

Final Environmental Assessment

for Hunting on North Platte National Wildlife Refuge

July 2020

Prepared by

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Table of Contents

1.0	Introduction.....	3
1.1	Proposed Action	3
1.2	Background	3
1.3	Purpose and Need for the Proposed Action.....	6
2.0	Alternatives.....	6
2.1	Alternatives Considered	6
	Alternative A – Implement 2020 Hunting Plan – Proposed Action Alternative.....	6
	Alternative B – Continue 2007 Hunting Plan – No Action Alternative	7
3.0	Affected Environment and Environmental Consequences	7
3.1	Affected Environment	7
3.2	Environmental Consequences of the Action	8
3.3	Cumulative Impact Analysis	18
3.4	Monitoring.....	21
3.5	Summary of Analysis	21
	Alternative A – Proposed Action Alternative.....	22
	Alternative B – No Action Alternative	22
3.6	List of Sources, Agencies, and Persons Consulted	23
3.7	List of Preparers	23
3.8	State Coordination.....	23
3.9	Tribal Consultation.....	24
3.10	Public Outreach	24
3.11	Determination	26
3.12	References	27

List of Figures

Figure 1. North Platte National Wildlife Refuge Hunt Unit Map.....	5
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List of Tables

Table 1. Summary of Basic Habitat Types for Each Refuge Unit.....	7
Table 2. Affected Natural Resources and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.	9
Table 3. Affected Visitor Use and Experience and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.....	13
Table 4. Affected Cultural Resources and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.....	14
Table 5. Affected Refuge Management and Operations and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.....	15
Table 6. Affected Socioeconomics and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.	16
Table 7. Anticipated Cumulative Impacts of the Proposed Action and Any Alternatives.	18
Table 8. Estimated Cumulative Impacts for Hunting Furbearers and Resident Birds on North Platte National Wildlife Refuge.....	21
Table 9. Estimated Cumulative Impacts for Hunting Deer on North Platte National Wildlife Refuge.	21

Appendices

Appendix A	Other Applicable Statues, Executive Orders, and Regulations	28
Appendix B	Finding of No Significant Impact.....	29
Appendix C	Intra-Service Section 7 Biological Evaluation Form – Region 6.....	38

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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 or expand hunting opportunities on the North Platte National Wildlife Refuge (NWR) in accordance with the 2020 North Platte National Wildlife Refuge Hunting Plan. We, the Service, propose to expand general archery white-tailed deer and mule deer, youth squirrel, rabbit, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, skunk, and pheasant hunting on 1,373 acres by extending the season closing date from October 15 to November 1. We propose to open upland game hunting including porcupine, prairie dog, and spring turkey on 1,373 acres in alignment with existing upland game youth seasons. We also propose to open a targeted demographic opportunity for youth on 135 acres (Stateline Island Unit) for mule deer, white-tailed deer, and turkey hunting in alignment with state seasons.

This proposed action is often iterative and may evolve during the NEPA process as the agency refines its proposal and gathers feedback 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.

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 CFR and U.S. Fish and Wildlife Service Manual.

The 2,722-acre North Platte NWR was established in 1916 by Executive Order No. 2446 as a “preserve and breeding ground for native birds.” The impetus for NWR status was primarily fall concentrations of up to 250,000 mallards; 11,000 Canada geese; and bald eagles. The refuge was, and still is, superimposed on Bureau of Reclamation (Reclamation) projects and remains subject to “Reclamation service uses.”

Originally, the refuge covered four Reclamation irrigation reservoirs, which were constructed between 1910 and 1917. Three of these are still part of the refuge: Lake Minatare (430 acres);

Winters Creek (780 acres); and Lake Alice (1,377 acres). The Little Lake Alice reservoir was removed from the Refuge System in 1961 by Public Land Order 2291. In 1990, the Service, by Memorandum of Agreement with Reclamation, also assumed management of Stateline Island, a 135-acre diversion project on the North Platte River. It, too, is subject to Reclamation uses. The Refuge is located in the Nebraska panhandle, within the central flyway, in Scotts Bluff County (see Figure 1).

This station map is for general location information only and does not imply access. For access information, please check on the refuge's web page or contact the refuge directly. Many refuges have specific visitor services and other recreation opportunity maps. All lands and boundaries depicted in Figure 1 are not survey quality and should not be used for survey or legal purposes.

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, plants, and their habitats within the Refuge System;
- ensure that the biological integrity, diversity, and environmental health of the Refuge System are supported 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 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
- check 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.

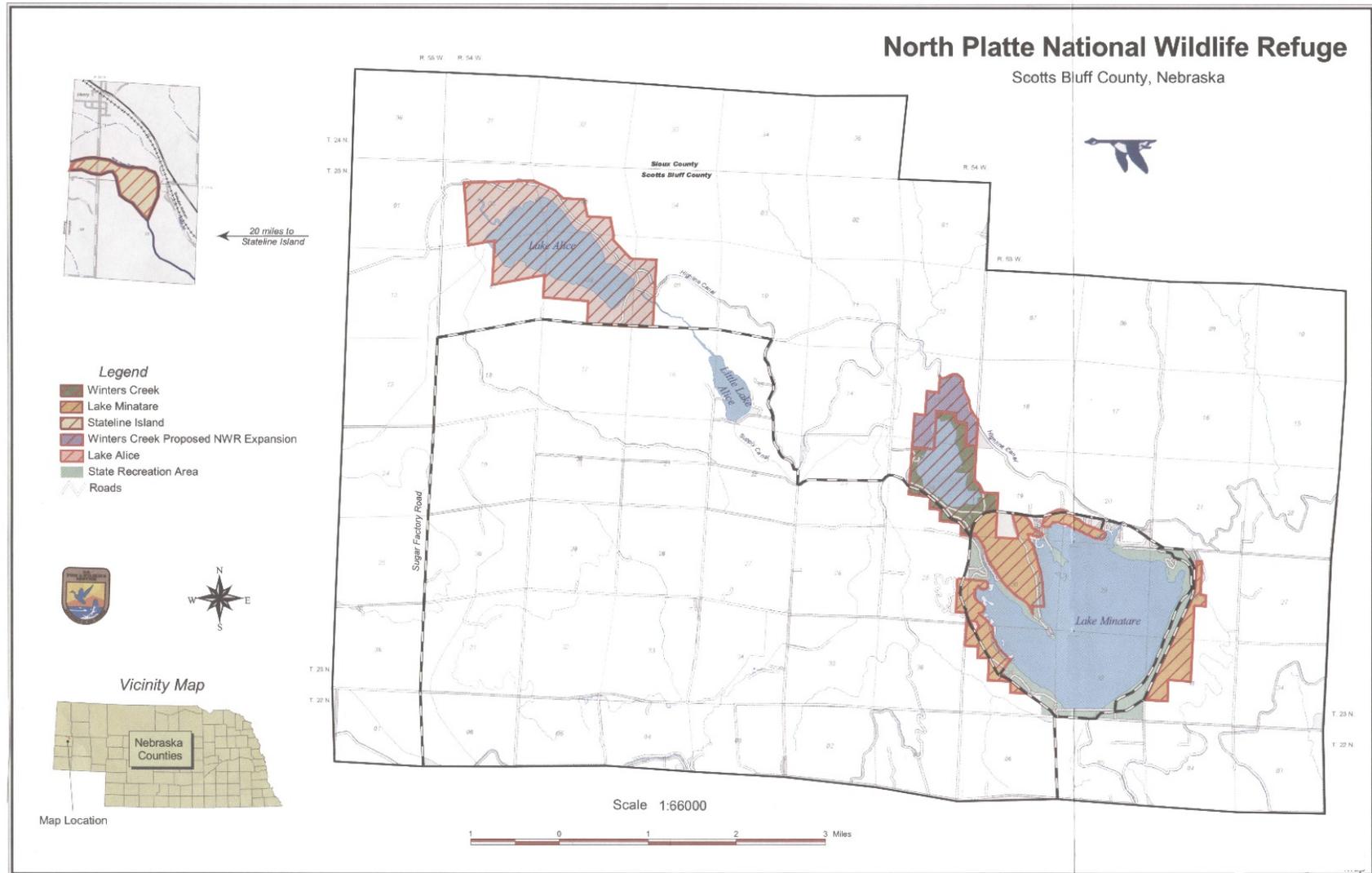


FIGURE 1

Figure 1. North Platte National Wildlife Refuge Hunt Unit Map.

1.3 Purpose and Need for the Proposed Action

The purpose of this proposed action is to provide compatible wildlife-dependent recreational opportunities on 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]). The need of the proposed action also meets the Service's implementation of Secretarial Order (S.O.) 3347, "Conservation Stewardship and Outdoor Recreation," and S.O. 3356, "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories," by expanding hunting opportunities and aligning Service regulations with state regulations.

2.0 Alternatives

2.1 Alternatives Considered

Alternative A – Implement 2020 Hunting Plan – Proposed Action Alternative

We propose to expand general archery white-tailed deer and mule deer, youth squirrel, rabbit, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, skunk, and pheasant hunting on 1,373 acres by extending the season closing date from October 15 to November 1. We propose to open upland game hunting including porcupine, prairie dog, and spring turkey on 1,373 acres in alignment with existing upland game youth seasons. We also propose to open a targeted demographic opportunity for youth on 135 acres (Stateline Island Unit) for mule deer, white-tailed deer, and turkey hunting in alignment with state seasons.

