also abundant but are found only in ancient stream channels. • The Valentine Formation developed when the environment was warm and wet and exhibited large streams, forests, and savannah woodlands. Aquatic fossils include fish, alligators, and turtles. Amphibian, reptile, and rodent fossils are also found. Larger mammal species include abundant tapirs, rhinos, horses, peccaries, camels, carnivores, mastodons, and other animals unlike those present today. • Pierre Shale, exposed on the eastern half of the river, dates to the Cretaceous period. This formation is thinly laminated, black shale formed from the shallow marine environment of the Western Interior Seaway. Marine fossils include foraminifera, bivalves, ammonites, sharks, bony fishes, and enormous marine reptiles. **Trends** • Based on consultation with the state highway paleontologist, an increase in illegal fossil looting is occurring in known quarries within park boundaries.
Threats and Opportunities	**Threats** • Recreational users collecting or destroying fossils on private land or in the river and its tributaries. • Fossil looting in known quarries. **Opportunities** • Increase interpretation regarding fossils and private landowners' rights. • Conduct site assessment with willing partners to complete site condition reports.
Data and/or GIS Needs	• None identified.
Planning Needs	• None identified.
Laws, Executive Orders, and Regulations That Apply to the FRV and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Paleontological Resources Preservation Act of 2009 • Wild and Scenic Rivers Act (1968); 16 USC 1271 et seq. • Clean Water Act; 33 USC 1251–1387, 33 USC 1151 **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (4.6.1) "Protection of Surface Waters and Ground waters" • NPS *Management Policies 2006* (4.8.2.1) "Paleontological Resources and Their Contexts" • NPS *Natural Resource Management Reference Manual 77* • Director's Order 46: *Wild and Scenic River Management*

Fundamental Resource or Value	Recreational Value
Related Significance Statements	Significance statements 1, 9, 10 and 11.
Current Conditions and Trends	**Conditions** • Niobrara National Scenic River provides some of the most unique and exceptional recreation opportunities in the Great Plains. Canoeing or kayaking the river allows novice paddlers to experience pools, riffles, and runs, providing a quiet, safe, and leisurely floating experience. Class II and III rapids cater to more adventurous boaters, particularly in the spring when whitewater conditions are optimal. • On busy Saturdays during summer months, "tubers" enjoy a leisurely and social float down the river that often includes consumption of alcohol and a party-like visitor experience. • The groundwater from the High Plains Aquifer is of exceptional quality and provides a consistently uniform base flow for the Niobrara River, which is unique to the region and a major characteristic for recreational boating. • Hiking trails next to the river provide stunning views of cliff-top vistas and side canyons where one can experience diverse and unique plant communities ranging from yucca to paper birch. • The biological crossroads found along the Niobrara River also provide abundant habitat for unique bird and wildlife viewing and photography. • The distinctive cliff and canyon formations, as well as abundant waterfalls, provide landscape photography and scenic driving opportunities throughout the year. • In winter, frozen waterfalls provide a medium for the sport of ice climbing. • Wildlife viewing is possible throughout Niobrara National Scenic River Valley while recreating by water, trail, or road. All of these recreational pursuits offer the opportunity to experience solitude, native flora and fauna, and a natural soundscape of water, nature, and the rural setting of Niobrara National Scenic River.

Fundamental Resource or Value	Recreational Value
Current Conditions and Trends	**Conditions (continued)** • The Niobrara River Valley corridor currently experiences limited influence from noise and artificial light. Increases in development and changes in nearby land use could increase these pollutants and affect recreational experiences. • Although the Smith Falls and River Roads are presently unpaved and not designed for high traffic, visitors can enjoy scenic drives along the Niobrara River, providing opportunities to photograph the landscape from Brewer Bridge to Meadville, including some impressive views from bridges that cross the river. • Due to geological and hydrological conditions, recreation activity in the eastern reach is light and has little impact on soundscapes or viewsheds. • Federal reserved water right has not been exercised. • Instream flows have not been protected. • Except during high-use periods, a natural soundscape of gurgling water, bird songs, and wind in the trees dominate the river landscape experience. **Trends** • Visitor use has changed to favor tubing. • The number of canoers appears stable. • Outfitters report a decreased dependence for their services on the river.
Threats and Opportunities	**Threats** • According to the State of Nebraska's 2014 Clean Water Act Integrated Report, the Niobrara River from the Meadville Bridge to State Highway 137 and Plum, Long Pine, and Minnechaduza Creeks are impaired, meaning they fail to attain the state-designated standard for primary recreation due to the presence of excessive E. coli bacteria. • More water development may reduce instream flows and affect recreational opportunities. • Public access to the river is limited. Currently, there are three public access points on the most used section of the river with private access not assured. • User conflicts between visitors occur when some "come to party," while others are looking for a family friendly experience. • The number of recreational river users contributes to resource degradation and severe erosion in some places. • The federal reserved water right has not been judicially quantified and instream flows are not protected. A reduction in summer flows could increase the number of days where flows are inadequate to provide a satisfactory boating experience. • Climate change is likely to significantly increase visitation, particularly in the shoulder seasons, further straining current staff capacity to address threats from recreational river users. **Opportunities** • Discussions with state and federal agencies are ongoing and may secure instream flows and/or water rights. • NPS acquisition of riverfront properties, such as Rocky Ford or Smith Falls, could improve or continue public access. • Education and outreach on visitation trends should reduce the number of conflicts; proactive enforcement of aberrant behavior continues and over time should help as well. • Design and improve landings in key locations that both harden access points and limit erosion to smaller footprints along the shoreline.
Data and/or GIS Needs	• Actual direct visitation numbers. • Evaluate options to stabilize riverbanks at access points (landings). • Past/condition assessment/impacts from recreational use.

