

Environmental Assessment for Opening Hutton Lake National Wildlife Refuge to Waterfowl Hunting

Date: 2/4/2019

This Environmental Assessment (EA) is being prepared to evaluate the effects associated with this proposed action and complies with the National Environmental Policy Act (NEPA) in accordance with Council on Environmental Quality regulations (40 CFR 1500-1509) and Department of the Interior (43 CFR 46; 516 DM 8) and U.S. Fish and Wildlife Service (550 FW 3) regulations and policies. NEPA requires examination of the effects of proposed actions on the natural and human environment.

Proposed Action:

The U.S. Fish and Wildlife Service (Service) is proposing to open waterfowl (ducks, dark and light geese, American coots, and mergansers) hunting opportunities on Hutton Lake National Wildlife Refuge (Hutton Lake NWR or Refuge). This Environmental Assessment and companion Hunt Plan (Appendix) revises and updates the Comprehensive Conservation Plan (CCP) completed by the Service in 2007. Currently, the Refuge is closed to all forms of hunting.

The Hutton Lake NWR Hunt Plan describes the proposed action alternative, a youth and general waterfowl hunt on 748 acres of the Refuge (Figure 1), managed in accordance with Federal laws and Service policy and in alignment with State regulations.

This proposed action is often iterative and evolves over time during the process as the agency refines its proposal and learns more from the public, tribes, and other agencies. Therefore, the final proposed action may be different from the original. The final decision on the proposed action will be made at the conclusion of the public comment period for the EA and the Draft Hutton Lake NWR Hunting Regulations. The Service cannot open a refuge to hunting until a final rule has been published in the Federal Register formally opening the refuge to hunting.

Background:

National wildlife refuges are guided by the mission and goals of the National Wildlife Refuge System (NWRS), the purposes of an individual refuge, Service policy, and laws and international treaties. Relevant guidance includes the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and Fish and Wildlife Service Manual.

The mission of the NWRS, as outlined by the National Wildlife Refuge System Administration Act (NWRSA), as amended by the National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd et seq.), is to:

“... to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

The NWRSA mandates the Secretary of the Interior in administering the System to (16 U.S.C. 668dd(a)(4):

- Provide for the conservation of fish, wildlife, and plants, and their habitats within the NWRS;
- Ensure that the biological integrity, diversity, and environmental health of the NWRS are maintained for the benefit of present and future generations of Americans;
- Ensure that the mission of the NWRS described at 16 U.S.C. 668dd(a)(2) and the purposes of each refuge are carried out;
- Ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the NWRS are located;
- Assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the NWRS and the purposes of each refuge;
- Recognize compatible wildlife-dependent recreational uses as the priority general public uses of the NWRS through which the American public can develop an appreciation for fish and wildlife;
- Ensure that opportunities are provided within the NWRS for compatible wildlife-dependent recreational uses; and
- Monitor the status and trends of fish, wildlife, and plants in each refuge.

Therefore, it is a priority of the Service to provide for wildlife-dependent recreation opportunities, including hunting and fishing, when those opportunities are compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System.

Hutton Lake National Wildlife Refuge (Hutton Lake NWR or Refuge) is located approximately 10 miles southwest of Laramie, Wyoming. The Refuge was established pursuant to Executive Order (E.O.) 5782 dated January 28, 1932. Additional lands were added in 1933 and 1939 pursuant to the Migratory Bird Conservation Act (16 U.S.C. 715d). The primary purpose of the Refuge is to serve as “as a refuge and breeding ground for migratory birds and other wild animals (E.O. 5782) and “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds (Migratory Bird Conservation Act).” Subsequent amendments to the Migratory Bird Conservation Act allow up to 40% of lands purchased under this authority to be opened for migratory bird hunting, which equates to approximately 795 acres at Hutton Lake NWR.

Hutton Lake NWR provides important resting, nesting, and foraging areas for migratory birds in the semiarid environment of the Laramie Plains basin. The most abundant species during spring and fall migration include mallard, redhead, teal, pintail, great blue heron, black-crowned night-heron, phalarope, western grebe, bittern, and black tern. Water management on the Refuge is opportunistic due to limited water rights and a closed basin system. Ponds are filled in the spring

with natural runoff and maintained as high as possible during the breeding and brood-rearing seasons.

In addition to providing important habitat for migratory birds, Hutton Lake NWR has reported approximately 3,600 visitors annually (2018 Refuge Annual Performance Plan). Note though, that a newly installed car counter on the Refuge indicates that there may be as many as 20,000 visitors per year. Most visitation occurs March through October as Refuge access and recreation opportunities are limited from November through February due to frozen lakes and cold, snowy weather.

Purpose and Need for the Proposed Action:

The purpose of this proposed action is to provide additional compatible wildlife-dependent recreational opportunities on Hutton Lake NWR. The need of the proposed action is to meet the Service's priorities and mandates as outlined by the NWRSA to, "recognize compatible wildlife-dependent recreational uses as the priority general uses of the NWRS" and "ensure that opportunities are provided within the NWRS for compatible wildlife-dependent recreational uses." 16 U.S.C. 668dd(a)(4)). As stated above, the Refuge is currently closed to all hunting as described in the Comprehensive Conservation Plan (USFWS 2007). However, the vision statement for the Laramie Plains refuges (which includes Mortenson Lake, Bamforth, and Hutton Lake NWRs), included language that states the Service would evaluate opportunities in the future to open refuge lands to compatible, wildlife-dependent recreation:

The wetland complexes and uplands of the Laramie Plains refuges are important resource components of this semiarid region that provide key habitat for the Wyoming toad, migratory birds, and resident wildlife.

These refuges will be evaluated to direct management decisions to provide natural and enhanced habitat, thereby maximizing the unique potential of each refuge. Wildlife-dependent recreation will be evaluated for each refuge to determine potential appropriate public use opportunities.

The CCP also established the following visitor services goal for Hutton Lake NWR:

Provide wildlife-dependent recreational opportunities to a diverse audience when the administration of these programs does not adversely affect habitat management objectives.

The objectives of a waterfowl hunting program on Hutton Lake NWR are to:

- Meet the Refuge establishing purposes, which includes keeping at least 60% of the Refuge closed to hunting to provide inviolate sanctuary for migratory birds.
- Provide wildlife-dependent recreation opportunities in accordance with Federal laws and Service policy and in alignment with State regulations.
- Provide increased opportunities for a hunting experience on refuge lands, especially for youth and families.
- Provide nearby hunting access for local communities.
- Assist with hunter education.

Alternatives Considered

Alternative A - No Action

The Refuge would continue current management and remain closed to all hunting under this alternative. We would expect that all existing public uses, including wildlife observation, wildlife photography, wildlife interpretation, and environmental education would continue at existing levels. No changes to existing habitat management actions (including water management) would occur. There would be no additional costs to the Refuge under this alternative. However, this alternative does not meet the purpose and needs of the Service as described above because it would not provide waterfowl hunting opportunities.

Alternative B – Youth Waterfowl Hunt and General Waterfowl Hunt:

Under this alternative, Hutton Lake NWR would be opened for the Wyoming Special Youth Waterfowl Hunting Days and the general waterfowl hunting season, as described in the Hutton Lake NWR Hunt Plan. This alternative is the Proposed Action Alternative in this document.

