

# **Final Environmental Assessment**

## **for Big Game and Upland Game Hunting on Hutton Lake National Wildlife Refuge**

July 2020

Prepared by

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# **Final Environmental Assessment for Big Game and Upland Game Hunting on Hutton Lake National Wildlife Refuge**

**Date:** July 2020

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 Code of Federal Regulations [CFR] 1500–1508) and Department of the Interior (43 CFR 46; 516 DM 8) and United States (U.S.) Fish and Wildlife Service (Service) (550 FW 3) regulations and policies. NEPA requires examination of the effects of proposed actions on the natural and human environment.

## **1.0 Introduction**

### **1.1 Proposed Action**

The Service is proposing to open hunting opportunities for big game (pronghorn and white-tailed deer) and upland game (cottontail rabbits, ring-necked pheasant, sharp-tailed grouse, wild turkey, and partridge) on Hutton Lake National Wildlife Refuge (NWR). These opportunities would be available on most of the refuge (1,648 acres; see Figure 1) managed in accordance with federal laws and Service policy and in alignment with state regulations. However, the refuge would not open to hunting for big game or upland game species until November 1 and would close on March 1 each year. This final EA and companion final hunting plan (USFWS 2020a) are being proposed in accordance with the comprehensive conservation plan (CCP), as amended, for the Laramie Plains refuges (which covers Bamforth, Hutton Lake, and Mortenson Lake NWRs) (USFWS 2007, Appendix A). Currently, the refuge is open to youth waterfowl hunting (opened in 2019) but closed to all other forms of hunting.

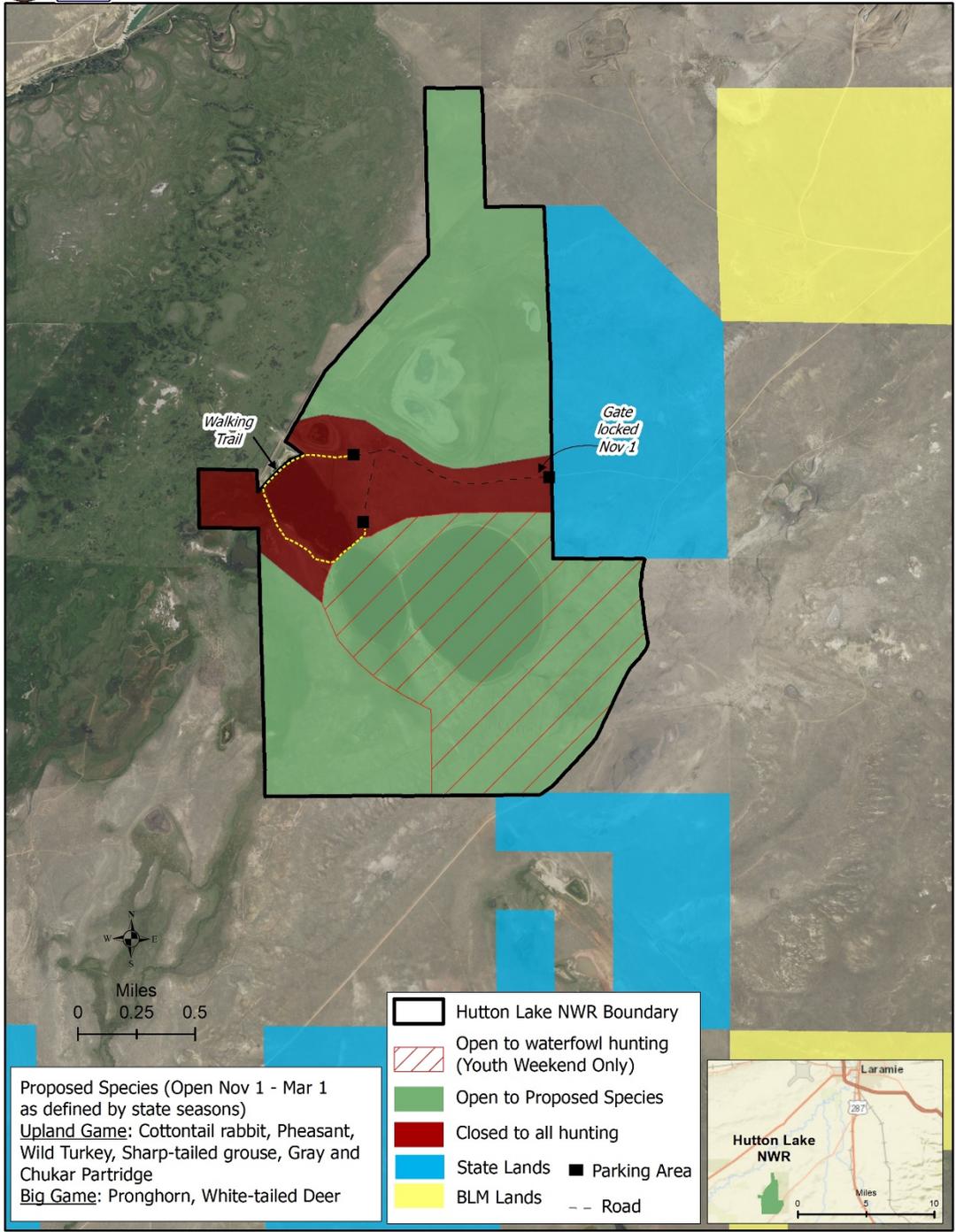
This proposed action is often iterative and evolves over time during the process as the agency refines its proposal and learns more from the public, tribes, and other agencies. Therefore, the final proposed action may be different from the original. The final decision on the proposed action will be made at the conclusion of the public comment period for the EA and the Draft 2020–2021 Refuge-Specific Hunting and Sport Fishing 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.

### **1.2 Background**

National wildlife refuges are guided by the mission and goals of the National Wildlife Refuge System (Refuge System), 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 (NWRSA), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act), Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and Fish and Wildlife Service Manual.



U.S. Fish & Wildlife Service  
Hutton Lake National Wildlife Refuge



**Figure 1. Proposed and Current Hunting Opportunities on Hutton Lake National Wildlife Refuge.**

The mission of the Refuge System, as outlined by the NWRSA, as amended by the Improvement Act (16 U.S. Code 668dd et seq.), is

*“ . . . 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 Refuge System to (16 U.S. Code 668dd[a][4]):

- provide for the conservation of fish, wildlife, and plants, and their habitats within the Refuge System;
- ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans;
- ensure that the mission of the Refuge System described at 16 U.S. Code 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 Refuge System are located;
- assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the Refuge System and the purposes of each refuge;
- recognize compatible wildlife-dependent recreational uses as the priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;
- ensure that opportunities are provided within the Refuge System 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 Refuge System.

The refuge is approximately 10 miles southwest of Laramie, Wyoming. The refuge was established pursuant to Executive Order (EO) 5782 dated January 28, 1932. Additional lands were added in 1933 and 1939 pursuant to the Migratory Bird Conservation Act (16 U.S. Code 715d). The primary purpose of the refuge is to serve as “as a refuge and breeding ground for migratory birds and other wild animals (EO 5782)” and “. . . for use as an inviolate sanctuary, or for any other management purpose, for migratory birds (Migratory Bird Conservation Act).”

The refuge 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 are 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

Besides providing important habitat for migratory birds, the refuge has reported approximately 3,600 visitors annually (2018 Refuge Annual Performance Plan). Note however, that a newly installed car counter on the refuge reports that there may be as many as 20,000 visitors per year. Most visitation occurs March through October because refuge access and recreation opportunities are limited from November through February due to frozen lakes and cold, snowy weather. In 2019, the refuge was opened for the first time to a youth waterfowl hunt.

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

The purpose of this proposed action is to provide additional compatible wildlife-dependent recreational opportunities on the refuge. 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 Refuge System" and "ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses" (16 U.S. Code 668dd[a][4]). In the comprehensive conservation plan for the Laramie Plains refuges (which includes Mortenson Lake, Bamforth, and Hutton Lake NWRs), the vision statement included language that states that the Service would evaluate opportunities in the future to open refuge lands to compatible, wildlife-dependent recreation (USFWS 2007):

*"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 the refuge:

*"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 hunting program on the refuge are to:

- provide wildlife-dependent recreation opportunities in accordance with federal laws and Service policy and in alignment with state regulations;
- meet the refuge establishing purposes, which includes keeping at least 60 percent of the refuge closed to hunting to provide inviolate sanctuary for migratory birds;
- provide increased opportunities for a hunting experience on refuge lands;
- provide nearby hunting access for local communities; and
- assist with hunter education.

Conservation and outdoor recreation go together. As public land stewards, we, the Service, face many challenges managing America's natural resources for recreation. Luckily, hunters, anglers, and other outdoor enthusiasts have been major supporters of our work. But over the years, fewer people have been participating in traditional outdoor activities, making it harder to achieve our

conservation missions. We are looking to support current recreation participation while also attracting new audiences and providing new opportunities.

Through recruitment, retention, and reactivation, we are seeking to create new participants or increase participation rates of current or lapsed outdoor recreationists. Outdoor recreationists engage in outdoor wildlife and fisheries-dependent recreation including, but not limited to, hunting, fishing, wildlife observation, photography, education and interpretation. While the reasons for engaging in outdoor activities are more varied than they were in the past, connecting with nature and each other remains a driving factor for all recreationists.

## **2.0 Alternatives**

### **2.1 Alternatives Considered**

#### **Alternative A – Open Hutton Lake National Wildlife Refuge to Big Game and Upland Game Hunting – Proposed Action Alternative**

Under the Proposed Action Alternative, we would open the refuge (see Figure 1) for walk-in only hunting of big game (pronghorn and white-tailed deer) and upland game (cottontail rabbits, ring-necked pheasant, sharp-tailed grouse, wild turkey, chukar, and gray partridge), in accordance with State of Wyoming regulations. However, the refuge would not open to hunting for these species until November 1 and would close on March 1 each year. Currently, the hunting seasons in Wyoming for some of these species (for example, pronghorn and cottontail rabbits) do not align with a November 1 to March 1 timeframe. The Wyoming Game and Fish Department (WGFD) has reported that it would be willing to adjust season dates in the units that cover the refuge to facilitate this opportunity. The refuge would continue to be open to other existing public uses during the hunting season.

This alternative offers increased opportunities for public hunting and fulfills the Service's mandate under the Improvement Act. The Service has determined that the hunting plan is compatible with the purposes of the refuge and the mission of the Refuge System (USFWS 2020b). The estimated annual cost to run a big game and upland game hunting opportunity is approximately \$2,000. An initial infrastructure investment of \$5,000 would be needed to install additional signage and reprint the hunting brochure.

#### **Alternative B – Continue Current Management at Existing Levels – No Action Alternative**

The refuge would continue current management. We expect that all existing public uses, such as wildlife observation, wildlife photography, wildlife interpretation, and environmental education, would continue at existing levels. The youth waterfowl hunt would continue according to all Special Youth Waterfowl Hunting Days and general waterfowl hunting regulations for the State of Wyoming. 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 additional hunting opportunities.