We propose to expand youth hunting opportunities to better align with State of Nebraska regulations. We also propose to expand the number of acres open for youth hunting opportunities; open new youth hunting opportunities for more species including turkey, porcupine, and prairie dog; and extend the date range for archery deer and youth hunting of pheasant, squirrel, rabbit, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, and striped skunk until November 1.

We propose to extend archery deer hunting and youth hunting on Lake Alice Unit to November 1. This would allow youth hunters to participate in the Nebraska youth pheasant season in late October. We propose to open new youth hunting for turkey, porcupine, and prairie dog at Lake Alice Unit to better align with State of Nebraska youth opportunities. Nebraska youth turkey season occurs primarily during the months of April and May. We also propose to open youth hunting opportunities for turkey and deer at the 135-acre Stateline Island Unit.

The Lake Alice Unit is currently open to archery deer hunting and a youth-only hunt for coyotes, furbearers, squirrels, rabbits, and pheasants through October 14. We propose to expand these hunting opportunities through October 31. We also propose to open youth hunting opportunities for porcupine, prairie dog, and woodchuck. These hunting opportunities would be conducted in accordance with state and federal regulations.

While huntable populations for some of the target species may exist, the Lake Alice Unit is not known for an overabundance of such small and upland game and furbearer species. For this reason, we propose to keep youth-only hunting of these species, providing an opportunity for

adult mentors to introduce children to hunting. All hunters would be allowed to hunt deer prior to the November 1 closure.

The entire Lake Alice Unit would remain closed to all public entry from November 1 through January 14 to provide undisturbed habitat during peak waterfowl and eagle use periods.

We also propose to open the Stateline Island Unit of the refuge to youth deer and turkey hunting. This refuge unit is small in size (135 acres), and youth hunts would be administered in coordination with the Nebraska Game and Parks Commission (NGPC) to limit the number of youth hunters to better ensure a safe hunting environment.

Alternative B – Continue 2007 Hunting Plan – No Action Alternative

Under this alternative, current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands as described in the 2007 hunting plan would continue. During the hunting season, the Lake Alice Unit would be open to archery deer hunting and a youth-only hunt for squirrel, rabbit, pheasant, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, and striped skunk in accordance with federal and state regulations. No other species may be taken. The entire Lake Alice Unit would be closed to all public entry from October 15 through January 14 to provide undisturbed habitat during peak waterfowl and eagle use. All other refuge units would be closed to hunting.

3.0 Affected Environment and Environmental Consequences

3.1 Affected Environment

This section describes the physical, biological, cultural, and socioeconomic resources most likely affected by conducting a limited hunting program on the refuge.

The refuge has four dispersed management units, all of which are superimposed on Reclamation projects and subject to Reclamation uses: Lake Minatare (430 acres); Winters Creek (780 acres); Lake Alice (1,377 acres); and Stateline Island (135 acres). A summary of basic habitat types for each refuge unit are shown in Table 1.

Table 1. Summary of Basic Habitat Types for Each Refuge Unit.

Habitat Type	Minatare (acres)	Winters Creek (acres)	Lake Alice (acres)	Stateline Island (acres)	Total acres
Open water (lakes)	—	345	576	—	921
Small wetlands (with emergent vegetation)	—	8	—	—	8
Grasslands	327	349	698	65	1,439
Trees and scrub shrub	103	55	92	65	315
Administrative (roads, dams, canal)	—	23	11	5	39
TOTALS	430	780	1,377	135	2,722

Physical Environment

The refuge is located in the central part of the High Plains Region. The Lake Alice Unit lies on a terrace or bench just north of the North Platte River Valley between two bedrock outcrops. The area has many gravel veins, an indication it is a remnant of an old alluvial terrace. The general landscape surrounding the refuge is nearly level to rolling prairie.

The general climate is characteristic of the high plains. Average annual precipitation is about 14.5 inches. The average January temperature is 23.8 degrees Fahrenheit, while the average in July is 72.8 degrees Fahrenheit. Temperature extremes have ranged from -37 to 108 degrees Fahrenheit. Humidity is relatively low and prevailing winds are west to northwest in winter and east to southeast in summer. Winter winds are occasionally warmed by the down slope effect from the higher elevations to the west and bring rapid warming and melting of snow. The growing season is 135 days. The last killing frost is in mid-May and the first is in mid-September.

Tables 2–7 provide brief descriptions of each resource affected by the proposed action.

For more information regarding the affected environment, please see the refuge’s comprehensive conservation plan (CCP), which can be found here: [www.fws.gov/mountain-prairie/refuges/refugesUpdate/completedPlanPDFs_M-S/npl_2001_ccpfinal_all%20\(1\).pdf](http://www.fws.gov/mountain-prairie/refuges/refugesUpdate/completedPlanPDFs_M-S/npl_2001_ccpfinal_all%20(1).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 includes the written analyses of the environmental consequences on a resource only when the impacts on that resource could be more than negligible and therefore considered an “affected resource” or are otherwise considered important as related to the proposed action. Resources that would not be more than negligibly affected by the action and have been identified as not otherwise important as related to the proposed action have been dismissed from further analyses, including air quality, floodplain, geology, water resources, and wilderness.

Tables 2 through 6 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 7 provides a brief description of the anticipated 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 2. Affected Natural Resources and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.

<p>Affected Resources</p>	<p><u>Alternative A (Proposed Action)</u> <i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p><u>Alternative B (No Action)</u> <i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
<p>Hunted Populations</p>		
<p><i>Deer</i> The refuge units are small, and deer move on and off the refuge throughout the year; peak numbers occur during winter and average about 50–60 mule deer and ten white-tailed deer.</p> <p><i>Small Game</i> Mammals include raccoons, striped skunks, coyotes, red foxes, black-tailed prairie dogs, badgers, eastern fox squirrels, and eastern cottontails.</p> <p><i>Pheasants</i> Ring-necked pheasants occur in small numbers, primarily on the Lake Alice and Winters Creek units.</p>	<ul style="list-style-type: none"> • Big game hunters: 5 • Small game hunters: 5 • Pheasant hunters: 5 • Deer harvested: 2 • Small game harvested (all species): 5 • Pheasant harvested: 5 <p>Additional mortality of individual hunted animals would occur under this alternative, estimated by refuge staff to be, at the most, two deer harvested annually from the Lake Alice Unit. Estimates for other hunted species (squirrel, rabbit, pheasant, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, and striped skunk) would be no more than five individuals per species. Hunting causes some disturbance to not only the species being hunted but other game species as well. However, time and space zoning established by refuge regulations would reduce incidental disturbance.</p>	<ul style="list-style-type: none"> • Big game hunters: 5 • Small game hunters: 5 • Pheasant hunters: 0 • Deer harvested: 2 • Small game harvested (all species): 5 • Pheasant harvested: 0 <p>Additional mortality of individual hunted animals would not occur under this alternative. Disturbance by hunters to hunted wildlife would not increase, and other public uses that cause disturbance, such as wildlife observation and photography, would still be permitted.</p>

<p style="text-align: center;">Affected Resources</p>	<p style="text-align: center;"><u>Alternative A (Proposed Action)</u></p> <p style="text-align: center;"><i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p style="text-align: center;"><u>Alternative B (No Action)</u></p> <p style="text-align: center;"><i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
<p>Other Wildlife and Aquatic Species</p>		
<p>Nebraska has 413 bird species on its official list, 228 of which occur on the refuge.</p> <p>Besides the bald eagle, other raptors common to the refuge include the great-horned owl, American kestrel, rough-legged hawk, golden eagle, red-tailed hawk, northern harrier, and osprey. Use by all raptors averages about 1,500 to 2,000 days per year.</p> <p><i>Average Annual Waterfowl Use Days for the Refuge</i> (includes Lake Minatare proper, which is no longer part of the refuge but adjoins the Lake Minatare unit and is closed as a fall–winter sanctuary under agreement with Reclamation and NGPC)</p> <p>Total Duck Use Days: 5,147,092</p> <p>Total Waterfowl Use Days: 5,228,363</p> <p><i>Average Annual Marsh and Water Bird Use Days for the Refuge</i></p> <p>Total Use Day: 30,563</p> <p><i>Average Annual Shorebird/Allied Species Use Days for the Refuge</i></p> <p>Total Use Days: 269,776</p> <p><i>Amphibians and Reptiles</i></p> <p>The northern leopard frog is the most common amphibian. The bull snake and western plains garter snake are the most common reptiles.</p>	<p>Hunting causes some disturbance to not only the species being hunted but other nonhunted species as well. However, time and space zoning established by refuge regulations would reduce incidental disturbance.</p> <p>Vehicles are restricted to one road and the harassment or taking of any wildlife other than the game species legal for the season is not permitted. Small mammals, including bats, are less active during the shortened hunting season at the Lake Alice Unit. These species are also generally nocturnal and therefore active only when hunters (and other public users) are not present. Hibernation or torpor by cold-blooded reptiles and amphibians also limits their activity during the hunting season.</p> <p>Disturbance to the daily activities of birds, such as feeding and resting, might occur but would be transitory as hunters traverse habitat. Migratory waterfowl and shorebirds using the Lake Alice Unit during the limited hunting season are concentrated within the lakebed area where hunting is unlikely to occur.</p> <p>Disturbance to birds by hunters would be commensurate with that caused by nonconsumptive users.</p>	<p>The entire Lake Alice Unit is closed to all public entry from October 15 through January 14 to provide undisturbed habitat during peak waterfowl and eagle use.</p> <p>When nesting bald eagles are active on the Lake Alice Unit, an area of the unit would stay closed to all public entry to adequately provide for the needs of this protected species. The temporary eagle closure area would be marked with signs similar to that shown on the map. If an area is not signed, you can hunt the entire unit.</p> <p>Disturbance by hunters to nonhunted wildlife would not occur; however, other public uses that cause disturbance, such as wildlife observation and photography, would still be permitted.</p>

