

Appendix K



Dave Menke/USFWS

Cedar waxwing

Finding of No Significant Impact

Finding of No Significant Impact Canaan Valley National Wildlife Refuge Comprehensive Conservation Plan

In May 2010, the U.S. Fish and Wildlife Service (Service) published the draft comprehensive conservation plan and environmental assessment (CCP/EA) for Canaan Valley National Wildlife Refuge (NWR). The 16,193-acre refuge was established in 1994 to conserve and protect fish and wildlife resources and the unique wetland and upland habitats of this high elevation valley. The refuge is located in Tucker County, West Virginia, and has an approved acquisition boundary of 24,000 acres. It includes the largest wetland complex in the State, and encompasses the headwaters of the Blackwater and Little Blackwater rivers. The refuge's draft CCP/EA evaluates four alternatives for managing the refuge over the next 15 years. It carefully considers their direct, indirect, and cumulative impacts on the environment and their potential contribution to the mission of the National Wildlife Refuge System (NWRS). The draft CCP/EA restates the refuge's purposes, creates a vision for the next 15 years, and proposes five goals to be achieved through plan implementation. Alternative B is identified as the Service-preferred alternative. Chapter 3 in the draft plan details the respective goals, objectives, and strategies for each of the four alternatives. Chapter 4 describes the consequences of implementing those actions under each alternative. The draft plan's appendixes provide additional information supporting the assessment and specific proposals in Alternative B. A brief overview of each alternative follows.

Alternative A (Current Management): The Council of Environmental Quality regulations on implementing the National Environmental Policy Act (NEPA) require this "No Action" alternative, which we define as current management. Alternative A includes our existing programs and activities and serves as the baseline against which to compare the other alternatives. It would maintain our present level of refuge staffing of seven full-time and two term employees. It would continue the following priorities of the biological program: shrubland and grassland management for migratory birds, protection and monitoring of threatened and endangered species, red spruce and balsam fir community restoration, upland and wetland habitat restoration, invasive plant monitoring and eradication, and rare plant and animal conservation. We would continue efforts to protect the Federally threatened Cheat Mountain salamander, the federally endangered Indiana bat, and the recently delisted West Virginia northern flying squirrel by monitoring known populations, inventorying suitable habitat for new populations, and researching habitat limitations. We would continue to offer a hunt program that is in accordance with State seasons. We would maintain current access sites for fishing and boating, and current trails for wildlife observation and photography. We would continue to offer our current level of environmental education and interpretation programs as staffing and funding allows. Finally, we would continue to collaborate with partners to promote the natural resources of Canaan Valley through outreach and public awareness.

Alternative B (the Service-preferred alternative): This alternative represents the combination of actions we believe most effectively achieves the purposes and goals of the refuge and would make an important contribution to conserving Federal trust resources in West Virginia and in the central Appalachians. It is the alternative that would most effectively provide low-impact wildlife-dependent recreation and would address the significant issues in Chapter 1 of the draft CCP/EA. It is designed to balance the conservation of a mixed-forest matrix landscape with the management of early successional habitats and the protection of wetlands. The habitat-type objectives in the plan identify focal species whose life and growth requirements would guide management activities in each respective habitat. Alternative B addresses the refuge's mandate to consider managing refuge habitat under the Biological Integrity, Diversity and Environmental Health Policy (601 FW 3). Also in this alternative, we would designate 754 acres of the refuge's central wetland complex as a Research Natural Area. The hunt program would remain the same as Alternative A, except we would facilitate the removal of more deer from the refuge by providing more access into the interior of the refuge and by opening more land to rifle hunting. We would officially open the refuge to fishing by amending 50 CFR 32.68 and we would promote fishing opportunities. For increased wildlife observation and photography, the refuge would create more trail connections. We would also expand visitor center hours, build a new environmental education pavilion, and increase the number of environmental education and interpretation programs. We expect a 15 percent increase in visitation under this alternative. To fully implement Alternative B, we would add 3.5 positions to the Canaan Valley NWR staff, for a total of 12.5 positions.