Under this Alternative, the Refuge would define a hunting area (approximately 748 acres, 37% of the total refuge acres) encompassing Hutton Lake, Hoge Lake, and surrounding uplands (Figure 1). In the hunting area, there are 268 acres of wetlands (55% of total refuge wetlands) and 480 acres of uplands (32% of total refuge uplands). The waterfowl hunt would follow Federal and State regulations for season dates, hours, bag, and possession limits. Species to be taken would include ducks, mergansers, American coots, dark geese, and light geese. Access would be open to the general public on a first-come, first-served basis. An accessible blind would be available for hunters with disabilities. For the youth waterfowl hunt, youth hunters (seventeen (17) years of age and younger), accompanied by adult mentors, would be able to hunt during the Wyoming Zone C2 Special Youth Waterfowl Hunting Days.

The Refuge would continue to be open to other existing public uses during the hunt season.

There would be no Refuge-specific hunting regulations.

This alternative offers increased opportunities for public hunting and fulfills the Service's mandate under the National Wildlife Refuge System Improvement Act of 1997. The Service has determined that the hunt plan is compatible with the purposes of the Hutton Lake NWR and the mission of the NWRS. The estimated annual cost to operate a youth and general waterfowl hunt is approximately \$12,000. An initial infrastructure investment of approximately \$25,000 - \$90,000 would be needed, depending on whether or not a vault toilet is added at the Refuge.

Alternative C – Youth Waterfowl Hunt

Under this alternative, the Refuge would institute a youth (seventeen (17) years of age and younger) waterfowl hunt in the same 748 acres as proposed in Alternative B (Figure 1). Youth hunters, accompanied by adult mentors, would be able to hunt during the Wyoming Zone C2 Special Youth Waterfowl Hunting Days. Only youth hunters would be allowed to take ducks,

mergansers, American coots, dark geese, and light geese. An accessible blind would be available for youth hunters with disabilities. Refuge staff would administer a voluntary orientation meeting prior to the hunting season to answer questions and help provide a positive hunting experience. All hunters and mentors would adhere to established Federal and State waterfowl regulations. There would be no Refuge-specific hunting regulations.

This alternative offers increased opportunities for public hunting and fulfills the Service's mandate under the National Wildlife Refuge System Improvement Act of 1997. The Service has determined that the hunt plan is compatible with the purposes of the Hutton Lake NWR and the mission of the NWRS. The estimated annual cost to operate a youth waterfowl hunt is approximately \$3,000. An initial infrastructure investment of approximately \$25,000 - \$90,000 would be needed, depending on whether or not a vault toilet is added at the Refuge.

Affected Environment

The Refuge consists of approximately 1,988 acres in Albany County, 10 miles southeast of Laramie, Wyoming (Figure 1). In 2010, Laramie had a population of approximately 31,000, and serves as the county seat. Of the three national wildlife refuges near Laramie, Hutton Lake is the only one that allows public recreational opportunities. The majority of Refuge visitors likely come from the local commuting area.

The Refuge is located in a semiarid, high-plains basin ecosystem known as the Laramie Basin, which is bisected by the Laramie and Little Laramie Rivers. The shallow depressions of the basin, within the relatively flat topography of the region, support wetland complexes that are unique to the area. The Refuge is comprised of shrubland habitat (67%) including Wyoming big sage, greasewood, and rabbitbrush, open water (21%), emergent herbaceous wetlands (6%), and herbaceous grasslands (6%). Hutton Lake and Hoge Lake comprise the majority of open water habitat, while Rush Lake (and areas immediately to the west) comprise the emergent wetland habitat that includes small irrigated wet meadows. Hutton Lake is an important resting and foraging area for diving ducks, including canvasback, redhead, and lesser scaup (USFWS 2007). Rush Lake, with its thick bulrush vegetation, provides breeding habitat for overwater nesting species including white-faced ibis, black-crowned night-heron, ruddy duck, marsh wren, and red-winged blackbird. In addition, the only documented case of nesting cattle egrets in the state of Wyoming occurred at Rush Lake in 1996 (WGFD 2017). Lake George and Creighton lakes receive water only when lake levels in Rush and Hoge lakes are sufficiently high. Water levels are highly dependent on natural processes (i.e., snowmelt and local precipitation) and the willingness of adjoining landowners, who hold senior water rights on Sand Creek, to share water with the Refuge.

In 2003, the Laramie Plains refuges, including most wetlands at Hutton Lake NWR, were included in the Laramie Plains Lakes Complex Important Bird Area recognized by the Audubon Society for their importance to waterfowl, gulls, shorebirds, and wading birds.

Sage thrashers, brewers sparrows, and McCown's longspurs were recorded during upland bird surveys conducted in 2009 (Griscom and Keinath 2010). White-tailed prairie dogs are scattered throughout the Refuge in small prairie dog towns.

Preble's meadow jumping mouse, which was listed as federally threatened in 1998, was documented as recently as 2005 on the Refuge. Population estimates are unknown but likely are relatively small given the limited availability of quality habitat on the Refuge. Preble's meadow jumping mice are predominantly found along dense herbaceous riparian vegetation, and regularly use upland grasslands adjacent to riparian habitat. Preble's mice are true hibernators and are known to enter hibernation from late August (adults) to mid-October (juveniles) through early May (USFWS 2018).

The proposed action alternative will occur in an area including all of Hutton Lake, Hoge Lake, and surrounding upland habitat (Figure 1). The hunting areas are mostly open water habitat (Hutton Lake), open water/emergent vegetation habitat (Hoge Lake) and Wyoming big sage and greasewood.

Table 1 provides additional, brief descriptions of each resource affected by the proposed action.

For more information regarding the affected environment, please see Chapter 3 of the Refuges Comprehensive Conservation Plan, which can be found here: https://www.fws.gov/mountain-prairie/refuges/completedPlanPDFs_A-E/bmf_htl_mrl_2007_ccpfinal_3resources.pdf.

Environmental Consequences of the Action

This section analyzes the environmental consequences of the action on each affected resource, including direct and indirect effects. This EA only includes the written analyses of the environmental consequences on a resource when the impacts on that resource could be more than negligible and therefore considered an "affected resource." Any resources that will not be more than negligibly impacted by the action have been dismissed from further analyses.

Table 1 provides:

- A brief description of the affected resources in the proposed action area.
- Impacts of the proposed action and any alternatives on those resources, including direct and indirect effects.

Table 2 provides a brief description of the cumulative impacts of the proposed action and any alternatives.

Impact Types:

- *Direct effects* are those which are caused by the action and occur at the same time and place.
- *Indirect effects* are those which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.
- *Cumulative impacts* result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions.

