

# **DRAFT**

## **Environmental Assessment for Valley City National Fish Hatchery**

**Date: May 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 fishing opportunities for rainbow trout, bluegill, crappie and bullhead on the Valley City National Fish Hatchery (VCNFH or Hatchery) and provide access to the Sheyenne River in accordance with the State of North Dakota fishing regulations and the Hatchery's Fishing Plan for VCNFH. The Hatchery resides on 71.5 acres in Barnes County, North Dakota, Township 140N, Range 58W, Section 8.

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.

### **Background:**

Valley City National Fish Hatchery is authorized under the White Bill, 71<sup>st</sup> Congress of the United States, Public Law 2-40, 1930. The Hatchery site was acquired in 1938 from the State of North Dakota for the construction of a fish hatchery for the sum of one dollar. The Hatchery is to remain owned in fee title by the U.S. Government until abandoned or it ceases to operate as a fish hatchery for a period of five consecutive years

Construction was started in 1938 and completed in 1940 at a cost of \$104,792. Works Progress Administration funds and labor were administered under the direct supervision of the U.S. Fish and Wildlife Service. An easement was granted to the Girl Scouts of America in 1941 to establish Camp Tonweya on the Hatchery premises where it has operated since. Further development was accomplished through congressionally approved funding.

National fish hatchery areas are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life and managed for the protection of all species of wildlife (50 CFR Ch.1 70.1)

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 hatchery was established and the mission of the U.S. Fish and Wildlife Service.

The Sheyenne River bordering the Hatchery shall be open to fishing with access from the canoe launch site on the Hatchery premises. The Kids Pond on Hatchery property would also remain open to public fishing following the rules and regulations of the current North Dakota Fishing Proclamation.

### **Purpose and Need for the Proposed Action:**

The purpose of this proposed action is to provide compatible wildlife-dependent recreational opportunities, including fishing, on VCNFH.

The need of the proposed action is to meet the Service's priorities and mandates as outlined by the Secretary of the Department of Interior to "recognize compatible wildlife-dependent recreational uses as the priority general uses of the Federal Lands" and "ensure that opportunities are provided within the" National Fish Hatchery System "for compatible wildlife-dependent recreational uses."

The objectives of a fishing program on VCNFH are to provide:

- The public with a recreational opportunity to experience fishing on Hatchery land and increase opportunities for anglers, especially for youth and families
- Appropriate ecological fishing opportunities by managing for and protecting natural diversity near natural habitats and water bodies, while managing fish species in a recreational fishing pond on Hatchery lands.

### **Alternatives Considered**

#### **Alternative A – Open the Hatchery to fishing in accordance with State of North Dakota Fishing Seasons and Regulations (Preferred Alternative)**

#### **Scheduled Fishing Events**

The Hatchery has prepared a public use plan with a section devoted to fishing and river access (Appendix 2), which is presented in this document as the Proposed Action. Concurrent with free fishing week, a youth derby is held at the Kids Pond on the Hatchery to encourage fishing and outdoor family activities.

Regulations regarding types of gear and/or access are in accordance with State of North Dakota fishing regulations.

## **Mitigation Measures to Avoid Conflicts**

The Service would continually monitor for conflicts and evaluate mitigation measures that may be necessary to solve or to minimize conflicts between users. At this time due to limited parking and other user access it is believed that conflict would be minimal.

Fishing and all associated program activities proposed in the Fish Plan are compatible with the purpose of the Hatchery as outlined in the (50 CFR Ch.1 71.11) “Opening of National Fish Hatchery Areas to Fishing: National fish hatchery areas may be opened to sport fishing when such activity is not detrimental to the propagation and distribution of fish or other aquatic animal life.”

### **Alternative B –Hatchery closed to fishing - No fishing permitted on Hatchery property:**

No action would be taken by the Service to open additional Hatchery lands to public use. This alternative would effectively close all Hatchery lands to the public for fishing. Under the no fishing action alternative, the Service would operate the Hatchery as usual, however fishing would not be allowed on Hatchery property.