Alternative C (Emphasis on Expanding Priority Public Uses): In Alternative C, we would increase access and infrastructure to support more priority public uses than any of the other alternatives. We would create a cross-valley trail that would run east-west through the northern part of the valley, and we would allow limited off-trail use in a designated area. With these improvements in the public use programs, we expect refuge visitation to increase by 20 percent. With an increase in public access and infrastructure development, we anticipate a greater need for monitoring and control of invasive plants. We would also encourage additional research that would assess whether increased public use affects wildlife behavior, including nesting, feeding, and resting. We therefore propose in this alternative to have a staff of 13.5, compared to a staff of 12.5 in Alternative B. Within the biological objectives, differences are more subtle and emphasize early successional habitat management over forest stand improvement. Although the Biological Integrity and Diversity Policy would still guide some management of the forested and unique wetland plant communities, this management would mostly be in the form of protection and conservation rather than restoration. The Research Natural Area in this alternative would be 593 acres, compared with 754 acres in Alternative B.

Alternative D (Focus on Managing for Historic Habitats): This alternative strives to establish and maintain the ecological integrity of natural communities within the refuge. Management would range from passive, or “letting nature takes its course,” to actively manipulating vegetation to create or hasten the development of mature forest structural conditions shaped by natural disturbances such as infrequent fires, ice storms, and small patch blow-downs. Under this alternative, no particular wildlife species would be a management focus. We would pursue wetland restoration projects where past land uses have altered historical plant communities or have hindered natural hydrological flow. We would also promote research and development of applied management practices to sustain and enhance the natural composition, patterns, and processes within their natural range in the Central Appalachian Forest. As in the other alternatives, we would ensure protection of current or future threatened and endangered species, and we would control the establishment and spread of non-native, invasive species. We would create the same 754-acre Research Natural Area as planned under Alternative B. Also in Alternative D, we would limit new visitor services infrastructure to already-disturbed areas, such as around the refuge headquarters and visitor center facility, the Freeland tract, and roadside pullouts along A-frame Road. We would enhance hunting and fishing opportunities in ways similar to Alternatives B and C. Under this alternative, we would expect a 10 percent increase in visitor use, which is the same as alternative A. To fully implement this alternative, we would add 2.5 positions to the Canaan Valley NWR staff for a total of 11.5 positions. One of these would be a law enforcement officer to help enforce stricter limitations on visitor use.

We distributed the draft CCP/EA for a 45-day period of public review and comment from June 1, 2010, to July 16, 2010. We received 312 responses, both oral and written, representing individuals, organizations, and State agencies. Appendix J in the final CCP includes a summary of those comments and our responses to them.

After reviewing the proposed management actions, and considering all public comments and our responses to them, I have determined that the analysis in the EA is sufficient to support my findings. I am selecting Alternative B, as presented in the draft CCP/EA, with the minor changes listed below, to implement as the final CCP. Changes we made in the final CCP are:

1. A new map, labeled “Map 4.2, Public Use,” and located in Chapter 4, clarifies our proposal to connect the Swinging Bridge Trail to Cortland Road. This proposed trail connection will require further NEPA analysis and public review before a final route is selected. Therefore, the new map in the final CCP shows the general area within which we hope to build this trail connection, rather than an actual line on a map, as was shown in the draft CCP/EA.
2. In the final CCP, we will work with the West Virginia Department of Highway to develop a plan for improving Camp 70/Delta 13 for access by pedestrians, biking, horseback riding, and vehicles (see the final CCP, Chapter 4, objective 4.3). Vehicle access on Camp 70 was proposed in Alternative C of the draft CCP/EA, but not in Alternative B. Due to public comment in support of vehicle access on this road, we decided to include this action in the final CCP. Although we discussed some of the potential impacts of this action in the draft CCP/EA, we will need to conduct additional detailed analysis on this action before it is implemented.