## **2.2 Alternative(s) Considered, but Dismissed from Further Consideration**

### **Allow Hunting in Full Alignment with State Seasons**

The Service considered opening the refuge to hunting for big game and upland game in full alignment with existing state seasons. However, the refuge is also a popular refuge for nonconsumptive users that enjoy wildlife observation and photography, especially in September and October during the peak months for fall bird migration. In order to balance the public uses on the refuge, we are proposing to delay the opening of hunting season on the refuge until November 1. During November, the refuge wetlands typically become frozen, and disturbance to migratory birds and nonconsumptive users would be reduced.

## **3.0 Affected Environment and Environmental Consequences**

### **3.1 Affected Environment**

Hutton Lake NWR consists of approximately 1,990 acres in Albany County, 10 miles southeast of Laramie, Wyoming (see Figure 1). In 2010, Laramie had a population of approximately 31,000, and it currently serves as the county seat. Of the three national wildlife refuges near Laramie, the refuge is the only one that currently allows public recreational opportunities. Most refuge visitors likely come from the local commuting area, although visitors from across the country also enjoy the refuge.

The refuge is 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 composed of shrubland habitat (67 percent) that covers Wyoming big sage, greasewood, and rabbitbrush, open water (21 percent), emergent herbaceous wetlands (6 percent), and herbaceous grasslands (6 percent). Hutton Lake and Hoge Lake comprise most of open water habitat, while Rush Lake (and areas immediately to the west) comprise the emergent wetland habitat that has small irrigated wet meadows. Water levels vary considerably between seasons and from year to year, depending on the amount of runoff received. During periods of drought, the wetlands may nearly dry out. Hutton Lake is an important resting and foraging area for diving ducks, such as canvasback, redhead, and lesser scaup. Rush Lake, with its thick bulrush vegetation, provides breeding habitat for overwater nesting species such as white-faced ibis, black-crowned night-heron, ruddy duck, marsh wren, and red-winged blackbird. Lake George and Creighton Lake receive water only when water levels in Rush and Hoge Lakes are sufficiently high. Water levels are highly dependent on natural processes (such as snowmelt and local precipitation) and the willingness of adjoining landowners, who hold senior water rights on Sand Creek, to share water with the refuge (USFWS 2007).

In 2003, the Laramie Plains refuges, which cover most wetlands at the refuge, 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.

Uplands range from the shorelines of Hutton and Creighton Lakes up to the highest benches, approximately 100 feet above the lakes. Soil characteristics result in some vegetative variability.

The relatively flat area between the lakes is dominated by a large prairie dog town. This area is sparsely vegetated, with few grasses, several types of annual weeds and forbs, prickly pear, and

greasewood on the south. In general, the southern uplands are more grass dominated and the north holds a little more greasewood, but openings in the brush and greasewood plants can be found throughout the refuge. The greasewood plants are especially thick and tall (4–5 feet) northeast of Creighton Lake, east of Hutton Lake, and along the spoil piles northeast of Hoge and Rush Lakes. An area in the southwest corner of the refuge has been irrigated in the past and holds a thicker, more grass-dominated regime than the rest of the refuge uplands. Vegetative species include western and bluebunch wheatgrass, needle and thread, and rabbitbrush. Sage thrashers, Brewer’s sparrows, western meadowlark, bald and golden eagles 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.

The proposed action alternative would occur in the uplands of the refuge (Figure 1). The hunting areas are mostly 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 refuge’s CCP, which can be found here: [https://www.fws.gov/mountain-prairie/refuges/completedPlanPDFs\\_A-E/bmf\\_htl\\_mrl\\_2007\\_ccpfinal\\_3resources.pdf](https://www.fws.gov/mountain-prairie/refuges/completedPlanPDFs_A-E/bmf_htl_mrl_2007_ccpfinal_3resources.pdf).

### **3.2 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 effects on that resource could be more than negligible and therefore considered an “affected resource.” Any resources that would not be more than negligibly affected by the action have been dismissed from further analyses.

Tables 1 through 4 provide:

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

Table 5 provides a brief description of the cumulative impacts of the proposed action and any alternatives.

Impact Types:

- *Direct effects* are those that are caused by the action and occur at the same time and place.
- *Indirect effects* are those that 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 Direct and Indirect Impacts of the Proposed Action and Any Alternatives.**

<p><b>Affected Resources</b></p>	<p><b><u>Alternative A (Proposed Action)</u></b>  <i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p><b><u>Alternative B (No Action)</u></b>  <i>The refuge would continue current management at existing levels.</i></p>
<p><b>Big Game</b></p>		
<p><b><i>Pronghorn (Antelope)</i></b>                      Pronghorn are common in the area around the refuge but are not year-round residents on the refuge. The refuge lies in the WGFD Centennial Herd Hunt Unit (44).                      The 2018 post-season population estimate for the Centennial herd was approximately 12,700 pronghorn, with the population trending near objective (14,000). Land in the Herd Unit is predominately privately owned, with limited accessible public lands. Most public hunting opportunity is limited to five Hunter Management Areas. Interstate animals further complicate management of this herd unit. There is significant population interchange with Colorado. It is thought that most of the pronghorn in the Laramie River Valley from Colorado winter in Hunt Area 44 (WGFD 2018).</p> <p><b><i>White-Tailed Deer</i></b>                      The refuge lies within WGFD Deer Management Unit 77. The white-tailed deer in the area of the refuge are part an open herd with Colorado and Nebraska. White-tailed deer occasionally may be present on the refuge.</p>	<p>The proposed action would provide an additional 1,648 acres of access on the refuge and opportunities for pronghorn and white-tailed deer hunters. However, there is very little variation in terrain on the refuge; therefore, it could be difficult to hunt. Most vegetation is shortgrass prairie and pronghorn, and white-tailed deer are well distributed throughout the surrounding hunt unit, making it likely that fewer than five pronghorn or white-tailed deer would be harvested as a result of opening the refuge to hunting. Therefore, the effect of the proposed action on pronghorn and white-tailed deer herd size is likely to be minor.</p>	<p>Under this alternative, the refuge would remain closed to big game hunting. Landowners in southeast Wyoming have observed an increase in white-tailed deer and have expressed concerns about densities, which may lead to greater hunter access on private lands.</p> <p>Under this alternative, there would be no increase in public access for pronghorn or white-tailed deer hunting, and hunter harvest would remain limited for managing the herd size.</p>

<b>Affected Resources</b>	<b><u>Alternative A (Proposed Action)</u></b> <i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i>	<b><u>Alternative B (No Action)</u></b> <i>The refuge would continue current management at existing levels.</i>
<p>There is not a reliable post-season population estimate for white-tailed deer in Hunt Unit 77 that covers the refuge. Population trends vary with weather conditions and disease outbreaks. Most occupied white-tailed deer habitat is on private land, which complicates management because access to this land is limited. Management is driven primarily by local WGFD staff's perception of population trend and landowner tolerance for this species. The WGFD's objective for white-tailed deer is to provide opportunity and reduce damage and keep a hunter satisfaction level greater than 60 percent.</p>		
<b>Upland Game</b>		
<p><b><i>Cottontail Rabbit</i></b></p> <p>Although the State of Wyoming designates cottontail rabbit, snowshoe hare, red, gray and fox squirrel as small game in their hunting regulations, only cottontail rabbits are known to occur on the refuge.</p> <p>No current data on cottontail rabbit populations exist for the refuge. The refuge does have suitable habitat, and depending on population cycles and environmental conditions, cottontail rabbits would be expected to be found on the refuge.</p>	<p>Hunting mortality of cottontail rabbits hardly affects populations (WGFD 2007). The "law of diminishing returns" regulates harvest. During periods of lower populations, harvest success declines and hunters lose interest. The result is lower harvest rates, which protect the breeding stock during unfavorable environmental conditions. Also, small game species have extremely high reproductive potentials, enabling them to recover rapidly from even very low densities when favorable conditions return. Cottontail rabbits periodically cause localized damage to standing crops, rangeland, ornamental plants, or stored foods. There would be mortality to cottontail rabbits on the refuge; however, this would have a negligible effect on the overall population.</p>	<p>Under this alternative, the refuge would remain closed to upland game hunting. Thus, we expect no impacts on upland game (cottontail rabbits, sharp-tailed grouse, ring-necked pheasant, wild turkey, gray partridge, or chukar).</p>

<b>Affected Resources</b>	<b><u>Alternative A (Proposed Action)</u></b>	<b><u>Alternative B (No Action)</u></b>
<p><b><i>Upland Game Birds</i></b></p> <p>The refuge is generally on the edge of the distributions for upland game bird species (sharp-tailed grouse, ring-necked pheasant, wild turkey, and partridge). Ring-necked pheasant and wild turkey have been documented on the refuge (eBird.org). The habitat on the refuge is also not considered optimal for these species. However, these birds may occasionally be found on the refuge.</p>	<p><i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p> <p>Given the location of the refuge on the edge of the distribution of upland game bird species and the suboptimal upland game bird habitat on the refuge, it is unlikely that opening the refuge to hunting for these birds would result in more than an occasional harvest of a transient bird. This likely would not affect the local or regional populations of sharp-tailed grouse, ring-necked pheasant, wild turkey, gray partridge, and chukar.</p>	<p><i>The refuge would continue current management at existing levels.</i></p>
<b>Other Wildlife and Aquatic Species</b>		
<p>The refuge contains areas of emergent marsh and open water that annually provide breeding, resting, and foraging areas for ducks, geese, coots, wading birds, and shorebirds. Most shorebirds and wading birds that breed at Hutton Lake arrive in April–May and begin departing from Wyoming for wintering grounds by mid-September (Dark-Smiley and Keinath 2003).</p> <p>Common waterfowl species during migration are mallard, northern pintail, northern shoveler, gadwall, green-winged teal, blue-winged teal, redhead, canvasback, bufflehead, ruddy duck, lesser scaup, and Canada geese. Peak migration through the refuge occurs from late August through October, with freeze-up conditions by early December. Peak fall migration for shorebirds and waterfowl occurs from mid-August through mid-October (WGFD 2017).</p>	<p>Gunfire, and associated hunter activity, could disrupt wetland bird activities (feeding and resting) next to upland hunting areas during legal (daylight) shooting hours and likely cause dispersal. Displaced wetland birds could move to undisturbed areas on the refuge, leave the refuge entirely for wetlands along the Laramie River, or continue their migration south. This effect would be limited to the month of November because freeze-up typically occurs no later than early December. Thus, any effects would be short term. In addition, hunting would not be permitted after March 1 (including spring turkey hunting), which would reduce disturbance to spring migrating birds.</p> <p>Disturbance to upland migratory birds (such as sage thrashers, McCown’s Longspurs, burrowing owls) would be expected to be minimal to nonexistent due to their absence from the refuge (due to migration).</p>	<p>Under this alternative, the refuge would remain closed to big game and upland game hunting. Thus, we would expect no effects on other wildlife beyond those that already exist with current public uses such as wildlife observation.</p>