## **Affected Environment**

The Hatchery consists of approximately 72 acres in Barnes County, North Dakota (See map at Appendix 2).

The Valley City National Fish Hatchery lies in the Sheyenne River Valley, bordered on the west by the river and by hilly rocky terrain to the east. The Hatchery site is 3.7 miles north of the town of Valley City. Valley City is home to a state university. The proposed action is located at the access site to the Sheyenne River and the Kids Pond located on Hatchery grounds (See map of the general area and proposed project site on the Hatchery at Appendix 2).

The Hatchery is located 3.7 miles from the town of Valley City, ND. The US Census reported that the town had a population of 6,447 in 2017 with a median age of 42.3 (US Census, 2018). The population decreased 2.6% from the 2010 census. DataUSA (DataUSA, 2017) reports that the median household income in 2016 was \$52,176. The median property value in Valley City, ND was \$89,800, which was 56% lower than the national average of \$205,000. Between 2015 and 2016 the median property value remained stable. The economy of Valley City, ND employs 3,549 people. The economy is specialized in Agriculture, Forestry, Fishing, Hunting; Mining, Quarrying, Oil, Gas Extraction; and Utilities, which employ, respectively, 5.19; 2.29; and 2.13 times more people than what would be expected in a location of this size. The presence of Valley State University also contributes to the economy.

Tables 1-4 provide additional, brief descriptions of each resource affected by the proposed action.

## **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 would not be more than negligibly impacted by the action have been dismissed from further analyses.

Tables 1-5 provide:

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

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 NATURAL RESOURCES AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>NATURAL RESOURCES</b>	
<b>AFFECTED RESOURCE</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
<p><b>Aquatic species</b></p> <p>Aquatic species available for angling on the Hatchery include rainbow trout, bluegill, crappie and bullhead. Other species which occur on Hatchery grounds include Northern Pike, Lake sturgeon, largemouth bass and walleye. There are 46 fish species living in the Sheyenne River. Species in the Sheyenne River with some recreational value include those mentioned above (excluding rainbow trout and lake sturgeon) would be channel catfish, smallmouth</p>	<p><b>Alternative A:</b></p> <p>Fishing on the Hatchery would be on put and take fisheries. Excess trout from Garrison Dam National Fish Hatchery are stocked and provide an instant urban fishery in that pond. Fish are to be removed before conditions in the pond degrade and the fish die from poor water quality. The goal of the fishery is to remove as many fish as possible before deleterious conditions set in. The water quality in the pond degrades during the summer months as it collects runoff from the watershed upstream. If the fish were not fished or harvested, survival through the summer months would increase significantly due to high temperatures and poor water quality. Excess fish delete oxygen from the environment and degrade the water quality. If the fishery were not to occur then either the fish would have to be removed manually by hatchery staff and destroyed or</p>

<b>NATURAL RESOURCES</b>	
<p>bass, rock bass, yellow perch, white sucker and carp.</p>	<p>degradation of the water quality would lead to fish kills in the pond.</p> <p>Fishing is offered to encourage participation in the sport. No populations are impacted as the fish released into the pond are hatchery produced non-native trout or surplus wild broodstocks used in the propagation programs at the hatchery. The kids fishing pond is essentially an impounded pond that captures watershed runoff and effluent from the hatchery. The Hatchery takes advantage of the pond to the benefit of the area youth. The number of angler days on the pond was approximately 70 in 2018. Crappie and other broodstock that have been trapped from area lakes after spawning are also stocked in the pond to provide an alternate recreational fish species. Bullhead trout have been introduced to the pond through flooding in the Sheyenne River and are the only species in there that is able to survive from year to year.</p> <p>Angling on the Sheyenne River is managed by North Dakota Game and Fish (NDGF). The Hatchery is only providing access to this fishery. NDGF monitors sporadically the fishery and would make any necessary changes to regulations if there were any impacts to river populations. No recent information is available on use except for anecdotal information that notes there is a viable smallmouth bass fishery below Baldhill Dam (rob Holm, 2019 Personal communication). NDGF plans to monitor the fishery in either 2019 or 2020. Additional access to the river fishery is not expected to result in significant take of aquatic populations in the river.</p> <p>State fishing information and regulations can be found at:</p> <p><a href="#">North Dakota Game and Fish Fishing website</a></p> <p><a href="#">North Dakota Fishing Regulations</a></p> <p><b>Alternative B:</b></p> <p>Fishing on Hatchery property would be closed. There would be no opportunity for the public to fish at VCNFH or have access to fishing on the Sheyenne River. Fish in the Hatchery pond would die from poor water quality and</p>