Fundamental Resource or Value	Recreational Value
Planning Needs	• River management plan. • Regional planning for adaptation to climate change.
Laws, Executive Orders, and Regulations That Apply to the FRV and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Clean Water Act; 33 USC 1251–1387, 33 USC 1151 • Americans with Disabilities Act of 1990; 42 USC 12101 et seq. • Architectural Barriers Act of 1968; 42 USC 4151 et seq. • "Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines"; 36 CFR 1191 • Rehabilitation Act of 1973 • NPS Concessions Management Improvement Act of 1998 • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources" **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (4.7) "Air Resource Management" • NPS *Management Policies 2006* (4.9) "Soundscape Management" • NPS *Management Policies 2006* (4.10) "Lightscape Management" • NPS *Management Policies 2006* (chapter 7) "Interpretation and Education" • NPS *Management Policies 2006* (chapter 8) "Use of the Parks" • NPS *Management Policies 2006* (chapter 9) "Park Facilities" • NPS *Management Policies 2006* (chapter 10) "Commercial Visitor Services" • Director's Order 6: *Interpretation and Education* • Director's Order 42: *Accessibility for Visitors with Disabilities in National Park Service Programs and Services* • Director's Order 47: *Soundscape Management and Noise Reduction* • NPS *Transportation Planning Guidebook* • Director's Order 46: *Wild and Scenic River Management*

Fundamental Resource or Value	Scenic Value
Related Significance Statements	Significance statements 1, 2, 3, 4, 5, 7, 9, 10 and 11.
Current Conditions and Trends	**Conditions** • The designated 76-mile Niobrara National Scenic River reach is renowned for its aesthetically pleasing landscape as the river stretches through sparsely populated lands and contains a broad diversity of plant groups and ecosystems. • Niobrara National Scenic River has exposed Ash Hollow, Valentine, Rosebud, and Pierre Shale Formations that are rarely exposed in the Great Plains. These rocks comprise the dramatic cliffs and side canyons unique to the river valley. • Continued erosion of geologic formations and floodplain areas provide a regionally unique opportunity to witness the ongoing geologic processes of erosion and deposition. • Both shores of the river are bordered by a mix of grass and forest with few human intrusions. The eye moves from the river to grassland and forest to meet the sky atop long-distance vistas of grass- and tree-covered ridges. • The unique mix of plant communities provides beautiful seasonal displays of flowers and colors. The resulting scenic landscape provides uncommon native forest views amid more typical Great Plains vegetation. • The visual interface of the river and land is sharp, with few long-distance vistas and a scene dominated by forest-covered canyons and sandstone cliffs. The south valley walls are almost entirely pine and hardwood forest, as well as cliff formations with few human intrusions. The relief is dramatic, moving from the river up forested canyons to meet the sky atop tree-covered ridges. • Because the river valley on the north shore of the river is broader, development has primarily occurred on this side of the river. This reach has pronounced recreation development by landowners catering to river use. • Road access to the river has also limited development to the south side of the river, with the exception of a private campground and launch site at Allen Bridge, west of Smith Falls State Park. • Interspersed with the recreational development are small, family owned agricultural developments reminiscent of early to mid-1900 ranching operations. These typically have a single family dwelling, barn, and a few outbuildings. The buildings are conservative in style and color. • From Borman Bridge to Rock Barn, waterfalls, canyon streams, and seeps flow directly into the river creating dramatic scenery. Over 200 documented waterfalls occur in this reach. Uncommon ice falls are found where perennial seeps from Valentine Formation flow out from cliffs and freeze in many layers throughout the winter. • The colors of the reach are an important part of the scenic aspect. The sand-tinted clarity of the river fades into the green hues of canyon forests during the spring and summer, accents the vibrant colors of the fall, and provides an icy backdrop to the winter snows that blanket the area. • The eastern reach has little recreational development, providing visitors the opportunity to view the natural diversity of the area, with the only exception at the Meadville Campground. The town of Meadville is the only concentrated development within the reach. • With a horizon that is unobstructed to the east and west along the river and limited by the canyon on the north and south, the sky dominates the nighttime experience with little influence from light pollution. • At present, air quality is exceptional. • The interaction of water and geology supports exceptional biodiversity found in this regional biological crossroads by creating cool north-facing slopes, floodplain terraces, riparian areas, and aquatic habitats unique to the nation. This interaction provides a rich and varied tapestry of scenery not experienced elsewhere in the region. • Due to geologic and hydrologic conditions, recreation activity in the eastern reach is light and has little impact on the viewshed.