<p style="text-align: center;">Affected Resources</p>	<p style="text-align: center;"><u>Alternative A (Proposed Action)</u></p> <p style="text-align: center;"><i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p style="text-align: center;"><u>Alternative B (No Action)</u></p> <p style="text-align: center;"><i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
<p>Threatened and Endangered Species and Other Special Status Species</p>		
<p><i>Amphibians and Reptiles</i></p> <p>The northern leopard frog is the most common amphibian. The bull snake and western plains garter snake are the most common reptiles.</p> <p>Whooping cranes, a federally-listed endangered species, have not been seen on the refuge but are occasionally sighted nearby. In 1987, a lone bird was observed east of Scottsbluff and 12 miles north of Lake Minatare. One bird was seen among a flock of sandhill cranes just west of Scottsbluff in 1999.</p>	<p>The exposed and shallow water beaches of Lake Minatare and Lake Alice are considered potential fall roosting sites.</p> <p><i>Mitigation if Whooping Cranes Are on Refuge</i></p> <p>If sightings occurred during hunting seasons, hunting activities would temporarily be shut down.</p>	<p>A Section 7 evaluation associated with the implementation of the 2001 CCP (which included the proposal to open the Lake Alice Unit to limited hunting) was conducted, and it was determined that the proposed action is not likely to adversely affect the listed endangered species.</p> <p>Under this alternative, hunting would remain as it now occurs. Consequently, disturbance by hunters to bald eagles would not occur.</p>
<p>Vegetation</p>		
<p><i>Grasslands</i></p> <p>The refuge has approximately 1,625 acres of grassland, mostly native prairie. The primary native grasses are blue grama, needle and thread, western wheatgrass, and prairie sandreed. Little bluestem, sand bluestem, love grass, and switchgrass are native grasses that were reseeded on about 16 acres in 1998 and 1999. Nonnative species or species not typically found in mixed-grass prairie are interspersed throughout all refuge units. The most widespread are smooth brome and Kentucky bluegrass.</p>	<p>While a hunting public would be traversing the Lake Alice Unit, other nonconsumptive users would also continue to do so, causing potential but minimal damage to individual plants.</p> <p>Refuge hunting regulations would assist in protecting habitat conditions. For example, only portable or temporary tree stands would be permitted, and nontoxic shot would be required for hunting upland game with shotguns.</p>	<p>Impacts to habitat directly attributed to hunting are minor in nature and are typically associated with trampling, which may cause damage to individual plants as hunters traverse across the refuge. Our experience during the past several years has shown that impacts to habitat caused by hunting are no greater than those caused as a result of implementing other nonconsumptive public use programs.</p>

<p style="text-align: center;">Affected Resources</p>	<p style="text-align: center;"><u>Alternative A (Proposed Action)</u></p> <p style="text-align: center;"><i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p style="text-align: center;"><u>Alternative B (No Action)</u></p> <p style="text-align: center;"><i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
<p>The Lake Alice Unit consists of approximately 760 acres of grasslands.</p> <p><i>Woodlands and Shrub</i></p> <p>Refuge reservoirs are surrounded with bands of large, naturally established cottonwoods. The bands range in thickness from one or two trees to 100 yards or more. The cottonwoods are very even-aged, in the range of 70 to 80 years old.</p>		
<p>Soil and Topography</p>		
<p>The refuge is located in the central part of the High Plains region. The Lake Alice Unit lies on a terrace or bench just north of the North Platte River Valley between two bedrock outcrops. The area has many gravel veins, an indication it is a remnant of an old alluvial terrace. The general landscape surrounding the refuge is nearly level to rolling prairie.</p> <p>Refuge soils are mapped and described in detail in the 1968 soil survey of Scottsbluff County. Soils on the reservoir units are mostly deep, sandy, and loamy soils on foot slopes and deep sandy soils on uplands.</p>	<p>Some disturbance to surface soils, topography, and vegetation would occur in areas selected for hunting; however, effects would be only from walking disturbances. The refuge would also control access to decrease habitat degradation.</p>	<p>The impacts of the current hunting program to soil and topography are typically associated with occasional trampling, resulting in less impact than some routine refuge management operations.</p>

Key: CCP = Comprehensive Conservation Plan; NGPC = Nebraska Game and Parks Commission; NWR = National Wildlife Refuge

Table 3. Affected Visitor Use and Experience and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.

<p>Affected Resources</p>	<p><u>Alternative A (Proposed Action)</u> <i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p><u>Alternative B (No Action)</u> <i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
<p>All four refuge units are open during daylight hours for wildlife observation and photography, interpretation and environmental education, fishing, hiking, canoeing, boating (with no internal combustion motors), and mushroom and berry picking. The Lake Minatare, Winters Creek, and Lake Alice Units are closed during portions of the fall and winter to provide sanctuary for migrating birds. Stateline Island is open year-round.</p> <p>About 4,500 people visit the refuge annually; about 90 percent are from local communities. Visitors often engage in more than one activity and an approximate breakdown by activity is: wildlife observation/interpretation (2,100); environmental education (1,400); and fishing (1,900). In addition, refuge staff present off-site educational programs to about 1,100 people annually, mostly students.</p>	<p>This alternative would also allow the public to enjoy new and expanded hunting opportunities at little or no cost in a region where private land is often leased for hunting. This alternative would allow youth the opportunity to experience a wildlife-dependent recreational activity; instill an appreciation for and understanding of wildlife, the natural world, and the environment; and promote a positive land ethic and environmental awareness.</p> <p>As public use levels expand over time, unanticipated conflicts between user groups may occur. Experience has proven that time and space zoning (such as the establishment of separate use areas, use periods, and restrictions on the number of users) is an effective tool in eliminating conflicts between user groups. This also limits disturbance to wildlife during the spring and summer when most species reproduce. Conflicts between hunters and nonconsumptive users might occur but would be mitigated by time (nonhunting season) and space zoning. Nonconsumptive use (mainly bird watching and other wildlife viewing) occurs within the other three units (Minatare, Winters Creek, and Stateline Island Units) closed to hunting.</p>	<p>The public would continue to have the opportunity to harvest a renewable resource, participate in wildlife-oriented recreation that is compatible with the purpose for which the refuge was established, and have an increased awareness of the refuge and the Refuge System.</p>

Key: NWR = National Wildlife Refuge

Table 4. Affected Cultural Resources and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.

<p>Affected Resources</p>	<p><u>Alternative A (Proposed Action)</u> <i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p><u>Alternative B (No Action)</u> <i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
<p>Cultural resources were described in the CCP completed in 2001. No significant historic, prehistoric, or paleontological resources have been identified within the refuge.</p>	<p>Because of the temporary and superficial use of refuge habitats during hunting and fishing activities, there should be no direct or indirect impacts to cultural resources under this alternative from visitors engaged in hunting and fishing activities, as delineated in the hunting and fishing plan. The Service has determined that, in accordance with the implementing regulations for Section 106 of the National Historic Preservation Act (36 CFR 800), "... the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, [and] the agency official has no further obligations under Section 106 or 36 CFR 800.3(a)(1)."</p> <p>New infrastructure or facilities such as fencing, posting, and parking areas that may be developed in association with the new hunt areas would require compliance with Section 106 of the National Historic Preservation Act.</p>	<p>Under this alternative, there would be no change to existing environmental conditions; subsequently, no direct or indirect impacts to cultural resources are anticipated.</p>

Key: CCP = Comprehensive Conservation Plan; CFR = Code of Federal Regulations; NWR = National Wildlife Refuge

Table 5. Affected Refuge Management and Operations and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.

<p>Affected Resources</p>	<p><u>Alternative A (Proposed Action)</u> <i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p><u>Alternative B (No Action)</u> <i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
<p>Facilities</p>		
<p>Interior refuge roads are two-track trails, which are difficult to travel when wet. Mowed parking areas are located near fishing access points, including a boat launch at Winters Creek. Five information kiosks with leaflet dispensers are located at refuge entrances. No restroom facilities are provided. Refuge entrances and boundaries are signed.</p>	<p>Under the proposed action, facilities most utilized by hunters would be roads, parking lots, and signage. Maintenance or improvement of existing facilities are estimated to cost \$25,000 annually. The facility maintenance and improvement activities described are periodically conducted to accommodate daily refuge management operations and public uses, such as wildlife observation and photography. These activities would be conducted at times (seasonal and daily) to cause the least amount of disturbance to wildlife. Roads and parking areas that have been impacted by a flood event or other natural cause would be closed to vehicular use. Maintenance or improvement of existing facilities (parking areas, roads, and fences) would cause minimal short-term impacts to localized soils and vegetation and may cause some short-term wildlife disturbances.</p>	<p>Some damage to roads and parking areas due to hunter use occurs, necessitating periodic facilities maintenance and continued law enforcement presence. The estimated annual cost associated with managing the current hunting program is \$35,000 and covers providing informational signage, brochures, and law enforcement.</p>
<p>Administration</p>		
<p>The refuge is currently managed as part of the Sandhills NWR Complex and has no dedicated staff. The three full-time employees of Crescent Lake NWR also administer North Platte NWR. There are currently no law enforcement officers on staff at either refuge.</p>	<p>More money is needed to provide law enforcement for new and expanded hunting opportunities. Coordination with the State of Nebraska conservation officers is critical.</p>	<p>The limited hunting program that has occurred on the Lake Alice Unit since 2003 has minimal costs. There are some costs associated with the program in the form of informational brochures and law enforcement. These costs are minimal relative to total refuge operations and maintenance costs and do not diminish resources dedicated to other management programs.</p>

Key: NWR = National Wildlife Refuge

Table 6. Affected Socioeconomics and Anticipated Direct and Indirect Impacts of the Proposed Action and Any Alternatives.