<b>NATURAL RESOURCES</b>	
	would have to be removed and disposed of properly to prevent impacts to public health.
<p><b>Other Wildlife and Aquatic Species</b></p> <p>The Hatchery supports a diversity of wildlife species including game and nongame species, reptiles, amphibians, and invertebrates, which are important contributors to the overall biodiversity on the Hatchery. Songbirds, shorebirds and waterfowl breed at the Hatchery with their presence felt especially during the spring months. Once fish production ceases in early summer and the Hatchery ponds are drained, waterfowl and other wetlands dependent wildlife species migrate to the Sheyenne River for refuge. Winter months are fairly dormant at the Hatchery with the exception of deer and small mammals that utilize the trees and river corridor.</p>	<p><b>Alternative A:</b></p> <p>Fishing may result in short-term disturbance to wildlife. Disturbance of migratory birds, upland/small game and big game species may increase. This includes temporary displacement of waterfowl and other resident wildlife from foot traffic moving through the area. Wildlife would include small mammals such as voles, moles, mice, and shrews; reptiles and amphibians such as snakes, turtles, salamanders, frogs and toads; and invertebrates such as butterflies, moths, other insects and spiders. Except for migratory birds and some species of migratory butterflies and moths, these species have very limited home ranges and fishing would not affect their populations regionally. Some species of butterflies and moths are migratory. Cumulative effects to these species at the “flyway” level should be negligible.</p> <p>Any angler interaction would be similar to that of non-consumptive users. Disturbance to wildlife would increase slightly at the river access site, however, once the anglers are in watercraft, significant disturbance to the terrestrial species is unlikely. The Kids Pond site is currently maintained for day use with picnic areas and as such has limited wildlife use other than waterfowl.</p> <p><b>Alternative B:</b></p> <p>Fishing on Hatchery property would be closed. There would be no opportunity for the public to fish at VCNFH or have access to fishing on the Sheyenne River so there would be no direct or indirect impacts to other wildlife and aquatic species.</p>
<p><b>Threatened and Endangered Species and Other Special Status Species</b></p>	<p>There are no known federally listed, proposed, or candidate species within or adjacent to the action area and the action area does not provide any habitat resources for these species. The project activities proposed will have no effect on any federally listed, proposed, or candidate plant or wildlife species or designated critical habitat.</p>

<b>NATURAL RESOURCES</b>	
<p><b>Vegetation (including vegetation of special management concern)</b></p> <p>Vegetation on the Hatchery consists of a variety of trees and shrubs lining the riverbank including ash, box elder, oak, cottonwood and elm. Many native and introduced plant species also inhabit the use areas.</p>	<p><b>Alternative A:</b></p> <p>Some minor effect expected to vegetation from trampling, because of the increased number of users and days of use expected. The trampling of vegetation would primarily occur with foot traffic around the Kids Pond, which would primarily affect turf grasses. The watercraft access area would likely see moderate damage to the turf due to wheel traffic and may eventually need to be graveled to prevent erosion.</p> <p><b>Alternative B:</b></p> <p>No action would be taken by the Service to open Hatchery land to fishing. This alternative would effectively close all Hatchery land to the public for fishing. There would be no direct or indirect impacts to existing vegetation.</p>

