

**Missisquoi National Wildlife Refuge  
Fishing Plan**

**June 2023**

**U.S. Fish and Wildlife Service**

**Missisquoi National Wildlife Refuge  
Swanton, VT 05488**

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# MISSISQUOI NATIONAL WILDLIFE REFUGE FISHING PLAN

## **I. Introduction**

National wildlife refuges are guided by the mission and goals of the National Wildlife Refuge System (Refuge System), refuge-specific objectives and purposes, U.S. Fish and Wildlife Service (Service) policy, and laws and international treaties. Relevant guidance includes the Refuge System Administration Act of 1966 (NWRSA), as amended by the Refuge System Improvement Act of 1997, Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and Fish and Wildlife Service Manual.

The mission of the Refuge System, as outlined by the NWRSA and amended by the National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd et seq.), is to:

*“... administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”*

The NWRSA mandates the Secretary of the Interior in administering the System to (16 U.S.C. 668dd(a)(4):

- Provide for the conservation of fish, wildlife, and plants, and their habitats within the Refuge System;
- Ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans;
- Ensure that the mission of the Refuge System described at 16 U.S.C. 668dd(a)(2) and the purposes of each refuge are carried out;
- Ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the Refuge System are located;
- Assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the Refuge System and the purposes of each refuge;
- Recognize compatible wildlife-dependent recreational uses as the priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;
- Ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses; and

- Monitor the status and trends of fish, wildlife, and plants in each refuge.

Missisquoi National Wildlife Refuge (NWR, refuge) lies on the eastern shore of Lake Champlain, near the Canadian border in Franklin County, Vermont (Figure 1). Established in 1943 under the Migratory Bird Conservation Act “...for use as an inviolate sanctuary, or any other management purposes, for migratory birds,” the 6,760-acre refuge includes most of the Missisquoi River Delta, the largest wetland complex in the Lake Champlain Basin. As it flows through the refuge, the Missisquoi River passes through the largest and perhaps highest quality silver maple floodplain forest in the State. The river meanders through extensive natural and managed marshes of wild rice, buttonbush, and tussock sedge that host thousands of waterfowl during migration. Part of the river located in the refuge harbors rare freshwater mussels, turtles, and fish. The river’s delta is a critical link for migratory birds along the Atlantic Flyway. Important refuge habitats include freshwater wetlands, pitch pine woodland bog, patches of oak and northern hardwood forest, grasslands, alder thickets and other shrub lands. The refuge was designated a Ramsar “Wetland of International Importance” in 2013.

The separate 458-acre Eagle Point unit, located approximately 50 miles east of the refuge near Lake Memphremagog, will remain open to all seasons per State regulations for Wildlife Management Areas.

Figure 1: Location of Missisquoi NWR



The refuge is currently open to fishing as outlined in the refuge’s Comprehensive Conservation Plan (2007) which describes access points, open and closed areas and other refuge specific regulations. We are not proposing any substantial changes to the fishing program at Missisquoi; however, we are proposing a new seasonal parking area for winter access at the Eagle Point Unit.

## **II. Statement of Objectives**

The objectives for the fishing program at Missisquoi NWR are the following:

- Promote a priority public use of the Refuge System under the NWRSA of 1966 (16 U.S.C. 668dd-668ee), as amended by the Refuge System Improvement Act of 1997 (Improvement Act) (Public Law 105-57);
- Meet Refuge Objective 4.3 (Fishing) under the CCP: “Provide opportunities for fishing on the refuge in a manner that minimizes conflicts between fishing and biological resources, particularly nesting birds, and that ensures at least 75 percent of anglers have a positive experience.”
- Effectively maintain a healthy and diverse aquatic ecosystem through the use of scientific management techniques;
- Promote visitor understanding of, and increase visitor appreciation for, America’s natural resources;
- Provide opportunities for quality recreational and educational experiences consistent with criteria describing quality found in 605 FW 1.6;
- Encourage participation in this tradition deeply rooted in America’s natural heritage and conservation history;
- Minimize conflicts with visitors participating in other compatible wildlife dependent recreational activities;
- Minimize impact to natural resources