<p>Affected Resources</p>	<p><u>Alternative A (Proposed Action)</u> <i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p><u>Alternative B (No Action)</u> <i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
<p>Local and Regional Economies</p>		
<p>The approximate population of Scotts Bluff County is 35,989. Of this number, 26,000 live in the nine communities within the county. The twin cities of Scottsbluff and Gering have a combined population of 22,958. The entire county population lives within 20 miles of a refuge unit.</p> <p>Scottsbluff and Gering form a regional trade center for the Nebraska panhandle and parts of eastern Wyoming. Agriculture is the primary economic activity. Major crops are sugar beets, beans, corn, and alfalfa. Beef production is an important trade. Construction, manufacturing, and retail merchandising are increasing in importance.</p>	<p>It is expected that the new hunts would result in a net gain of public hunting opportunities positively affecting the public, nearby residents, and refuge visitors. The refuge expects increased visitation and tourism to bring added revenues to the local community but not a significant increase in overall revenue in any area.</p>	<p>Little to no change in wildlife-based recreational opportunities are expected under current conditions. 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, almost 27,000 jobs, and \$542.8 million in employment income in regional economies (Carver and Caudill 2007). Revenues generated by hunters and nonconsumptive, wildlife-dependent visitors for lodging, food, gas, and miscellaneous purchasing would continue to benefit the Scottsbluff and Gering communities.</p>

<p style="text-align: center;">Affected Resources</p>	<p style="text-align: center;"><u>Alternative A (Proposed Action)</u></p> <p style="text-align: center;"><i>Expand hunting and fishing opportunities on North Platte NWR, including expanding general archery hunting by extending the season closing date, opening upland game hunting, and expanding youth hunting opportunities.</i></p>	<p style="text-align: center;"><u>Alternative B (No Action)</u></p> <p style="text-align: center;"><i>Current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands would continue as described in the 2007 hunting plan.</i></p>
Environmental Justice		
<p>Executive Order 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 finding 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>Within the spirit and intent of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations, and Low-Income Populations, no actions being considered in this EA would disproportionately place any adverse environmental, economic, social, or health effects on minority or low-income populations when compared with the public.</p> <p>The Service is committed to ensuring that all members of the public have equal access to the nation’s fish and wildlife resources, as well as equal access to information that would enable them to take part meaningfully in activities and policy shaping.</p>	<p>Impacts would be the same as described under the Proposed Action Alternative.</p>

Key: EA = Environmental Assessment; 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 non-federal) 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 2020-2021 National Wildlife Refuge Proposed Hunting and Sport Fishing Openings, U.S. Fish and Wildlife Service.

Table 7. 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
Nonhunted Wildlife	
<p>Nonhunted wildlife would include migratory birds (waterfowl, shorebirds, songbirds); small mammals (voles, moles, mice); reptiles and amphibians; and invertebrates (insects). Except for migratory birds and some species of migratory bats and insects, these species have very limited home ranges and hunting could not affect their populations regionally; thus, only local effects would be discussed.</p>	<p>Disturbance to migratory birds could have regional, local, and flyway effects. However, disturbance by hunting to migratory birds should not have cumulative negative impacts for the following reasons. Hunting season would not coincide with the nesting season. Disturbance to the daily wintering activities of birds, such as feeding and resting, might occur. Migratory waterfowl and shorebirds using the refuge during the limited hunting season are concentrated within the lakebed area where hunting would not be expected to occur. Disturbance to birds by hunters would probably be commensurate with that caused by nonconsumptive users.</p> <p>Disturbance by hunting to nonhunted wildlife would be the most likely negative cumulative impact. However, disturbance would be unlikely for the following reasons. Small mammals, including bats, are less active during the shortened hunting season at the Lake Alice Unit. These species are also generally nocturnal and therefore active only when hunters (and other public users) are not present. Hibernation or torpor by cold-blooded reptiles and amphibians also limit their activity during the hunting season. Hunters would rarely encounter reptiles and amphibians during most of the hunting season. Encounters with reptiles and amphibians in the early fall are few and should not have cumulative negative effects on reptile and amphibian populations. Invertebrates are also not active during cold weather and would have few interactions with hunters during the hunting season. The refuge estimates hunter density on peak days to be no more than one hunter per 1,000 acres. During most of the hunting season, hunter density is expected to be even lower. Refuge regulations further mitigate possible disturbance by hunters to nonhunted wildlife. Vehicles are restricted to roads, and the harassment or taking of any wildlife other than the game species legal for the season is not permitted.</p>

Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment	Descriptions of Anticipated Cumulative Impacts
Resident Wildlife	
<p>Tables 8 and 9 show the average annual statewide harvest and expected annual refuge harvest of resident wildlife</p>	<p>NGPC estimates the statewide, combined (mule and white-tailed) deer population to be 320,000. The current 10-year, statewide harvest average (firearm and archery combined) is 46,556, or 14.5 percent of the herd. NGPC is seeing no cumulative impact to the state’s deer population at this harvest rate. Deer hunting does not have regional population impacts due to restricted home ranges. Therefore, only local impacts occur. The largest annual average of deer harvested from the Lake Alice Unit is estimated at 2, representing only a 0.004 percent increase in the total state harvest. An abbreviated (30-day) archery hunt on the 1,377-acre Lake Alice Unit should not have negative cumulative impacts on the deer herd.</p> <p>Squirrel, rabbit, pheasant, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, and striped skunk cannot be affected regionally by refuge hunting because of their limited home ranges. Only local effects would be discussed. Cumulative adverse impacts to these species are unlikely, considering (1) only youth (with nonhunting mentors) are allowed to hunt small game/furbearers on the refuge, and (2) studies have shown that small game/furbearers are not affected by hunting but rather are limited by food resources.</p> <p>Preparers of this assessment consulted with biologists from NGPC regarding the cumulative impacts of hunting small game and furbearers. The table below depicts statewide annual harvest estimates for various small game and furbearers along with an estimate of harvest from the refuge and the resulting increase in the statewide harvest.</p>
Use of Lead Ammunition	
	<p>Although ingestion of spent rifle bullet lead shot by non-hunted wildlife could be a cumulative impact, this issue is not relevant to waterfowl in the refuge because the use of lead shot in shotgun shells would not be permitted for any type of hunting on the refuge.</p>

Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment	Descriptions of Anticipated Cumulative Impacts
Environment	
	<p>Cumulative effects on the environment result from incremental effects of a proposed action when these are added to other past, present, and reasonably foreseeable future actions. While cumulative effects may result from individually minor actions, they may, viewed as a whole, become substantial over time. The hunting and fishing plan has been designed so as to be sustainable through time given relatively stable conditions. Changes in refuge conditions, such as sizeable increases in refuge acreage or public use, are likely to change the anticipated impacts of the current plan and would trigger a new hunt planning and assessment process.</p> <p>The implementation of the proposed alternative described in this assessment covers actions relating to the refuge hunt program. These actions would have both direct and indirect effects; however, the cumulative effects of these actions are expected to be insignificant. The refuge staff does not foresee any changes to the proposed action in the way of increasing the intensity of hunting in the future.</p>
Anticipated Impacts if Individual Hunts Are Allowed to Accumulate	
	<p>National wildlife refuges conduct hunting programs within the framework of state and federal regulations. As proposed, the refuge hunting program would be considerably more restrictive than the State of Nebraska. By maintaining hunting regulations that are equally, or more, restrictive than the state, individual refuges ensure that they are maintaining seasons that are supportive of management on a more regional basis. The hunting and fishing plan has been reviewed and is supported by NGPC. Additionally, refuge staff coordinate with NGPC officials annually to support regulations and programs that are consistent with the state management program.</p>
Climate Change	
<p>Climate change refers to the increasing changes in the measures of climate over a long period of time, including precipitation, temperature, and wind patterns. Although climate change is a naturally occurring phenomenon and temperature and precipitation changes are anticipated, there are many unknowns. Consequently, we do not fully understand the potential impacts that climate change may have on terrestrial and aquatic habitats and the associated wildlife species.</p>	<p>Using available and emerging science, the Service continues to assess predictions of these complex effects and the Service would continue to use an adaptive management approach to implementation of this action to ensure that it does not add to the impacts of climate change on the environment. Hunt programs and mitigation measures would adapt with changing conditions to continue to conserve natural resources and balance compatible recreational uses.</p>

Key: NGPC = Nebraska Game and Parks Commission

Table 8. Estimated Cumulative Impacts for Hunting Furbearers and Resident Birds on North Platte National Wildlife Refuge.