**TABLE 2. AFFECTED VISITOR USE AND EXPERIENCE AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>VISITOR USE AND EXPERIENCE</b>	
<b>AFFECTED RESOURCE</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
<p>Visitors are provided a variety of opportunities to interact with nature at the VCNFH. A pollinator garden and wetlands trail provides an opportunity for viewing many wildlife species including birds, amphibians, reptiles, mammals and insects. The Hatchery ponds when in production also provide an attraction for wildlife and are frequented by the public for evening walks. Visitation to the Hatchery is approximately 5,000 annually.</p>	<p><b>Alternative A:</b> Fishing on the Sheyenne River or Kids Pond would have negligible impacts to other wildlife-dependent recreation and visitor use of the Hatchery. Excess trout from Garrison Dam National Fish Hatchery are stocked and provide an instant urban fishery in that pond. The Hatchery takes advantage of the pond to the benefit of the area youth. Opportunities for wildlife viewing abound in the Hatchery’s wetlands and nature trails that are apart from the fishing access areas, so there would be no impacts to other visitor uses of the hatchery.</p> <p><b>Alternative B:</b> No action would be taken by the Service to open the Hatchery to fishing. This alternative would effectively close all Hatchery land to the public for fishing. This alternative would have negative impacts to existing visitors and public users who would no longer have access to the Hatchery fishing pond or to the Sheyenne River.</p>

**TABLE 3. AFFECTED CULTURAL RESOURCES AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>CULTURAL RESOURCES</b>	
<b>AFFECTED RESOURCE</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
	<p><b>Alternative A:</b></p> <p>Fishing as proposed would not affect cultural resources and there would be no cumulative impacts to such resources. Activities that might cause an effect to a historic property would be subject to a case-by-case Section 106 review.</p> <p><b>Alternative B:</b></p> <p>No action would be taken by the Service to open the Hatchery to fishing. This alternative would effectively close all Hatchery land to the public for fishing. This alternative would produce no impacts to cultural resources.</p>

**TABLE 4. AFFECTED HATCHERY MANAGEMENT AND OPERATIONS AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>HATCHERY MANAGEMENT &amp; OPERATIONS</b>	
<b>AFFECTED RESOURCE</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
<p><b>Land Use:</b></p> <p>VCNFH was authorized to propagate fish for recreation and restoration. VCNFH is a mitigation facility, built to offset the impacts of alterations to aquatic habitat as a result of water development projects.</p>	<p><b>Alternative A:</b></p> <p>Some potential conflicts with fish propagation programs could occur with potential illegal movement of fish species from the river or Kids Pond to adjacent fish production ponds. Transfer of parasites, disease or other aquatic invasive species (AIS) from the river to the Hatchery tanks or ponds could also occur. Signage at the Hatchery would be used to educate the visiting public of the threats to the Hatchery from the transfer of fish or AIS. Careful monitoring of the fish and regular inspections should alert</p>

<p><b>HATCHERY MANAGEMENT &amp; OPERATIONS</b></p>	<p>the staff to any conflict that might arise and steps may at that point be taken to further minimize impacts. Currently no AIS species are known present in either the Kids Pond or the Sheyenne River. While concern over the potential spread of disease or aquatic invasive species (AIS) through public interaction is a concern, the opportunity for the public to recreate in the public waters of the Hatchery outweighs potential negative consequences at this time.</p> <p><b>Alternative B:</b></p> <p>No action would be taken by the Service to open the Hatchery to fishing. This alternative would effectively close all Hatchery land to the public for fishing. This alternative would produce no impacts to Hatchery management, operations, buildings or the water supply.</p>
<p><b>Administration</b></p>	<p><b>Alternative A:</b></p> <p>Annual costs to administer the fishing program at Valley City National Fish Hatchery, including salary, equipment, and maintenance, totals approximately \$3,500. Expenses would consist primarily of posting and maintaining “Public Fishing Area” signs, maintenance of the trail and parking lot, law enforcement patrols, disposal of waste from trash containers, and production and dissemination of materials regarding fishing access and regulations.</p> <p><b>Alternative B:</b></p> <p>No action would be taken by the Service to open the Hatchery to fishing. This alternative would effectively close all Hatchery land to the public for fishing. No costs would be incurred associated with public fishing at the Hatchery.</p>