Table 1. Affected Resources and Anticipated Impacts of the Proposed Action and Alternatives

	Anticipated Direct and Indirect Impacts		
	Alternative A (No Action)	Alternative B	Alternative C
	Affected Resources	<i>Hutton Lake NWR would remain closed to hunting.</i>	<i>Youth Waterfowl Hunt and General Waterfowl Hunt - Allow the general public access within the area defined in Figure 1 to take ducks, dark geese, light geese, American coots, and mergansers following state and local regulations.</i>
Natural Resources			
Migratory Birds			
<p>The Refuge contains areas of emergent marsh and open water that annually provide resting and foraging areas for ducks, geese, coots, wading birds, and shorebirds during spring and fall migrations. Common waterfowl species during migration include mallard, northern pintail, northern shoveler, gadwall, green-winged teal, blue-winged teal, redhead, canvasback, bufflehead, ruddy duck, lesser scaup, and Canada geese.</p> <p>Some waterfowl breeding occurs on Hutton Lake NWR. Shorebirds and wading birds, in particular white-faced ibis and black-crowned night heron, also utilize emergent vegetation for breeding. Emergent wetland habitats provide nesting, brood-rearing, and food resources for these species. Most shorebirds and wading birds that breed at Hutton Lake arrive in April-May and begin departing Wyoming for wintering grounds by mid-September (Dark-Smilely and Keinath 2003).</p> <p>The Refuge is located on the western edge of the Central Flyway. Most waterfowl stopping at the Refuge during fall migration likely originate from breeding grounds located from western Minnesota</p>	<p>Under this Alternative, the Refuge would remain closed to hunting. Thus, no impacts to migratory birds would be expected beyond what already exists with current public uses such as wildlife observation.</p>	<p>This alternative would allow waterfowl hunting (including the special youth weekend) waterfowl hunting on approximately 748 acres surrounding Hutton and Hoge Lakes. No other areas on the Refuge would be open to hunting.</p> <p>Gunfire, and associated hunter activity, would disrupt wetland bird activities (feeding and resting) within the hunting area during legal (daylight) shooting hours and likely cause dispersal.</p> <p>Given the close proximity to Hoge Lake, we would expect birds feeding and resting in Rush Lake to be disturbed as well. Displaced birds could move to undisturbed areas on the Refuge (e.g., Lake George or Creighton Lakes), which are located up to 0.25 mile away from Hoge Lake, leave the Refuge entirely for wetlands along the</p>	<p>This alternative would open the same area to hunting as in Alternative B, except only youth would be allowed to hunt on the Special Youth Waterfowl Hunting Days under the guidance of mentors.</p> <p>Similar to Alternative B, feeding and resting activities of waterfowl and other wetland birds on Hutton Lake and Hoge Lake would be disrupted in all areas open to hunting during daylight (legal) shooting hours. Given the location of Hoge Lake in relation to the other wetland areas within the closed area, birds likely would either disperse to other Refuge wetlands or leave the Refuge entirely during hunting activity.</p>

<p>and the Prairie Pothole Region of the U.S. and Canada. Peak migration through the Refuge occurs from late August through October with freeze-up conditions in early December (which would mark the functional end of the hunting season). Recent survey data collected from 2005-2010 estimated an average of 950 ducks/38 Canada geese in September and 650 ducks/90 Canada geese in October on Refuge wetlands. (Unpublished Refuge data). In 2018, the regular duck season for the Central Flyway, Zone C2, occurred between September 22 and January 2 (97 days with the Special Youth Hunt the weekend prior). The dark goose season was slightly longer. As mentioned earlier, the functional hunting season for the Refuge is likely closer to 70 days.</p> <p>The Refuge occurs in Waterfowl Management Area 3A (Upper North Platte River). In 2017, an estimated 301 hunters (5% of total Wyoming waterfowl hunters) harvested 3,220 ducks (7% of statewide harvest) during 1,399 hunter-days within this Management Area (WGFD 2018). Thus average harvest is 2.3 ducks per hunter-day.</p> <p>The majority of the Refuge is upland shrub habitat. Most of the grass and shrubland nesting birds (e.g., horned lark, sage thrasher, and McCown's longspur) complete rearing of young by July-August and depart for wintering grounds by mid-September (WFGD 2017).</p> <p>Burrowing owls bred on the Refuge within the scattered prairie dog towns. In Wyoming, owls are most abundant in grasslands in the eastern part of the state. Burrowing owls in Wyoming are migratory, arriving in March and depart in mid-September and October.</p>		<p>Laramie River, or continue their migration south.</p> <p>Since the Refuge area outside the hunt area would remain open to the non-hunting public (i.e., wildlife observation), it is possible that wetland birds would leave the Refuge entirely during high visitor use (e.g., weekends/holidays). In 2018, there were roughly 12 weekends during the time from the Special Youth waterfowl weekend (September 15) to early December, when Refuge lakes freeze.</p> <p>Hunting will result in direct mortality of some waterfowl during the hunting season. Given this is a new hunting opportunity, we cannot accurately quantify the number of hunter-days to expect over the course of the season. In order to estimate hunter interest and harvest, we make the following assumptions for minimum interest (average 1 hunter per day for 70 days) and maximum interest (average 4 hunters per day for 70 days) with maximum interest for the youth waterfowl hunt (24 hunters). This equates to 94 hunter-days with an estimated harvest of 216 (2.3 x 94) and 304 hunter-days with an estimated harvest of 699 ducks (2.3 x 304).</p> <p>Disturbance to upland migratory birds (i.e., sage thrashers, McCown's Longspurs) would be expected to be minimal to non-existent due to their absence from</p>	<p>Similar to Alternative B, the remainder of the Refuge would be open to the non-hunting public. However, unlike Alternative B, only one weekend would be open to hunting. Therefore, overall disturbance would be less under this alternative compared with B.</p> <p>Hunting would result in direct mortality of waterfowl during the hunting season. Given the 2-day time frame of a weekend hunt, we assume 12 hunters per day for a total of 24 hunters-days. Thus we estimate 55 ducks (2.3 ducks/day x 24 hunter-days)</p> <p>Similar to Alternative B, disturbance to upland migratory birds (i.e., sage thrashers) would be expected to be minimal to non-existent due to their absence from the Refuge (due to migration). Given the mid-September hunt, burrowing owls may still be present on the Refuge. However, the disturbance to individual animals would be minimal.</p>
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		<p>the Refuge (due to migration). Burrowing owls that have not yet migrated by the onset of the hunting season may be disturbed as hunters access hunting areas. Given that most owls will have departed by October, the overall long-term effect is minimal.</p>	
Wildlife and Habitat			
<p>The Refuge is mostly upland shrublands (67%) with wetlands such as open water (21%) and emergent freshwater marshes (6%) comprising the majority of the remaining habitat. The Refuge is part of the Laramie Plains Wetland Complex in portions of Albany and Carbon counties and is one of 9 focus wetland complexes identified as a statewide conservation priority (Copeland et al. 2010). The Intermountain West Joint Venture recognizes the Laramie Plains region as a priority area for bird habitat conservation (IWJV 2013). In addition, Wyoming Audubon designated the Refuge an Important Bird Area (IBA) in 2003 (USFWS 2007). Peak fall migration for shorebirds and waterfowl occurs mid-August through mid-October (WGFD 2017).</p> <p>Most of the grass and shrubland nesting birds (e.g., horned lark, sage thrasher, and McCown’s longspur) fledge young by July-August and depart for wintering grounds by mid-September (WGFD 2017). White-tailed prairie dogs occur in small towns throughout the Refuge.</p>	<p>Under this Alternative, the Refuge would remain closed to hunting; thus, no impacts to wildlife or habitats would be expected beyond what already exists with current public uses.</p>	<p>Under this alternative, access to hunting areas would be walk-in only and generally involve the use of existing trails from parking lots through shrubland or grassland habitat. However, walking off-trail to reach desired hunting areas is also likely to occur as there are no existing trails around Hutton Lake.</p> <p>Minimal disturbance or trampling of individual shrubs or grasses is expected as hunters navigate the landscape to hunting areas. Given the nature of soils surrounding wetlands (e.g., likely exposed and wet) some compaction of soils would be expected. If hunter-created trails develop from repeated trampling and compaction, the effects would be more moderate. Likewise, some trampling of wetland vegetation (e.g., bulrushes and cattails) near wetlands would be expected during normal hunting activities (access, decoy setup, bird retrieval, etc.). Most impacts would be short-term, although excessive, repeated disturbance of the same</p>	<p>Given the shorter length of the youth waterfowl season, less direct impacts to habitats would be expected compared to Alternative B. However, some short-term compaction of soils and trampling of wetland vegetation would be expected.</p> <p>Under this alternative, impacts related to access, and infrastructure, including the handicapped-accessible blind, would be the same as Alternative B.</p> <p>Like Alternative B, the active breeding season for most birds (with the exception of winter breeding raptors) is April-July. Hunting would not occur within this period; therefore, no conflict is expected.</p> <p>Minimal direct effects to non-hunted wildlife species (e.g., white-tailed prairie dogs) would be expected and</p>