Fundamental Resource or Value	Scenic Value
Current Conditions and Trends	**Trends** • There have been changes in land use along the river. • There has been an increase in riverbank development including more landings.
Threats and Opportunities	**Threats** • Incompatible development along the river would negatively impact scenic values. • Lack of coordination among regulatory entities that can result in inconsistent protection of scenic values. **Opportunities** • Work with partners to adopt strategies that would protect viewsheds. • Work cooperatively with other federal and state air quality agencies and local stakeholders to reduce air quality impacts in the park from sources of air pollution.
Data and/or GIS Needs	• Visual resource inventory.
Planning Needs	• Visual resource management plan.
Laws, Executive Orders, and Regulations That Apply to the FRV and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Clean Air Act; 42 USC 7401 et seq. **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (1.4) "Park Management" • NPS *Management Policies 2006* (1.6) "Cooperative Conservation Beyond Park Boundaries" • NPS *Management Policies 2006* (3.1) "General" • NPS *Management Policies 2006* (4.7) "Air Resource Management" • NPS *Management Policies 2006* (4.9) "Soundscape Management" • NPS *Management Policies 2006* (4.10) "Lightscape Management" • NPS *Natural Resource Management Reference Manual 77* • Director's Order 47: *Soundscape Management and Noise Reduction* • Director's Order 46: *Wild and Scenic River Management*

Identification of Key Issues and Associated Planning and Data Needs

This section considers key issues to be addressed in planning and management and therefore takes a broader view over the primary focus of part 1. A key issue focuses on a question that is important for a park. Key issues often raise questions regarding park purpose and significance and fundamental resources and values. For example, a key issue may pertain to the potential for a fundamental resource or value in a park to be detrimentally affected by discretionary management decisions. A key issue may also address crucial questions that are not directly related to purpose and significance, but which still affect them indirectly. Usually, a key issue is one that a future planning effort or data collection needs to address and requires a decision by NPS managers.

The following are key issues for Niobrara National Scenic River and the associated planning and data needs to address them:

- **Free Flow and Water Quantity.** The NPS (Niobrara National Scenic River staff and Water Resources Branch) is leading the federal effort to secure a quantified Federal Reserved Water Right for the Niobrara. The National Park Service is working with the state and local stakeholders to explore ways to develop a legal settlement that would incorporate the Federal Reserved Water Right into the state-based instream flow water right. Preservation of instream flows to maintain the river flows is a fundamental resource and value. No planning or data needs are associated with this issue.

- **Recreation.** While annual visitation is relatively low, overcrowding on summer Saturdays at certain locations is common. Different user groups, along with differing expectations, result in visitor conflicts and a sometimes diminished visitor experience. The college age "tubing" user group tends to consume alcohol and pursue a party-like visitor experience that contrasts with a "canoe and kayak" user group with more families and outdoor recreationalists who tend to be interested in a quieter visitor experience. Planning need: visitor use management is being addressed in the ongoing river management planning process.

- **Relationship with Niobrara Council.** The Niobrara Council is a state-chartered organization funded by the National Park Service ($100K) and state ($70K) with the mission of providing local control in assisting the National Park Service to manage the Niobrara National Scenic River and is composed of local representatives appointed by the governor. The relationship has gone through periods of both increased and decreased cooperation and effectiveness over the years. The park desires a close and productive relationship with the Niobrara Council that focuses on finding common ground, however, that can be challenging for both parties. The council is responsible for providing county zoning oversight within their boundary (which partially overlaps the NPS boundary). In addition, the council is the primary way of working with private landowners along the river to support conservation, resource management, and visitor needs. No planning or data needs are associated with this issue.

- **Land Protection and Ownership.** Public (versus private) river access is limited, with one river section still lacking a public access point. Following a negative local reaction, the National Park Service reallocated 2016 discretionary public access Land and Water Conservation Fund (LWCF) funding for the purchase of public access at Rocky Ford. The purchase of conservation easements and other land either directly or through partners that would provide resource protection and visitor access will be sought if supported by the public. Planning need: The park is working with the NPS Midwest Region, NPS Washington office (WASO) and local partners and supporters to develop a strategy to acquire guaranteed public access that is supported by national, state, local and congressional stakeholders.

Planning and Data Needs

To maintain connection to the core elements of the foundation and the importance of these core foundation elements, the planning and data needs listed here are directly related to protecting fundamental resources and values, park significance, and park purpose, as well as addressing key issues. To successfully undertake a planning effort, information from sources such as inventories, studies, research activities, and analyses may be required to provide adequate knowledge of park resources and visitor information. Such information sources have been identified as data needs. Geospatial mapping tasks and products are included in data needs.

Items considered of the utmost importance were identified as high priority, and other items identified, but not rising to the level of high priority, were listed as either medium- or low-priority needs. These priorities inform park management efforts to secure funding and support for planning projects.

Planning Needs – Where A Decision-Making Process Is Needed			
Related to an FRV?	**Planning Needs**	**Priority (H, M, L)**	**Notes**
Recreational Value	River management plan	H	Include assessing river access needs.
Fish and Wildlife Value	Update 2011 resource stewardship strategy	M	Includes invasive species.
Scenic Value	Visual resource management plan	L	As called for in the draft River Management Plan, a separate "Scenic Resource Management Strategy" would establish a long-term framework for cooperative management of land use and development.
Fish and Wildlife Value, Free-Flowing Condition and Water Quality Values, and Recreational Value	Planning for adaptation to climate change	L	A regional planning effort would be particularly useful.

