

## Appendix L



David Brezinski/USFWS

*Baltimore Oriole*

## Finding of No Significant Impact



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### Montezuma National Wildlife Refuge Comprehensive Conservation Plan

In May 2012, the U.S. Fish and Wildlife Service (Service) published the Montezuma National Wildlife Refuge (NWR) draft comprehensive conservation plan (CCP) and environmental assessment (EA). Montezuma NWR was established in 1938 to provide nesting, feeding, and resting habitat for waterfowl and other migratory birds. Situated in Seneca, Wayne, and Cayuga Counties, the refuge currently encompasses 9,809 acres, which includes two parcels acquired in December 2012. Refuge habitats include emergent marshes and shallow water mudflats, open water, bottomland floodplain forest, old fields and shrublands, croplands, grassland, and successional forest. The refuge is part of the Montezuma Wetlands Complex, an area identified by the Service, the New York State Department of Environmental Conservation (NYSDEC), and other partners for its role in the conservation of migratory birds, particularly waterfowl. The Montezuma NWR draft CCP and EA outlines three alternatives for managing the refuge over the next 15 years. It carefully considers their direct, indirect, and cumulative impacts on the environment and their potential contribution to the mission of the National Wildlife Refuge System (Refuge System). The draft CCP and EA restates the refuge's purposes, creates a vision for the next 15 years, and proposes six goals to be achieved through plan implementation. Alternative B is identified as the Service-preferred alternative. Chapter 3 in the draft CCP and EA details the respective goals, objectives, and strategies for each of the three alternatives. Chapter 4 of the draft CCP and EA describes the consequences of implementing those actions under each alternative.

The draft plan's 10 appendixes provide additional information supporting the assessment and specific proposals in alternative B. Two of these appendixes are stand-alone EAs intended to help satisfy National Environmental Policy Act (NEPA) requirements for the refuge's hunt program (appendix E) and fire management plan (appendix H). Alternative B of the draft CCP and EA reflects alternative B (the Service-preferred alternative) presented in both of these EAs. A brief overview of each alternative in the CCP follows:

Alternative A (Current Management): The Council on Environmental Quality regulations on implementing NEPA require a no-action alternative, which we define here as "continuing current management." This alternative describes our existing management priorities and activities, and serves as a baseline for comparing and contrasting alternatives B and C. It would maintain our present levels of approved refuge staffing and the biological and visitor programs now in place. We would continue to focus on managing impoundments to provide emergent marsh and open water habitats for migrating and nesting wading birds, marshbirds, waterfowl, shorebirds, and other wildlife. We would also continue to actively control invasive species, manage grassland and shrubland habitats, and improve riparian and other forested habitats. We would continue to provide opportunities for all six priority public uses: hunting, fishing, wildlife observation, photography, environmental education, and interpretation. Our partnerships with Federal, State, and local agencies and organizations would continue to emphasize the role of the refuge in the community.

Alternative B (Service-preferred Alternative): This alternative combines the actions we believe would most effectively achieve refuge purposes, vision, and goals, and respond to public issues. Under alternative B, emergent marsh management would remain the focus on the refuge. We would focus efforts on improving existing emergent wetland habitat and restoring additional acres, and re-establishing wetland and riparian forests, where feasible. More upland forest would be promoted through succession or planting native species. Additionally, we would continue to manage for some shrublands, and grassland management would focus on creating larger patches with less edge, resulting in fewer grassland acres overall. Public use opportunities would increase with the addition of trails, viewing areas, and photography blinds. We would develop a formal, curriculum-based environmental education program. Environmental interpretation would be enhanced through updated interpretive displays and associated services. The refuge would be opened to new hunting opportunities, and we would provide more sites that meet Americans with Disabilities Act standards. Fishing opportunities would be increased by providing additional access to canal waters for anglers.

Alternative C (Less Active Habitat Management): Under alternative C, most emergent marsh habitat on the refuge would be allowed to convert to bottomland floodplain forest. Only the Main Pool, Tschache Pool, and Visitor Center Wetland impoundments would be maintained. Newly acquired lands would not be converted to impoundments. Natural succession would play a larger role in shaping vegetative communities on the refuge compared to alternatives A and B. We would allow most upland habitats to revert to forests. Compared to alternative A, opportunities for visitors to participate in priority public uses would increase under this alternative, but not to the extent proposed under alternative B. We would develop a few additional sites to support wildlife observation and photography. Interpretive messages would be changed, reflecting the different focus of refuge management. Hunting opportunities would increase, similar to alternative B; however, waterfowl hunting would remain the same as alternative A and fishing opportunities would be the same as alternative B.

