

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

The United States (U.S.) Fish and Wildlife Service (Service) is expanding hunting opportunities for species already hunted on Audubon National Wildlife Refuge (NWR or refuge) to include 10 additional days (from September 18 through 27) for white-tailed and mule deer hunting on the refuge, in accordance with the refuge hunting plan (1992).

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the following proposed action is categorically excluded from NEPA documentation requirements consistent with 40 Code of Federal Regulations (CFR) 1508.4, 43 CFR 46.205, and 516 DM 8.5.

The Service has fully satisfied the other requirements for expanding these opportunities on the refuge, including:

- ✓ determining that the opportunities are compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System (see the compatibility determination);
- ✓ ensuring the opportunities are consistent with existing state, local, and refuge-specific regulations (50 CFR 32.25);
 - *Use of signs and brochures may supplement the refuge-specific regulations
- ✓ complying with the NEPA;
- ✓ complying with the Endangered Species Act Section 7 evaluation (see attached 2008 comprehensive conservation plan [CCP] consultation documentation);
 - OR N/A because there are no candidate, threatened, or endangered species present;
 - complying with the National Historic Preservation Act Section 106 consultation (see attached consultation documentation);
 - OR ✓ N/A because there are no cultural or historic resources present.

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

Signature _____

Date: _____

Title Project Leader

CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

Proposed Action:

The Audubon National Wildlife Refuge (NWR) is proposing to extend the white-tailed deer and mule deer hunting season for 10 days, in accordance with existing state, local, and refuge-specific regulations (50 Code of Federal Regulations [CFR] 32.53). The refuge will extend the hunting season for white-tailed and mule deer consistent with North Dakota Game and Fish Department (NDGF) hunting regulations, unless specific area conditions require more restrictive regulations for reasons of safety, quality of experience, or conflicts with refuge purposes. Extending the hunting season will provide more opportunities for the public to enjoy wildlife-dependent recreation.

This proposed action is covered by the following categorical exclusion:

✓ 516 DM 8.5 B (7)

An action by the United States (U.S.) Fish and Wildlife Service (Service) that only results in “minor changes in the amounts or types of public use on Service or state managed lands, in accordance with existing regulations, management plans, and procedures” is categorically excluded from further NEPA analyses, because it has been determined to be a class of action which does not individually or cumulatively have a significant effect on the human environment. (516 DM 8.5 B [7])

This action will only result in a minor change in the season length and amount of hunting on the refuge. Extending the white-tailed and mule deer hunting season for 10 days, to include the state’s special youth deer season, will minimally impact the abundance of these species due to the following reasons.

The Service currently allows and administers a public hunting program on the refuge. During the history of this public hunting program, the Service has not noted any significant adverse effects of this hunting program on the administration of refuge lands, and has determined that this use is compatible with the purposes of the refuge and the Refuge System’s mission statement. The hunting program for Audubon NWR is similar and consistent with the program administered by the Service for other refuges.

Hunting accounts for a considerable portion of overall visits to the refuge. Allowing hunting on refuge lands will expose a large user group to the refuge’s habitats, facilitating a better appreciation and understanding of this ecosystem. Additionally, allowing increased public hunting opportunities will continue to nurture the ongoing cooperative relationship with NDGF.

The species to be hunted are already open to hunting in the same refuge unit (Open Unit) and are highly regulated by NDGF (Figure 1). Current hunting opportunities were identified in the 1992 Refuge Hunt Plan which is still in place and has not been modified since its development. The refuge’s 2008 CCP and environmental assessment (EA) further detailed the existing and possible future hunting opportunities on site. The minor impacts to the human environment of extending the hunting season duration would be similar to those analyzed in the EA for the refuge’s 2008 CCP and EA.

The CCP and EA identified the provision of compatible wildlife-dependent recreational public uses, such as hunting, wildlife observation and photography, and environmental education and interpretation, as a primary goal for the refuge. In the finding of no significant impact, the Service selected the preferred alternative which stated that hunting will continue to be permitted on the Open Unit of the refuge. In the 2008 compatibility determination included with the 2008 CCP, the Service determined that this use is compatible with the purpose of the refuge and the mission statement of the Refuge System.

Extraordinary Circumstances (43 CFR 46.215):

Could This Proposed Action (*check (✓) yes or no for each item below*):

Yes No

- ✓ 1. Have significant adverse effects on public health or safety?
- ✓ 2. Have significant impacts on such unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant or critical areas, including those listed on the Department’s National Register of Natural Landmarks?
- ✓ 3. Have highly controversial environmental effects?
- ✓ 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?
- ✓ 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?
- ✓ 6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?
- ✓ 7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau?
- ✓ 8. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?