3. In the final CCP, we changed the language of objective 3.1 to state that 75 percent of the 114 acres of aspen woodland will be managed in the 0-15 year age class. We removed language in the strategies identifying the annual target for cutting and replaced this with a statement that identifies the aging nature of the 114 acres of aspen communities requiring accelerated management if these communities are to be maintained as aspen habitat. We also included language in objective 3.1 that identifies the need for the management and conservation of aspen communities not identified in the CCP due to limitations of existing vegetative mapping coverage.
4. In the final CCP, we changed language in objective 3.2, regarding northern hardwood forest edge cutting, so that no annual limits are put on this type of cutting. Limitations presented in the draft CCP/EA reflected considerations for available personnel to conduct activities during the appropriate seasons as well as seasonal access restrictions. However, given previous conversations with the West Virginia Department of Natural Resources (WVDNR) and other partners, we believe that opportunities exist to help achieve management of this habitat over the life of the CCP. As such, the refuge will not state maximum annual acres, which would limit our ability to conduct hardwood forest edge cuts and would limit opportunities to work with partners over the life of the CCP.
5. In objective 3.3 of the final CCP, we moved the identification process for dry alder communities to the 1-3 year time frame to prioritize locations for effective alder management. These dry alder communities will be identified prior to any habitat management plan.
6. We corrected all format and typographical errors that were brought to our attention.

I concur that Alternative B, with the above changes and in comparison to the other two alternatives, will: best fulfill the mission of the NWRS; best achieve the refuge's purposes, vision, and goals; best maintain and, where appropriate, restore the refuge's ecological integrity; best address the major issues identified during the planning process; and is most consistent with the principles of sound fish and wildlife management. Specifically, in comparison to the other two alternatives, Alternative B provides the biggest increase in the diversity, integrity and health of high quality habitats, through enhanced early successional habitat and forest management. It also provides the most reasonable and effective improvements to existing public use programs that are in high demand, with minimal impacts to wildlife and habitats. The plans to increase staffing and develop new infrastructure are reasonable, practicable and will result in the most efficient management of the refuge and best serve the American public. This Finding of No Significant Impact includes the EA by reference.

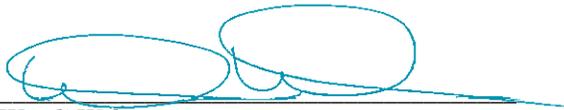
I have reviewed the predicted beneficial and adverse impacts associated with Alternative B that are presented in Chapter 4 of the draft CCP/EA, and compared them to the other alternatives. I specifically reviewed the context and intensity of those predicted impacts over the short-and long-term, and considered cumulative effects. My review of each of the NEPA factors to assess whether there will be significant environmental effects is summarized here (40 C.F.R. 1508.27).

- (1) Beneficial and adverse effects – we expect the final CCP (Alternative B) management actions to benefit both the wildlife habitats and the unique wetlands of Canaan Valley. Important examples include the measures to reduce deer browse damage to trees and shrubs, restore hydrology altered by old logging roads and trails, maintain rare habitat types, and reduce flooding of sensitive plants by beaver dams. These benefits will not result from any major change in management strategy, rather they will result in incremental changes to the current management. Therefore, we do not anticipate any significant beneficial or adverse effect on the human environment.
- (2) Public health and safety – we expect the good safety record of the refuge to continue based on the protective actions provided in the stipulations of the compatibility determination for each of the authorized public uses on the refuge. There should be no significant impact on public health and safety from the implementation of the CCP.