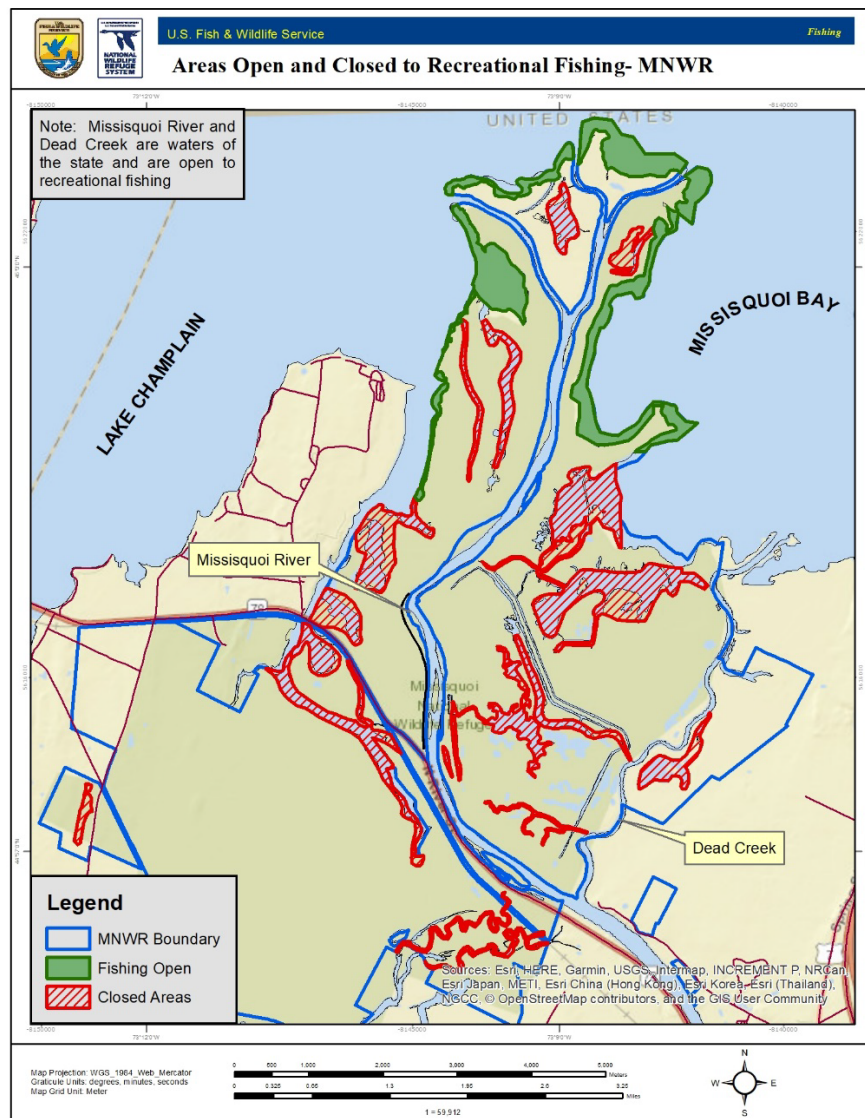
Fishing is consistent with the refuge’s 2007 Comprehensive Conservation Plan (CCP)’s larger goal to “increase appreciation and stewardship of the Missisquoi River Delta and the Lake Champlain Basin by providing compatible, positive, wildlife-dependent recreation including wildlife observation and photography, hunting, and fishing.” The Environmental Assessment for the Eagle Point Unit (2010) also identifies fishing as a proposed activity that will be compatible and in collaboration with the management agreement with the Vermont Fish and Wildlife Department (VFWD).