**TABLE 5. AFFECTED SOCIOECONOMICS AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>SOCIOECONOMICS</b>	
<b>AFFECTED ENVIRONMENT</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
<b>Local and regional economies</b>	<p><b>Alternative A:</b></p> <p>The Hatchery is located 3.7 miles from the town of Valley City, ND. The US Census reported that the town had a population of 6,447 in 2017 with a median age of 42.3 (US Census, 2018). The population decreased 2.6% from the 2010 census. DataUSA (datausa.io) reports that the median household income in 2016 was \$52,176. The median property value in Valley City, ND was \$89,800, which was 56% lower than the national average of \$205,000. Between 2015 and 2016 the median property value remained stable. The economy of Valley City, ND employs 3,549 people. The economy is specialized in Agriculture, Forestry, Fishing, Hunting; Mining, Quarrying, Oil, Gas Extraction; and Utilities, which employ, respectively, 5.19; 2.29; and 2.13 times more people than what would be expected in a location of this size. The presence of Valley State University also contributes to the economy. It is expected that there would not be any major impact on the plus or negative side regarding the social/economics with the opening of the Hatchery to fishing. Participation is likely to be low and thus the direct and indirect impacts to the area economy and society should be negligible.</p> <p><b>Alternative B:</b></p> <p>No action would be taken by the Service to open the 72 acres of Hatchery land to fishing. This alternative would effectively close all Hatchery land to the public for fishing. This alternative would produce no impacts (positive or negative) to socio-economics of Valley City, ND or Barnes County, ND.</p>
<b>ENVIRONMENTAL JUSTICE</b>	
	Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-

<b>SOCIOECONOMICS</b>	
	<p>Income Populations, requires all Federal agencies to incorporate 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>The Service has not identified any potential high and adverse environmental or human health impacts from this proposed action or any of the alternatives. Minority or low income communities would not be disproportionately affected by any impacts from this proposed action or any of the alternatives.</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).

Due to the negligible impacts (See Affected Environment and Environmental consequences) from the proposed action to all resources and the mitigative measures for monitoring habitat, fish, people and conditions, substantive cumulative impacts are not anticipated. Any change in circumstances or conditions would trigger changes to management and potential for the development and implementation of best management practices to control or minimize negative impacts. There are no known critical resource issue that would be impacted and as there are no alternatives, the proposed alternative is not deemed to result in substantial negative impacts either cumulative or relative. The State monitors and manages the fishery, adapting regulations as necessary to ensure a sustainable fishery. If there are changes to State of North Dakota fishing regulations or other federal or state policy that would allow for greater impacts, then this conclusion should be reevaluated.

**Mitigation Measures and Conditions**

Valley City National Fish Hatchery staff and state fish and wildlife authorities would monitor the impacts of the action according to their responsibilities and jurisdiction. Any noticeable impact on safety, the environment (habitat or human environment), facility operations or other would be addressed through management actions to minimize the impacts. As there are no known substantial impacts at this time, monitoring is the main mitigative measure proposed.

**Monitoring**

Valley City National Fish Hatchery staff monitors the grounds including trails, access points and undeveloped property of the Hatchery for changes in conditions, safety concerns, property damage, ecological impact, littering or pollution or other detrimental changes. This would be done as a course of standard work function throughout the normal tour of duty of management and operations staff. Any issue that impacts resources to a notable degree would trigger a discussion and management response if needed.

State of North Dakota fish and wildlife authorities or other state and local authorities with jurisdiction may monitor resources (e.g. state waters and state fishery and wildlife) according to state regulations and in coordination with VCNFH staff. If concerns or impacts are noticed by state authorities, VCNFH would work cooperatively to resolve any issues. State fishing information and regulations can be found at:

[North Dakota Game and Fish Fishing website](#)

[North Dakota Fishing Regulations](#)

### **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 - Open the Hatchery to fishing in accordance with State of North Dakota Fishing Seasons and Regulations (Preferred Alternative)**

While Hatcheries, by their nature, are unique areas protected for conservation of fish, wildlife and habitat, the proposed action would not have a significant impact on Hatchery resources and uses for several reasons:

- In the context of State fishing programs, the proposed action supports and is in cooperation with State regulations and management. The Service works closely with the State to ensure fish management are support and do not conflict with State fish and wildlife goals.
- The action would result in beneficial impacts to the human environment, including the biodiversity and ecological integrity of the Hatchery, as well as the wildlife-dependent recreational opportunities and socioeconomics of the local economy, with only negligible adverse impacts to the human environment as discussed above.
- The adverse direct and indirect effects of the proposed action on air, water, soil, habitat, wildlife, aesthetic/visual resources, and wilderness values are expected to be negligible. The benefits to long-term ecosystem health that these efforts would accomplish far outweigh any of the short-term adverse impacts discussed in this document.
- The action, along with proposed mitigation measures, would ensure that there is low danger to the health and safety of Hatchery staff, visitors, and the public in general.
- The action is not in an ecologically sensitive area;

- The action would not impact any threatened or endangered species; or any Federally-designated critical habitat;
- The action would not impact any cultural or historical resources;
- The action would not impact any wilderness areas;
- There is no scientific controversy over the impacts of this action and the impacts of the proposed action are relatively certain.
- The proposal is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988 because:

### **Alternative B – Hatchery closed to fishing-No fishing permitted on Hatchery property**

No action would be taken by the Service to open Hatchery lands to public fishing. This alternative would effectively close the Hatchery lands to the public for fishing. Under the no fishing action alternative, the Service would operate the Hatchery as usual. This alternative would not meet the purpose and needs of the Service as described above, because it would not provide additional wildlife-dependent recreation opportunities in the form of fishing. There would be no impact on administration, Hatchery operation or maintenance. There would be no discernable impact on wildlife species or habitats.

### **List of Sources, Agencies and Persons Consulted:**

Greg Power  
 Fisheries Division Chief  
 North Dakota Game and Fish Department  
 100 N. Bismarck Expressway  
 Bismarck, North Dakota 58501

### **References:**

DataUSA. 2017. [Data USA Valley City, ND](#)  
 North Dakota Fish and Game Department. 2019. Fishing. [North Dakota Game and Fish Fishing website](#)  
 North Dakota Fish and Game Department. 2019. Fishing Regulations Guide. [North Dakota Fishing Regulations](#)  
 U.S. Fish and Wildlife Service. 2014. Valley City National Fish Hatchery. [Valley City NFH website](#)  
 United States Census. 2018. Quick Facts, Valley City, North Dakota. [Census Valley City, ND](#)

### **List of Preparers:**

Yvette Converse, USFWS R6 Fish and Aquatic Conservation Acting Supervisor  
 Rob Holm, USFWS Hatchery Manager, Garrison DAM NFH and Valley City NFH  
 Aaron Von Eschen, USFWS Deputy Hatchery Manager, Valley City NFH  
 Constance Young-Dubovsky, USFWS R6 Fish Biologist

**State Coordination:**

A letter has been sent recently to Greg Power, Fisheries Division Chief for North Dakota Game and Fish Department. We expect comments will be sent during the 30-day comment period.

**Tribal Consultation:**

Letters will be sent to these tribes and we expect any comments to come to us during the 30-day comment period.

Apache Tribe of Oklahoma

Fort Belknap Indian community of the Fort Belknap Reservation of Montana

Lower Sioux Indian community in the State of Minnesota

Prairie Island Indian community in the State of Minnesota

**Public Outreach:**

The local community is currently aware of the proposed action and will be notified further through VCNFH postings on the property in addition to Service Federal register notices.