Data Needs – Where Information Is Needed Before Decisions Can Be Made			
Related to an FRV?	**Data and GIS Needs**	**Priority (H, M, L)**	**Notes, Including Which Planning Need This Data Need Relates To**
Recreational Value	Actual direct visitation numbers	H	Would supplement the monthly publication visitors report; will come out of the commercial use authorization program; feeds into river management plan.
Recreational Value	Evaluate options to stabilize riverbanks at access points (landings)	H	Want to evaluate options to provide guidance to others as well as park when building or repairing landings; would provide holistic guidance versus the piecemeal approach currently in place; related to river management plan.
Fish and Wildlife Value	Identify microclimate / special habitat for fish and wildlife	H	Park needs to determine what currently exists and scope of this study; would feed into resource stewardship strategy (RSS); would deal with some of the most unique resources in the park and how they may be affected by climate change and visitor use.
Recreational Value	Past / condition assessment / impacts from recreational use	H	Would include landings (access) and signage; there are several (dozen or so) locations that are impacted by high visitor use; over time data collection and monitoring of these landings and trailheads from visitor use and impacts; historical conditions, baseline and future monitoring of areas along the river and uplands; feeds into river management plan.
Scenic Value	Visual resource inventory	H	Identifying vantage points and replica surveys to establish baseline and document changes—it would identify significant viewsheds both from when in the river and also from looking down into the river; includes aerial photography and video from river; video would be a qualitative assessment to document general character of the river as visitors flow down the river; feeds into visual resource management plan.
Fish and Wildlife Value	Benthic macroinvertebrate study – aquatic submerged resources study	M	Had a student that did one in 2015 for the upper portion of the river and tied to visitor impacts.

Data Needs – Where Information Is Needed Before Decisions Can Be Made			
Related to an FRV?	**Data and GIS Needs**	**Priority (H, M, L)**	**Notes, Including Which Planning Need This Data Need Relates To**
Geologic Value	Determine the nature of park fluvial-geologic features using a sediment budget	M	Reference PMIS 197014A: • The object of this proposal is to understand the relationship between sediment transporting capacity and sediment supply at Niobrara National Scenic River and how this relationship has changed over time. • This data will provide a baseline crucial to assessing potential effects of additional water diversions, while simultaneously providing an interpretive context for the geologic processes active in the river today. There is no field component to the study. • Inputs will be compiled and synthesized from both existing sources including water discharge, water quality, topographic, and bathymetric datasets, and from new GIS digital vector datasets of channel and canyon rim morphology developed as a part of the project. • The study will be conducted by staff of the U.S. Geological Survey (USGS) Water Center in Lincoln, Nebraska.
Fish and Wildlife Value	Identify and monitor trends of representative riparian plants and animals	M	Health of riparian plant and animals would be affected by number of visitors but also flow and fire regimes. Would help identify indicator species. Feeds into revisions to the resource stewardship strategy.
Fish and Wildlife Value	Long-term ecological monitoring locations and data gathering	M	The NPS Inventory and Monitoring (I&M) Network staff already came summer of 2015 to do it and will be repeated; additional keystone species not included in I&M monitoring; building on I&M work and ensuring it continues.

Part 3: Contributors

Niobrara National Scenic River

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Appendixes

Appendix A: Enabling Legislation for Niobrara National Scenic River

Public Law 102–50
102d Congress

An Act

May 24, 1991
[S. 248]

To amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Niobrara Scenic River Designation Act of 1991.
Natural resources.
16 USC 1271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Niobrara Scenic River Designation Act of 1991".

SEC. 2. DESIGNATION OF THE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"( ) NIOBRARA, NEBRASKA.—(A) The 40-mile segment from Borman Bridge southeast of Valentine downstream to its confluence with Chimney Creek and the 30-mile segment from the river's confluence with Rock Creek downstream to the State Highway 137 bridge, both segments to be classified as scenic and administered by the Secretary of the Interior. That portion of the 40-mile segment designated by this subparagraph located within the Fort Niobrara National Wildlife Refuge shall continue to be managed by the Secretary through the Director of the United States Fish and Wildlife Service.

"(B) The 25-mile segment from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara, to be administered by the Secretary of the Interior as a recreational river.

"After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section.

"( ) MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA.—The 39-mile segment from the headwaters of Lewis and Clark Lake to the Ft. Randall Dam, to be administered by the Secretary of the Interior as a recreational river.".

SEC. 3. STUDY OF 6-MILE SEGMENT.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following at the end:

"( ) NIOBRARA, NEBRASKA.—The 6-mile segment of the river from its confluence with Chimney Creek to its confluence with Rock Creek.".

16 USC 1274 note.

(b) WATER RESOURCES PROJECT.—If, within 5 years after the date of enactment of this Act, funds are not authorized and appropriated for the construction of a water resources project on the 6-mile segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek, at the expiration of such 5-

year period the 6-mile segment shall be designated as a component of the National Wild and Scenic Rivers System by operation of law, to be administered by the Secretary of the Interior in accordance with sections 4 and 5 of this Act and the applicable provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287). The Secretary of the Interior shall publish notification to that effect in the Federal Register.

Federal Register, publication.

SEC. 4. LIMITATIONS ON CERTAIN ACQUISITION.

16 USC 1274 note.

(a) LIMITATIONS.—In the case of the 40-mile and 30-mile segments of the Niobrara River described in the amendment to the Wild and Scenic Rivers Act made by section 2 of this Act, the Secretary of the Interior shall not, without the consent of the owner, acquire for purposes of such segment land or interests in land in more than 5 percent of the area within the boundaries of such segments, and the Secretary shall not acquire, without the consent of the owner, fee ownership of more than 2 percent of such area. The limitations on land acquisition contained in this subsection shall be in addition to, and not in lieu of, the limitations on acquisition contained in section 6 of the Wild and Scenic Rivers Act.