<p style="text-align: center;"><b>Affected Resources</b></p>	<p style="text-align: center;"><b><u>Alternative A (Proposed Action)</u></b></p> <p><i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p style="text-align: center;"><b><u>Alternative B (No Action)</u></b></p> <p><i>The refuge would continue current management at existing levels.</i></p>
<p>Swift fox have been documented on the refuge and in the surrounding area (USFWS 2007; WYNDD 2019). Mating occurs between December and February, with most young born in March or April. The swift fox’s diet in Wyoming is broad and tends to track prey abundance. However, the consumption of mammalian prey, including scavenged pronghorn, is common year-round.</p> <p>Most of the grass and shrubland nesting birds (for example, horned lark, sage thrasher, and McCown’s longspur) fledge young by July–August and depart for wintering grounds by mid-September (WFGD 2017).</p> <p>Most of the refuge is upland shrub habitat. Most of the grass and shrubland nesting birds (for example, Brewer’s sparrow, sage thrasher, western meadowlark and McCown’s longspur) complete rearing of young by July–August and depart for wintering grounds by mid-September (WFGD 2017). Burrowing owls breed on the refuge within the scattered white-tailed prairie dog towns on the refuge. Burrowing owls in Wyoming are migratory, arriving in March and departing in mid-September and October.</p> <p>Raptors such as bald eagles, golden eagles, ferruginous hawk, Swainson’s hawk, and northern harrier can be found on the refuge and in the area most of the year. Rough-legged hawks are present in the winter.</p>	<p>Gunfire and associated hunter activity could also disrupt raptors’ (bald eagle, golden eagle, and rough-legged hawk) activities, such as feeding and resting next to upland hunting areas during legal (daylight) shooting hours, and likely cause dispersal. Hunting is not known to affect cottontail rabbit populations (WFGD 2007) and therefore should not affect the prey base for raptors and other wildlife.</p> <p>Likewise, we expect few long-term direct effects on non-hunted wildlife species because these species would remain protected and not open to hunting.</p> <p>Swift fox are considered uncommon in Wyoming. However, the species seems to be expanding in abundance and range as populations recover from incidental poisonings that occurred in the mid-1900s. Swift fox may be sensitive to disturbance. Swift fox also are more active at night; however, swift fox activity may peak at sunrise and sunset, and females with pups may move during daytime hours. Most of the potential disturbance would likely occur in the fall during big game and upland game seasons, which is before the swift fox mating season. Only a limited number of small game hunters would be expected during the winter months. Swift fox keep several dens and move among them when disturbed. Swift fox may inadvertently ingest lead bullet fragments when feeding on pronghorn and deer carcasses; however, as discussed below, this effect is expected to be minor. Overall, we expect the proposed action to have little effect on swift fox.</p>	

<p style="text-align: center;"><b>Affected Resources</b></p>	<p style="text-align: center;"><b><u>Alternative A (Proposed Action)</u></b></p> <p><i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p style="text-align: center;"><b><u>Alternative B (No Action)</u></b></p> <p><i>The refuge would continue current management at existing levels.</i></p>
<p>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 in 2003 (USFWS 2007). According to data from eBird.org, the refuge is the second-most species diverse location in Wyoming and one of only five hotspots statewide with more than 200 documented species.</p>	<p>Non-toxic shot must be used when hunting any small game animals or game birds on the refuge. Possessing shotshells loaded with shot other than non-toxic shot is illegal.</p> <p>Opening the refuge to big game hunting may result in some additional lead exposure to eagles, coyotes, swift fox, and other scavengers that may feed on the leftover carcasses of pronghorn and deer. However, the home range of swift fox is more than double the size of the refuge and the home range for eagles is over 30 times the size of the refuge. In most instances, birds and scavenging wildlife are unlikely to mistake an intact, spent bullet as anything edible. However, bullets that shatter on a pronghorn or deer bone may result in fragments small enough for scavengers to inadvertently ingest while feeding on the carcass.</p> <p>Hunters may affect birds in wetlands if the hunter misses or the bullet exits the animal. In these cases, the shot may end up on the ground or in the water where birds, such as waterfowl, feed or ingest gizzard stones. Due to the low populations of deer and pronghorn on the refuge, the low relative abundance of hunters expected to harvest these animals, and the small size of the refuge relative to home ranges of sensitive species, the additional lead fragments is expected to have a minor negative impact.</p>	

<b>Affected Resources</b>	<b><u>Alternative A (Proposed Action)</u></b> <i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i>	<b><u>Alternative B (No Action)</u></b> <i>The refuge would continue current management at existing levels.</i>
<b>Vegetation</b>		
<p>The refuge is mostly upland shrublands (67 percent), with wetlands such as open water (21 percent) and emergent freshwater marshes (6 percent) comprising most 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 nine focus wetland complexes identified as a statewide conservation priority (Copeland et al. 2010).</p>	<p>Under this alternative, access to hunting areas would be walk-in only, and walking off-trail for hunting is likely to occur.</p> <p>Minimal disturbance or trampling of individual shrubs or grasses is expected as hunters navigate the landscape to hunting areas. Some compaction of soils may occur. If hunter-created trails develop from repeated trampling and compaction, the effects would be more moderate. Most effects would be short-term, although excessive, repeated disturbance of the same area may cause moderate effects in localized areas.</p> <p>Existing refuge infrastructure (for example, roads, trails, and three parking lots) would facilitate hunting on the refuge.</p> <p>The spread of invasive species would be possible via hunter activity; however, we would not expect it to be significant.</p>	<p>Under this alternative, the refuge would remain closed to big game and upland game hunting; thus, no impacts on vegetation would be expected beyond what already exists with current public uses.</p>
<b>Threatened and Endangered Species</b>		
<p>We reviewed seven species 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. The refuge does fall within the North Platte drainage of the Platte River System. Because these species can be affected by water depletions in the Platte River System, they are covered even though they may or may not occur on or in vicinity of the refuge.</p>	<p>We do not expect any effect on the Platte River Species group, Wyoming toads, or Preble’s meadow jumping mouse 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>Same as the Proposed Action Alternative.</p>

<p style="text-align: center;"><b>Affected Resources</b></p>	<p style="text-align: center;"><b><u>Alternative A (Proposed Action)</u></b></p> <p><i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p style="text-align: center;"><b><u>Alternative B (No Action)</u></b></p> <p><i>The refuge would continue current management at existing levels.</i></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 NWR, approximately five 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 has well-developed riparian vegetation and relatively undisturbed adjacent grassland communities with an adjacent water source (USFWS 2018). The Service recently reduced the Area of Influence for the Preble’s meadow jumping mouse. Currently, Preble’s meadow jumping mouse is not believed to occur on the refuge or in the area near the refuge.</p>		

Key: NWR = National Wildlife Refuge; WGFD = Wyoming Game and Fish Department

**Table 2. Affected Visitor Use and Experience and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.**

<p><b>Affected Resources</b></p>	<p><b><u>Alternative A (Proposed Action)</u></b>  <i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p><b><u>Alternative B (No Action)</u></b>  <i>The refuge would continue current management at existing levels.</i></p>
<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 NWR is currently open to public use. Several established trails and 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. From November to March, the gate to the entrance road is closed; however, visitors still have access to the east parking lot. Parking lots are shared by the hunting and non-hunting public. There is no auto tour loop on the refuge.</p> <p>The number of hunters in Deer Management Unit 77 in 2018 was 41. The number of upland and small game hunters specific to the Laramie area is not known. However, 922 active cottontail hunters were estimated to use Management Unit 5 and 1,102 active pheasant hunters used Management Unit 11.</p>	<p>Total refuge acreage that would be opened to big game and upland game hunting is 1,648 acres under this alternative. Given that big game and upland game hunting would be 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 that non-hunters might avoid the hunting area. Because no new parking areas would be established, users would use the same parking spaces.</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. This effect would most likely occur in November because visits by the non-hunting public typically decrease after the wetlands freeze up.</p> <p>Proper signage would be displayed prior to the hunting season to reduce confusion and unexpected confrontations. A Closed to Hunting Zone would be established around the road and walking trails to help ensure safety among all participants (Figure 1). The extent to which hunters would use this new opportunity is unknown; however, we estimate that there would be 50 to 100 hunters from November 1 to March 1.</p>	<p>Under this alternative, the refuge would remain closed to big game and upland game hunting; thus, no impacts on the current users' groups would be expected. The number of visitors would likely remain the same. In 2019, the refuge was opened to youth waterfowl hunting. No issues or conflicts among user groups were reported to refuge staff.</p>

<p style="text-align: center;"><b>Affected Resources</b></p>	<p style="text-align: center;"><b><u>Alternative A (Proposed Action)</u></b></p> <p><i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p style="text-align: center;"><b><u>Alternative B (No Action)</u></b></p> <p><i>The refuge would continue current management at existing levels.</i></p>
<p>In the hunt units around Laramie, public access is primarily the Medicine Bow National Forest, isolated parcels of state land, Bureau of Land Management tracts, and private land that is enrolled in the Department's Access Yes Program or Hunter Management Areas.</p>		

Key: NWR = National Wildlife Refuge

**Table 3. Affected Cultural Resources and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.**

<p><b>Affected Resources</b></p>	<p><b><u>Alternative A (Proposed Action)</u></b>  <i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p><b><u>Alternative B (No Action)</u></b>  <i>The refuge would continue current management at existing levels.</i></p>
<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 architectural remains representing over 12,000 years of human occupation are potentially located on the Laramie Plains refuges (the refuge). Native American tribes with ancestral ties to the area, such as 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 approximately three miles north of the refuge (Larsen and Letts 2003).</p>	<p>Because of the temporary and superficial use of refuge habitats during hunting activities, there should be no direct effects on cultural resources under this alternative from visitors engaged in hunting activities as delineated in the hunting plan.</p>	<p>Under this alternative, the refuge would remain closed to big game and upland game hunting and there would be no change to existing environmental conditions; subsequently, we anticipate no direct or indirect impacts on cultural resources under this alternative.</p>

<p style="text-align: center;"><b>Affected Resources</b></p>	<p style="text-align: center;"><b><u>Alternative A (Proposed Action)</u></b></p> <p><i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p style="text-align: center;"><b><u>Alternative B (No Action)</u></b></p> <p><i>The refuge would continue current management at existing levels.</i></p>
<p>With the Overland Trail came the Overland Stage Company, which constructed stage stops at regular intervals along the route of the trail; these 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 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 or evaluated for National Register of Historic Places eligibility, and as such are currently considered unevaluated/undetermined with regard to National Register eligibility.</p>		