		<p>area may cause moderate impacts in localized areas.</p> <p>Existing Refuge infrastructure (e.g., roads, trails, and 3 parking lots) would facilitate hunting on the Refuge. An accessible blind would be installed on Hutton Lake to provide improved opportunities to hunters with disabilities. To facilitate easier access, a single parking space would be constructed closer to Hutton Lake from which an accessible trail (<100 m long) would be constructed. The trail would follow along an existing two-track trail to the blind. Minor permanent disturbance to the existing habitat at the location of the accessible blind and along the existing trail would be expected.</p> <p>The spread of invasive species, both terrestrial and aquatic, would be possible via hunter activity, however, we would not expect it to be significant.</p> <p>The active breeding season for most birds (with the exception of winter breeding raptors) is April-July. Hunting would not occur within this period; therefore, no conflict is expected.</p> <p>Likewise, minimal long-term direct effects to non-hunted wildlife species are expected as these species would remain protected and not open to hunting. Moderate immediate direct effects to small</p>	<p>would remain protected and not open to hunting.</p>
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		mammals (e.g., white-tailed prairie dogs) are expected.	
Federally Listed and Other Special Status Species			
<p>We reviewed seven species (See Appendix for the Section 7 review) for possible impacts for the Proposed Action: Preble’s meadow jumping mouse, Wyoming toad, least tern, piping plover, whooping crane, pallid sturgeon, and western prairie fringed orchid (USFWS IPAC database, 2019). With the exception of Preble’s mouse and Wyoming toad, the remaining species are within a broader “Platte River System” species group. Hutton Lake NWR does fall within the North Platte drainage of the Platte River System. Since these species can be affected by water depletions in the Platte River System, they are included even though they may or may not occur on or in vicinity of the Refuge.</p> <p>The proposed action (opening the Refuge to waterfowl hunting) does not affect or modify the way the Refuge uses water during the spring and summer. The Refuge obtains water via existing infrastructure using valid water rights. Nothing in the proposed action would change the amount of water received. Therefore, for any water related-effects to the Platte River species listed above, we expect No Effect.</p> <p>For the least tern and whooping crane we also do not expect them to occur on the Refuge or even in the surrounding counties. Species ranges for these two species almost exclude Wyoming entirely. In fact, the Wyoming State Wildlife Action does not mention these species (WFGD 2017).</p> <p>The Wyoming toad, listed in 1984, is one of the four most endangered amphibians in North America. It occurs in the wild at Mortenson Lake</p>	<p>Under this Alternative, the Refuge would remain closed to hunting; thus, no impacts to wildlife or habitats would be expected beyond what already exists with current public uses.</p>	<p>Under a general waterfowl season, no effect the Platte River Species group, or Wyoming toads would be expected because these species do not occur on the Refuge, and the proposed action does not relate to water quantity in any way. Any direct effects to wetland vegetation or substrates caused by hunter activity (as it relates to potential future Wyoming toad habitat) would be minimal and short-term in nature.</p> <p>No direct effects on Preble’s meadow jumping mouse would be expected as most individuals would be entering, or already in, hibernation by the onset of the hunting season (late September through December).</p> <p>Indirect effects on Preble’s mouse habitat (resulting from trampling of wetland and herbaceous meadow habitat) would be minimal due to hunter activity. Most quality habitat (i.e., denser, irrigated meadow habitats) occurs in closed areas to the west of Rush Lake.</p>	<p>Same as Alternative B</p>

<p>NWR, approximately 5 miles west of Hutton Lake and at four Safe Harbor sites in the Laramie Plains area. Wyoming toads were reintroduced to Hutton Lake from 1995-2000; however, the effort was not successful (Geraud and Keinath 2004). Release of additional toads has not occurred since 2000.</p> <p>Preble’s meadow jumping mouse was listed as federally threatened in 1998. Typical habitat for Preble’s mouse includes well-developed riparian vegetation and relatively undisturbed adjacent grassland communities with an adjacent water source (USFWS 2018). A few individuals have been documented on the Refuge as recently as 2005 although population size is unknown and no systematic surveys are conducted (USFWS 2007). Preble’s mouse are true hibernating species. Adults are known to enter hibernation as early as late August if body fat reserves are sufficient, while juveniles tend to enter in late September or early October. Currently there is no critical habitat designated in the State of Wyoming (USFWS 2018).</p>			
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Visitor Use And Experience