### III. Description of Fishing Program

#### A. Areas Open to Fishing

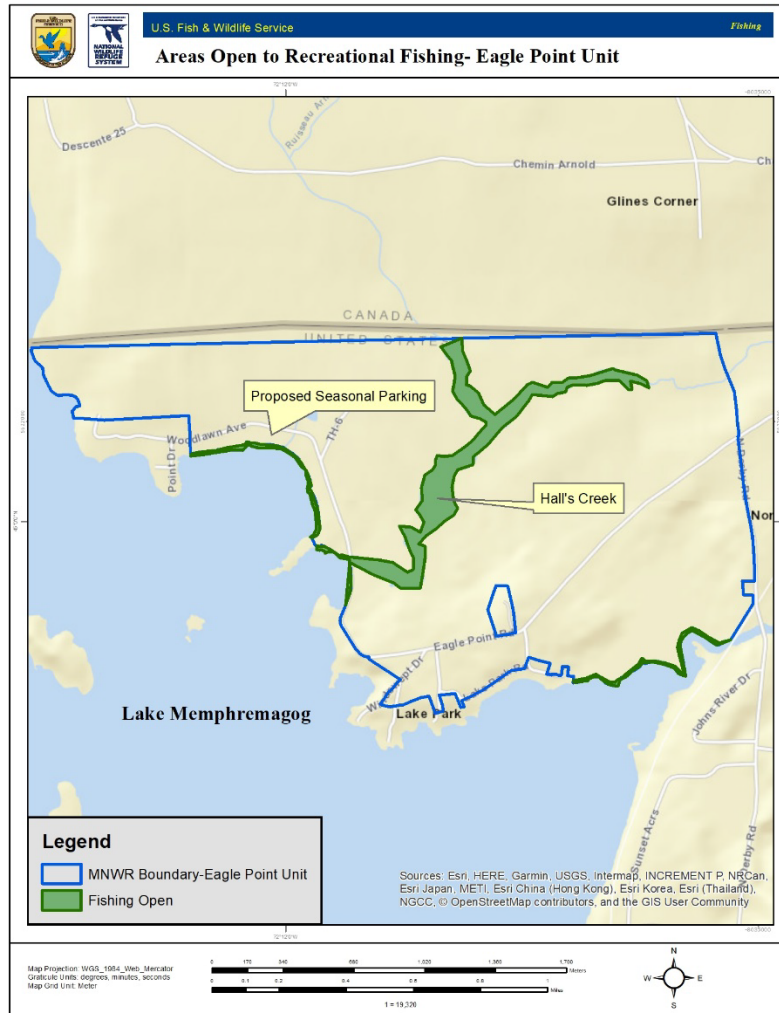
At Missisquoi NWR, refuge visitors may fish from the banks of the Missisquoi River from Louie's Landing to Mac's Bend parking area. Fishing is also allowed from a boat on the Missisquoi River, Dead Creek (state waters) and Lake Champlain within the refuge boundary and in areas not posted as closed to public access (Figure 2). Fishing access is available to persons with disabilities at Louie's Landing. We provide fishing opportunities while protecting wildlife habitats at sensitive times and in sensitive places on the refuge. Under this fishing plan, we are not proposing changes to the areas currently open for fishing at either Missisquoi NWR or the Eagle Point Unit of the refuge which have been consistent for decades.

Figure 2: Areas Open to Fishing at Missisquoi NWR



At the Eagle Point Unit, areas open to fishing include the Hall’s Creek wetland and shore fishing on Lake Memphremagog. We are proposing a new seasonal ice fishing lake access parking lot to aid in vehicle congestion during winter months at Eagle Point. Areas open to fishing at Eagle Point are shown in Figure 3.

Figure 3: Areas Open to Fishing at Eagle Point Unit of Missisquoi NWR



## B. Species to be Taken, Fishing Periods and Access

Fishing would be allowed daily from dawn to dusk (daylight hours only). Fishing seasons follow state regulations. Primary species taken include bass, yellow and white perch, northern pike, walleye, brown bullhead along with other panfish common in Lake Champlain, the Missisquoi River and Lake Memphremagog and their surrounding wetland and riverine habitats.

Access to Missisquoi NWR is provided along the bank of the Missisquoi River between Louie’s Landing boat ramp and Mac’s Bend boat ramp. Boat access from these two ramps

provides anglers fishing opportunities in the Missisquoi River, Dead Creek and the shallow areas of Lake Champlain within the refuge boundary. At the Eagle Point Unit, access is by foot along the shoreline of Lake Memphremagog or by launching a canoe or other small boat on Hall's Creek from the bridge on Eagle Point Road. In winter months ice anglers may access Lake Memphremagog by parking in the refuge trail access parking lots and walking or driving snowmobiles or all-terrain vehicles (ATVs) onto the lake. We are proposing a new seasonal parking area for winter access at Eagle Point to reduce ice angler congestion along Eagle Point Road during winter months.