Key: CCP = Comprehensive Conservation Plan; NWR = National Wildlife Refuge

**Table 4. Affected Refuge Management and Operations and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.**

<p><b>Affected Resources</b></p>	<p><b><u>Alternative A (Proposed Action)</u></b>  <i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i></p>	<p><b><u>Alternative B (No Action)</u></b>  <i>The refuge would continue current management at existing levels.</i></p>
<p><b>Administration</b></p>		
<p>The refuge is currently only open to youth waterfowl hunting. However, refuges across the Refuge System that do allow increased hunting opportunities typically experience increased administrative costs related to law enforcement; education; maintenance of boundaries, signs, roads, and access points; and search and rescue efforts.</p> <p>The refuge is managed by Service staff headquartered at the Arapaho NWR as part of the Central Sage-Steppe NWR Complex. The Complex covers Arapaho, Seedskafee, Cokeville Meadows, Bamforth, Hutton Lake, Mortensen Lake, and Pathfinder NWRs. The refuge is unstaffed and essentially has no amenities (that is, no office or restrooms, trashcans, or snow removal). Law enforcement would be provided by an officer stationed at Seedskafee NWR. 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>Staff actively manages water flow throughout the spring and summer. Other management priorities are supporting and repairing existing infrastructure and 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>The estimated annual cost to run a big game and upland game hunting opportunity is approximately \$2,000. An initial infrastructure investment of \$5,000 would be needed to install additional signage and reprint the hunting brochure.</p> <p>Service law enforcement would time refuge visits to coincide with expected periods of peak hunting activity (for example, youth waterfowl hunt, weekends). Periodic assistance from local Wyoming Fish and Game department wardens is possible, but it is unknown whether this would occur. Responses to public complaints would occur following existing protocols. Overall, we expect the impact on refuge administration to be minor.</p>	<p>Under this alternative, the refuge would remain closed to big game and upland game 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>

<b>Affected Resources</b>	<b><u>Alternative A (Proposed Action)</u></b> <i>Hutton Lake NWR would open approximately 1,648 acres to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting in accordance with State of Wyoming regulations. The refuge would not open to hunting for these species until November 1 and would close on March 1 each year.</i>	<b><u>Alternative B (No Action)</u></b> <i>The refuge would continue current management at existing levels.</i>
<b>Socioeconomics</b>		
<p>As mentioned earlier, the refuge provides residents and visitors to the region with a place to view wildlife in a relatively undisturbed setting. The number of visitors who specifically travel 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, such as hunters, usually buy a wide range of goods and services while visiting an area. Major expenditure categories are 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 generated \$542.8 million in employment income in regional economies (Carver and Caudill 2007).</p>	<p>By allowing big game and upland game hunting, it is possible that users new to the refuge would visit. As estimated above, if 50–100 hunters visit the refuge between November 1 and March 1, some of those users likely would occur from outside the local commuting area. These visitors likely would contribute more to the local economy than those who reside close to the refuge. However, most of users probably would 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>We expect current visitation to the refuge to remain the same. Most users are likely from the local commuting area.</p>
<b>Environmental Justice</b>		
<p>EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-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. The Service has identified no minority or low-income communities within the impact area. Minority or low-income communities would not be disproportionately affected by any impacts from this proposed action or any of the alternatives.</p>	<p>Same as the Proposed Action Alternative.</p>

Key: EO = Executive Order; NWR = National Wildlife Refuge

### 3.3 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 nonfederal) 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 Refuge System, see “Cumulative Impacts Report 2018–2019 National Wildlife Refuge Proposed Hunting and Sport Fishing Openings.”

**Table 5. Anticipated Cumulative Impacts of the Proposed Action and Any Alternatives.**

Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment	Descriptions of Anticipated Cumulative Impacts
<b>Big Game and Upland Game</b>	
<p>Rangelands throughout Wyoming sustain more than half of the pronghorn in the world. The species inhabits most non-forested habitats within the state and is even found in some alpine locations.</p> <p>Wyoming hosts both mule deer and white-tailed deer. White-tailed deer are abundant in the Black Hills of northeast Wyoming and are also found on farmland throughout Wyoming.</p> <p>Big game hunt areas are established within herd units to achieve harvest objectives and to distribute hunting pressure.</p> <p>Upland game bird species would only use the refuge occasionally because the refuge is outside their core range.</p> <p>Cottontail rabbits are abundant in the area, but population size is not known to be affected by hunting mortality.</p>	<p>Each state selects season dates, bag limits, shooting hours, and other choices 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 Annual Report of Big Game Harvest, published by the Wyoming Game &amp; Fish Department, summarizes statewide estimates of harvest and hunter activity (WGFD 2018a). More detailed summaries of data from hunt areas and herd units are kept in the annual Job Completion Reports (WGFD 2018b). Job Completion Reports have results of line-transect surveys, harvest data, classification data, mortality data, disease assessments, winter severity assessments, population models, management evaluations, applicable research reports, seasonal habitat maps, hunting seasons and justifications, and other pertinent information (WGFD 2007).</p> <p>Total number of deer harvested in Wyoming in 2018 was 45,279 (WGFD 2018b). This is like the previous year and about 8,000 less than the 10-year high. Recent research in Wyoming has demonstrated declines in both mule and white-tailed deer populations due to chronic wasting disease in the core endemic area where prevalence is highest. In areas with lower prevalence, such as the unit surrounding the refuge, effects of chronic wasting disease are poorly understood but are considered additive along with other factors that can negatively affect deer populations in Wyoming (such as habitat loss, predation, and other diseases).</p> <p>The number of pronghorn and white-tailed deer that are expected to be harvested on the refuge would be less than 0.01 percent of the total pronghorn or deer harvest in Wyoming. This would be a negligible impact compared to the statewide harvest.</p>

<b>Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment</b>	<b>Descriptions of Anticipated Cumulative Impacts</b>
	<p>The Service believes that hunting on the refuge would not add significantly to the cumulative effects of big game and upland game management on local or regional 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. Besides, overall populations would continue to be checked and future harvests would be adjusted, as needed, under the state regulatory processes. Several points support this conclusion.</p> <p>As a result, changes or additions to hunting on the refuge would have minor effects on wildlife species in Wyoming. Although the Proposed Action Alternative would increase hunting opportunities compared to the No Action Alternative, the slight increase in hunter activity would not rise to a significant cumulative effect locally, regionally, or nationally.</p>
<b>Swift Fox</b>	
<p>Swift fox is a protected non-game mammal (furbearer) in Wyoming. Wyoming encompasses between 5 percent and 20 percent of the species' North American range. The swift fox is rare or local throughout its range or is found locally in a restricted range (usually known from 21–100 occurrences). The swift fox is imperiled in Wyoming due to its rarity and several other factors, demonstrably making it vulnerable to extinction.</p>	<p>The swift fox is facing habitat loss and degradation, anthropogenic effects, and interspecific competition in much of its range, including Wyoming. The Wyoming contribution to the range-wide persistence of the species is considered high. Although Wyoming plays an important role in the recovery of the current swift fox population, much of the swift foxes' range occurs outside of Wyoming. The swift foxes' current continental range covers a total of 9 states and Canada.</p> <p>The swift fox population seems as though it may be increasing slowly over most of its range. In Wyoming the swift fox experienced historic declines as well, but it now appears to be expanding into formerly occupied range and increasing in abundance. The Wyoming population of swift fox is probably more secure than other states' populations elsewhere within the species' range. This is due to several factors, including large areas of potential habitat that remain undisturbed and known, persistent populations in the state.</p> <p>Given the relative security of Wyoming's swift fox population and the negligible impacts on local swift fox populations due to the proposed action (Other Wildlife and Aquatic Species, Table 1), the impacts on the statewide or range-wide population of swift fox would be negligible.</p>
<b>Use of Lead Ammunition</b>	
<p>At present, there is no prohibition on the use of lead ammunition for hunting big game on the refuge. Non-toxic shot is required for upland game hunting on national wildlife refuges statewide.</p>	<p>We estimate that, at most, five pronghorn and five white-tailed deer would be harvested each year, and it is likely that any lead ammunition would remain in the animal following harvest. Missed shots can also happen. Because the refuge is less than 1 percent of public lands available for big game hunting in the surrounding management units, we expect the overall increase in lead ammunition in the environment to be minor.</p>

<b>Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment</b>	<b>Descriptions of Anticipated Cumulative Impacts</b>
<b>Hunting Opportunities</b>	
<p>Besides the proposal in this document, in south-central Wyoming, the Service also proposes to open Bamforth NWR to big game and upland game hunting, and Pathfinder NWR to mourning dove hunting.</p>	<p>Collectively, if all these proposals are implemented, this would add 19,620 acres of new hunting opportunity in south-central Wyoming. More hunting opportunities may help to support current recreation participation while also attracting new audiences and providing new opportunities. Increased participation in the outdoors can lead to greater support for wildlife conservation and the Service’s mission.</p> <p>The WGFD and Service would continue to manage populations of big game, upland game, and migratory birds that are hunted on these refuges. We would adjust seasonal regulations and bag limits based on species’ populations and hunter harvest. Collectively, the harvest on these refuges would be a small percentage of the overall harvest in Wyoming and nationwide. We expect no long-term impact on these species.</p>
<b>Climate Change</b>	
<p>Ecological stressors are expected to affect a variety of natural processes and associated resources into the future. Precipitation availability may significantly affect the availability of wetlands and grasslands across the United States and Canada. These habitat changes, if realized in the future, may reduce the amount and quality of habitat for wildlife species that are hunted. As a result, wildlife would be displaced into other areas of available habitat.</p>	<p>While the effects of climate change on refuge wildlife and habitats are not certain, allowing hunting on the refuge would not add to the cumulative effects of climate change. The refuge uses an adaptive management approach for its hunt program, annually studying (through direct feedback from state and local user groups) and reviewing the hunt program annually and revising annually (if necessary). The Service would adjust the hunt program, as necessary, to ensure that it does not contribute to the cumulative effects of climate change on resident wildlife and migratory birds.</p>

Key: NWR = National Wildlife Refuge; WGFD = Wyoming Game and Fish Department

### 3.4 Monitoring

The WGFD estimate big game populations as well as harvest and hunter activity annually for small game and upland game birds. These are reported each year on the WGFD’s website. In addition, refuge staff would periodically visit the refuge and assess any potential issues with hunter use or wildlife impacts. Refuge staff would also coordinate annually with the WGFD to discuss whether any changes or adjustments are warranted.

### 3.5 Summary of Analysis

The purpose of this EA is to briefly provide enough evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

### **Alternative A – Proposed Action Alternative**

The Proposed Action Alternative would open approximately 1,648 acres of the refuge to big game (pronghorn and white-tailed deer) and upland game (cottontail rabbit, ring-necked pheasant, wild turkey, sharp-tailed grouse, chukar, and gray partridge) hunting from November 1 to March 1. Opening the refuge to hunting could cause disturbance to wetland dependent migratory birds on the refuge for approximately one month between when the hunting season opens (November 1) and when freeze-up typically occurs in early December. Disturbed birds would either seek refuge on other 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 (for example, late evening, overnight). We expect the direct effects on refuge birds and other wildlife caused by disturbance to not significantly affect individual fitness or have any population-level impacts. In addition, as a new recreational opportunity, there may be conflicts between the non-hunting public (such as wildlife observation) and hunters. However, a No Hunting Zone has been established around the road and walking trails to reduce this problem.

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. 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 the refuge and the mission of the Refuge System (USFWS 2020b).

### **Alternative B – 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 on physical and biological resources, it would not support our mandates under the NWRSA and Secretarial Order 3356.