<p>In recent years, Refuge visitation was estimated to be approximately 3,600 visitors annually (Refuge Annual Performance Plan data). However, based on 2018 car count data, the annual number of visitors may exceed 20,000. Most visitors utilize the Refuge from April through November to observe wildlife and experience nature. Of the three Laramie Plains National Wildlife Refuges, only Hutton Lake is open to public use. Several established trails as well as an elevated platform (northeast side of Rush Lake) and box blind (east side of Lake George) allow visitors an improved vantage point to view wildlife. Currently there are three parking areas available to visitors with approximately 12 spaces. These parking lots will</p>	<p>Under this Alternative, the Refuge would remain closed to hunting; thus, no impacts to the current users groups would be expected.</p> <p>The number of visitors would likely remain the same. The accessible blind would be installed and used for enhanced wildlife observation opportunities.</p>	<p>Total Refuge acreage that will be opened to waterfowl hunting is 748 (269 acres wetland, 478 acres upland) under this alternative. Given that hunting is a new use, potential exists for conflicts between the hunting and non-hunting public. The non-hunting public would not be restricted from entering the hunting area. However, while hunters are present we would expect non-hunters might avoid the hunting area. Since no new parking areas would be established, users would use the same parking spaces.</p>	<p>Under this alternative, hunting would only occur during one weekend. We would expect the same impacts as Alternative B, but given the much shorter period of hunting the overall potential for disturbance and conflicts between user groups would be significantly less than under Alternative B.</p>
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<p>be shared by the hunting and non-hunting public. There is no auto tour loop on the Refuge.</p> <p>An accessible blind was recently built by partners and is awaiting installation. This blind will provide additional opportunities for hunters with disabilities during the hunting season, as well as other users during the non-hunting season.</p> <p>The number of waterfowl hunters specific to the Laramie area is not known. However, as mentioned earlier, 301 hunters were estimated to use the entire Upper North Platte River management area (WGFD 2018). There are several locations within 50 miles of Laramie that provide access for waterfowl hunting including Alsop Lake (640 acres), Diamond Lake (290 acres), Gelatt Lake (200 acres), Meeboer Lake (190 acres), and Twin Butte Reservoir (250 acres). Wyoming Game and Fish Department provides additional public access to waterfowl hunting near Laramie on three private ranches (totaling about 4,113 acres) through their “Walk-In Hunting” program. All three of these properties are within 25 miles of Laramie. Farther from Laramie, Wheatland Reservoir #3 (7,570 acres) and East Allen Lake (270 acres) also open to waterfowl hunting.</p>		<p>Given that hunters would be allowed to access the Refuge earlier (1 hour before sunrise) than non-hunters (1/2 hr), some non-hunters may not find parking spaces.</p> <p>Proper signage would delineate the open and closed areas prior to the waterfowl season to minimize confusion and unexpected confrontations.</p> <p>During high visitation periods (holidays and weekends), we would expect disturbance by gunfire to negatively affect the serenity and natural experience to which the non-hunting public is accustomed.</p> <p>The extent to which waterfowl hunters will use this new opportunity is unknown. However, for the purpose of comparing alternatives, we made some assumptions (stated above) that resulted in an estimate of 216 hunters over the season.</p> <p>A closed area (150 meters) around the access road and parking lots would help ensure safety among all participants.</p>	
Cultural Resources			
<p>As stated in the CCP (USFWS 2007), the available archaeological record of the Laramie Plains is fairly limited due to the presence of primarily private lands in the area. Still, there was probably significant use of the area by indigenous peoples (Larson and Letts 2003). Archaeological and</p>	<p>Under this Alternative, the Refuge would remain closed to hunting and there would be no change to existing environmental conditions; subsequently, no direct or indirect impacts to</p>	<p>Because of the temporary and superficial use of refuge habitats during hunting activities, there should be no direct impacts to cultural resources under this alternative from visitors engaged in</p>	<p>Same as Alternative B.</p>

<p>architectural remains representing over 12,000 years of human occupation are potentially located on the Laramie Plains refuges (including Hutton Lake NWR). Native American tribes with ancestral ties to the area, including the Crow, the Cheyenne, the Sioux, and the Arapaho lost their lands with the Fort Laramie Treaty of 1868, and many were relocated to reservations outside the state.</p> <p>As is the case with much of the West, the early exploration of the Laramie Plains owes much of its beginnings to the fur-trapping trade. By the 1840s, thousands of people traveled through what is now Wyoming along the nearby Oregon, California, and Mormon trails. Although most travelers did not settle in Wyoming, from 1862 to 1868 approximately 20,000 people per year traveled along the Overland trail, which is located approximately 3 miles north of Hutton Lake NWR (Larsen and Letts 2003). With the Overland Trail came the Overland Stage Company, which constructed stage stops at regular intervals along the route of the trail, which were some of the first Euro-American structures in the Laramie Basin. The decision to run the Union Pacific Railroad through the Laramie Basin stands as the most influential event in the shaping of the area's history. Besides homesteading tied to operation and services along the Overland Trail and the railroad, ranching and agriculture were also key to settling the area and influencing the look of the land.</p> <p>Archaeologists from the University of Wyoming surveyed 898 acres of Refuge lands between 1992 and 1995 (USFWS 2007). Pre-contact resources identified during this effort include a quarry or lithic procurement site and a hearth site with a fire-cracked rock concentration. Identified historic resources consist of scattered trash dumps, troughs, fence lines, a possible corral, and</p>	<p>cultural resources are anticipated under this alternative.</p>	<p>hunting activities as delineated in the Hunt Plan.</p> <p>All proposed installation or development of infrastructure (such as signage, parking improvements, a vault toilet, accessible trail, and hunting blind) undertaken in the future in association with or as a result of implementation of this alternative would be subject to further review and consideration on an individual basis under Section 106 of the National Historic Preservation Act.</p>	
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<p>structural remains. Individual artifacts identified include bottles and cans, some dating back to the 1870s and 1880s, with several others from the early 1900s. The aforementioned resources were apparently not formally documented and/or evaluated for National Register of Historic Places (NRHP) eligibility, and as such are currently considered unevaluated/undetermined with regard to National Register eligibility.</p> <p>Section 106 compliance was completed in association with the proposed action and alternatives presented in this document.</p>			
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Refuge Management And Operations