Announcements concerning public fishing will be made on the Valley City National Fish Hatchery Facebook page, with information about fishing available on the Valley City National Fish Hatchery website: [Valley City NFH website](#). During the 30-day public review and comment period, we will accept comments in writing, in person, electronically, or in any other form the public wishes to present comments or information. The Final EA will address the comment 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: \_\_\_\_\_

**APPENDIX A  
OTHER APPLICABLE STATUTES, EXECUTIVE ORDERS & REGULATIONS**

<b>Cultural Resources</b>	
<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>a) National Historic Preservation Act of 1966, Section 106 National Historic Preservation Evaluation form attached</p> <p>b) Endangered Species Act of 1973, as amended, Intra-Service Section 7 Evaluation Form attached</p>

**Fish & Wildlife**

Bald and Golden Eagle  
Protection Act, as amended, 16  
U.S.C. 668-668c, 50 CFR 22

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

Fish and Wildlife Act of 1956,  
16 U.S.C. 742 a-m

Lacey Act, as amended, 16  
U.S.C. 3371 et seq.; 15 CFR  
Parts 10, 11, 12, 14, 300, and  
904

Migratory Bird Treaty Act, as  
amended, 16 U.S.C. 703-712;  
50 CFR Parts 10, 12, 20, and  
21

Executive Order 13186 –  
Responsibilities of Federal  
Agencies to Protect Migratory  
Birds, 66 Fed. Reg. 3853  
(2001)

### Natural Resources

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

Wilderness Act, 16 U.S.C. 1131 et seq.

Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq.

Executive Order 13112 – Invasive Species, 64 Fed. Reg. 6183 (1999)

### Water Resources

Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq.; 15 CFR Parts 923, 930, 933

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

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

Safe Drinking Water Act of 1974, 42 U.S.C. 300f et seq.; 40 CFR Parts 141-148

<b>Water Resources</b>	
Executive Order 11988 – Floodplain Management, 42 Fed. Reg. 26951 (1977)	
Executive Order 11990 – Protection of Wetlands, 42 Fed. Reg. 26961 (1977)	

**APPENDIX B**

**Valley City National Fish Hatchery  
Draft Fishing Plan**

**February 2019**

*See separate document*

## APPENDIX C

### INTRA-SERVICE SECTION 7 EVALUATION FORM U.S. FISH AND WILDLIFE SERVICE, REGION 6

**Preparation Date:** February 12, 2019

**State and Agency or Tribe:** North Dakota

**Program Type:** Fisheries and Aquatic Conservation

**Project Title:** Proposal to formally announce recreational fishing opportunities at Valley City National Fish Hatchery

**Location (County; City, WMA, watershed etc.):**

Barnes County, North Dakota, Township 140N, Range 58W, Section 8

#### **Description/Objective:**

The U.S. Fish and Wildlife Service (Service) is proposing to open fishing opportunities for rainbow trout, bluegill, crappie and bullhead on the Valley City National Fish Hatchery (VCNFH) in accordance with the State of North Dakota fishing regulations and the hatchery's Fishing Plan for VCNFH. The need of the proposed action is to meet the Service's priorities and mandates as outlined by the Secretary of the Department of Interior to "recognize compatible wildlife-dependent recreational uses as the priority general uses of the Federal Lands and "ensure that opportunities are provided within the National Fish Hatchery system for compatible wildlife-dependent recreational. The hatchery resides on 71.5 acres in Barnes County, North Dakota, Township 140N, Range 58W, Section 8.

#### *No Effect*

There are no known federally listed, proposed, or candidate species within or adjacent to the action area and the action area does not provide any habitat resources for these species. The project activities proposed will have no effect on any federally listed, proposed, or candidate plant or wildlife species or designated critical habitat.

#### *In Addition to the Above Statement, State a Final Explanation of How We Made Our Determination (Based on the No Effect Example)*

We made the determination that there will be "no effect" to the above federally listed, proposed, and candidate species based on NEPA EA review of the project description (see Draft EA for Valley City NFH Fishing Opportunities)

**Conclusion:**

No effect (all species) *or*

May affect, Not Likely to Adversely Affect (beneficial or non-beneficial) the above listed species

May Affect, Not Likely to Adversely Modify Critical Habitat of the above listed species *or*

May affect, Not Likely to Jeopardize the above proposed or candidate species

May affect, Not Likely to Adversely Modify Critical Habitat of the above proposed or candidate *or*

May affect, likely to adversely affect the above listed species only (except plants)

Recommendation: Approve Fish Plan as proposed without formal consultation.



**February 12, 2019**

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**Project Officer**

**Date**