

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

The United States (U.S.) Fish and Wildlife Service (Service) is renaming all hunting units (now, Unit 1 and Unit 2), as well as combining two hunting units (formerly Deer and Pheasant Unit and Archery Deer Unit) into one (Unit 2) at Lake Alice National Wildlife Refuge (NWR, refuge) (see Figure 1). In accordance with the Lake Alice NWR Hunting Plan (2010), the combination of units into Unit 2 will expand opportunities to hunt white-tailed deer, fox, rabbit, hare, ring-necked pheasant, sharp-tailed grouse, and grey partridge onto an area where these opportunities did not previously exist on the refuge.

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 (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 (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 Lake Alice National Wildlife Refuge (NWR, refuge) is proposing to expand existing opportunities to hunt white-tailed deer, fox, rabbit, hare, ring-necked pheasant, sharp-tailed grouse, and grey partridge to the hunt unit where these opportunities currently do not exist, in accordance with existing state, local, and refuge-specific regulations (50 Code of Federal Regulations [CFR] 32.53). The refuge will expand these hunting opportunities consistent with North Dakota Game and Fish Department (NDGF) hunting regulations for the 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 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 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 on refuge areas already opened to hunting will minimally impact their abundance 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 the program on the administration of these 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 Lake Alice 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 refuge’s other hunt unit and are highly regulated by NDGF. Current hunting opportunities were identified in the 2010 Refuge Hunt Plan, as well as the refuge’s 2008 comprehensive conservation plan (CCP) and environmental assessment (EA). The minor impacts to the human environment of opening these additional acres would be similar to those analyzed in the EA for the refuge’s 2008 CCP and EA ([www.fws.gov/mountain-prairie/refuges/nd\\_nwr.php](http://www.fws.gov/mountain-prairie/refuges/nd_nwr.php)).

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 be permitted on the refuge hunt units. Additionally, hunting was identified in the 2008 CCP and EA as a priority public use that would be authorized on the refuge hunt units. 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 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’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 adverse effects on properties listed, or eligible for listing, on the National Register of Historic Places?
- ✓    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 Section 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 \_\_\_\_\_

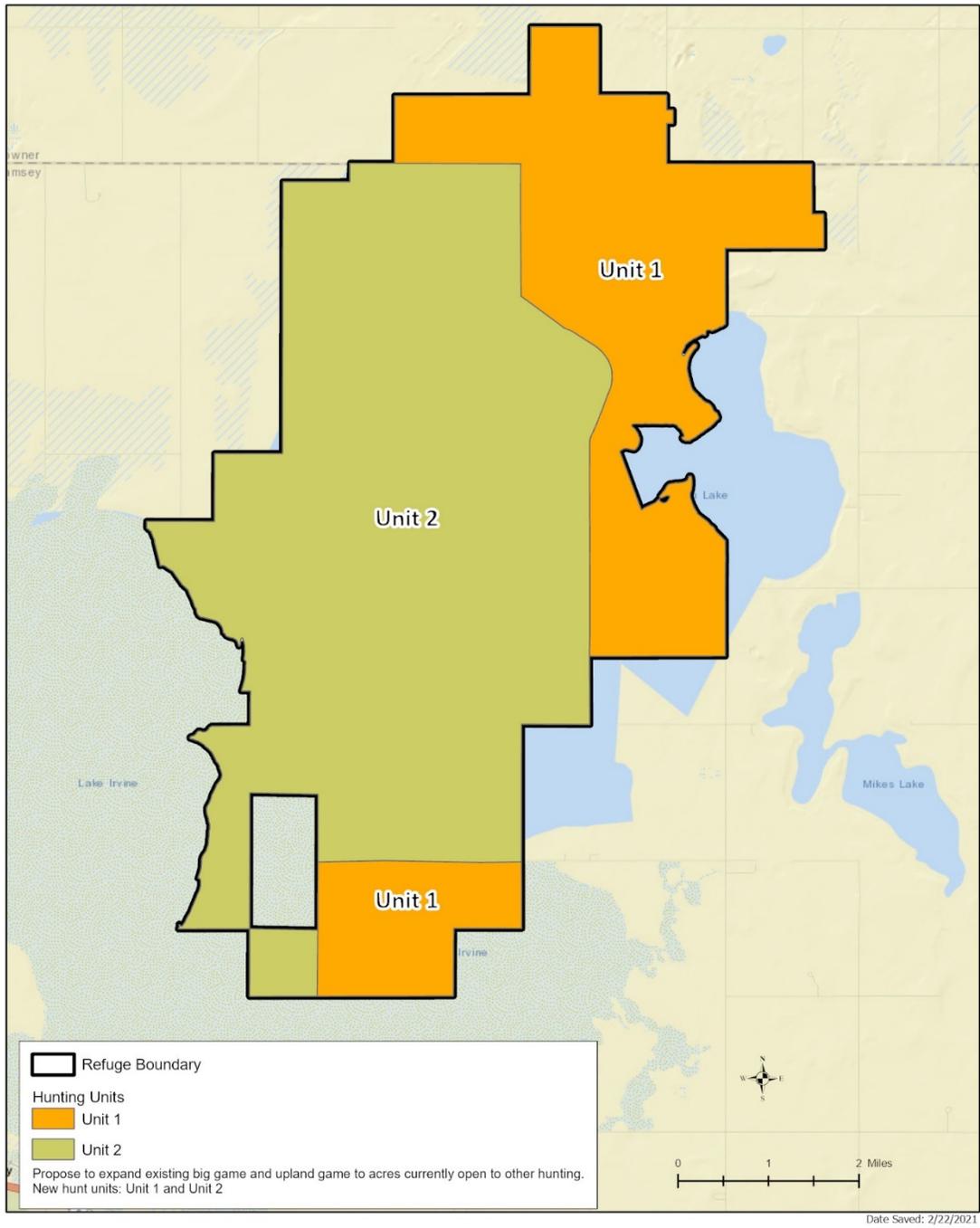
Date: \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Title \_\_\_\_\_



**Figure 1. Hunting areas on Lake Alice National Wildlife Refuge**