(b) FINDING; EXCEPTION.—The 5 percent limitation and the 2 percent limitation contained in subsection (a) of this section shall not apply if the Secretary of the Interior finds, after notice and opportunity for public comment, that State or local governments are not, through statute, regulation, ordinance, or otherwise, adequately protecting the values for which the segment concerned is designated as a component of the national wild and scenic rivers system.

SEC. 5. NIOBRARA SCENIC RIVER ADVISORY COMMISSION.

16 USC 1274 note.

(a) ESTABLISHMENT.—There is hereby established the Niobrara Scenic River Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall advise the Secretary of the Interior (hereinafter referred to as the "Secretary") on matters pertaining to the development of a management plan, and the management and operation of the 40-mile and 30-mile segments of the Niobrara River designated by section 2 of this Act which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek.

(b) MEMBERSHIP.—The Commission shall consist of 11 members appointed by the Secretary—

(1) 3 of whom shall be owners of farm or ranch property within the upper portion of the designated river corridor between the Borman Bridge and the Meadville;

(2) 3 of whom shall be owners of farm or ranch property within the lower portion of the designated river corridor between the Meadville Bridge and the bridge on Highway 137;

(3) 1 of whom shall be a canoe outfitter who operates within the river corridors;

(4) 1 of whom shall be chosen from a list submitted by the Governor of Nebraska;

(5) 2 of whom shall be representatives of the affected county governments or natural resources districts; and

(6) 1 of whom shall be a representative of a conservation organization who shall have knowledge and experience in river conservation.

(c) TERMS.—Members shall be appointed to the Commission for a term of 3 years. A member may serve after the expiration of his term until his successor has taken office.

(d) CHAIRPERSON; VACANCIES.—The Secretary shall designate 1 of the members of the Commission, who is a permanent resident of Brown, Cherry, Keya Paha, or Rock Counties, to serve as Chairperson. Vacancies on the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation, but the Secretary is authorized to pay expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairperson.

(e) TERMINATION.—The Commission shall cease to exist 10 years from the date of enactment of this Act.

16 USC 1274 note.

SEC. 6. MISSOURI RIVER PROVISIONS.

(a) ADMINISTRATION.—The administration of the Missouri River segment designated in section 2 of this Act shall be in consultation with a recreational river advisory group to be established by the Secretary. Such group shall include in its membership representatives of the affected States and political subdivisions thereof, affected Federal agencies, organized private groups, and such individuals as the Secretary deems desirable.

(b) BRIDGES.—The designation of the Missouri River segment by the amendment made by section 2 of this Act shall not place any additional requirements on the placement of bridges other than those contained in section 303 of title 49, United States Code.

(c) EROSION CONTROL.—Within the Missouri River segment designated by the amendment made by section 2 of this Act, the Secretary shall permit the use of erosion control techniques, including the use of rocks from the area for streambank stabilization purposes, subject to such conditions as the Secretary may prescribe, in consultation with the advisory group described in subsection (a) of this section, to protect the resource values for which such river segment was designated.

16 USC 1274 note.

SEC. 7. NATIONAL RECREATION AREA STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake and complete a study, within 18 months after the date of enactment of this section, regarding the feasibility and suitability of the designation of lands in Knox County and Boyd County, Nebraska, generally adjacent to the recreational river segments designated by the amendments made by section 2 of this Act and adjacent to the Lewis and Clark Reservoir, as a national recreation area. The Secretary may provide grants and technical assistance to the State of Nebraska, the Santee Sioux Indian Tribal Council, and the political subdivisions having jurisdiction over lands in these 2 counties to assist the Secretary in carrying out such study. The study under this section shall be prepared in consultation with the Santee Sioux Tribe, affected political subdivisions, and relevant State agencies. The study shall include as a minimum each of the following:

(1) A comprehensive evaluation of the public recreational opportunities and the flood plain management options which are available with respect to the river and creek corridors involved.

(2) An evaluation of the natural, historical, paleontological, and recreational resources and values of such corridors.

(3) Recommendations for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic protection and integrity, recreational activities, or management and administration of the corridor areas.

(4) Alternative cooperative management proposals for the administration and development of the corridor areas.

(5) An analysis of the number of visitors and types of public use within the corridor areas that can be accommodated in accordance with the full protection of its resources.

(6) An analysis of the facilities deemed necessary to accommodate and provide access for such recreational uses by visitors, including the location and estimated costs of such facilities.

(b) SUBMISSION OF REPORT.—The results of such study shall be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 8. STUDY OF FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.

16 USC 1a–5 note.

(a) IN GENERAL.—The Secretary of the Interior shall undertake and complete a study of the feasibility and suitability of establishing a national park in the State of Nebraska to be known as the Niobrara-Buffalo Prairie National Park within 18 months after the date of enactment of this Act.

(b) AREA TO BE STUDIED.—The areas studied under this section shall include the area generally depicted on the map entitled "Boundary Map, Proposed Niobrara-Buffalo Prairie National Park", numbered NBP–80,000, and dated March 1990. The study area shall not include any lands within the boundaries of the Fort Niobrara National Wildlife Refuge.