Species	Average Annual Statewide Harvest	Estimated Annual Refuge Harvest	% Increase in Statewide Harvest
Mink	813	<2	0.3
Opossum	25386	<1	0.004
Cottontail	14,915	<5	0.03
Jackrabbit	365	<1	0.3
Red Fox	3,391	<5	0.037
Badger	3,741	<1	0.029
Skunk	12,361	<1	0.027
Coyote	46,311	<1	0.008
Raccoon	108,744	<2	0.004
Pheasants	130,449	<5	0.008
Youth Pheasant Hunts	4,772	<5	.001

Source: Furbearer 2017–18 Nebraska Game and Parks Data; Small Game 2005–06 Nebraska Game and Parks Data; Pheasant 2018-19 Nebraska Game and Parks Data; Youth Pheasant Hunters 2018.

Table 9. Estimated Cumulative Impacts for Hunting Deer on North Platte National Wildlife Refuge.

Species	2018 Plains Unit Harvest	Estimated Annual Refuge Harvest	% Increase in Plains Harvest
Deer	2014	<2	0.1

Source: Deer Harvest 2018 Nebraska Game and Parks Data

3.4 Monitoring

Biological monitoring of resident and wildlife is done by state harvest records. Fish are surveyed with our partners at NGPC. In addition, the station would stay apprised on the status of threatened and endangered species on the refuge through consultation and local monitoring.

3.5 Summary of Analysis

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

Alternative A – Proposed Action Alternative

As described in the 2020 hunting plan, the proposed action alternative would:

- expand youth hunting opportunities to better align with state regulations;
- expand acres open for youth hunting opportunities;
- open new youth hunting opportunities for more species, including turkey, porcupine, and prairie dog; and
- extend date range for archery deer and youth hunting of pheasant, squirrel, rabbit, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, and striped skunk until November 1.

As described above, more opportunities are likely to draw a slightly higher number of hunters to the refuge. This increase could potentially lead to conflicts with other refuge visitors. If conflicts develop after the plan is implemented, the impact would be mitigated. Nontoxic shot would be required for hunting when shotguns are used. Vehicle access would be limited to public use roads and no other public use roads would need to be established to accommodate this hunting and fishing plan.

There is not likely to be adverse effects on endangered or threatened species, and the effects on wildlife and habitat would be negligible.

This alternative helps meet the purpose and needs of the Service as described above because it provides more wildlife-dependent recreation opportunities on the refuge, meeting the Service's priorities and mandates. This alternative also helps to further align Service regulations with state regulations and provides more public land that is accessible for hunting by the American public. The Service has determined that the proposed action is compatible with the purposes of the refuge and the mission of the Refuge System (see the compatibility determination for hunting and fishing on North Platte NWR).

Alternative B – No Action Alternative

Under this alternative, current hunting opportunities would continue for small game, big game, and furbearers on refuge lands as described in the 2007 hunting plan. New hunting and fishing opportunities identified in the 2020 hunting and fishing plan would remain closed to hunting and fishing. All other existing public uses would remain unchanged.

Under this alternative, current refuge hunting opportunities for specific small game, big game, furbearers, and migratory bird species would continue and remain the same across those portions of the refuge. The refuge would continue to serve as habitat for fish and wildlife, as well as provide outdoor recreational opportunities for all six priority wildlife dependent public uses: hunting, fishing, wildlife observation, photography, environmental education, and interpretation.

Opportunities to create more outdoor recreation experiences by adding more species would be lost. In addition, the refuge's ability to connect with certain segments of the public would potentially be diminished since hunting for some popular game species would not be permitted. Hunters would pursue these species off-refuge and thus the refuge's ability to reach those members of the public and promote natural resources conservation, environmental education, and natural resources stewardship may be more limited.

This alternative also meets the purpose and needs of the Service as described above because it would provide wildlife-dependent recreation opportunities. However, it does not allow for the Service’s implementation of S.O. 3347, “Conservation Stewardship and Outdoor Recreation,” and S.O. 3356, “Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories,” by expanding hunting opportunities and aligning Service regulations with state regulations.

3.6 List of Sources, Agencies, and Persons Consulted

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

- NGPC
- Service Personnel: Sandhills NWR Complex Staff

3.7 List of Preparers

Name	Position	Work Unit
Brian DeVries	Refuge Manager	North Platte NWR
Marlin French	Wildlife Biologist	North Platte NWR

3.8 State Coordination

National wildlife refuges, including the North Platte NWR, conduct hunting programs within the framework of state and federal regulations. The refuge has developed this EA and hunting and fishing plan based upon earlier formal coordination with NGPC and intervening informal discussions.

The results of this coordination are reflected in this EA and hunting and fishing plan. The refuge would continue to consult and coordinate with NGPC annually to support regulations and programs that are consistent with the state, as well as to observe populations of game species and set harvest goals. The refuge would strive to support consistent regulations with NGPC whenever applicable.

On July 10, 2018, NGPC leadership provided suggestions for expanded hunting opportunities on Service lands in Nebraska. Their input was consistent with the Department of Interior S.O. 3356, “Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories.” The refuge reviewed the operations and regulations for neighboring state wildlife management areas, public lands administered by other agencies (such as the U.S. Forest Service), and other national wildlife refuges in Nebraska to find consistency where possible. More conversations have occurred with local NGPC biologists in development of this EA and the hunting and fishing plan. The Service will send a letter to the state summarizing efforts to increase hunting opportunities and align with state hunting regulations. We will continue to consult and coordinate on specific aspects of the hunting and fishing plan 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 expand hunting opportunities at the refuge. The Service extended an invitation to engage in government-to-government consultation in accordance with Executive Order 13175.

3.10 Public Outreach

Public input was sought several times regarding hunting opportunities on the refuge as a recreational opportunity as part of public outreach and an open comment period during the planning stages for the 2007 hunting plan and the 2001 refuge CCP.

On April 1, 2020, the Service put the draft EA, hunting and fishing plan, and compatibility determination out for 30-day public review and comment. The refuge made the public aware of the availability of the draft EA and hunting plan via public notices on the refuge's website. 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. Summaries are included below.

Comment (1): We received a comment fully supporting the expansion of hunting opportunities.

Response: Hunting is a nationally recognized, priority public use of national wildlife refuges.

Comment (2): One commenter noted that refuges in Nebraska have had drastic reductions in staffing over the last 15 years. Expansion of hunting and fishing will place an additional work load on already strained budgets and staff, especially law enforcement officers.

Response: Each refuge manager makes a decision regarding hunting and sport fishing on that particular refuge only after rigorous examination of the available information. Referencing a CCP is generally the first step a refuge manager takes. Our policy for managing refuges is to manage them in accordance with an approved CCP which, when implemented, will achieve refuge purposes; help fulfill the Refuge System mission; maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System; help achieve the goals of the National Wilderness Preservation System; and meet other mandates. The CCP guides management decisions and sets forth goals, objectives, and strategies to accomplish these ends. The next step for refuge managers is developing or referencing step-down plans, of which a hunting plan would be one. Part of the process for opening a refuge to hunting after completing the step-down plan is complying with NEPA (42 U.S. Code 4321 et seq.), such as conducting an environmental assessment accompanied by the appropriate decision documentation (record of decision, finding of no significant impact, or environmental action memorandum or statement). The rest of the elements in the opening package are an evaluation of Section 7 of the Endangered Species Act of 1973, as amended (16 U.S. Code 1531 et seq.); copies of letters requesting state or tribal involvement, or both; and draft refuge-specific regulatory language. We make available the CCP, hunting and fishing plan, and NEPA documents, and request public comments on them, as well as on any proposed rule, before we allow hunting or sport fishing on a refuge.

In summary, this illustrates that the decision to allow hunting on a refuge is not a quick or simple process. It is full of deliberation and discussion, including review of all available data to determine the relative health of a population before we allow it to be hunted.

In order to open or expand hunting or sport fishing on a refuge, we must find the activity compatible. In order to find an activity compatible, the activity must not “materially interfere or detract from” public safety, wildlife resources, or the purpose of the refuge. For the proposed openings and expansions, we determined that the proposed actions would not have these detrimental impacts and found the actions to be compatible.

Service policy (603 FW 2.12[7]) requires station managers to determine that adequate resources (including personnel, such as 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 mission. If resources are lacking for establishment or continuation of wildlife-dependent recreational uses, the refuge manager will make reasonable efforts to obtain additional resources or outside assistance from states, other public agencies, local communities, and 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.

The Service did not modify the proposal as a result of this comment.

Comment (3): We also received comments from birding enthusiasts and other nonconsumptive users of the Refuge System that other forms of recreation are important to them and to the economy in addition to hunting, and that some areas of the refuge should only be open to nonconsumptive users.

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. Environmental education, interpretation, wildlife observation, and photography are compatible uses that are also allowed on this refuge.

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

Comment (4): We received a comment that any regulation changes should be postponed until public meetings are held.

Response: NEPA regulations require opportunities for the public to review proposals such as the ones presented by this refuge, and a time for the public to provide comments. When developing an EA, there is no NEPA requirement to hold public meetings as part of the public review and comment period on the proposed action. Since the Service values and seeks public participation for proposed actions, we like to hold public meetings whenever appropriate. Unfortunately, due to ongoing nationwide gathering restrictions, and in following with departmental guidance, the Service did not organize public meetings to help prevent further spread of dangerous viruses and preserve public health. Since it is unclear when these national health guidelines will change, and we have the possibility of receiving public comments without the need for public meetings, so we decided to not hold off a decision until public meetings may take place.

