

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

The U.S. Fish and Wildlife Service is expanding hunting opportunities for species already hunted on the refuge on an additional 98 geospatial acres of the Minnesota Valley National Wildlife Refuge in accordance with the Rapids Lake Service's Hunt/Fish Opportunity Tool (SHOT) unit opportunities, the refuge's 2014 hunting compatibility determination, the refuge's Migratory Game Bird, Big Game and Upland Game 2017 – 2018 Hunt Plan and the 2021 – 2022 Hunt Plan Amendment.

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, signed 2014);
- Ensuring the opportunities are consistent with existing State, local, and refuge specific regulations (50 CFR 32.2 and 32.42); Note: The use of signs and brochures may supplement the refuge-specific regulations;
- Complying with the National Environmental Policy Act (see attached categorical exclusion checklist);
- Complying with the Endangered Species Act Intra-Service Section 7 consultation (see attached Intra-Service Section 7 documentation); and
- Complying with the National Historic Preservation Act Section 106 consultation (not applicable to this action)

If Endangered Species Act or National Historic Preservation Act are not selected, it is because those laws are not applicable. Complying with the National Historic Preservation Act Section 106 consultation is only applicable if there are cultural or historic resources present in the action area. Complying with the Endangered Species Act Section 7 is only applicable if there are candidate, threatened or endangered species or designated critical habitat present in the action area.

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

Signature

Refuge Manager or Project Leader Signature and Date

CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

Proposed Action

Minnesota Valley National Wildlife Refuge is proposing to open an additional 98 geospatial acres on the Rapids Lake hunt unit to hunting of species currently open to hunting on the refuge in accordance with existing State and refuge-specific regulations. Most hunting on the Rapids Lake Unit is in accordance with state regulations except for big game: white-tailed deer and upland game: coyote, crow, fox (red and gray), opossum, raccoon and skunk. White-tailed deer is open for archery only; however, is still open to firearms white-tailed deer hunting for refuge special hunts by permit where hunting locations and conditions can be controlled for safety. This includes the current Recruitment, Retention, and Reactivation (R3) “Learn to Hunt” program managed by Minnesota Department of Natural Resources. For the Learn to Hunt program and any additional special hunts for white-tailed deer where firearms may be used non-lead ammunition use is required. Fox, opossum, and raccoon can only be hunted from 1/2 hour before legal sunrise until legal sunset, from the beginning of the State season through the last day of February, on designated areas of the refuge; coyotes and skunks can only be hunted from 1/2 hour before legal sunrise until legal sunset, from September 1 through the last day of February, on designated areas of the refuge; and crows can only be hunted during the State-designated crow seasons, which occur between September 1 and the last day of February, on designated areas of the refuge. The number of huntable acres on the unit will be expanded to 1701 acres. The acres that will be opened have been newly acquired and have been, or are currently being, restored. Regulations on these additional acres would be in accordance with the existing hunting regulations of the unit.

This proposed action is covered by the following categorical exclusion(s)

516 DM 8.5 B (7) and 516 DM 8.5 B (9)

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 (516 DM 8.5 B (7)). Furthermore, this action results in “minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated” and is categorically excluded from further NEPA analyses (516 DM 8.5 B (9)).

This action may result in a minor change in the amount of hunting on the refuge, because the additional acres that will be open for hunting are minimal. It is estimated that through opening these acres to hunting there would be an additional 50 hunters that would use the area throughout the season. Most of the hunters will likely partake in waterfowl hunting activities where a small number, up to five hunters, may dove or woodcock hunt and 5 may wild-turkey hunt likely during the spring season. Of the 50 hunters approximately 10 will white-tail deer hunt. Harvest of species hunted by these additional hunters is expected to be minor in addition to harvest already occurring in this unit. Harvest of wildlife has previously been determined to not significantly impact the local, regional, or national populations because the percentage taken would be so low.

These acres come from newly acquired properties that were meant to be added to and managed as a part of the Rapids Lake Unit of the refuge. The huntable species, method of take or timing of hunting will be the same as the rest of the unit and will continue to be allowed on the refuge under state regulations throughout the state season. Expanding hunting opportunities for species already open to hunting (migratory game birds (coot, dove, duck, gallinule, geese, moorhen, rail, snipe, woodcock, crow), upland game (coyote, fox, grouse, opossum, partridge, pheasant, rabbit/hare, raccoon, skunk, squirrel, turkey) and big game (white-tail deer)) on 98 geospatial acres added to the Rapids Lake Unit. Most hunting on the Rapids Lake Unit is in accordance with state regulations except for big game: white-tailed deer (method of take) and upland game (shortened seasons and time of hunts): coyote, crow, fox (red and gray), opossum, raccoon and skunk. White-tailed deer is open for archery only and special firearm hunts for targeted demographics. All hunting is lead-free.

This amendment is compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System. Hunting was most recently found compatible in the 2014 Compatibility Determination. This amendment updates the refuge's Migratory Game Bird, Big Game, and Upland Game 2017 – 2018 Hunt Plan and the map attached updates the hunt unit map in that plan. Recent population or harvest data is not available for the species hunted on the Rapids Lake hunt unit. The addition of 98 geospatial acres open for hunting is not anticipated to greatly change harvest numbers or populations.

Extraordinary Circumstances (43 CFR 46.215) Checklist

If the proposed action results in a "yes" answer to the questions of extraordinary circumstances listed below then check the box. If "no" do not check the box.

- a. Does the proposed action, have significant adverse effects on public health or safety?
- b. Does the proposed action, 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?
- c. Does the proposed action, have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?
- d. Does the proposed action, have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?
- e. Does the proposed action, establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?
- f. Does the proposed action, have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?
- g. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau?
- 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?
- i. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?
- j. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).
- 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).

- 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.)

Determination

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

Refuge Manager or Project Leader Signature and Date

Signature

Area Supervisor Signature and Date

Signature

Regional Refuge Chief Signature and Date