

**U. S. FISH AND WILDLIFE SERVICE
ENVIRONMENTAL ACTION STATEMENT FOR
CATEGORICAL EXCLUSION**

The Service proposes to expand hunting opportunities for dark and light geese, ducks, coots, and webless migratory birds (snipe) on an additional 902 acres of the Kirwin National Wildlife Refuge, Kansas in accordance with the Refuge's "Hunting Plan, Kirwin National Wildlife Refuge (1981)" and "Environmental Assessment -- Revised Hunting Plan for 1981."

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the following proposed action is categorically excluded from NEPA documentation requirements consistent with 40 CFR 1508.4, 43 CFR 46.205, and 516 DM 8.5.

The Service has fully satisfied the other requirements for expanding these opportunities on the refuge, including:

determining that the opportunities are compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System (see attached Compatibility Determination);

ensuring the opportunities are consistent with existing State, local, and refuge-specific regulations (50 CFR 32.35);

*Use of signs and brochures may supplement the refuge-specific regulations

complying with the National Environmental Policy Act (see attached);

complying with the Endangered Species Act section 7 evaluation
OR N/A because there are no candidate, threatened or endangered species present;

complying with the National Historic Preservation Act section 106 consultation (see attached Consultation documentation);
OR N/A because there are no cultural or historic resources present;

The Service is, therefore, waiving the requirement to prepare an opening package in compliance with Service policy (605 FW 2.9A).

Signature _____

Date: _____

Title _____ Project Leader _____

CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

Proposed Action:

The Service proposes to expand hunting of dark and light goose, duck, coot, and webless migratory birds (snipe), in accordance with existing State, local, and Refuge-specific regulations (50 CFR 32.35) at Kirwin National Wildlife Refuge, in Kansas. These species would be hunted on an additional 902 acres that are part of the Refuge's approximately 5,800 acres already open to hunting of other species. The 1981 Hunting Plan notes that "the entire refuge whether open or closed to public hunting supports huntable populations of all target species." This assertion has been re-verified by Refuge staff, the 2006 CCP, and has been captured in the CFR.

This proposed action is covered by the following categorical exclusion: 516 DM 8.5 B (7)

(Review proposed activities. An appropriate categorical exclusion must be identified and cited above before completing the remainder of the Checklist. If a categorical exclusion cannot be identified, or the proposal cannot meet the qualifying criteria in the categorical exclusion, an EA/EIS must be prepared.)

An action by the Service that only results in "minor changes in the amounts or types of public use on Service or State managed lands, in accordance with existing regulations, management plans, and procedures" is categorically excluded from further NEPA analyses, because it has been determined to be a class of action which does not individually or cumulatively have a significant effect on the human environment (516 DM 8.5 B (7)).

This action will only result in minor changes in the amount/type of hunting on the Refuge, because the expansion of hunting of the above-listed species will be on land already open to hunting of other species, as contemplated in multiple public documents including the EA and EIS for the 1981 Hunt Plan, the CCP, and CFR. The 1981 Hunting Plan notes that "the entire refuge whether open or closed to public hunting supports huntable populations of all target species," and the 2006 CCP indicates that the existing hunting program will continue with only minimal modifications, as this minor expansion would constitute, but that "increased efforts to improve the quality of the hunting program will be implemented." The CCP also notes that "based on the biological impacts anticipated above and in the EA, it is determined that recreational hunting at Kirwin NWR would not materially interfere with or detract from the purposes for which this refuge was established or its habitat goals and objectives." Although hunting was initially not permitted on these 902 acres, enough land has been restored from farm ground to native habitat since the 1981 hunt plan. These restorations have had the effect of dispersing these species over a broader territory rather than over-concentrating them on farm ground, thus making this expanded hunt plan more biologically sound.

The "Extraordinary Circumstances" noted below would not apply here in that the ESA-listed species would likely not be in the area at the time of hunting, and as previously noted, this is an expansion of hunting to lands that already allow hunting of other species.

Extraordinary Circumstances (43 CFR 46.215) :

Could This Proposed Action (*check (✓) yes or no for each item below*):

Yes

No

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | a. Have significant adverse effects on public health or safety? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | b. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | c. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | d. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | e. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | f. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | g. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | h. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | i. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | j. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | k. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | l. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions |

that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).

- m. Have material adverse effects on resources requiring compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

(If any of the above exceptions receive a “Yes” check (✓), an EA/EIS must be prepared.)

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined:

- The proposed action is covered by a categorical exclusion as provided by 43 CFR §46.210 or 516 DM 8.5. No further NEPA documentation will therefore be made.**
- An Extraordinary Circumstance (43 CFR 46.215) could exist for the proposed action and, so an EA/EIS must be prepared.**

Service signature approval:

Signature _____

Date: _____

Title Project Leader _____

Signature _____

Date: _____

Title _____