(c) RESOURCES.—In conducting the study under this section, the Secretary shall conduct an assessment of the natural, cultural, historic, scenic, and recreational resources of such areas studied to determine whether they are of such significance as to merit inclusion in the National Park System.

(d) STUDY REGARDING MANAGEMENT.—In conducting the study under this section, the Secretary shall study the feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, the Nature Conservancy, and the Nebraska Game and Parks Commission.

(e) SUBMISSION OF REPORT.—The results of the study shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved May 24, 1991.

Appendix B: Other Special Mandates and Administrative Commitments

UPDATED 2016, NEBRASKA LEGISLATURE
ARTICLE 20, NIOBRARA RIVER CORRIDOR

72-2005 Legislative findings.

As a result of the recent federal court ruling in *National Parks and Conservation Association v. National Park Service* and to maintain an aspect of local control over the Niobrara scenic river corridor, the Legislature finds that there is a need to reconstitute the existing Niobrara Council with the express authority and responsibility to manage the Niobrara scenic river corridor in conjunction with the National Park Service. The purpose of the Niobrara Scenic River Act is to effectuate changes in the council necessary to ensure the continuation of the cooperative management relationship between the Niobrara Council and the National Park Service so that local participation and control over this valuable natural resource can be maintained. Source: Laws 2000, LB 1234, § 1; Laws 2002, LB 1003, § 42.

72-2006 Niobrara scenic river corridor, defined.

For purposes of the Niobrara Scenic River Act, Niobrara scenic river corridor means the area designated as a national scenic river and a part of the national wild and scenic rivers system under 16 U.S.C. 1274(a)(117), as such section existed on May 24, 1991, and described in the 1996 Niobrara National Scenic River General Management Plan/Environmental Impact Statement. Source: Laws 2000, LB 1234, § 2; Laws 2002, LB 1003, § 43.

72-2007 Niobrara Council; created; members; terms; meetings; expenses.

(1) The Niobrara Council is created. The council membership shall include:

(a) A commissioner from each of the county boards of Brown, Cherry, Keya Paha, and Rock counties chosen by the county board of the respective county;

(b) A representative of the Middle Niobrara Natural Resources District and the Lower Niobrara Natural Resources District chosen by the board of the respective district;

(c) The secretary of the Game and Parks Commission or his or her designee;

(d) The regional director for the National Park Service or his or her designee and the regional director for the United States Fish and Wildlife Service or his or her designee. The members under this subdivision shall be nonvoting members unless and until the agencies represented by these members formally authorize such members to vote on all matters before the council by notifying the council and Governor in writing;

(e) An individual from each of Brown, Cherry, Keya Paha, and Rock counties who resides in the Niobrara River drainage area and owns land in the Niobrara scenic river corridor chosen by the Governor from a list of at least three individuals, or fewer if there are not at least three qualified individuals, submitted by the county board members on the council;

(f) A representative from a recreational business operating within the Niobrara scenic river corridor chosen by the Governor from a list of at least three individuals, or fewer if there are not at least three qualified individuals, submitted by the county board members on the council;

(g) A timber industry representative operating within the Niobrara scenic river corridor chosen by the Governor from a list of at least three individuals, or fewer if there are not at least three qualified individuals, submitted by the county board members on the council; and

(h) A representative of a recognized, nonprofit environmental, conservation, or wildlife organization chosen by the Governor from a list of at least three individuals, or fewer if there are not at least three qualified individuals, submitted by the county board members on the council.

The appointments made pursuant to subdivisions (1)(e) through (h) of this section shall be subject to the confirmation by the Legislature. The council members shall hold office for three-year terms and until a successor is appointed and qualified. The council members shall serve at the pleasure of the appointing board or the Governor.

(2) The council shall elect a chairperson, a vice-chairperson, a secretary, and a treasurer who shall jointly serve as the executive committee for the council. The council shall meet on a regular basis with a minimum of six meetings per year. Special meetings may be called by any member of the executive committee or at the request of a simple majority of the members of the council.

(3) A quorum shall be present at a meeting before any action may be taken by the council. A quorum shall be a majority of the members who are selected and serving and who vote on issues before the council. All actions of the council require a majority vote of the quorum present at any meeting, except that any vote to reject or adopt any zoning regulation or variance under section 72-2010 requires a vote of two-thirds of all the council members who are selected and serving and who vote on issues before the council.

(4) Members shall be reimbursed for actual and necessary expenses incurred in carrying out their duties on the council as provided in sections 81-1174 to 81-1177. Source: Laws 2015, LB 1038, § 3; Laws 2001, LB 182, § 1.

72-2008 Niobrara Council; powers and duties; report.