### **C. Angler Permit Requirements**

There is no refuge-specific permit for fishing, but anglers must have in their possession a valid fishing license as outlined by State regulations.

### **D. Consultation and Coordination with the State**

Refuge staff typically meet annually with VFWD representatives to discuss current issues, status of angler use and access, and any proposed changes to regulations. Fishing opportunities on the refuge are generally designed to comply with State regulations. Access areas are regulated by refuge specific regulations designed to reduce disturbance to migratory birds, conflicts with other priority uses and align with the established refuge purpose.

Consultations with VFWD regarding fishing opportunities were conducted during the development of the refuge's CCP and Environmental Assessment finalized in 2007. All Compatibility Determinations are reviewed and renewed at their respective 10- or 15-year interval, depending on type of use. This year marks the required re-evaluation of the Compatibility Determination for Fishing in the refuge's 2007 CCP.

### **E. Law Enforcement**

Enforcement of refuge regulations normally associated with management of a national wildlife refuge is the responsibility of commissioned Service law enforcement officers. Other refuge officers, special agents, and State game wardens may assist Federal Wildlife Officers (FWOs) in investigations of both Federal and State law occurring within the refuge.

The following methods are used to control and enforce hunting regulations:

- Boundaries will be clearly posted;
- The Service will provide a brochure outlining fishing rules and regulations as well as a map depicting areas open to fishing and boat access;
- FWOs will check anglers to ensure compliance with Federal and State laws, as well as refuge-specific fishing regulations, including compatibility stipulations;
- FWOs will coordinate with Vermont Department of Fish and Wildlife and other law

enforcement agencies; and

- Information will be made available on the Missisquoi NWR website (<https://www.fws.gov/refuge/missisquoi>) and at [www.recreation.gov](http://www.recreation.gov).

Procedures for obtaining law enforcement assistance are based on legal jurisdiction, pending where the incident occurred. FWOs have developed good working relationships with other State, local and Federal law enforcement agencies to develop enforcement strategies and coordinate investigations and operations as appropriate.

## **F. Funding and Staffing Requirements**

We do not anticipate charging fees for fishing, and therefore we do not anticipate additional income or appropriations specifically geared toward the Recreational Fishing Program. The resources necessary to provide and administer this use are available within current and anticipated refuge budgets. Staff time associated with the administration of this use is spent maintaining associated road and parking infrastructure, collecting visitor use data where applicable, analyzing use patterns, monitoring potential impacts of the use on refuge resources, and providing information to the public about the use.

Annual fish administration costs for Missisquoi NWR, including salaries and maintenance, total approximately \$7,750.00 annually (Table 1). Funding for the fishing program is not specifically allocated but will be taken from station base funds on an annual basis. Funding is expected to continue to be sufficient to continue the fishing program at Missisquoi NWR in the future.

## **IV. Conduct of the Fishing Program**

### **A. Angler Permit Application, Selection, and/or Registration Procedures (if applicable)**

There are no permit requirements, other than a valid state license, for recreational fishing at Missisquoi NWR or at the Eagle Point Unit of the refuge.

### **B. Refuge-Specific Fishing Regulations**

To ensure compatibility with refuge purposes and the mission of the Refuge System, fishing must be conducted in accordance with Federal, State, and refuge-specific regulations. The refuge-specific regulations that pertain to fishing on Missisquoi NWR as of the date of this plan are summarized here. These regulations may be modified as conditions change or if refuge expansion continues or occurs.

We allow fishing on areas described below in accordance with State regulations and subject to the following conditions:

1. We provide access for sport fishing by boat (including bow fishing) and ice fishing in the Missisquoi River and Dead Creek (waters of the state); and shallow water areas of the

Missisquoi River delta from Goose Bay to Charcoal Creek (north of Vermont Route 78) with the following exceptions:

- We close Long Marsh Bay from Labor Day to December 31.
  - We maintain interior channels and wetlands closed to all uses that are part of the refuge's migratory bird sanctuary units.
  - Black Creek and Maquam Creek are closed.
2. We allow bank fishing along Charcoal Creek where it passes under Route 78, and along the shoreline of the Missisquoi River from Louie's Landing to Mac's Bend boat launch. Bank fishing is accessible only by foot along the Missisquoi River from Louie's Landing to Mac's Bend.
  3. We prohibit taking fish with firearms within refuge boundaries.
  4. We allow boat launching from Louie's Landing year-round. We allow boat launching from Mac's Bend boat launch area from September through December inclusive.
  5. At Eagle Point we allow bank fishing in Lake Memphremagog along refuge boundary with the lake. We allow bank fishing along Hall's Creek and small boat fishing access from Eagle Point Road.
  6. Fishing would be allowed daily from dawn to dusk (daylight hours only).

