

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

The U.S. Fish and Wildlife Service (Service) proposes to expand fishing opportunities (boating regulation changes) on 2,840 acres of the Waubay National Wildlife Refuge (NWR), South Dakota, in accordance with existing state, local, and refuge-specific regulations (50 Code of Federal Regulations [CFR] 32.35).

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 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 attached Compatibility Determination);
- ✓ ensuring the opportunities are consistent with existing state, local, and refuge-specific regulations (50 CFR 32.35);
 - *Use of signs and brochures may supplement the refuge-specific regulations
- ✓ complying with the National Environmental Policy Act (see attached);
- ✓ complying with the Endangered Species Act section 7 evaluation
 - 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 _____

CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

Proposed Action:

The United States (U.S.) Fish and Wildlife Service (Service) proposes to expand fishing opportunities in accordance with existing state, local, and refuge-specific regulations (50 Code of Federal Regulations [CFR] 32.35) at Waubay National Wildlife Refuge (NWR), South Dakota. This opportunity would open 2,840 acres to fishing to non-motorized boats, canoes, and kayaks. Based on the biological impacts addressed in the compatibility determination, recreational fishing from non-motorized boats 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 (Improvement Act).

Boating is not a priority public use, however, it does facilitate the six priority public uses.

Limiting boats to manually powered, non-motorized, 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 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.*

This action will result in minor changes in the type of fishing on the refuge to allow non-motorized boats, canoes, and kayaks on 2,840 acres that are currently open only to ice fishing, as described in the 2002 comprehensive conservation plan (CCP) and associated environmental assessment (EA) (www.fws.gov/mountain-prairie/refuges/wby.php). The 2002 CCP states that the existing fishing program will continue with only minimal modifications. This modification will improve the quality of the fishing program and provide seasonal enjoyment of the refuge. Although boats were not initially permitted on these 2,840 acres, by specifying manually operated, non-motorized boats, it is determined to be compatible.

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 (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 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 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 _____