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

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

- WGFD

### 3.7 List of Preparers

Name	Position	Work Unit
Tom Koerner	Project Leader	Central Sage-Steppe NWR Complex (Green River, WY)
Vanessa Fields	Wildlife Biologist	Mountain-Prairie Regional Office (Lakewood, CO)
Tara Wertz	Refuge Manager	Arapaho NWR/Laramie Plains NWRs (Walden, CO)
Mike Artmann	Wildlife Biologist	Mountain-Prairie Regional Office (Lakewood, CO)
Allison Parrish	Zone Archeologist (MT/UT/WY)	Mountain-Prairie Regional Office (Bozeman, MT)
Diane Emmons	Branch Chief, Visitor Services and Outreach	Mountain-Prairie Regional Office (Lakewood, CO)

### 3.8 State Coordination

The refuge reviewed the operations and regulations for neighboring state wildlife management areas and refuges to find consistency where possible. In June 2019, WGFD leadership expressed interest in having the Service evaluate opening the refuge for big game 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.”

WGFD reviewed the draft EA, hunting plan, and compatibility determination during the 30-day comment period. WGFD expressed their support for the proposed action to open Hutton Lake NWR to big game and upland game hunting. We would continue to consult and coordinate on specific aspects of the hunting plan with WGFD to ensure safe and enjoyable recreational hunting opportunities.

### 3.9 Tribal Consultation

The Service mailed an invitation for comments to all tribes potentially affected by initiating an EA to open the refuge to big game and upland game hunting. The Service extended an invitation to engage in government-to-government consultation in accordance with EO 13175. We did not receive comments from any of the tribes.

### 3.10 Public Outreach

The Hutton Lake NWR has discussed the possibility of opening the refuge to public hunting with members of the public, primarily the birding community. We prepared an EA in 2019 proposing

to open the refuge to migratory bird hunting and received over 60 public comments during the 30-day comment period. The proposed action in this EA has been revised from last year to address the comments we received, while still providing for additional hunting opportunities.

On April 1, 2020, the Service put the draft hunting plan and EA out for 30-day public review and comment. The Service made the public aware of the availability of the draft EA and hunting plan via public notices on the refuge's website and in Arapaho NWR's and Seedska-dee NWR's headquarters offices. During the 30-day public comment period, the Service accepted comments in writing, in person, electronically, or in any other form the public wished to present comments or information. Upon close of the comment period, all comments and information were reviewed and considered. The Service received comments from one organization and four individuals.

*Comment (1):* We received comments that opening the refuge to big game and upland game hunting after November 1 would negatively impact other nonconsumptive users on the refuge.

*Response:* In the analysis presented in Table 2, we identified several impacts that may occur. These impacts are not expected to be significant, in part because hunting for big game and upland game would not be permitted to begin until November 1. Delaying the opening of these hunting opportunities on the refuge minimizes the overlap between hunters and other users because migratory bird use and public visitation substantially decrease after the wetlands freeze.

We did not make any changes to the EA as a result of this comment.

*Comment (2):* We received a comment expressing concern that the public may be confused about what hunting opportunities are open and the specific regulations and restrictions on the refuge.

*Response:* Refuge-specific regulations are included in the Hutton Lake NWR Hunting Regulations Brochure, which is available at the Kiosk, online at [https://www.fws.gov/refuge/Hutton\\_Lake/visit/rules\\_and\\_regulations.html](https://www.fws.gov/refuge/Hutton_Lake/visit/rules_and_regulations.html), or by contacting the Refuge Manager. Boundary signs placed at the entrance of the refuge include the statement: "Consult Manager for Regulations." It is the responsibility of anyone wishing to hunt on Hutton Lake NWR to inform themselves of and follow the special regulations in order to participate in any hunting activities allowed on the refuge.

We did not make any changes to the EA as a result of this comment.

*Comment (3):* We received comments that other forms of recreation are important to the economy in addition to hunting.

*Response:* Congress, through the NWR SAA, as amended, envisioned that hunting, fishing, wildlife observation and photography, and environmental education and interpretation would all be treated as priority public uses of the Refuge System. Therefore, the Service facilitates all of these uses on refuges, as long as they are found compatible with the purposes of the specific refuge and the mission of the Refuge System. As described in Table 2 of the EA, there are several other compatible public uses enjoyed by the public on Hutton Lake NWR and we are delaying the opening of big game and upland game hunting on the refuge until November 1 to decrease potential conflicts with other public users on the refuge. In addition, there is a designated no-hunting zone around the areas of highest public use on the refuge (see Figure 1).

We did not make any changes to the EA as a result of this comment.

*Comment (4):* We received a comment that opening the refuge to hunting was not a compatible use of Hutton Lake NWR, or refuges in general.

*Response:* The word “refuge” includes the idea of providing a haven of safety for wildlife and as such, hunting might seem an inconsistent use of the Refuge System. However, the NWRSA stipulates that hunting, if found compatible, is a legitimate and priority general public use of a refuge. In this case, big game and upland game hunting have been found to be compatible on Hutton Lake NWR (please see the final compatibility determination; USFWS 2020b). Hunting does not need to be used as a management tool or to compensate for lack of other hunting opportunities to be found compatible. Our compatibility determination does identify that there may be a decrease in migratory bird use of the refuge due to additional hunting opportunities in the uplands, but this impact is considered minor and is not expected to have long term impacts to migratory bird populations. In addition, delaying the opening of big game and upland game hunting until November 1 further minimizes this impact by not allowing additional hunting opportunities during most of the migration period.

We did not make any changes to the EA as a result of this comment.

*Comment (5):* We received comments about the disturbance to birds that currently use the refuge.

*Response:* We recognize and appreciate the refuge’s designation as an Important Bird Area (IBA) and the importance of the refuge to migratory birds in general. However, having an IBA designation does not place any additional legal restrictions related to migratory birds on management of the refuge. As discussed in Table 1, we expect the proposed action to have a minimal impact on migratory birds as the new proposed hunting activities would occur only in the uplands, which reduces impacts to wetland-dependent birds, and after November 1 when many of the upland birds have migrated out of the area. For the birds that are present after November 1, such as eagles and other raptors, and may be displaced during big game and upland game hunting, we expect impacts to be short term and minor, in part due to the relatively low number of hunters expected to use the refuge. Disturbance effects, such as short-term displacement, are not necessarily linked to disturbance impacts at the individual or population level (Hill et al. 1997; Sokos et al. 2013).

We did not make any changes to the EA as a result of this comment.

*Comment (6):* We received a comment that the refuge should not be opened to light goose hunting, especially in the spring.

*Response:* The Service is not proposing to open Hutton Lake NWR to light goose hunting in the spring. Hutton Lake NWR was opened last year for waterfowl (ducks, dark and light geese, American coots, and mergansers) hunting during the fall for the Special Youth Waterfowl Hunting Days only.

We did not make any changes to the EA as a result of this comment.

*Comment (7):* We received comments about waterfowl hunting on the refuge.

*Response:* The proposed action in this EA does not include any changes to waterfowl hunting that was previously determined to be compatible and began in 2019. Waterfowl hunting on the refuge is limited to Special Youth Waterfowl Hunting Days, in accordance with the WGFD regulations.

We did not make any changes to the EA as a result of this comment.

*Comment (8):* We received a comment opposed to opening the refuge to hunting prairie dogs, coyotes, and other species on Hutton Lake NWR.

*Response:* We are not proposing that Hutton Lake NWR be opened to hunting of prairie dogs or coyotes. National wildlife refuges are closed to hunting unless opened, and opening a refuge to hunting is done by individual species. We are not proposing to allow hunting of any species except those specifically mentioned in the proposed action: pronghorn, white-tailed deer, cottontail rabbits, ring-necked pheasant, sharp-tailed grouse, wild turkey, chukar, and partridge. The refuge was opened last year to hunting waterfowl (ducks, dark and light geese, American coots and mergansers) during Special Youth Waterfowl Hunting Days only.

We did not make any changes to the EA as a result of this comment.

*Comment (9):* We received a comment asking the Service to consider an alternative that would require the use of non-toxic ammunition for big game hunting on the refuge.

*Response:* The Service shares commenters concerns regarding the bioavailability of lead in the environment and the fragments that can be deposited in killed game. Due to the low populations of deer and pronghorn on the refuge and the small number (less than five) expected to be harvested each year, the additional lead remnants are expected to have a minor negative impact on wildlife and human health.

The Service encourages refuge-state partnerships to reach decisions on usage and will continue to encourage hunters to voluntarily use non-toxic ammunition for all harvest activities. Non-toxic ammunition is becoming more available as the demand for this ammunition increases (Kelly et al. 2011), although it currently remains more expensive. Copper ammunition is a good alternative to lead ammunition since it is less toxic and frangible (Hunt et al. 2006). The Service's intent is to reduce the potential of lead poisoning to migratory birds and birds of prey, as well as lower the risk of lead exposure for humans ingesting wild game hunted on refuges.

We did not make any changes to the EA as a result of this comment.

*Comment (10):* We received comments that the Service does not have adequate law enforcement to implement the proposed action.

*Response:* We have considered the factors involved in the proposed opening of big game and upland game hunting and find we have adequate staff coverage and funding for this use. Service policy (603 FW 2.12[7]) requires station managers to determine that adequate resources (including personnel, which in turn includes law enforcement) exist or can be provided by the Service or a partner to properly develop, operate, and maintain the use in a way that will not materially interfere with or detract from fulfillment of the refuge purpose(s) and the Service's mission. If resources are lacking for establishment or continuation of wildlife-dependent recreational uses, the refuge manager would make reasonable efforts to obtain additional resources or outside assistance from states, other public agencies, local communities, and/or private and nonprofit groups before determining that the use is not compatible. When Service law enforcement resources are lacking, we are often able to rely upon state fish and game law-enforcement capacity to assist in enforcement of hunting and fishing regulations.

We did not make any changes to the EA as a result of this comment.

Additionally, on April 9, 2020, the Service published the Draft 2020–2021 Refuge-Specific Hunting and Sport Fishing Regulations in the Federal Register (see 85 FR 20030). The Service

received three public comments on the refuge-specific regulations proposed in conjunction with the refuge's hunting plan and EA.

*Comment (11):* We received a comment that Hutton Lake NWR was important for nonconsumptive wildlife-related recreation and there are many other opportunities for hunting in Wyoming.

*Response:* Congress, through the NWRSA, as amended, envisioned that hunting, fishing, wildlife observation and photography, and environmental education and interpretation would all be treated as priority public uses of the Refuge System. Therefore, the Service facilitates all of these uses on refuges as long as they are found compatible with the purposes of the specific refuge and the mission of the Refuge System. As described in Table 2 of the EA, there are several other compatible public uses enjoyed by the public on Hutton Lake NWR. We are delaying the opening of big game and upland game hunting on the refuge until November 1 to decrease potential conflicts with other public users on the refuge. Delaying the opening of these hunting opportunities on the refuge minimizes the overlap between hunters and other users because migratory bird use and public visitation substantially decrease after the wetlands freeze. In addition, there is a designated no-hunting zone around the areas of highest public use on the refuge.

We recognize that in Wyoming there are hunting opportunities on other public lands, such as Bureau of Land Management, U.S. Forest Service, and State of Wyoming lands (<https://wgfd.wyo.gov/Public-Access/Access-Summary>). However, facilitating hunting opportunities is an important aspect of the Service's roles and responsibilities as outlined in the legislation establishing the Refuge System, and the Service will continue to facilitate these opportunities where compatible with the purpose of the specific refuge and the mission of the Refuge System.

We did not make any changes to the EA as a result of this comment.