We distributed the draft CCP and EA for a 30-day period of public review and comment from May 22 to June 21, 2012. We received 34 letters, calls, or emails representing individuals, organizations, and State agencies and had approximately 6 people attend two public meetings held on June 4, 2012 at the refuge. Appendix K in the final CCP includes a summary of the substantive comments and our responses to them.

After reviewing the proposed management actions, and considering all substantive public comments and our responses to them, we have determined that the analyses in the respective EAs are sufficient to support our findings. We are selecting alternative B, as presented in the draft CCP and EA with the following changes recommended by the planning team, to implement as the final CCP. Based on public comments, we made the following changes to the final CCP (including appendixes):

1. We increased the amount of shrubland we intend to maintain to 396 acres (similar to alternative A), which is about 100 acres more than originally proposed under alternative B of the draft CCP and EA.
2. We included additional information in chapter 4, under “Protecting Land and Proposed Land Expansion”, that we will evaluate newly acquired lands for their potential for habitat restoration (i.e., emergent marsh, forest, shrubland, or grassland).
3. We have added estimates of hazard abatement surveys to table 4.1, and have revised the cost estimates for demolition.
4. We added a section titled “Alternatives Considered but not Fully Developed” to the final hunt program EA (appendix E, which includes a discussion of closing the refuge to hunting).
5. We modified the Land Protection Plan (appendix F) to incorporate climate change information from the CCP and estimated numbers of migratory birds and breeding marshbirds that could use emergent marsh habitats, once lands have been acquired and restored. We also revised the land protection plan and final CCP to clarify which parcels we own, which have been previously added to the refuge’s approved acquisition boundary but not purchased, and which would be included in the refuge expansion.
6. We corrected the final fire management plan EA to show that alternative B is both the current management (the no action alternative) and the preferred-alternative.

We also are selecting alternative B, the Service-preferred alternative, of the refuge’s final hunt program EA (see appendix E of the final CCP) and alternative B of the refuge’s final fire management plan EA (see appendix H of the final CCP). As stated previously, alternative B of the draft CCP and EA reflects alternative B (the Service-preferred alternative) presented in both of these EAs.

We conclude that alternative B, with the above changes, in comparison to the other two alternatives will: (1) best fulfill the mission of the Refuge System; (2) best achieve the refuge’s purpose, vision, and goals; (3) best maintain and, where appropriate, restore the refuge’s ecological integrity; (4) best address the major issues identified during the planning process; and (5) be most consistent with the principles of sound fish and wildlife management. Specifically, in comparison to the other two alternatives, alternative B provides the biggest increase in health and quality of refuge habitats through enhanced habitat management. It also provides the most reasonable and effective improvements to existing public use programs that are in demand, with minimal impacts to wildlife and habitats. The plans to increase staffing and improve and expand infrastructure are reasonable, feasible, and will result in the most efficient management of the refuge and best serve the American public. This Finding of No Significant Impact (FONSI) includes all three EAs (draft CCP and EA, final hunt program EA, and final fire management plan EA) by reference.

We have reviewed the predicted beneficial and adverse impacts with alternative B that are presented in chapter 4 of the draft CCP and EA and compared them to the other alternatives. We specifically reviewed the context and intensity of those predicted impacts over the short and long term, and considered the cumulative effects. Additionally, we have reviewed alternative B in both the final fire management plan and final hunt program EAs to assess the impacts both will

have. The review of each of the NEPA factors to assess whether there will be significant effect on the environment is summarized here (40 C.F.R. 1508.27).

(1) Beneficial and adverse effects—we expect the final CCP (alternative B) management actions to benefit both the wildlife and habitats at Montezuma NWR. Important examples include measures to restore emergent marsh for migrating waterfowl and breeding marshbird habitat, maintain some high-quality grassland and shrubland habitats, and decrease forest habitat fragmentation by allowing some shrubland and grassland areas to revert to forest to benefit focal species on the refuge. Benefits will not result from any major change in management strategy; rather, they will be incremental to the effects of the current management. Therefore, we do not anticipate these incremental benefits to result in a significant impact on the human environment nor do we expect a significant adverse impact on the human environment.

(2) Public health and safety—we expect the good safety record of the refuge to continue based on the protective actions provided in the stipulations of the compatibility determination for each of the authorized public uses on the refuge. The fire management plan EA will implement prescribed burns, each of which will first require a prescribed fire plan that will ensure public safety. Hunting under alternative B of the final hunt program EA will continue to follow Federal and State regulations. There should be no significant impact on public health and safety from the implementation of the CCP.