The Service did not modify the proposal as a result of this comment.

Comment (5): We received comments that wildlife refuges should not allow hunting.

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, the hunting opportunities in our proposal have been found to be compatible on this refuge (please see the final compatibility determination).

We did not make any changes to the rule 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: _____ Date: _____

Name/Title/Organization: Brian DeVries, Refuge Manager, North Platte National Wildlife Refuge

Reviewer Signature: _____ Date: _____

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

3.12 References

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APPENDIX A OTHER APPLICABLE STATUTES, EXECUTIVE ORDERS, AND REGULATIONS

Statutes, Executive Orders, and Regulations
Cultural Resources
<p>American Indian Religious Freedom Act, as amended, 42 U.S. Code 1996–1996a; 43 CFR 7.</p> <p>Antiquities Act of 1906, 16 U.S. Code 431–433; 43 CFR 3.</p> <p>Archaeological Resources Protection Act of 1979, 16 U.S. Code 470aa–470mm; 18 CFR 1312; 32 CFR 229; 36 CFR 296; 43 CFR 7.</p> <p>National Historic Preservation Act of 1966, as amended, 16 U.S. Code 470–470x-6; 36 CFR 60, 63, 78, 79, 800, 801, and 810.</p> <p>Paleontological Resources Protection Act, 16 U.S. Code 470aaa–470aaa-11.</p> <p>Native American Graves Protection and Repatriation Act, 25 U.S. Code 3001–3013; 43 CFR 10.</p> <p>Executive Order 11593 – Protection and Enhancement of the Cultural Environment, 36 Federal Register 8921 (1971).</p> <p>Executive Order 13007 – Indian Sacred Sites, 61 Federal Register 26771 (1996).</p>
Fish and Wildlife
<p>Bald and Golden Eagle Protection Act, as amended, 16 U.S. Code 668–668c, 50 CFR 22.</p> <p>Endangered Species Act of 1973, as amended, 16 U.S. Code 1531–1544; 36 CFR 13; 50 CFR 10, 17, 23, 81, 217, 222, 225, 402, and 450.</p> <p>Fish and Wildlife Act of 1956, 16 U.S. Code 742 a–m.</p> <p>Lacey Act, as amended, 16 U.S. Code 3371 et seq.; 15 CFR 10, 11, 12, 14, 300, and 904.</p> <p>Migratory Bird Treaty Act, as amended, 16 U.S. Code 703–712; 50 CFR 10, 12, 20, and 21.</p> <p>Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Federal Register 3853 (2001).</p>
Natural Resources
<p>Clean Air Act, as amended, 42 U.S. Code 7401–7671q; 40 CFR 23, 50, 51, 52, 58, 60, 61, 82, and 93; 48 CFR 23.</p> <p>Wilderness Act, 16 U.S. Code 1131 et seq.</p> <p>Wild and Scenic Rivers Act, 16 U.S. Code 1271 et seq.</p> <p>Executive Order 13112 – Invasive Species, 64 Federal Register 6183 (1999).</p>
Water Resources
<p>Coastal Zone Management Act of 1972, 16 U.S. Code 1451 et seq.; 15 CFR 923, 930, and 933.</p> <p>Federal Water Pollution Control Act of 1972 (commonly referred to as Clean Water Act), 33 U.S. Code 1251 et seq.; 33 CFR 320–330; 40 CFR 110, 112, 116, 117, 230–232, 323, and 328.</p> <p>Rivers and Harbors Act of 1899, as amended, 33 U.S. Code 401 et seq.; 33 CFR 114, 115, 116, 321, 322, and 333.</p> <p>Safe Drinking Water Act of 1974, 42 U.S. Code 300f et seq.; 40 CFR 141–148.</p> <p>Executive Order 11988 – Floodplain Management, 42 Federal Register 26951 (1977).</p> <p>Executive Order 11990 – Protection of Wetlands, 42 Federal Register 26961 (1977).</p>

Key: CFR = Code of Federal Regulations

APPENDIX B FINDING OF NO SIGNIFICANT IMPACT

FINDING OF NO SIGNIFICANT IMPACT AND DECISION TO IMPLEMENT THE NORTH PLATTE NATIONAL WILDLIFE REFUGE HUNTING PLAN

Ellsworth, Nebraska

The United States (U.S.) Fish and Wildlife Service (Service) is implementing the North Platte National Wildlife Refuge (NWR) Hunting Plan in Nebraska. The refuge will expand general archery white-tailed deer and mule deer, and youth squirrel, rabbit, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, and skunk, pheasant hunting on 1,373 acres by extending the season closing date from October 15 to November 1. We, the Service, propose to open upland game hunting including porcupine, prairie dog, and spring turkey on 1,373 acres in alignment with existing upland game youth seasons. We also propose to open a targeted demographic opportunity for youth on 135 acres (Stateline Island Unit) for mule deer, white-tailed deer, and turkey hunting in alignment with state seasons.

Selected Action

Alternative A – Proposed Action Alternative: The refuge proposes to expand general archery white-tailed deer and mule deer, and youth squirrel, rabbit, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, skunk, and pheasant hunting on 1,373 acres by extending the season closing date from October 15 to November 1. Upland game hunting would be opened to include hunting of porcupine, prairie dog, and spring turkey on 1,373 acres in alignment with existing upland game youth seasons. We also propose to open a targeted demographic opportunity for youth on 135 acres (Stateline Island Unit) for mule deer, white-tailed deer, and turkey hunting in alignment with state seasons.

Youth hunting opportunities would be expanded to better align with State of Nebraska regulations. We also propose to expand the number of acres open for youth hunting opportunities; open new youth hunting opportunities for more species including turkey, porcupine, and prairie dog; and extend the date range for archery deer and youth hunting of pheasant, squirrel, rabbit, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, and striped skunk until November 1.

We propose to extend archery deer hunting and youth hunting on Lake Alice Unit to October 31. This would allow youth hunters to participate in the Nebraska youth pheasant season in late October. We propose to open new youth hunting for turkey, porcupine, and prairie dog at Lake Alice Unit to better align with State of Nebraska youth opportunities. Nebraska youth turkey season occurs primarily during the months of April and May. We also propose to open youth hunting opportunities for turkey and deer at the 135-acre Stateline Island Unit.

The Lake Alice Unit is currently open to archery deer hunting and a youth-only hunt for coyotes, furbearers, squirrels, rabbits, and pheasants through October 14. We propose to expand these hunting opportunities through October 31. We also propose to open youth hunting opportunities for porcupine, prairie dog, and woodchuck. These hunting opportunities would be conducted in accordance with state and federal regulations.

While huntable populations for some of the target species may exist, the Lake Alice Unit is not known for an overabundance of such small and upland game and furbearer species. For this reason, we propose to keep youth-only hunting of these species, providing an opportunity for adult mentors to introduce children to hunting. All hunters would be allowed to hunt deer prior to the November 1 closure.

We also propose to open the Stateline Island Unit of the refuge to youth deer and turkey hunting. This refuge unit is small in size (135 acres), and youth hunts would be administered in coordination with the Nebraska Game and Parks Commission (NGPC) to limit the number of youth hunters to better ensure a safe hunting environment.

This alternative was selected over the other alternatives because this alternative offers the best opportunities for public hunting while meeting the Service's mandates under the National Wildlife Refuge System Administration Act of 1966 (NWRSA) and Secretarial Order 3356. The proposed alternative will result in an estimated increase of 27 hunter use days, minor increased economic inputs to local communities and will minimize potential direct and indirect impacts on biological resources. This alternative balances the needs of the multiple user groups on the refuge and utilizes existing roads and infrastructure to the extent possible, thereby minimizing impacts on physical resources.

The Service has determined that the hunting and fishing plan is compatible with the purposes of the refuge and the mission of the National Wildlife Refuge System (Refuge System; refer to the final compatibility determination).

Other Alternatives Considered and Analyzed

Alternative B – No Action Alternative: Under this alternative, current refuge hunting opportunities for specific small game, big game, and furbearers on refuge lands as described in the 2007 hunting plan would continue. During the hunting season, the Lake Alice Unit would be open to archery deer hunting and a youth-only hunt for squirrel, rabbit, pheasant, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, and striped skunk in accordance with federal and state regulations. No other species may be taken. The entire Lake Alice Unit would be closed to all public entry from October 15 through January 14 to provide undisturbed habitat during peak waterfowl and eagle use. All other refuge units would be closed to hunting.

This alternative was not selected, because even though it would have the least direct impacts on physical and biological resources, it does not meet the main purpose of the proposed action, which is to expand hunting opportunities on the refuge.