*Comment (12):* We received a comment about the disturbance to birds that currently use the refuge.

*Response:* This was similar to *Comment (5)* that was submitted directly to the refuge. Please see our response to *Comment (5)*.

*Comment (13):* We received a comment expressing concern that we had amended the CCP for Hutton Lake NWR to allow big game and upland game hunting without sufficient explanation. The refuge had been closed to hunting prior to 2019 and was opened to youth only waterfowl hunting last year.

*Response:* The current proposed action to open Hutton Lake NWR to big game and upland game hunting was developed as part of the annual review of hunting and sport fishing programs on refuges to determine whether to include additional stations or whether regulations governing existing programs need modifications (see 85 FR 20030). The NWRSA (16 U.S. Code 668dd[e]) anticipated that revisions may need to be made to CCPs from "time to time" based on new information. Service policy allows minor revisions to CCP objectives and strategies as long as they do not significantly change the management direction of the refuge (603 FW 2). Appendix A in the EA provides the memorandum explaining the minor revision to the 2007 CCP for the Laramie Plains refuges, which includes Hutton Lake NWR. The analysis provided in this

EA finds the effects of this change to be negligible to minor (see Appendix C, Finding of No Significant Impact).

In addition, we do not allow hunting on a refuge if it is found incompatible with that refuge's purposes or with the mission of the Refuge System. Therefore, each Service station manager uses his or her “sound professional judgment” in making these inherently complex management decisions to ensure that each proposed action complies with this mandate (see the Service’s Service Manual 603 FW 2.6.U., available online at <https://www.fws.gov/policy/603fw2.html>). Each manager incorporates field experience, knowledge of refuge resources, considerations of the refuge’s role within an ecosystem, applicable laws, and best available science in making these decisions. Based on our evaluation, opening Hutton Lake NWR to big game and upland game hunting is compatible with the refuge purpose and the mission of the Refuge System (see the final compatibility determination; USFWS 2020b).

We did not make any changes to the EA as a result of this comment.

### 3.11 Determination

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

- 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: Tom Koerner Date: 07/27/2020

Name/Title/Organization: Tom Koerner, Project Leader, Central Sage Steppe Complex

Reviewer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: Noreen Walsh, Regional Director, Interior Regions 5 and 7, Lakewood, CO

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**APPENDIX A LARAMIE PLAINS REVISION OF COMPREHENSIVE  
CONSERVATION PLAN**



**United States Department of the Interior**

FISH AND WILDLIFE SERVICE  
P.O. Box 700  
Green River, Wyoming 82935



In Reply Refer to:  
FWS/IR05/IR07

**FEB 28 2020**

**Memorandum**

**To:** Assistant Regional Director, Refuges  
**Through:** Refuge Supervisor, Mountain Zone  
**From:** Project Leader, Central Sage-Steppe Complex  
**Subject:** Request for Minor Revision to 2007 Comprehensive Conservation Plan for Bamforth, Hutton Lake and Mortenson Lake National Wildlife Refuges

The Service is currently drafting a Hunting Plan and associated Environmental Assessment for hunting on Hutton Lake National Wildlife Refuge (NWR, refuge). We are also drafting a Hunting Plan and associated Environmental Assessment for hunting on Bamforth National Wildlife Refuge. In 2007, the Service completed a Comprehensive Conservation Plan (CCP) for Hutton Lake, Bamforth and Mortenson Lake National Wildlife Refuges. Although the CCP covered all three refuges, separate goals and objectives were developed within the CCP for each refuge.

For Hutton Lake NWR, the Visitor Services Goal in the CCP is "Provide wildlife-dependent recreational opportunities to a diverse audience when the administration of these programs does not adversely affect habitat management objectives". I am proposing minor revisions to the CCP that will allow hunting on Hutton Lake National Wildlife Refuge and Bamforth National Wildlife Refuges. Specifically, I am proposing to add the Visitor Services Goal for Hutton Lake refuge to the goals for Bamforth NWR. In addition, I am proposing to add the following objective under the Visitor Services Goal for Hutton Lake and Bamforth National Wildlife Refuges: "Where compatible, allow hunting opportunities that foster an appreciation and understanding of the management and resources of the Refuge and the System". These changes will provide additional potential hunting opportunities to the public, as referenced in Secretarial Order 3356. These revisions would not apply to Mortenson Lake NWR because of concerns that opening this refuge to hunting may negatively impact the federally endangered Wyoming toad population on the refuge.

The National Wildlife Refuge System Improvement Act of 1997 and Service policy (Fish and Wildlife Service Manual chapters 602 FW 1 and 3) identify the need to periodically review and revise Comprehensive Conservation Plans. Specifically the Service Manual chapter 602 FW 3, (Comprehensive Conservation Planning Process) Section 3.2 states "We will revise the CCP

**INTERIOR REGION 5  
MISSOURI BASIN**

KANSAS, MONTANA\*, NEBRASKA, NORTH DAKOTA,  
SOUTH DAKOTA

\*PARTIAL

**INTERIOR REGION 7  
UPPER COLORADO RIVER BASIN**

COLORADO, NEW MEXICO, UTAH, WYOMING

every 15 years ... or earlier if monitoring and evaluation determine that we need changes to achieve planning unit purpose(s), vision, goals, or objectives” 2

The addition of the Visitor Services Goal to Bamforth NWR and the addition of an objective to Bamforth and Hutton Lake refuges are considered a minor CCP revision because they do not significantly change the management direction of the refuges. The addition of an objective under the Visitor Services Goal for Hutton Lake and Bamforth NWRs does not change the overall intent of the CCP objectives. Compliance with the National Environmental Policy Act of 1969 (NEPA), meets the criteria for the following categorical exclusion: 516 DM 8.5 B (9) “Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated. Examples include minor changes in the type and location of compatible public use activities and land management practices.”

This memorandum complies with the National Wildlife Refuge System Improvement Act of 1997, which states that the “Secretary shall ... revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.” Examples of new information or changed conditions include but are not limited to the following: 1) changes in the acreage of a specific habitat type; 2) changes in water management or availability; 3) changes in the status of a listed species; 4) the need for changes to wildlife management or public use programs; 5) changes to Service policy; 6) the need to construct new facilities, and/or 7) changes in sea level or other climate related changes.

**Submitted By**

Project Leader: Tom Koerner Tom Koerner 02/27/2020  
(Signature) (Date)

**Concurrence:**

Refuge Supervisor: Lisa Jalcott 2/28/20  
(Signature) (Date)

**Approval:**

~~KEF~~ Assistant Regional Director, Refuges: Kelly Hoya 2/28/20  
(Signature) (Date)

**APPENDIX B            OTHER APPLICABLE STATUTES, EXECUTIVE ORDERS, AND REGULATIONS**

<b>Statutes, Executive Order, and Regulations</b>
<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>
<b>Fish and Wildlife</b>
<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>
<b>Natural Resources</b>
<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>
<b>Water Resources</b>
<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>

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

Key: CFR = Code of Federal Regulations; U.S.C. = United States Code

## APPENDIX C FINDING OF NO SIGNIFICANT IMPACT

### FINDING OF NO SIGNIFICANT IMPACT AND DECISION TO OPEN BIG GAME AND UPLAND GAME HUNTING

#### HUTTON LAKE NATIONAL WILDLIFE REFUGE

##### *Albany County, Wyoming*

The United States (U.S.) Fish and Wildlife Service (Service) is opening hunting opportunities for big game (pronghorn and white-tailed deer) and upland game (cottontail rabbits, ring-necked pheasant, sharp-tailed grouse, wild turkey, and partridge) on Hutton Lake National Wildlife Refuge (NWR). This is in accordance with the refuge's hunting plan (USFWS 2020a) and the comprehensive conservation plan (CCP), as amended, for the Laramie Plains refuges (which covers Bamforth, Hutton Lake, and Mortenson Lake NWRs) (USFWS 2007). These hunting opportunities would be available on most of the refuge (1,648 acres) managed in accordance with federal laws and Service policy and in alignment with state regulations. The refuge would open to hunting for big game or upland game species on November 1 and would close on March 1 annually.

#### **Selected Action**

***Alternative A—Proposed Action Alternative:*** Under the Proposed Action Alternative, the Service would open Hutton Lake NWR for walk-in only hunting of big game (pronghorn and white-tailed deer) and upland game (cottontail rabbits, ring-necked pheasant, sharp-tailed grouse, wild turkey, chukar, and gray partridge), in accordance with State of Wyoming regulations. However, the refuge would not open to hunting for these species until November 1 and would close on March 1 each year. Currently, the hunting seasons in Wyoming for some of these species (for example, pronghorn and cottontail rabbits) do not align with a November 1 to March 1 timeframe. The Wyoming Game and Fish Department (WGFD) has reported that it would be willing to adjust season dates in the units that cover the refuge to facilitate this opportunity. The refuge would continue to be open to other existing public uses during the hunting season.

Non-toxic shot (steel or other federally-approved non-toxic shot) would be required when taking or attempting to take migratory birds, upland game birds, or small game with a shotgun on the refuge.

This alternative was selected over the other alternatives because it offers increased opportunities for public hunting and fulfills the Service's mandate under the National Wildlife Refuge System Administration Act of 1966 (NWRSA), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act), and Secretarial Order 3356 while having a minimal impact on physical and biological resources. The Service has determined that the hunting plan is compatible with the purposes of the refuge and the mission of the National Wildlife Refuge System (Refuge System; USFWS 2020b).

## **Other Alternatives Considered and Analyzed**

***Alternative B—No Action Alternative:*** The refuge would continue current management. All existing public uses, such as wildlife observation, wildlife photography, wildlife interpretation, and environmental education, would continue at existing levels. The youth waterfowl hunt would continue according to all Special Youth Waterfowl Hunting Days and general waterfowl hunting regulations for the State of Wyoming. No changes to existing habitat management actions (including water management) would occur. There would be no additional costs to the refuge under this alternative.

Although this alternative has the least direct impacts on physical and biological resources, this alternative was not selected because it would not support our mandates under the NWRSA, as amended by the Improvement Act, and Secretarial Order 3356.

## **Summary of Effects of the Selected Action**

An environmental assessment (EA) was prepared in compliance with the National Environmental Policy Act (NEPA) to provide a decision-making framework that (1) explored a reasonable range of alternatives to meet project objectives, (2) evaluated potential issues and impacts to the refuge, resources and values, and (3) identified mitigation measures to lessen the degree or extent of these impacts. The EA evaluated the effects associated with two alternatives. It is incorporated as part of this finding.

Implementation of the agency's decision would be expected to result in the following environmental, social, and economic effects. Opening the refuge to big game and upland game hunting could cause disturbance to wetland-dependent migratory birds on the refuge for approximately one month between when the hunting season opens (November 1) and when freeze-up typically occurs in early December. Disturbed birds would either seek refuge on other 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 well as times during non-hunting hours (for example, late evening, overnight). We expect the direct effects on refuge birds and other wildlife caused by hunting disturbance would not significantly affect individual fitness or have any population-level impacts. Overall, we expect the impact on refuge administration to be minor.

