

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

The United States (U.S.) Fish and Wildlife Service (Service) is expanding fishing opportunities and boating regulations on approximately 2,650 acres of Lacreek National Wildlife Refuge (NWR or refuge) in accordance with the state, local, and refuge-specific regulations (50 CFR 32.60).

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 32.60);
 - *Use of signs and brochures may supplement the refuge-specific regulations
- ✓ complying with the NEPA (see attached);
- ✓ 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 _____

CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

Proposed Action:

Lacreek National Wildlife Refuge (NWR or refuge) is proposing to expand fishing opportunities to all waters of the refuge. Currently, fishing is allowed in pools 3, 4, 7, 10, Trout Ponds, and the Little White River Recreation Area (LWRRRA). Fishing will be allowed in accordance with the State of South Dakota regulations and refuge-specific regulations (50 Code of Federal Regulations [CFR] 32.60). The use of boats for fishing access is currently allowed on pools 3, 4, 7, 10 and the LWRRRA. The refuge is proposing to allow manual powered boats for fishing on all waters within the refuge and the continued use of all boats for fishing on the LWRRRA. The refuge is proposing the exclusive use of nontoxic fishing tackle on all waters except for the LWRRRA. Based on the biological impacts addressed in the draft compatibility determination, it is determined that recreational fishing by boat will not materially interfere with the habitat goals and objectives or purposes for refuge establishment. Fishing is a priority public use as listed in the National Wildlife Refuge System Improvement Act of 1997. Boating is not a priority public use. However, it does facilitate the six priority public uses. By specifying potential closures due to trumpeter swan nesting and manual powered boats only, boating is determined to be compatible.

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 that does not individually or cumulatively have a significant effect on the human environment (516 DM 8.5 B [7]).

Currently, fishing pressure on all waters is minimal. This action will only result in a minor change for fishing because all pools within the refuge are intensely managed primarily for migratory birds by drawing down each pool every 3–5 years. This management technique is not conducive to a viable fishery. Therefore, an “extraordinary circumstance” will likely not apply because it is anticipated that fishing pressure will remain minimal even with an expansion of opportunities to new waters. The LWRRRA and Trout Ponds will remain as a viable fishery for the public.

Extraordinary Circumstances (43 CFR 46.215):

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

Yes No

- ✓ a. Have significant adverse effects on public health or safety?
- ✓ b. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas?
- ✓ c. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102[2][E])?
- ✓ d. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?
- ✓ e. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?
- ✓ f. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?
- ✓ g. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau?
- ✓ h. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?
- ✓ i. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?
- ✓ j. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?
- ✓ k. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007)?
- ✓ l. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)?
- ✓ m. 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?

(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 _____