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, and 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:

- The selected alternative would result in minor, short-term direct and indirect impacts on resident game species, other wildlife, fish, and their habitats. The Service believes that hunting of these species would not have a significant impact on regional or statewide wildlife and fish populations as the number harvested on North Platte NWR would be a small fraction of regional and statewide populations. In addition, overall populations would continue to be monitored by the NGPC and future harvests would be adjusted as needed under existing state regulatory processes.
- Administration costs would increase slightly with additional funding needed to provide law enforcement for new and expanded hunting opportunities.
- Local economies will receive minor benefits from hunters and anglers purchasing items related to hunting and fishing.
- The Service is committed to ensuring that all members of the public have equal access to the nation's fish and wildlife resources, as well as equal access to information that would enable them to take part meaningfully in activities and policy shaping; therefore, minority and low income populations will not be adversely effected.
- The NGPC is responsible for monitoring populations of resident game and fish and implementing any adjustments to future harvests as needed under the existing state regulations to ensure sustainable populations (www.outdoornebraska.gov/). Their action will prevent potential cumulative impacts from occurring due to hunting take, development, and population increase.
- Non-hunted wildlife species occurring on the refuge may be affected by disturbances due to hunting activities. Short-term disturbances may take place at the time of the action when hunting occurs on the refuge. In a single season non-hunted wildlife may be disturbed multiple times; however, there are enough available habitat resources for them to relocate, both on refuge and on adjacent lands, so there are minimal negative impacts. Long-term impacts of short-term disturbance are not likely to occur, and cumulative impacts are negligible on non-hunted wildlife.
- The refuge will continue to support substantial populations of non-hunted wildlife under all alternatives. Therefore, at the local level, hunting on the refuge adds minimally to cumulative impacts on non-hunted wildlife, and negligibly relative to statewide and regional populations.
- The use of lead shot in shotgun shells would not be permitted for any type of hunting on the refuge; therefore, the proposed action will not result in any cumulative impacts relative to lead poisoning of wildlife.
- Climate change may result in both positive and negative cumulative effects on resident game species. The Service will work with NGPC to adjust the hunting program on the refuge to ensure that it does not contribute further to the cumulative impacts of climate change on resident game species and fish.
- The proposed action may lead to some adverse impacts on nonconsumptive user groups on the refuge during hunting season. The increased hunting opportunities would create additional noise and visual impacts on those users visiting the refuge when hunters are

present. However, these impacts on nonconsumptive users will be balanced out by the setting aside of other areas for nonconsumptive public use.

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

- The entire Lake Alice Unit would remain closed to all public entry from November 1 through January 14 to provide undisturbed habitat during peak waterfowl and eagle use periods.
- Youth hunts would be administered in coordination with the NGPC to limit the number of youth hunters to better ensure a safe hunting environment.
- The refuge law enforcement officer and NGPC wardens would monitor the hunts and conduct license, bag limit, and access compliance checks.
- Notification of hunting activities on the refuge will be posted in key areas and at the refuge headquarters to inform visitors that may want to participate in other activities such as fishing, wildlife observation, or wildlife photography that hunting is occurring within designated areas on the refuge.

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

- The proposed action would result in an anticipated two deer, less than five individuals per small-game species, and five pheasants harvested annually. The potential take would likely be negligible in proportion to regional or state numbers. 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 adverse direct and indirect effects of the proposed action on air, water, soil, habitat, wildlife, and aesthetic/visual resources are expected to be minor and short term.
- Managed and limited harvest of furbearers, pheasants, deer, and coyote has been shown to be consistent with long-term population maintenance and enhancement and the action is not irreversible.
- 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 to ensure that the hunting program continues 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 for wildlife from climate change, population growth and development, or local, state, or regional wildlife management.
- The monitoring and mitigation measures related to this proposed action will ensure that the Service can act swiftly under any worst-case scenario to ensure this action does not contribute to any significant adverse impacts on furbearers, coyote, or other habitat and wildlife on the refuge.
- The proposed action would result in beneficial effects on the human environment, including increased wildlife-dependent recreational opportunities and socioeconomics of

the local economy, with only minimal adverse impacts on the human environment as discussed in the environmental assessment.

- The proposed action is not in an ecologically sensitive area.
- 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 and fishers themselves.
- The effects on the quality of the human environment of the proposed activities are not highly controversial. The Service acknowledges some opposition to aspects of the proposed activities but concludes that this opposition does not rise to the level of significant scientific controversy regarding the impacts of the proposed action.
- The Service notes that those voicing opposition to the Service's preferred alternative do not provide data or evidence to refute the numeric estimates of loss and the related potential for distributional impacts, which the Service has concluded are not of a magnitude to threaten the wildlife or habitat of the refuge.
- The possible effects of the proposed activities on the quality of the human environment are relatively certain and do not involve unique or unknown risks. Hunting is already occurring on the refuge and wildlife and habitat on the refuge continue to thrive despite the loss of habitat outside the refuge boundaries.
- The proposed activities do not establish a precedent for actions with future significant effects or represent a decision in principle about a future consideration, because regulations with regard to take in sport hunting seasons are determined annually and all harvest regulations are reviewed, based on new biological information, prior to finalizing the annual decision on hunting on the refuge.
- There are no significant cumulative effects identified by this assessment. Additional hunting would not add more than slightly to the cumulative impacts on furbearer, pheasant, deer, and coyote populations stemming from hunting at the local and regional levels, and would result in minor impacts to furbearers, pheasants, deer, and coyote on the refuge.
- There are no irreversible or irretrievable resource commitments identified by this assessment, except for a minor consumption of fossil fuels for routine operations.
- The proposed activities would not threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment.
- The proposed activities would not have an adverse effect on historical or cultural resources due to the temporary and superficial use of refuge habitats during hunting activities.
- The action would not affect any threatened or endangered species; or any federally designated critical habitat.
- The action would not affect any wilderness areas.
- The proposal is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988.

Public Review

The proposal has been coordinated with all interested and affected parties. Parties contacted include:

- NGPC; Lincoln, Nebraska
- Potentially affected tribes

The refuge developed this EA and hunting and fishing plan based upon earlier formal coordination with NGPC and intervening informal discussions. On July 10, 2018, NGPC leadership provided suggestions for expanded hunting opportunities on Service lands in Nebraska. Their input was consistent with the Department of the Interior Secretarial Order 3356, “Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories.” The refuge will continue to consult and coordinate with NGPC annually to support regulations and programs that are consistent with the state, as well as to observe populations of game species and set harvest goals. The refuge will strive to support consistent regulations with NGPC whenever applicable.

The Service mailed an invitation for comments to all tribes potentially affected by initiating an EA to expand hunting opportunities at North Platte NWR. The Service extended an invitation to engage in government-to-government consultation in accordance with Executive Order 13175.

On April 1, 2020, the Service released the EA for a 30-day public comment period. The Service received five responses to our request for public comments on the EA, and these are summarized in the following text. Comments were split with some expressing support for the proposed action and others expressing concern about impacts on hunted species and other wildlife on the refuge, and to other wildlife-dependent recreation on the refuge. The Service has made revisions to the EA to address and clarify some of the concerns raised about impacts of the action.

In addition, on April 9, 2020, the Service published the Draft 2020–2021 Station-Specific Hunting and Sport Fishing Regulations in the Federal Register. The Service has removed all refuge-specific regulations from 50 Code of Federal Regulations Part 32 that were duplicative of other Service or state regulations, and thus unnecessary. The regulations removed from the refuge-specific regulations are all still enforceable on the refuge under federal and state law. The regulations applicable to the hunting on the refuge have been clarified concerning the use of temporary hunting blinds as a result of the rulemaking this year. The refuge will ensure that refuge’s hunting brochure includes all applicable regulations for hunting on the refuge.

Comment (1): We received a comment fully supporting the expansion of hunting opportunities.

Response: Hunting is a nationally recognized, priority public use of national wildlife refuges.

Comment (2): One commenter noted that refuges in Nebraska have had drastic reductions in staffing over the last 15 years. Expansion of hunting and fishing will place an additional workload on already strained budgets and staff, especially law enforcement officers.

Response: Each refuge manager makes a decision regarding hunting and sport fishing on that particular refuge only after rigorous examination of the available information. Referencing a comprehensive conservation plan (CCP) is generally the first step a refuge manager takes. Our policy for managing refuges is to manage them in accordance with an approved CCP which, when implemented, will achieve refuge purposes; help fulfill the Refuge System mission; maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge

System; help achieve the goals of the National Wilderness Preservation System; and meet other mandates. The CCP guides management decisions and sets forth goals, objectives, and strategies to accomplish these ends. The next step for refuge managers is developing or referencing step-down plans, of which a hunting plan would be one. Part of the process for opening a refuge to hunting after completing the step-down plan is complying with NEPA (42 U.S. Code 4321 et seq.), such as conducting an environmental assessment accompanied by the appropriate decision documentation (record of decision, finding of no significant impact, or environmental action memorandum or statement). The rest of the elements in the opening package are an evaluation of Section 7 of the Endangered Species Act of 1973, as amended (16 U.S. Code 1531 et seq.); copies of letters requesting state or tribal involvement, or both; and draft refuge-specific regulatory language. We make available the CCP, hunting and fishing plan, and NEPA documents, and request public comments on them, as well as on any proposed rule, before we allow hunting or sport fishing on a refuge.

In sum, this illustrates that the decision to allow hunting on a refuge is not a quick or simple process. It is full of deliberation and discussion, including review of all available data to determine the relative health of a population before we allow it to be hunted.

In order to open or expand hunting or sport fishing on a refuge, we must find the activity compatible. In order to find an activity compatible, the activity must not “materially interfere or detract from” public safety, wildlife resources, or the purpose of the refuge. For the proposed openings and expansions, we determined that the proposed actions would not have these detrimental impacts and found the actions to be compatible.