Measures to mitigate and/or minimize adverse effects have been incorporated into the selected action. These measures include:

- As a new recreational opportunity, there may be conflicts between the non-hunting public (such as wildlife observation) and hunters. However, a No Hunting Zone has been established around the road and walking trails to reduce this problem. In addition, the big game and upland game hunting seasons would not open until November 1 and would close by March 1 each year.
- Non-toxic shot must be used when hunting any migratory birds, small game animals, or game birds on the refuge. Possessing shotshells loaded with shot other than non-toxic shot is illegal.

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

- The Service believes that hunting on the refuge would not add significantly to the cumulative effects of big game and upland game management on local or regional populations because the percentage likely to be taken on the refuge, though possibly additive to existing hunting takes, would be a small fraction of the estimated populations. The number of pronghorn and white-tailed deer that are expected to be harvested on the refuge would be less than 0.01 percent of the total pronghorn or deer harvest in Wyoming. This would be a negligible impact compared to the statewide harvest. The Service works closely with the state to ensure that additional species harvested on a refuge are within the limits set by the state to ensure healthy populations of the species for present and future generations of Americans.
- The proposed action would result in beneficial impacts to the human environment, including wildlife-dependent recreational opportunities and socioeconomics of the local economy.
- The adverse direct and indirect effects of the proposed action on air, water, soil, habitat, and wildlife are expected to be minor and short-term.
- The Refuge System uses an adaptive management approach to all wildlife management on refuges. Monitoring and re-evaluating the hunting opportunities on the refuge on an annual basis ensure that the hunting programs continue to contribute to the biodiversity and ecosystem health of the refuge and ensure that these opportunities do not contribute to any cumulative impacts to habitat or to wildlife from climate change, population growth and development, or local, state, or regional wildlife management.
- The proposed action, along with proposed mitigation measures, would ensure that there is low danger to the health and safety of refuge staff, visitors, and the hunters themselves.
- The proposed action is not in an ecologically sensitive area.
- The proposed action would not affect any threatened or endangered species, or any federally-designated critical habitat.
- The proposed action would not impact any cultural or historical resources.
- The proposed action would not impact any wilderness areas.
- There is no scientific controversy over the effects of this proposed action and the effects 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 the action of opening the refuge to big game and upland game hunting would not cause any destruction or degradation of wetlands or result in any floodplain development.

### **Public Review**

The proposal has been thoroughly coordinated with all interested and/or affected parties.

### ***Coordination with Wyoming Game and Fish Department***

The Service reviewed operations and regulations for neighboring state wildlife management areas and refuges to achieve consistency wherever possible. WGFD leadership expressed interest in having the Service evaluate opening the refuge for big game and upland game 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.”

WGFD reviewed the draft EA, hunting plan and compatibility determination during the 30-day comment period. WGFD expressed their support for the proposed action to open Hutton Lake NWR to big game and upland game hunting. We would continue to consult and coordinate on specific aspects of the hunting plan with WGFD to ensure safe and enjoyable recreational hunting opportunities.

### ***Tribal Coordination***

The Service mailed an invitation for comments to all tribes potentially affected by initiating an EA to open the refuge to big game and upland game hunting. The Service extended an invitation to engage in government-to-government consultation in accordance with Executive Order 13175. We did not receive comments from any of the tribes.

### ***Public Comment***

On April 1, 2020, the Service put the draft hunting plan and EA out for 30-day public review and comment. The Service received comments from one organization and four individuals.

*Comment (1):* We received comments that opening the refuge to big game and upland game hunting after November 1 would negatively impact other nonconsumptive users on the refuge.

*Response:* In the analysis presented in Table 2, we identified several impacts that may occur. These impacts are not expected to be significant, in part because hunting for big game and upland game would not be permitted to begin until November 1. Delaying the opening of these hunting opportunities on the refuge minimizes the overlap between hunters and other users because migratory bird use and public visitation substantially decrease after the wetlands freeze.

We did not make any changes to the EA as a result of this comment.

*Comment (2):* We received a comment expressing concern that the public may be confused about what hunting opportunities are open and the specific regulations and restrictions on the refuge.

*Response:* Refuge-specific regulations are included in the Hutton Lake NWR Hunting Regulations Brochure, which is available at the Kiosk, online at [https://www.fws.gov/refuge/Hutton\\_Lake/visit/rules\\_and\\_regulations.html](https://www.fws.gov/refuge/Hutton_Lake/visit/rules_and_regulations.html), or by contacting the Refuge Manager. Boundary signs placed at the entrance of the refuge include the statement: “Consult Manager for Regulations.” It is the responsibility of anyone wishing to hunt on Hutton Lake NWR to inform themselves of and follow the special regulations in order to participate in any hunting activities allowed on the refuge.

We did not make any changes to the EA as a result of this comment.

*Comment (3):* We received comments that other forms of recreation are important to the economy in addition to hunting.

*Response:* Congress, through the NWRSA, as amended, envisioned that hunting, fishing, wildlife observation and photography, and environmental education and interpretation would all be treated as priority public uses of the Refuge System. Therefore, the Service facilitates all of these uses on refuges, as long as they are found compatible with the purposes of the specific refuge and the mission of the Refuge System. As described in Table 2 of the EA, there are several other compatible public uses enjoyed by the public on Hutton Lake NWR and we are delaying the opening of big game and upland game hunting on the refuge until November 1 to decrease potential conflicts with other public users on the refuge. In addition, there is a designated no-hunting zone around the areas of highest public use on the refuge (see Figure 1).

We did not make any changes to the EA as a result of this comment.

*Comment (4):* We received a comment that opening the refuge to hunting was not a compatible use of Hutton Lake NWR, or refuges in general.

*Response:* The word “refuge” includes the idea of providing a haven of safety for wildlife and as such, hunting might seem an inconsistent use of the Refuge System. However, the NWRSA stipulates that hunting, if found compatible, is a legitimate and priority general public use of a refuge. In this case, big game and upland game hunting have been found to be compatible on Hutton Lake NWR (please see the final compatibility determination; USFWS 2020b). Hunting does not need to be used as a management tool or to compensate for lack of other hunting opportunities to be found compatible. Our compatibility determination does identify that there may be a decrease in migratory bird use of the refuge due to additional hunting opportunities in the uplands, but this impact is considered minor and is not expected to have long term impacts to migratory bird populations. In addition, delaying the opening of big game and upland game hunting until November 1 further minimizes this impact by not allowing additional hunting opportunities during most of the migration period.

We did not make any changes to the EA as a result of this comment.

*Comment (5):* We received comments about the disturbance to birds that currently use the refuge.

*Response:* We recognize and appreciate the refuge’s designation as an Important Bird Area (IBA) and the importance of the refuge to migratory birds in general. However, having an IBA designation does not place any additional legal restrictions related to migratory birds on management of the refuge. As discussed in Table 1, we expect the proposed action to have a minimal impact on migratory birds as the new proposed hunting activities would occur only in the uplands, which reduces impacts to wetland-dependent birds, and after November 1 when many of the upland birds have migrated out of the area. For the birds that are present after November 1, such as eagles and other raptors, and may be displaced during big game and upland game hunting, we expect impacts to be short term and minor, in part due to the relatively low number of hunters expected to use the refuge. Disturbance effects, such as short-term displacement, are not necessarily linked to disturbance impacts at the individual or population level (Hill et al. 1997; Sokos et al. 2013).

We did not make any changes to the EA as a result of this comment.

*Comment (6):* We received a comment that the refuge should not be opened to light goose hunting, especially in the spring.

*Response:* The Service is not proposing to open Hutton Lake NWR to light goose hunting in the spring. Hutton Lake NWR was opened last year for waterfowl (ducks, dark and light geese, American coots, and mergansers) hunting during the fall for the Special Youth Waterfowl Hunting Days only.

We did not make any changes to the EA as a result of this comment.

*Comment (7):* We received comments about waterfowl hunting on the refuge.

*Response:* The proposed action in this EA does not include any changes to waterfowl hunting that was previously determined to be compatible and began in 2019. Waterfowl hunting on the refuge is limited to Special Youth Waterfowl Hunting Days, in accordance with the WGFD regulations.

We did not make any changes to the EA as a result of this comment.

*Comment (8):* We received a comment opposed to opening the refuge to hunting prairie dogs, coyotes, and other species on Hutton Lake NWR.

*Response:* We are not proposing that Hutton Lake NWR be opened to hunting of prairie dogs or coyotes. National wildlife refuges are closed to hunting unless opened and opening a refuge to hunting is done by individual species. We are not proposing to allow hunting of any species except those specifically mentioned in the proposed action: pronghorn, white-tailed deer, cottontail rabbits, ring-necked pheasant, sharp-tailed grouse, wild turkey, chukar, and partridge. The refuge was opened last year to hunting waterfowl (ducks, dark and light geese, American coots and mergansers) during Special Youth Waterfowl Hunting Days only.

We did not make any changes to the EA as a result of this comment.

*Comment (9):* We received a comment asking the Service to consider an alternative that would require the use of non-toxic ammunition for big game hunting on the refuge.

*Response:* The Service shares commenters concerns regarding the bioavailability of lead in the environment and the fragments that can be deposited in killed game. Due to the low populations of deer and pronghorn on the refuge and the small number (less than five) expected to be harvested each year, the additional lead remnants are expected to have a minor negative impact on wildlife and human health.

The Service encourages refuge-state partnerships to reach decisions on usage and will continue to encourage hunters to voluntarily use non-toxic ammunition for all harvest activities. Non-toxic ammunition is becoming more available as the demand for this ammunition increases (Kelly et al. 2011), although it currently remains more expensive. Copper ammunition is a good alternative to lead ammunition since it is less toxic and frangible (Hunt et al. 2006). The Service's intent is to reduce the potential of lead poisoning to migratory birds and birds of prey, as well as lower the risk of lead exposure for humans ingesting wild game hunted on refuges.

We did not make any changes to the EA as a result of this comment.

*Comment (10):* We received comments that the Service does not have adequate law enforcement to implement the proposed action.

*Response:* We have considered the factors involved in the proposed opening of big game and upland game hunting and find we have adequate staff coverage and funding for this use. Service policy (603 FW 2.12[7]) requires station managers to determine that adequate resources

(including personnel, which in turn includes law enforcement) exist or can be provided by the Service or a partner to properly develop, operate, and maintain the use in a way that will not materially interfere with or detract from fulfillment of the refuge purpose(s) and the Service's mission. If resources are lacking for establishment or continuation of wildlife-dependent recreational uses, the refuge manager would make reasonable efforts to obtain additional resources or outside assistance from states, other public agencies, local communities, and/or private and nonprofit groups before determining that the use is not compatible. When Service law enforcement resources are lacking, we are often able to rely upon state fish and game law-enforcement capacity to assist in enforcement of hunting and fishing regulations.

Additionally, on April 9, 2020, the Service published the Draft 2020–2021 Refuge-Specific Hunting and Sport Fishing Regulations in the Federal Register (see 85 FR 20030). The Service received three public comments on the refuge-specific regulations proposed in conjunction with the refuge's hunting plan and EA.

We did not make any changes to the EA as a result of this comment.

*Comment (11):* We received a comment that Hutton Lake NWR was important for nonconsumptive wildlife-related recreation and there are many other opportunities for hunting in Wyoming.