The mission of the Niobrara Council is to assist in all aspects of the management of the Niobrara scenic river corridor since portions of the Niobrara River have been designated as a national scenic river under 16 U.S.C. 1274(a)(117), as such section existed on May 24, 1991, giving consideration and respect to local and governmental input and private landowner rights, and to maintain and protect the integrity of the resources associated with the Niobrara scenic river corridor. The council shall perform management functions related to the Niobrara scenic river corridor, including, but not limited to, those authorized and delegated to it by the National Park Service. The council may promulgate its own rules and internal policies to carry out the purposes of the Niobrara Scenic River Act. The Game and Parks Commission may provide administrative, budgetary, operational, and programmatic support when requested by the council to carry out its duties. In the Niobrara scenic river corridor, the council may hold title to real estate in the name of the council. The council may purchase, accept gifts of, or trade real estate and may obtain conservation easements as provided in the Conservation and Preservation Easements Act. Acquisition of conservation easements outside the boundaries of the Niobrara scenic river corridor shall require the approval of the appropriate governing body as provided in section 76-2,112. On December 1, 2016, and on each December 1 thereafter, the council shall electronically submit an annual report to the Clerk of the Legislature and the chairperson of the Natural Resources Committee of the Legislature describing expenditures made pursuant to the Niobrara Scenic River Act. Source: Laws 2000, LB 1234, § 4; Laws 2002, LB 1003, § 44; Laws 2016, LB1038, § 16. Effective Date: July 21, 2016.

72-2009 Niobrara Council Fund; created; use; investment.

(1) The Niobrara Council Fund is created. The fund shall be administered by the Niobrara Council. The council may accept any private or public funds to carry out its work and such funds shall be remitted to the State Treasurer for credit to the fund. The fund shall consist of such funds and legislative appropriations made to the council. Transfers may be made from the fund to the General Fund at the direction of the Legislature through June 30, 2011. Any money in the Niobrara Council Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The State Treasurer shall, on March 31, 2016, transfer the balance of any money in the Nebraska Youth Conservation Program Fund, after the transfer of one hundred thousand dollars to the Cowboy Trail Fund as provided for in subsection (2) of section 37-913 has been made, to the Niobrara Council Fund. Source: Laws 2000, LB 1234, § 5. Laws 2009, First Spec. Sess., LB 3, §49; Laws 2016, LB 957, § 7.

72-2010 Niobrara Council; zoning duties.

The Niobrara Council shall review and approve or reject all zoning regulations, including existing regulations, new regulations, proposed regulations, and variances of any type including variances for use and location, which affect land in the Niobrara scenic river corridor that is not incorporated within the boundaries of a municipality. If the council rejects a zoning regulation or variance, the governing body enacting the regulation or variance has six months to present an alternative to the council. If no alternative is proposed or if the alternative is also rejected, the council may adopt zoning regulations for such area. In counties without zoning the council may develop and enforce zoning regulations within the Niobrara scenic river corridor under the guidance of the federal Wild and Scenic Rivers Act or under the guidance of the general management plan as written by the National Park Service. The council shall follow the requirements for zoning regulations in sections 23-114 to 23-114.05 and 23-164 to 23-174.10, except that no separate planning commission is required and the council shall fulfill the duties of both the county board and the planning commission in such sections. Source: Laws 2000, LB 1234, § 6; Laws 2002, LB 1003, § 45.

72-2011 Activities within corridor; limitations.

(1) Any state or state-assisted activity or undertaking proposed within the Niobrara scenic river corridor shall be consistent with the purpose of the scenic river designation, including the scenic river's free-flowing condition and scenic, geological, biological, agricultural, historic, and prehistoric resources.

(2) The head of any state or local agency having direct or indirect jurisdiction over a proposed state or state-assisted undertaking within the Niobrara scenic river corridor and the head of any agency having authority to license or permit any undertaking in such area shall prepare a detailed proposal and submit it to the Niobrara Council for its review.

(3) The council shall review the proposal and consult with the agency. The council has ninety days after the date that the proposal is received to make a determination of whether or not the proposed action is consistent with the purposes of this section. If the council determines that the proposal is not consistent with the purposes of this section, the council shall so notify the agency and the agency shall not proceed with the action until after a justification for the action has been submitted to the Governor and approved by the Governor in writing. The justification shall include the following elements: The anticipated current, future, and cumulative effects on the scenic and natural resources of the designated scenic river corridor; the social and economic necessity for the proposed action; all possible alternatives to the proposed action including a no-action alternative; the comparative benefits of proposed alternative actions; and the mitigation measures outlined in the proposed action. Source: Laws 2000, LB 1234, § 7; Laws 2002, LB 1003, § 46.

72-2012 Niobrara Council; zoning jurisdiction.

