

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

The United States (U.S.) Fish and Wildlife Service (Service) is changing the boundaries of the hunting units of the J. Clark Salyer National Wildlife Refuge (NWR or refuge) and expanding opportunities to hunt species already being harvested on the refuge. This boundary change will open 693 acres to hunting of white-tailed deer, moose, ring-necked pheasant, Hungarian partridge, ruffed grouse, sharp-tailed grouse, and fox (Figure 1). In accordance with the Refuge Hunting Plan (2010, refuge files), the North Hunting Unit expansion will increase hunting opportunities for these species in a refuge area where these opportunities did not previously exist.

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 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 (the Service is pursuing consultation with all appropriate agencies to ensure protection of historical resources while administering the hunt program);
 - 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 J. Clark Salyer National Wildlife Refuge (NWR or refuge) is proposing to expand existing opportunities to hunt white-tailed deer, moose, ring-necked pheasant, Hungarian partridge, ruffed grouse, sharp-tailed grouse, and fox by adding 693 acres to the North Hunting Unit, in accordance with existing state, local, and refuge-specific regulations (50 CFR 32.53). The refuge will expand these hunting opportunities consistent with North Dakota Game and Fish Department (NDGF) hunting regulations for these species, unless specific area conditions require more restrictive regulations for reasons of safety; quality of experience; or conflicts with refuge purposes apply. This hunting expansion will provide additional opportunities for the public to enjoy wildlife-oriented 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 National Environmental Policy Act (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 amount of hunting on the refuge. Expanding opportunities to hunt these species in areas of the refuge not previously open to hunting will have a minimal effect on 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 program on the administration of these lands and has determined that this use is compatible with the purposes of the refuge and the National Wildlife Refuge System’s (Refuge System) mission statement. The hunting program for J. Clark Salyer NWR is similar to, 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 and facilitate a better appreciation and understanding of this ecosystem. In addition, allowing increased public hunting opportunities will continue to nurture the ongoing cooperative relationship with the NDGF.

The species to be hunted are already open to hunting in the refuge and are highly regulated by the NDGF. Current hunting opportunities were identified in the 2010 Refuge Hunting Plan as well as the refuge’s 2007 comprehensive conservation plan (CCP) and environmental assessment (EA) (https://www.fws.gov/mountain-prairie/refuges/dsl_jcs_usr.php). The minor impacts on the human environment of opening these additional acres would be similar to those analyzed in the EA for the refuge’s 2007 CCP and EA.

The CCP and EA identified providing compatible wildlife-dependent recreational public uses, such as hunting, wildlife observation and photography, and environmental education and interpretation, as being a primary goal for the refuge. In the finding of no significant impact, the Service selected the preferred alternative, which stated that hunting will be permitted on the hunting units of the refuge. In addition, hunting was identified in the 2007 CCP and EA as being a priority public use that would be authorized on the hunt units of the refuge. The Service has determined that this use is compatible with the purpose of the refuge and the mission statement of the Refuge System (see 2007 Compatibility Determination included with the 2007 CCP).

Extraordinary Circumstances (43 CFR 46.215):

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

Yes No

- | | | |
|--------------------------|---|--|
| <input type="checkbox"/> | ✓ | 1. Have significant adverse effects on public health or safety? |
| <input type="checkbox"/> | ✓ | 2. Have adverse effects 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 of Interior's National Register of Natural Landmarks? |
| <input type="checkbox"/> | ✓ | 3. Have highly controversial environmental effects? |
| <input type="checkbox"/> | ✓ | 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? |
| <input type="checkbox"/> | ✓ | 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? |
| <input type="checkbox"/> | ✓ | 6. Be directly related to other actions with individually insignificant, but cumulatively significant environmental effects? |
| <input type="checkbox"/> | ✓ | 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? |
| <input type="checkbox"/> | ✓ | 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 the 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 could exist for the proposed action and, so an EA/EIS must be prepared.**

Service signature approval:

Signature _____

Date: _____

Title _____

Signature _____

Date: _____

Title _____

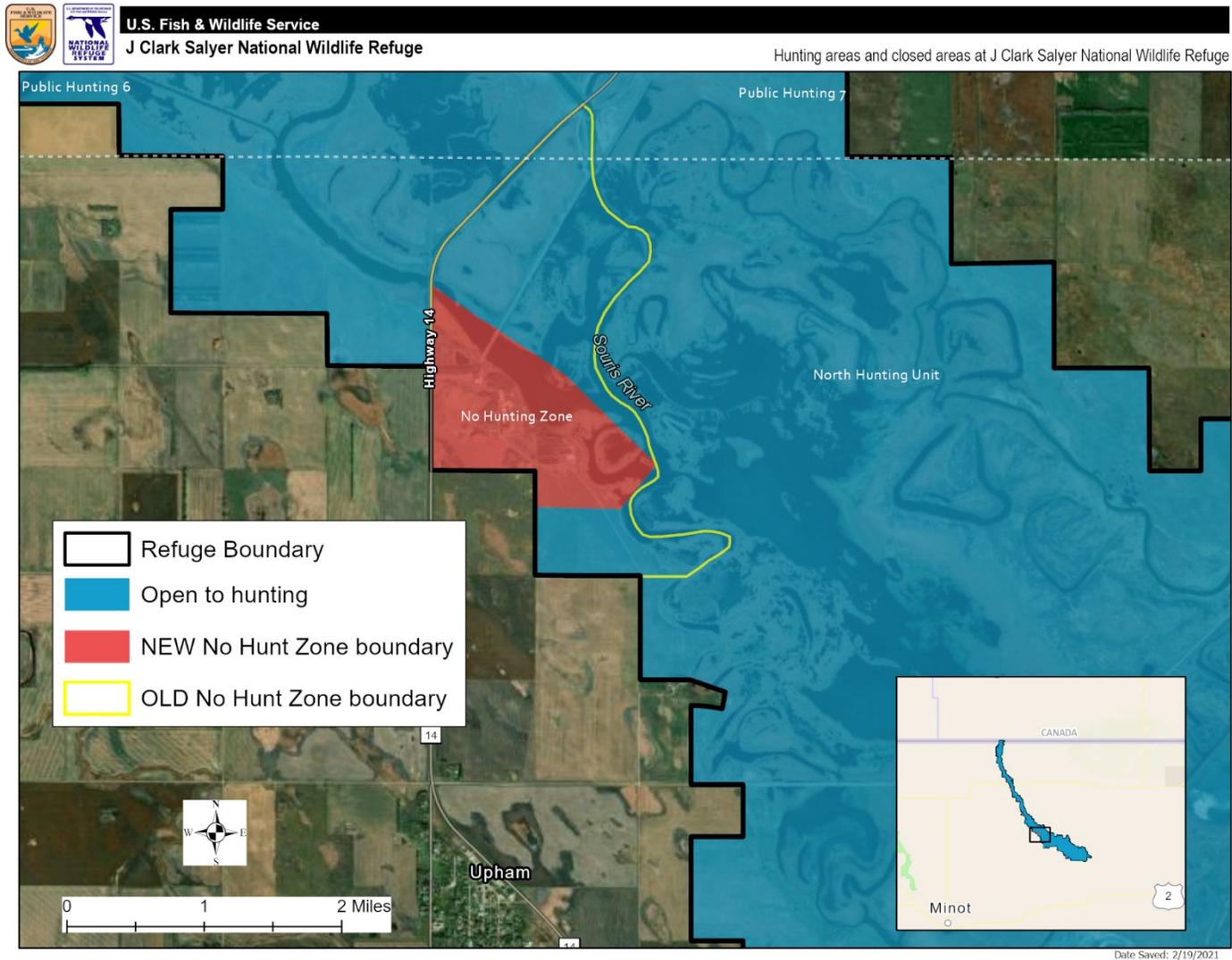


Figure 1. Expanded Hunting Areas on J. Clark Salyer National Wildlife Refuge