*Response:* Congress, through the NWRSA, as amended, envisioned that hunting, fishing, wildlife observation and photography, and environmental education and interpretation would all be treated as priority public uses of the Refuge System. Therefore, the Service facilitates all of these uses on refuges as long as they are found compatible with the purposes of the specific refuge and the mission of the Refuge System. As described in Table 2 of the EA, there are several other compatible public uses enjoyed by the public on Hutton Lake NWR. We are delaying the opening of big game and upland game hunting on the refuge until November 1 to decrease potential conflicts with other public users on the refuge. Delaying the opening of these hunting opportunities on the refuge minimizes the overlap between hunters and other users because migratory bird use and public visitation substantially decrease after the wetlands freeze. In addition, there is a designated no-hunting zone around the areas of highest public use on the refuge.

We recognize that in Wyoming there are hunting opportunities on other public lands, such as Bureau of Land Management, U.S. Forest Service, and State of Wyoming lands (<https://wgfd.wyo.gov/Public-Access/Access-Summary>). However, facilitating hunting opportunities is an important aspect of the Service's roles and responsibilities as outlined in the legislation establishing the Refuge System, and the Service will continue to facilitate these opportunities where compatible with the purpose of the specific refuge and the mission of the Refuge System.

We did not make any changes to the EA as a result of this comment.

*Comment (12):* We received a comment about the disturbance to birds that currently use the refuge.

*Response:* This was similar to *Comment (5)* that was submitted directly to the refuge. Please see our response to *Comment (5)*.

*Comment (13):* We received a comment expressing concern that we had amended the CCP for Hutton Lake NWR to allow big game and upland game hunting without sufficient explanation.

The refuge had been closed to hunting prior to 2019 and was opened to youth only waterfowl hunting last year.

*Response:* The current proposed action to open Hutton Lake NWR to big game and upland game hunting was developed as part of the annual review of hunting and sport fishing programs on refuges to determine whether to include additional stations or whether regulations governing existing programs need modifications (see 85 FR 20030). The NWRSA (16 U.S. Code 668dd[e]) anticipated that revisions may need to be made to CCPs from “time to time” based on new information. Service policy allows minor revisions to CCP objectives and strategies as long as they do not significantly change the management direction of the refuge (603 FW 2). Appendix A in the EA provides the memorandum explaining the minor revision to the 2007 CCP for the Laramie Plains refuges, which includes Hutton Lake NWR. The analysis provided in this EA finds the effects of this change to be negligible to minor (see Appendix C, Finding of No Significant Impact).

In addition, we do not allow hunting on a refuge if it is found incompatible with that refuge's purposes or with the mission of the Refuge System. Therefore, each Service station manager uses his or her “sound professional judgment” in making these inherently complex management decisions to ensure that each proposed action complies with this mandate (see the Service’s Service Manual 603 FW 2.6.U., available online at [www.fws.gov/policy/603fw2.html](http://www.fws.gov/policy/603fw2.html)). Each manager incorporates field experience, knowledge of refuge resources, considerations of the refuge’s role within an ecosystem, applicable laws, and best available science in making these decisions. Based on our evaluation, opening Hutton Lake NWR to big game and upland game hunting is compatible with the refuge purpose and the mission of the Refuge System (see the final compatibility determination; USFWS 2020b).

We did not make any changes to the EA as a result of this comment.

### **Finding of No Significant Impact**

Based upon a review and evaluation of the information contained in the EA as well as other documents and actions of record affiliated with this proposal, the Service has determined that the proposal to implement big game and upland game hunting on Hutton Lake NWR does not constitute a major federal action significantly affecting the quality of the human environment under the meaning of Section 102(2)(c) of NEPA. As such, an environmental impact statement is not required.

### **Decision**

The Service has decided to open Hutton Lake NWR for walk-in only hunting of big game (pronghorn and white-tailed deer) and upland game (cottontail rabbits, ring-necked pheasant, sharp-tailed grouse, wild turkey, chukar, and gray partridge), in accordance with State of Wyoming regulations, from November 1 to March 1 each year.

This action is compatible with the purpose of the refuge and the mission of the Refuge System (see the final compatibility determination; USFWS 2020b).

The action is consistent with applicable laws and policies regarding the establishment of hunting on national wildlife refuges. Refuge-specific regulations promulgated in conjunction with this action are in the process of being finalized (see 85 FR 20030). This action will not be implemented until the regulations are finalized.

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Noreen Walsh  
Regional Director, Interior Regions 5 and 7  
U.S. Fish and Wildlife Service  
Lakewood, Colorado

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Date

**APPENDIX D INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM –  
REGION 6**

**Intra-Service Section 7 Biological Evaluation Form – Region 6**

Originating Person: Tom Koerner

Date Completed: 05/08/2020

Telephone Number: 307-875-2187 x16; 307-413-6149

- I. Service Program and Geographic Area or Station Name:** Hutton Lake National Wildlife Refuge (NWR)
- II. Flexible Funding Program:** N/A
- III. Location:** Location of the project including County, State and TSR (township, section & range):

Geographic Area: Laramie Plains Basin  
Albany County, Wyoming  
41° 10' 30"N, 105° 42' 54"W  
T14N R74W S20  
Elevation 7,207 feet

- IV. Species/Critical Habitat:** List federally endangered, threatened, proposed, and candidate species or designated or proposed critical habitat that may occur within the action area. To obtain species lists: <http://ecos.fws.gov/ipac/>

Wyoming toad (*Bufo baxteri*): The Wyoming toad, listed in 1984, is one of the four most endangered amphibians in North America. It is known to occur in the wild at four Safe Harbor Sites in the Laramie Plains region and at Mortenson Lake NWR (which was exclusively established for the protection of the toad), located approximately 5 miles west of Hutton Lake NWR. To assist in recovery efforts of the species, approximately 5,600 toads (in various life stages) were released at Hutton Lake NWR between 1995 and 2000. Due to drought conditions during recent years and lack of knowledge as to where the toads dispersed, no reintroduction attempts have been made since 2000. Survey efforts were done for several years after 2000 on the Refuge, but no toads have been observed since the 2000 reintroduction.

Preble's meadow jumping mouse (*Zapus hudsonius preblei*): Preble's meadow jumping mouse (Preble's) is a small rodent in the Zapodidae family and is 1 of 12 recognized subspecies of the species *Z. hudsonius*, the meadow jumping mouse. Preble's was listed as threatened under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) in May of 1998. The U.S. Fish and Wildlife Service (Service) designated critical habitat in 2010, including approximately 411 miles of rivers and streams and 34,935 acres in Colorado; no critical habitat has been designated in Wyoming (USFWS 2018). In Wyoming, Preble's has been documented in Albany, Laramie, Platte, and Converse Counties south of the North Platte River and east of the Laramie Mountains (Beauvais

2001). The Service recently reduced the Area of Influence for the Preble's meadow jumping mouse. Currently, Preble's is not believed to occur on the refuge or in the area near the refuge. Therefore we expect No Effect from the proposed action and impacts are not discussed in further detail.

**Platte River Species:** These include the least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), pallid sturgeon (*Scaphirhynchus albus*), and western prairie-fringed orchid (*Platanthera praeclara*).

These species are included in this review because actions that result in water depletions within the Platte River System may result in adverse effects to these species where they do occur. The refuge is located in the North Platte River drainage, a part of the overall Platte River System occurring in Wyoming. The proposed action (opening the refuge to big game and upland game hunting) will 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 the reasons these species are included (i.e., for any water related-effects), we expect No Effect and are not described in any further detail. .

**V. Project Description:** Describe proposed project or action or, if referencing other documents, prepare an executive summary (attach additional pages as needed):

The U.S. Fish and Wildlife Service (Service) is proposing to open hunting opportunities for big game (pronghorn and white-tailed deer) and upland game (cottontail rabbits, ring-necked pheasant, sharp-tailed grouse, wild turkey and partridge) on Hutton Lake National Wildlife Refuge (NWR or Refuge). These opportunities would be available on most of the refuge (1,648 acres) managed in accordance with Federal laws and Service policy and in alignment with State regulations (see map). However, Hutton Lake will not open to hunting for big game or upland game species until November 1 and will close on March 1 each year. Currently, the Refuge is open to youth waterfowl hunting (opened in 2019) but closed to all other forms of hunting.

**VI. Determination of Effects:**

**(A) Description of Effects:** Describe the action(s) that may affect the species and critical habitat list in item IV. Your rationale for the Section 7 determination made below (B) should be described here.

- a. Wyoming Toad: Hutton Lake NWR has had no documented Wyoming toad use for near 20 years, since toads were unsuccessfully reintroduced between 1995 and 2000, thus no direct effects exist. The proposed action alternative is expected to cause minor trampling of upland vegetation, and minor to moderate compaction of soils in areas along hunter access routes. 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.

**(B) Determination:** Determine the anticipated effects of the proposed project on species and critical habitat lists in item IV. Check all applicable boxes and list the species (or

attach a list) associated with each determination.

The actions of the big game and upland game hunt on Hutton Lake NWR may affect, but are not likely to adversely affect Wyoming toads or Preble's meadow jumping mice.

**Determination**

*No Effect:* This determination is appropriate when the proposed project will not directly or indirectly affect (neither negatively nor beneficially) individuals of listed/proposed/candidate species or designated/proposed critical habitat of such species. **No concurrence from ESFO required.**

      X      

*May Affect but Not Likely to Adversely Affect:* This determination is appropriate when the proposed project is likely to cause insignificant, discountable, or wholly beneficial effects, to individuals of listed species and/or designated critical habitat. **Concurrence from ESFO required.**

*May Affect but Likely to Adversely Affect:* This determination is appropriate when the proposed project is likely to adversely impact individuals of listed species and/or designated critical habitat. **Formal consultation with ESFO required.**

*May Affect but Likely to Adversely Affect but the proposed action is for the purpose of endangered or threatened species recovery and falls under Region 6's Programmatic Consultation on Service-initiated Recovery Actions:* this determination is appropriate when the adverse effects are likely but the project is designated to assist with recovery of listed species and/or designated critical habitat. **Concurrence from the ESFO required that the project is covered by the programmatic consultation is required.**

*May Affect but Not Likely to Jeopardize candidate or proposed species/critical habitat:* This determination is appropriate when the proposed project may affect, but is not expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. **Concurrence from ESFO optional.**

*Likely to Jeopardize candidate or proposed species/critical habitat:* This determination is appropriate when the proposed project is reasonably expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. **Concurrence from ESFO required.**

Signature Tom Koerner  
[Supervisor at originating station]

Date 05/08/2020

**Reviewing Ecological Services Office Evaluation (check all that apply):**

A. Concurrence          Nonconcurrence  
Explanation of nonconcurrence

B. Formal Consultation Required  
List species or critical habitat unit

\_\_\_\_\_

C. Effects are addressed in the Programmatic Consultation  
On R6's Recovery Program – no further consultation needed

\_\_\_\_\_

D. Conference required  
List species or critical habitat unit

\_\_\_\_\_

Name of Reviewing ES Official: \_\_\_\_\_



U.S. Fish & Wildlife Service  
Hutton Lake National Wildlife Refuge