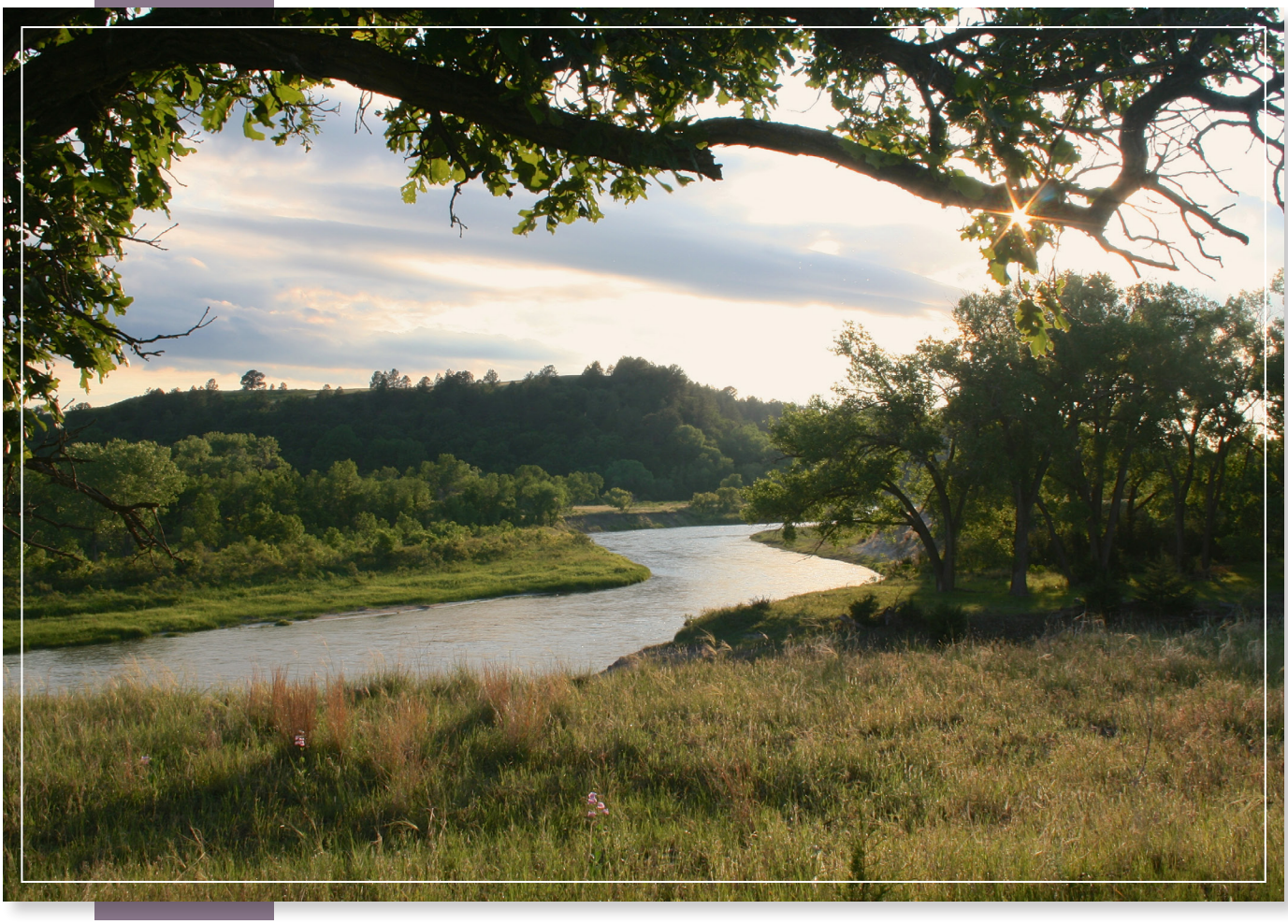
The Niobrara Council shall not have zoning jurisdiction outside the boundaries of the Niobrara scenic river corridor. Source: Laws 2000, LB 1234, § 8.

Administrative Commitments

Title/ Agency/ Organization	Agreement Type	Start Date – Expiration Date	Purpose	Responsible Party
Niobrara Council and National Park Service	Cooperative agreement	10/1/13 – 9/30/18	Purposes of partnership funding for resource enhancement, protection, and education in the Niobrara National Scenic River.	Superintendent
U.S. Fish and Wildlife Service, Fort Niobrara National Wildlife Refuge, and the National Park Service	Cooperative agreement	2011 – 2016	To assist each other in planning efforts, search and rescue, EMS, resource management, training, public safety, research, law enforcement, interpretation, and perhaps a joint cooperating association for Niobrara-related sales items.	Superintendent and Chief Ranger
Niobrara Valley Preserve and National Park Service	General agreement	Renewal in progress	To support fire management, weather data collection, communications, research, resource management, training, streambank restoration, and interpretive programming.	Superintendent and Chief Ranger
Nebraska Game and Parks Commission	General agreement	Renewal in progress	NPS routinely consults and assists with landings, streambank restoration, trail work, design, and maintenance needs. Interpretive programs and law enforcement activities at the park could also be future joint ventures with the staffs of Niobrara National Scenic River and Smith Falls State Park.	Superintendent
Middle Niobrara Natural Resources District	General agreement	Renewal in progress	Middle Niobrara NRD: The National Park Service works directly and through the Niobrara Council to design, plan, and fund specific projects at the NRD's Brewer Bridge access.	Superintendent

Appendix C: Selected Past and Ongoing Park Planning and Data Collection Efforts

- 1994 Historical Overview and Inventory of the Niobrara / Missouri National Scenic Riverways
- 1996 Final General Management Plan / Environmental Impact Statement
- 2007 Final General Management Plan / Environmental Impact Statement
- 2009 Core Operations Plan
- 2010 Long-Range Interpretive Plan
- 2010 Condition Assessment
- 2011 Land Protection Plan
- 2011 Resource Stewardship Strategy
- 2011 Draft River Management Plan (final in progress)
- 2014 Strategic Plan
- 2015 North Central Nebraska Community Wildfire Protection Plan



Midwest Region Foundation Document Recommendation
Niobrara National Scenic River

October 2016

This Foundation Document has been prepared as a collaborative effort between park and regional staff and is recommended for approval by the Midwest Regional Director.

RECOMMENDED
Stephen G. Thede, Superintendent, Niobrara National Scenic River **Date**

APPROVED
Cameron H. Sholly, Regional Director, Midwest Region **Date**

As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historic places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

NIOB xxx/xxxxxx
October 2016

Foundation Document • Niobrara National Scenic River

NATIONAL PARK SERVICE • U.S. DEPARTMENT OF THE INTERIOR