(3) Unique characteristics of the area—the primary, unique characteristic of Montezuma NWR is its location within the Montezuma Wetlands Complex, which is an important area for the conservation of migratory birds, particularly waterfowl, in the State of New York. The expansion and restoration of marsh and forest habitat for bird species will support the larger wetland restoration efforts occurring in the Montezuma Wetlands Complex. The final fire management plan EA will help maintain important grassland habitats and does not propose activities that will significantly impact the Montezuma Wetlands Complex. As in (1), the benefits will be incremental to the effects of the ongoing management measures originally instituted to protect these resources. Thus, we do not expect these incremental benefits to result in a significant impact on the human environment.

(4) Highly controversial effects—the management actions in the final CCP such as wetland and forest habitat restoration, expanding white-tailed deer and waterfowl hunting, and other wildlife-dependent recreational uses are time-tested measures. Their effects on the refuge are widely known from past management and monitoring. There is no scientific controversy over what these effects will be. Thus, there is little risk of any unexpectedly significant effects on the environment.

(5) Highly uncertain effects or unknown risks—the management actions in the final CCP are evolutionary. They are mostly refinements of the existing management measures that we have used for many years. We will implement a comprehensive monitoring program to reassess the effectiveness of each planned improvement. With the data available on the current management results and the system in place to adjust for any unplanned effect, we do not find a high degree of uncertainty or unknown risk that the CCP, hunt program EA, or fire management plan EA will cause any significant impact on the environment.

(6) Precedent for future actions with significant effects—the purpose of the CCP is to establish the precedent for managing the refuge for up to 15 years. The effects of that management are designed as gradual improvements over the existing conditions, not global changes. This also includes management activities proposed in the fire management plan EA and the hunt program EA, many of which will be implemented over several years. For example, strategies such as expanding environmental education and converting shrubland to upland forest will be completed over many years. Therefore, we do not expect this precedent to cause any significant impact on the environment.

(7) Cumulatively significant impacts—the CCP provides the programmatic, long-term management plan for the refuge. We plan to coordinate with surrounding land managers to promote common goals such as managing wildlife, habitat, and public use to minimize potential conflicts. Our management jurisdiction is limited, however, to refuge lands, and we do not foresee any of the coordinated activities rising to the level of a significant effect on the environment. Within the term of the CCP, we intend to pursue smaller projects such as building additional trails and observation towers, creating one or more discovery areas, and constructing small vehicle pulloff areas. Cumulative impacts of these projects have been analyzed in the draft CCP and EA. Cumulative impacts of other, larger future projects, such as constructing a new stand-alone visitor contact station and administrative office, could not be analyzed the draft CCP and EA because we do not have sufficient detailed project information to complete the analysis. We will examine the cumulative effects of these projects before they are approved. We will conduct whatever level of additional NEPA review is warranted.

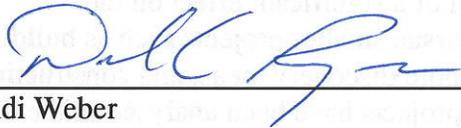
(8) Effects on scientific, cultural, or historical resources—evaluation of archaeological resources presented in the draft CCP and EA showed no significant impacts on these resources from the planned management activities. Service archaeologists in the Northeast Regional Office keep an inventory of known sites and structures, and ensure that we consider them in planning new ground-disturbing or structure-altering changes to the refuge. Throughout the implementation of the CCP and the Fire and Hunt EAs, we will continue to consult with the New York State Historic Preservation Office (SHPO) on any ground disturbing activities (e.g., constructing a new administrative office) and other projects that might affect cultural resources.

(9) Effects on Endangered Species Act (ESA)-listed species and habitats—as detailed in the CCP, we have contacted the Service’s New York Ecological Services office under Section 7 of the ESA. The federally and State-listed, endangered Indiana bat has been found near the refuge and likely occurs on the refuge. Our management actions are designed to preserve and improve the existing habitat for this species and there is no ESA-designated, critical habitat on the refuge. The CCP also protects the delisted bald eagle. We will consult with appropriate Ecological Services staff on the Indiana bat or other species if warranted. Therefore, we do not anticipate any significant effects on ESA resources.

(10) Threat of violating any environmental law—our habitat management actions are designed to benefit the environment. They will comply with all applicable protections such as the Clean Water Act and the Clean Air Act. Pursuant to the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd(e)(3), 668dd(m)), we have coordinated closely with

NYSDEC in developing the habitat management plans and the fish and wildlife regulations for the refuge. Our hunting and fishing program require all participants to comply with Federal and State regulations. We do not anticipate a threat that the CCP, the hunt program, or fire management plan will violate any environmental law or cause any significant impact on the environment.

Based on this review, we find that implementing alternative B, as modified, will not have a significant impact on the quality of the human environment, in accordance with Section 102(2)(c) of NEPA. This finding applies to alternative B of the final hunt program EA and final fire management plan EA as well. Therefore, we have concluded that an Environmental Impact Statement is not required, and this FONSI is appropriate and warranted.



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Date

Acting