- (3) Unique characteristics of the area – the primary, unique characteristic of the Canaan Valley is its extensive wetland system in the headwaters of the Blackwater River. We expect the preservation and restoration measures in the CCP, such as the creation of a Research Natural Area, to benefit these wetlands for which the refuge was created, and to benefit the surrounding rare habitats. As in #1), the benefits will be incremental to the effects of the ongoing management measures originally instituted to protect these resources. Thus, we do not expect these incremental benefits to result in a significant impact on the human environment.
- (4) Highly controversial effects – the management actions in the final CCP such as field mowing, early successional habitat restoration, deer hunting, and other wildlife-dependent recreational uses are time-tested measures. Their effects on the refuge are well studied and widely known from past management and monitoring. There is no scientific controversy over what these effects will be. Thus, there is little risk of any unexpectedly significant effects on the environment.
- (5) Highly uncertain effects or unknown risks – the management measures in the final CCP are evolutionary: they are mostly refinements of the existing management measures that we have used since the Service established the refuge in 1994. We have a comprehensive monitoring program in effect to reassess the effectiveness of each planned improvement. With the data available on the current management results and the system in place to adjust for any unplanned effect, we do not find a high degree of uncertainty or unknown risk that the CCP will cause any significant impact on the environment.
- (6) Precedent for future actions with significant effects – the purpose of the CCP is to establish the precedent for managing the refuge for up to 15 years. The effects of that management are designed as gradual improvements over the existing conditions, not global changes. For example, strategies such as mowing or cutting to maintain early successional habitats are proposed on a rotational basis over the course of several years. Therefore, we do not expect this precedent to cause any significant impact on the environment.
- (7) Cumulatively significant impacts – the CCP provides the programmatic, long-term management plan for the refuge. We plan to coordinate with surrounding land managers to promote common goals such as reducing browse damage from deer and providing trail connections to enhance wildlife-dependent, recreational uses. Our management jurisdiction is limited, however, to the refuge lands, and we do not foresee any of the coordinated activities rising to the level of a significant effect on the environment. Within the term of the CCP, we intend to pursue additional projects such as constructing trail connectors and fishing access points. We will review the alternatives for these projects and their effects in additional NEPA studies tiered from the draft CCP/EA. Further, we will examine the cumulative effects of all projects under the CCP before they are approved and we will conduct whatever level of additional NEPA review is warranted.
- (8) Effects on scientific, cultural, or historical resources – the archaeological and cultural studies summarized in the CCP showed no significant impacts on these resources from the planned management activities. Service cultural resource managers in the regional office keep an inventory of known sites and structures and ensure that we consider them in planning new ground disturbing or structure altering changes to the refuge. Throughout the implementation of the CCP, we will continue to consult with the West Virginia Division of Culture and History (West Virginia's State Historic Preservation Office [SHPO]) concerning projects which might affect sites and structures, and we will continue to conduct or contract archaeological or architectural surveys when needed.
- (9) Effects on Endangered Species Act (ESA)-listed species and habitats – as detailed in the CCP, we have completed a consultation with the Service's Ecological Services Field Office under Section 7 of the ESA. Their endangered species specialists have concurred in our biological assessment that the planned actions are not likely to adversely affect any of the ESA-listed species that may be present on the refuge, particularly the endangered Indiana bat and the threatened Cheat mountain salamander. The CCP also protects the recently delisted West Virginia northern flying squirrel. Our management actions are designed to preserve and improve the existing habitat for these species and there is no ESA-designated, critical habitat on the refuge. Therefore, we do not anticipate any significant effects on these ESA resources.

- (10) Threat of violating any environmental law – our habitat management actions are designed to benefit the environment. They will comply with all applicable protections such as the Clean Water Act and the Clean Air Act. Pursuant to the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd(e)(3), 668dd(m)), we have coordinated closely with the WVDNR in developing the habitat management plans and the fish and wildlife regulations for the refuge. Our public hunting and fishing programs under the CCP require all participants to comply with State regulations. Our beaver trapping program, which protects rare plant habitats, also requires each user to be State-licensed and in compliance with all regulations. We do not anticipate a threat that the CCP will violate any environmental law or cause any significant impact on the environment.

Based on this review, I find that implementing Alternative B will not have a significant impact on the quality of the human environment, in accordance with Section 102(2)(c) of NEPA. Therefore, I have concluded that this Finding of No Significant Impact is appropriate and an Environmental Impact Statement is not required.



Wendi Weber
Acting Regional Director
U.S. Fish and Wildlife Service
Hadley, Massachusetts

1/19/11

Date