Administration

<p>The Refuge is not currently open to hunting. However, refuges across the Refuge System that do allow hunting typically experience administrative costs related to law enforcement; education; maintenance of boundaries, signs, roads, and access points; and search and rescue efforts.</p> <p>Hutton Lake NWR is a satellite refuge of the Arapaho National Wildlife Refuge Complex, located 65 miles to the south near Walden, Colorado. Hutton Lake NWR is unstaffed with essentially no amenities (i.e., no office or restrooms, trashcans, snow removal, etc.). Total refuge complex staff has fluctuated between 2 and 5 over the last 5 years, with current staff (2) located at Arapaho NWR. There is no regular law enforcement presence on the Refuge. No agreements exist for assistance between local, state, or federal law enforcement. Local coordination with interested birding groups does occur periodically for habitat restoration and infrastructure projects such as improvements to roads in 2013.</p>	<p>Under this Alternative, the Refuge would remain closed to hunting thus the Refuge would incur no additional costs. There is no law enforcement presence on the Refuge. Responses to public complaints would occur following existing protocols.</p>	<p>The Refuge would open approximately 748 acres to waterfowl hunting for the general waterfowl season (97 days in 2018 in addition to a two-day youth hunt).</p> <p>The annual cost associated with administrating this alternative is \$12,000. Included in this estimate are costs associated with salary, equipment, law enforcement (one visit during fall to check hunters and respond to conflicts between user groups), and brochures.</p> <p>In addition, some infrastructure improvements would needed to support waterfowl hunting, including installing and maintaining proper signs and an informational kiosk; a installing a vault toilet; constructing and maintaining an accessible trail; and installing the</p>	<p>The Refuge would open approximately 748 acres to youth waterfowl hunting for 2 days during the Special Youth Waterfowl Season.</p> <p>The annual cost associated with this alternative is estimated to be \$3,000. These costs are similar to Alternative B except that fewer law enforcement visits would be expected because of the short duration of the open period.</p> <p>Infrastructure improvements, similar to what is described under Alternative B, would be needed.</p> <p>Assistance from local Wyoming Fish and Game department wardens during</p>
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<p>Staff actively manages water flow throughout the spring and summer. Other management priorities are maintaining and repairing existing infrastructure, as well as coordinating small projects with partners on an annual basis. Questions or concerns by Refuge visitors are addressed as they are reported and as appropriate.</p>		<p>accessible blind (\$25,000-\$90,000, depending on whether a vault toilet is installed).</p> <p>Periodic assistance from local Wyoming Fish and Game department wardens is possible, but unknown at this time.</p>	<p>the youth weekend hunt is possible, but unknown at this time.</p>
Socioeconomics			
Local and Regional Economics			
<p>As mentioned earlier, the Refuge provides local residents and visitors to the region a place to view wildlife in a relatively undisturbed setting. The number of visitors specifically travelling to Albany County to see the Refuge is unknown. However, those visitors that do travel to a national wildlife refuge are likely to contribute to the local economy. Visitors, including hunters, usually buy a wide range of goods and services while visiting an area. Major expenditure categories include lodging, food, supplies, and gasoline. Spending associated with refuge visitation can generate considerable economic benefits for the local communities near a refuge. For example, more than 34.8 million visits were made to refuges in fiscal year 2006; these visits generated \$1.7 billion in sales, supported almost 27,000 jobs, and \$542.8 million in employment income in regional economies (Carver and Caudill 2007).</p>	<p>Current visitation to the Refuge would be expected to remain the same. The majority of users are likely from the local commuting area.</p>	<p>By allowing waterfowl hunting, it is possible that users new to the Refuge would visit. As estimated above, if 8 groups of hunters visit per weekend day, it is expected that some of those users would occur from outside the local commuting area. These visitors would be expected to contribute more to the local economy than those who reside close to the Refuge. However, the majority of users would be expected to be from the local commuting area.</p> <p>It is possible that a segment of the non-hunting public would avoid the Refuge based on the disturbance as a result of hunting activity. Changes in expenditures are unknown, but expected to be minimal.</p>	<p>Given the short hunting period (2 days) under this alternative, effects to the local economy would likely be minimal.</p>
Environmental Justice			
<p>Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all Federal agencies to incorporate</p>	<p>The Service has not identified any potential high and adverse environmental or human health impacts from this proposed action</p>	<p>Same as Alternative A.</p>	<p>Same as Alternative A.</p>

<p>environmental justice into their missions by identifying and addressing disproportionately high or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities.</p>	<p>or any of the alternatives. The Service has identified no minority or low-income communities within the impact area. Minority or low-income communities will not be disproportionately affected by any impacts from this proposed action or any of the alternatives.</p>		
Indian Trust Resources			
<p>There are no Indian Trust Resources on the Refuge.</p>	<p>This action would not impact any Indian Trust Resources.</p>	<p>Same as Alternative A.</p>	<p>Same as Alternative A.</p>

Cumulative Impact Analysis:

Cumulative impacts are defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR 1508.7).

For more information on the national cumulative impacts of the Service’s hunting and fishing program on the NWRs, see “Cumulative Impacts Report 2018-2019 National Wildlife Refuge Proposed Hunting and Sport Fishing Openings.”

Table 3. Anticipated Cumulative Impacts of the Proposed Action and Any Alternatives.

Past, Present, and Reasonably Foreseeable Activity in Area of Analysis	Descriptions of Anticipated Cumulative Impacts
<p>Hunting</p> <p>Estimated total duck and goose harvest in the United States from 2016-2017 was 12,115,800 (±4%) and 3,602,500 (±5%), respectively (Raftovich et al. 2018).</p> <p>For the period of 2016-2017 in the Central Flyway, annual duck harvests averaged 2,429,000 (±14%) and annual goose harvests averaged 1,061,500 (±11%). In the State of Wyoming, the annual harvest of ducks and geese for 2016-2017 was 41,500 (±25%) and 36,600 (±33%), respectively (Raftovich et al. 2018). For 2017, specific to Waterfowl Management Area 3A, an estimated 3,220 ducks were harvested, which is about 7% of the total statewide duck harvest (WGFD 2018). For the Refuge, we estimate the number of hunter-days between 94 and 280. Estimated harvest range from 216 to 699 ducks.</p> <p>Public hunting areas within 30 miles of the Refuge include Alsop Lake, Diamond Lake, Gelatt Lake, Meeboer Lake, and Twin Butte Reservoir. In addition, Wyoming Game and Fish Department provides public access to waterfowl hunting in 2018 near Laramie on three private ranches through their “Walk-In Hunting” program. Even farther from Laramie, Wheatland Reservoir #3 and East Allen Lake also open to waterfowl hunting.</p>	<p>Migratory Birds</p> <p>Migratory bird populations throughout the country are managed through an administrative process known as flyways. The Refuge is located in the Central Flyway. In North America, the process for establishing hunting regulations is conducted annually. In the U.S., the process involves a number of scheduled meetings (Flyway Study Committees, Flyway Councils, Service Regulations Committee, etc.) where information on the status of migratory bird populations and their habitats is shared with individuals of agencies responsible for setting hunting regulations. In addition, public hearings are held and the proposed regulations are published in the Federal Register to allow public comment.</p> <p>Annual waterfowl assessments are based upon the distribution, abundance, and flight corridors of migratory birds. An Annual Waterfowl Population Status Report is produced each year and includes the most current breeding population and production information available for waterfowl in North America (USFWS 2018b). The Report is a cooperative effort by the Service, the Canadian Wildlife Service, various State and provincial conservation agencies, and private conservation organizations. An Annual Adaptive Harvest Management Report provides the most current data, analyses, and decision making protocols (USFWS 2018a) <i>this citation is missing in the references section</i>. These reports are intended to aid the development of waterfowl harvest regulations in the U.S. for each hunting season. Coot, moorhen and rail species are also counted and analyzed.</p> <p>Each State selects season dates, bag limits, shooting hours, and other options using guidance in these reports. The Refuge follows the regulations set by the State of Wyoming and published in the yearly proclamation.</p>

	<p>The Service believes that hunting on the Refuge will not add significantly to the cumulative impacts of migratory bird management on local, regional, or Central Flyway populations because the percentage likely to be taken on the Refuge, though possibly additive to existing hunting takes, would be a very small fraction of the estimated populations. In addition, overall populations will continue to be monitored and future harvests will be adjusted as needed under the existing flyway and State regulatory processes. Several points support this conclusion:</p> <ol style="list-style-type: none"> 1) The proportion of the national waterfowl harvest that occurs on national wildlife refuges is only 6 percent (USFWS 2013c). 2) There are no populations that exist wholly and exclusively on national wildlife refuges. 3) Annual hunting regulations within the U.S. are established at levels consistent with the current population status. 4) Refuges cannot permit more liberal seasons than provided for in Federal frameworks. 5) Refuges purchased with funds derived from the Federal Duck Stamp must limit hunting to 40 percent of the available area. <p>As a result, changes or additions to hunting on the Refuge will have minor effects on wildlife species in Wyoming. Although the Proposed Action Alternative will increase hunting opportunities compared to the No Action Alternative, the slight increase in hunter activity will not rise to a significant cumulative effect locally, regionally, or nationally.</p>
Climate Change	
<p>Ecological stressors are expected to affect a variety of natural processes and associated resources into the future. Precipitation availability may have a large impact on the availability of wetlands and grasslands across the primary breeding grounds in the US and Canada. These habitat changes, if realized in the future, may reduce the amount and quality of both grassland and wetland for migratory birds that are hunted. As a result, wildlife would be displaced into other areas of available habitat.</p>	<p>While the impacts from climate change on Refuge wildlife and habitats are not certain, allowing hunting on the Refuge will not add to the cumulative impacts of climate change. The Refuge uses an adaptive management approach for its hunt program, annually monitoring (through direct feedback from state and local user groups) and reviewing the hunt program annually and revising annually (if necessary). The Service will adjust the hunt program as necessary to ensure that it does not contribute to the cumulative impacts of climate change on resident wildlife and migratory birds.</p>