The environmental assessment analysis carried out during the development of the comprehensive conservation plan for this refuge determined that this activity would not be likely to adversely affect any federally listed species. This was further established in an Intra-Service Section 7 Consultation.

- ✓ 9. Have material adverse effects on resources requiring compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?
- ✓ 10. Threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?

(If any of the above exceptions receive a "Yes" check (✓), an EA/EIS must be prepared.)

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing NEPA and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined:

- ✓ **The proposed action is covered by a categorical exclusion as provided by 43 CFR 46.210 or 516 DM 8.5. No further NEPA documentation will therefore be made.**
- An Extraordinary Circumstance (43 CFR 46.215) could exist for the proposed action and, so an EA/EIS must be prepared.**

Service signature approval:

Signature _____

Date: _____

Title _____

Signature _____

Date: _____

Title _____

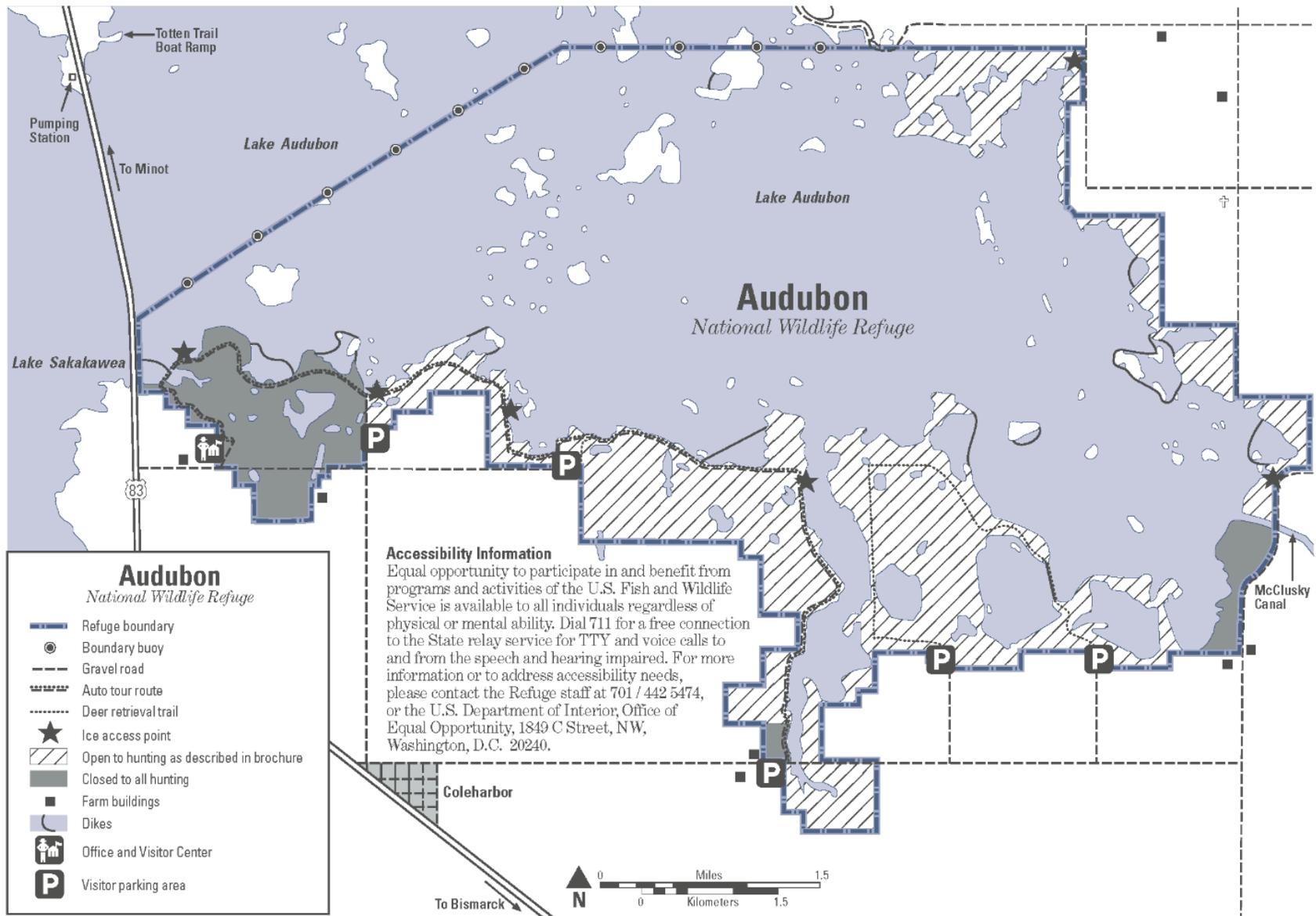


Figure 1. Map of Audubon NWR.