Service policy (603 FW 2.12[7]) requires station managers to determine that adequate resources (including personnel, such as 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 mission. If resources are lacking for establishment or continuation of wildlife-dependent recreational uses, the refuge manager will make reasonable efforts to obtain additional resources or outside assistance from states, other public agencies, local communities, and 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.

The Service did not modify the proposal as a result of this comment.

Comment (3): We also received comments from birding enthusiasts and other nonconsumptive users of the Refuge System that other forms of recreation are important to them and to the economy in addition to hunting, and that some areas of the refuge should only be open to nonconsumptive users.

Response: Congress, through the NWRSA, 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. Environmental education, interpretation, wildlife observation, and photography are compatible uses that are also allowed on this refuge.

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

Comment (4): We received a comment that any regulation changes should be postponed until public meetings are held.

Response: NEPA regulations require opportunities for the public to review proposals such as the ones presented by this refuge, and a time for the public to provide comments. When developing an EA, there is no NEPA requirement to hold public meetings as part of the public review and comment period on the proposed action. Since the Service values and seeks public participation for proposed actions, we like to hold public meetings whenever appropriate. Unfortunately, due to ongoing nationwide gathering restrictions, and in following with departmental guidance, the Service did not organize public meetings to help prevent further spread of dangerous viruses and preserve public health. Since it is unclear when these national health guidelines will change, and we have the possibility of receiving public comments without the need for public meetings, we decided to not hold off a decision until public meetings may take place.

The Service did not modify the proposal as a result of this comment.

Comment (5): We received comments that wildlife refuges should not allow hunting.

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, the hunting opportunities in our proposal have been found to be compatible on this refuge (please see the compatibility determination).

We did not make any changes to the rule 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 expanded hunting on the North Platte 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 amended). As such, an environmental impact statement is not required.

Decision

The Service has decided to implement the North Platte NWR Hunting Plan in Nebraska. The refuge will expand general archery white-tailed deer and mule deer, and youth squirrel, rabbit, coyote, raccoon, opossum, long-tailed weasel, mink, fox, badger, skunk, and pheasant hunting on 1,373 acres by extending the season closing date from October 15 to November 1. Upland game hunting will be opened for porcupine, prairie dog, and spring turkey on 1,373 acres in alignment with existing upland game youth seasons. A targeted demographic opportunity for youth will be opened on 135 acres (Stateline Island Unit) for mule deer, white-tailed deer, and turkey hunting in alignment with state seasons. These actions will be effective at the end of the final national process period for hunting and fishing on Refuge System lands.

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

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.

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

Date

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

Intra-Service Section 7 Biological Evaluation Form - Region 6

Originating Person: Brian DeVries
Date Submitted: June 2, 2020

Telephone Number: (308) 783-2477

- I. **Service Program and Geographic Area or Station Name:** NWRS – North Platte National Wildlife Refuge
- II. **Flexible Funding Program** if applicable: NA
- III. **Location:** Scotts Bluff County, NE, 41.955488, -103.526451; T23N, R54W, Sec 24.
- 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 by state and county: http://www.fws.gov/mountain-prairie/endspp/name_county_search.htm

The hunting area is within the range and potential habitat of three federally listed species, least tern, piping plover, and whooping crane. Whooping crane have not been documented on North Platte NWR, but are within potential habitat ranges and their migration occurs with the sandhill crane which migrate over the Refuge. Whooping cranes primarily roost and forage within and along the channels of major river systems, floodplains and wetlands where suitable undisturbed habitat exists. Major rivers frequented by whooping cranes include the central Platte, North Platte, Niobrara and Loup River systems. Wetland complexes frequently used by whooping cranes include the western Rainwater Basins, Sandhill wetlands and central table playas. Whooping crane migration corresponds with Sandhill cranes migration throughout Nebraska. North Platte NWR is west of the major migration and North from the fields used for foraging. Sandhill cranes have been observed roosting off Refuge on Little Lake Alice and loafing and foraging on Refuge in the uplands and meadows of Winters Creek Unit. No records exist that document whooping cranes using North Platte NWR as stopover habitat although a lone bird was observed 12 miles north of Lake Minatare in 1999. The exposed and shallow water beaches of Lake Minatare and Lake Alice are considered potential fall roosting sites. Due to the timing of hunting seasons, it is unlikely that this species will be affected while hunting is occurring and therefore we do not anticipate any negative impacts to these species.

Least terns arrive in Nebraska from their wintering grounds in Central and South America between mid-May and early June. In Nebraska, the terns breed along the Platte, Niobrara and Missouri rivers. Isolated breeding colonies can also be found throughout the Elkhorn and Loup River systems. During the breeding season, Least Terns typically nest and raise young on dry riverine sandbars in wide, braided rivers, and along the shores of reservoirs and lakes. They can also be found nesting on sand and gravel piles at mining operations near rivers. They migrate south beginning in mid to late August and winters along the Central American coast and the northern coast of South America from Venezuela to northeastern Brazil. Due to the timing of hunting seasons, it is unlikely that this species will be affected while hunting is occurring and therefore we do not anticipate any negative

impacts to these species.

The piping plover is a shorebird that is associated with nesting on sandbars in rivers and other barren areas near water. With hunts occurring in the fall outside of the breeding season is (May-July) no effects are likely.

- 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) proposes to open or expand upland and big game hunting primarily for youth hunters on the Lake Alice and Stateline Island Units of the North Platte National Wildlife Refuge to better align with state seasons between September 1 and October 31 and the spring youth turkey season roughly April-May.

UPLAND AND BIG GAME: Game hunting includes all non-migratory wildlife hunted in Nebraska under the Nebraska Game and Parks Commission (NGPC) Hunting Regulations. Resident game species included are: white-tailed deer, mule deer, pronghorn, coyote, pheasant, cottontail rabbit, badger, beaver, bobcat, mink, muskrat, opossum, raccoon, red fox, gray fox, striped skunk, and long-tailed weasel in accordance with the North Platte NWR Hunt Plan.

MIGRATORY BIRDS: N/A

Where would the use be conducted?

Within the Lake Alice and Stateline Island Units of North Platte NWR.

When would the use be conducted?

The use will be conducted from September 1st to November 1st, and early April through May (NE youth spring turkey season).

Why is the use being proposed?

This action helps align Service regulations with State regulations as much as possible in an effort to make hunting more accessible and regulations less complex to the public. This action meets the purpose and needs of the Service because it provides wildlife dependent recreational opportunities on the Refuge while meeting the Refuge's establishing purposes as the action maintains 100% of the Refuge as inviolate sanctuary for migratory birds.

Availability of Resources:

Financial and staff resources are determined to be sufficient within the Sandhills Refuge Complex (includes North Platte NWR) to administer these requests. Staffing will be needed to create new hunting brochures, complete signage on new open to and closed to hunting areas, and to conduct law enforcement compliance checks during hunting seasons. Specialized equipment will be necessary, including UTVs for putting in or changing signage, and heavy equipment for road, trail, and parking

lot maintenance.

Anticipated Impacts of the Use:

Disturbance activities related to hunting will prevent certain threatened and endangered species from utilizing disturbed areas. Disturbance related to hunting will be short-term (hours to weeks) and could cause mobile species to move to closed areas, move off-Refuge, or to use an area when hunting activities are not occurring e.g., at night. Walking through upland grass and wet meadow habitat will disturb some vegetation. The use of hunting dogs while upland bird hunting may temporarily disturb some wildlife species.

VI. Determination of Effects:

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

Piping Plover: Activities associated with hunting will occur after the breeding season of the piping plover (May-July). With no overlap in activities, no effect can be seen on plover nesting or survival.

Interior least tern: Activities associated with hunting will occur after the breeding season of the least tern (May-July). With no overlap in activities, no effect can be seen on tern nesting or survival.

Whooping crane:

Whooping cranes migrate through Nebraska, no occurrences have been documented on North Platte NWR. However, their migration corresponds with sandhill crane migration, which have been observed foraging on the refuge and roosting nearby. If these birds were present in areas open to hunting, short-term (hours to days) displacement is expected especially during the migratory bird hunting season as hunting activities will be occurring within the habitats these species prefer. However, these species are likely to move to closed areas, move off-Refuge, or to use wetlands located in hunting areas only when hunting pressure is low or at night.

Other Species:

Potential presence of pallid sturgeon, American burying beetle, northern long-eared bat, Western prairie-fringed orchid, and Topeka shiner was evaluated, but none of these species was found to be present within the refuge, or have not been documented in many years. Due to the location, geographic setting, and timing of hunting, negative effects on the above mentioned listed species are not anticipated.

(B) Determination: Determine the anticipated effects of the proposed project on species and critical habitats listed in item IV. Check all applicable boxes and list the species (or attach a list) associated with each 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

- *Blowout Penstemon*
- *Piping Plover*
- *Whooping Crane*
- *Western Prairie-Fringed Orchid*
- *Northern long-eared bat*
- *Interior Least Tern*
- *Topeka Shiner*
- *American burying beetle*

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 and 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 and 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 adverse effects are likely but the project is designed to assist with recovery of listed species and/or designated critical habitat. **Concurrence from the ESFO 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. **Conferencing with ESFO required.**

STEVEN HICKS

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Signature _____ Date _____

[Supervisor at originating station]

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

A. **Concurrence** _____ **Nonconcurrence** _____

Explanation for nonoccurrence:

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 Office: Nebraska ES Field Office

Signature _____

Date _____

Revised 1/2012