Monitoring

Each year, monitoring activities provide information on harvest levels, population size, and habitat conditions for migratory birds in the U.S. The Service’s Division of Migratory Bird

Management is responsible for conducting migratory bird surveys for all of the flyways, collecting and compiling much of the relevant biological data, and coordinating the regulatory effort with States and the public. Data collected from these activities are analyzed each year, and proposals for duck hunting regulations are developed by the Flyway Councils, States, and the Service. After extensive public review, the Service announces a regulatory framework within which States may set their hunting seasons. The Refuge works with the State to ensure that all of its proposed hunting activities are in alignment with the results of these monitoring efforts and regulatory frameworks, using an adaptive management process to adjust hunting activities as necessary to ensure no adverse impacts to migratory bird populations. For more information on the extensive monitoring efforts for migratory bird populations in the U.S., see the *Issuance of Annual Regulations Permitting the Hunting of Migratory Birds: Final Supplemental Environmental Impact Statement* (USFWS 2013c) (<https://www.fws.gov/migratorybirds/pdf/policies-and-regulations/FSEISIssuanceofAnnualRegulations.pdf>).

Summary of Analysis

The purpose of this EA is to briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Alternative A – No Action Alternative

This alternative does not meet the purpose and needs of the Service as described above, because it would not provide hunting opportunities.

There would be no additional costs to the Refuge under this alternative. There would be no change to current public use and wildlife management programs on the Refuge under this alternative. The Refuge would not increase its impact on the economy and would not provide hunting access opportunities. Although this alternative has the least direct impacts of physical and biological resources, it would not support our mandates under the NWRSA and Secretarial Order 3356.

Alternative B – Youth Waterfowl Hunt and General Waterfowl Hunt (Proposed Action Alternative)

The proposed action alternative would open approximately 748 acres of the Refuge to waterfowl hunting. Opening a portion of the Refuge to hunting will cause disturbance to waterfowl and other wetland birds on wetlands within the hunting area. We also expect some disturbance to carry over in surrounding wetlands such as Rush Lake. Disturbed birds will either seek refuge on wetlands within the closed area (which is 45% of the total wetlands on the Refuge), leave the Refuge entirely for other wetlands and lakes in the area, or continue their migration south. During times of no or low hunting pressure, wetlands within the hunting area would provide resting and feeding areas as would times during non-hunting hours (e.g., late evening, overnight). We expect the direct impacts to waterfowl caused by disturbance to not significantly affect individual fitness or have any population level impacts. In addition, as a new recreational

opportunity, we expect conflicts between the non-hunting public (i.e., wildlife observation) and hunters. Competition between parking spots during high use periods (e.g., weekends) may become an issue.

This alternative meets the purpose and needs of the Service as described above, because it provides hunting opportunities on the Refuge and meets the Refuge establishing purposes. It maintains 60% of the Refuge as inviolate sanctuary for migratory birds. The Service has the resources necessary to carry out this alternative, and has determined that the proposed action described in this alternative is compatible with the purposes of Hutton Lake NWR and the mission of the NWRS (Appendix).

Alternative C – Youth Waterfowl Hunt

This alternative would open approximately 748 acres of the Refuge to waterfowl hunting for the Wyoming Special Youth Waterfowl Hunt weekend. Youth hunters, accompanied by adult mentors, would be allowed to hunt waterfowl. During the hunt open period, waterfowl and other wetland birds will be disturbed. The short temporal nature of this alternative overall will result in less disturbance to wildlife, and minimize conflicts with other Refuge users. However, it will also provide fewer opportunities for people to enjoy the tradition of waterfowl hunting.

This alternative also meets the purpose and needs of the Service as described above, because it provides hunting opportunities on the Refuge and meets the Refuge establishing purposes. It maintains 60% of the Refuge as inviolate sanctuary for migratory birds. The Service has the resources necessary to carry out this alternative, and has determined that the proposed action described in this alternative is compatible with the purposes of Hutton Lake NWR and the mission of the NWRS (Appendix).

List of Sources, Agencies and Persons Consulted:

The following agencies and organizations were consulted during the development of this EA:

- Wyoming Game and Fish Department

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List of Preparers:

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State Coordination:

The Refuge reviewed the operations and regulations for neighboring State wildlife management areas and refuges to find consistency where possible. In June 2018, Wyoming Fish and Game Department leadership expressed interest in having the Service evaluate opening Hutton Lake NWR for waterfowl hunting. This interest was congruent with the Department of Interior Secretarial Order 3356, “Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories.”

In the near future, we will send a letter and the draft Environmental Assessment to the State asking to coordinate with them to adjust the Hunt Plan to align, where possible, with State management goals. We will continue to consult and coordinate on specific aspects of the Hunt Plan to ensure safe and enjoyable recreational hunting opportunities.

In accordance with Section 106 of the National Historic Preservation Act of 1966 and its governing regulations (36 CFR Part 800), the Service reviewed the proposed action for direct and indirect impacts to previously documented and as-of-yet-unidentified historic properties, and determined that the proposed undertaking has no potential to effect historic properties. The Wyoming State Historic Preservation Office was notified of this determination in February 2019.

Tribal Consultation:

The Service informed representatives of 15 Tribal governments, as well as Tribal Historic Preservation Officers, that the Service is initiating an Environmental Assessment to open Hutton Lake NWR to waterfowl hunting. The Service extended an invitation to engage in government-to-government consultation in accordance with Executive Order 13175.

Public Outreach:

The refuge has discussed the possibility of opening the refuge to public hunting with members of the public, primarily the birding community. At this time, feedback has largely centered on a youth hunt option. The WGFD has expressed support for a general waterfowl opening.

The refuge will make the public aware of the availability of the draft EA and hunt plan via public notices on the refuge’s website, through local newspapers, and in Arapaho NWR’s headquarters office. During a 30-day public comment period, the Service will accept comments in writing, in person, electronically, or in any other form the public wishes to present comments or information. Upon close of the comment period, all comments and information will be reviewed and considered. The Final EA will address the comments submitted.

Determination:

This section will be filled out upon completion of any public comment period and at the time of finalization of the Environmental Assessment.

- The Service’s action will not result in a significant impact on the quality of the human environment. See the attached “**Finding of No Significant Impact.**”

- The Service’s action **may significantly affect** the quality of the human environment and the Service will prepare an Environmental Impact Statement.

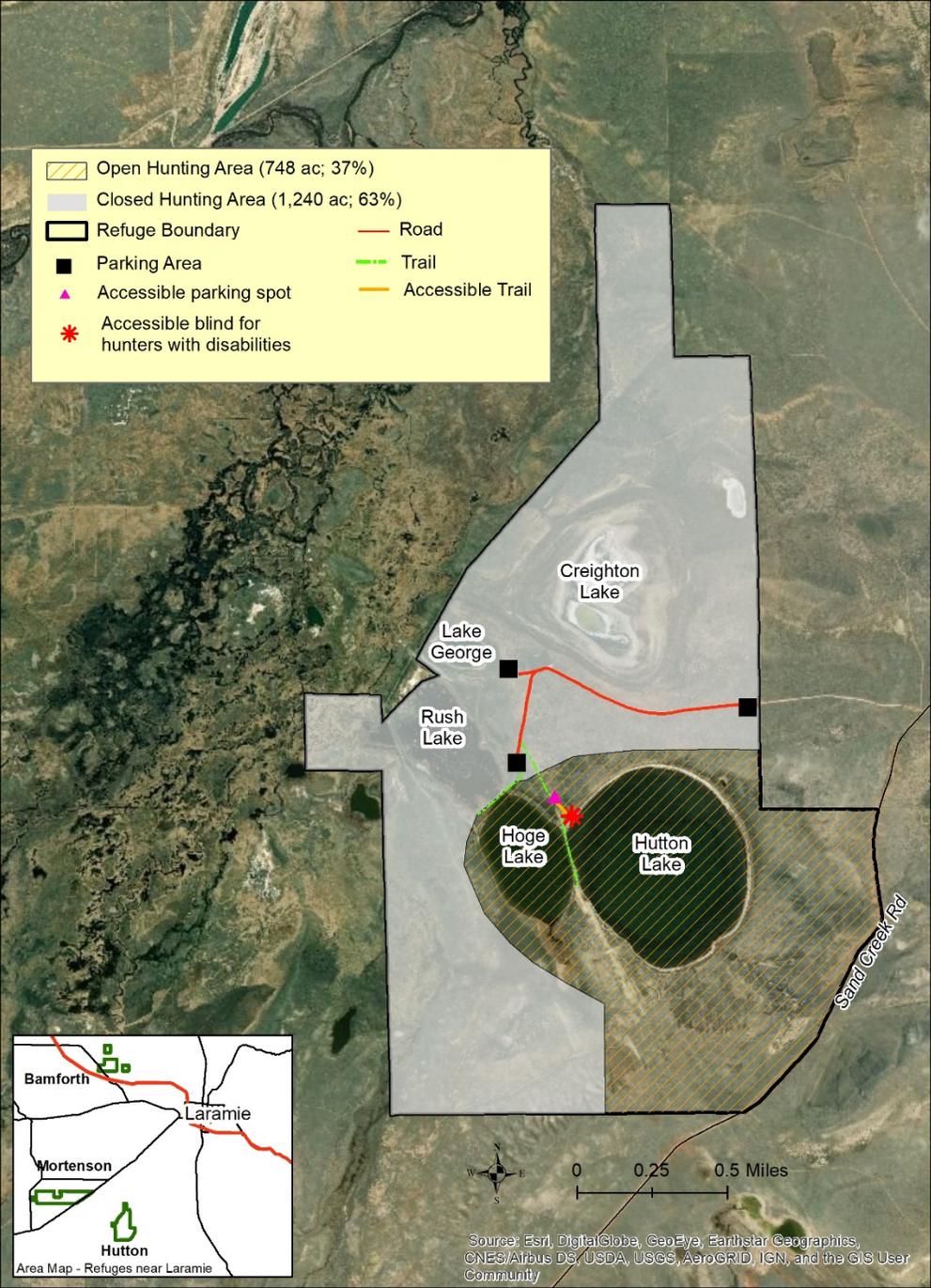
Preparer Signature: _____ Date: _____

Name/Title/Organization: _____

Reviewer Signature: _____ Date: _____

Name/Title: _____

Figure 1. Hutton Lake NWR proposed hunt area, parking areas, and access for Alternative B and C.



APPENDIX 1
OTHER APPLICABLE STATUTES, EXECUTIVE ORDERS & REGULATIONS

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS	
<p>Cultural Resources</p> <p>American Indian Religious Freedom Act, as amended, 42 U.S.C. 1996 – 1996a; 43 CFR Part 7</p> <p>Antiquities Act of 1906, 16 U.S.C. 431-433; 43 CFR Part 3</p> <p>Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa – 470mm; 18 CFR Part 1312; 32 CFR Part 229; 36 CFR Part 296; 43 CFR Part 7</p> <p>National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470x-6; 36 CFR Parts 60, 63, 78, 79, 800, 801, and 810</p> <p>Paleontological Resources Protection Act, 16 U.S.C. 470aaa – 470aaa-11</p> <p>Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-3013; 43 CFR Part 10</p> <p>Executive Order 11593 – Protection and Enhancement of the Cultural Environment, 36 Fed. Reg. 8921 (1971)</p> <p>Executive Order 13007 – Indian Sacred Sites, 61 Fed. Reg. 26771 (1996)</p>	
<p>Fish & Wildlife</p> <p>Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668-668c, 50 CFR 22</p> <p>Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1544; 36 CFR Part 13; 50 CFR Parts 10, 17, 23, 81, 217, 222, 225, 402, and 450</p> <p>Fish and Wildlife Act of 1956, 16 U.S.C. 742 a-m</p>	

<p>Lacey Act, as amended, 16 U.S.C. 3371 et seq.; 15 CFR Parts 10, 11, 12, 14, 300, and 904</p> <p>Migratory Bird Treaty Act, as amended, 16 U.S.C. 703-712; 50 CFR Parts 10, 12, 20, and 21</p> <p>Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Fed. Reg. 3853 (2001)</p>	
<p>Natural Resources</p> <p>Clean Air Act, as amended, 42 U.S.C. 7401-7671q; 40 CFR Parts 23, 50, 51, 52, 58, 60, 61, 82, and 93; 48 CFR Part 23</p> <p>Wilderness Act, 16 U.S.C. 1131 et seq.</p> <p>Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq.</p> <p>Executive Order 13112 – Invasive Species, 64 Fed. Reg. 6183 (1999)</p>	
<p>Water Resources</p> <p>Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq.; 15 CFR Parts 923, 930, 933</p> <p>Federal Water Pollution Control Act of 1972 (commonly referred to as Clean Water Act), 33 U.S.C. 1251 et seq.; 33 CFR Parts 320-330; 40 CFR Parts 110, 112, 116, 117, 230-232, 323, and 328</p> <p>Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401 et seq.; 33 CFR Parts 114, 115, 116, 321, 322, and 333</p> <p>Safe Drinking Water Act of 1974, 42 U.S.C. 300f et seq.; 40 CFR Parts 141-148</p> <p>Executive Order 11988 – Floodplain Management, 42 Fed. Reg. 26951 (1977)</p>	

Executive Order 11990 – Protection
of Wetlands, 42 Fed. Reg. 26961
(1977)