### **C. Relevant State Regulations**

The refuge conducts its fishing programs within the framework of State and Federal regulations. Fishing at the refuge is at least as restrictive as the State of Vermont and, in some cases, more restrictive. Additionally, the refuge coordinates with the State as needed to maintain regulations and programs that are consistent with the State's management programs. Relevant refuge-specific regulations are annually listed in 50 CFR 32.64 (Vermont), and summarized above in Section IV, subsection B.

### **D. Other Refuge Rules and Regulations for Fishing**

- Commercial guiding is not authorized as part of this plan.
- We prohibit parking in front of any gate. Parked vehicles may not impede any road traffic.

### **V. Public Engagement**

#### **A. Outreach for Announcing and Publicizing the Fishing Program**

The refuge maintains a mailing list of local newspapers, social media, radio, and websites for news release purposes. Special announcements and articles may be released in conjunction

with fishing seasons. Additionally, information about the fishing opportunities will be available on the refuge's website and the refuge Friends' social media accounts.

The fishing plan has been coordinated with all interested and/or affected parties including VFWD. We notify the public through local venues, the refuge website, and notification in the Federal Register (as part of other expansions and openings on national wildlife refuges).

## **B. Anticipated Public Reaction to the Fishing Program**

Fishing is one of the six priority public uses required by the Refuge Improvement Act to receive enhanced consideration on refuges. Fishing is a popular and traditional activity in the area. It provides a means to increase public participation on the refuge and a connection to wildlife and conservation on the refuge.

Since fishing has occurred at the refuge in the same fashion for decades, little negative public reaction is expected regarding continuing the fishing program at Missisquoi NWR and Eagle Point. However, at Eagle Point the public is expected to favor increased winter parking access for ice fishing on Lake Memphremagog as it is very limited on refuge lands.

## **C. How Anglers Will Be Informed of Relevant Rules and Regulations**

Angler orientation of the refuge will be achieved by providing maps of the refuge at the headquarters office, in kiosks throughout the refuge, and on the refuge website. The maps have refuge trails, public use areas, closed areas, and local roads clearly defined. Anglers may address questions to refuge staff by calling, writing, e-mailing, or visiting refuge headquarters.

General information regarding hunting, fishing, and other wildlife-dependent public uses, dates, forms, hunting unit directions, maps, and information will also be available at the refuge websites: <https://www.fws.gov/refuge/missisquoi/>

## **VI. Compatibility Determination**

Fishing and all associated program activities proposed in this plan are compatible with the purposes of the refuges. See attached Fishing Compatibility Determination.

## **VII. Literature Cited**

U.S. Fish and Wildlife Service. 2007. Missisquoi National Wildlife Refuge, Comprehensive Conservation Plan, USFWS Region 5, Hadley, MA.

U.S. Fish and Wildlife Service. 2010. Final Environmental Assessment for the Eagle Point Unit. USFWS Region 5, Hadley, MA.

## **Tables**

Table 1. Annual Funding and Staffing Requirements to Administer the Fishing Program at Missisquoi NWR

<b>Identifier</b>	<b>Cost</b>
Maintenance Worker, Administrative Officer, Biologist, and Refuge Manager	\$2,350
Maintain roads, parking lots*	\$1,500
News releases, fact sheets, brochures	\$200
Maintenance and replacement of boundary signs	\$200
Law Enforcement**	\$3,500
<b>Total Annual Cost</b>	<b>\$7,750</b>

*\*Refuge parking lots and roads are maintained for a variety of activities. Costs shown are a percentage of total costs for parking and road maintenance on the refuge and are reflective of the percentage of parking/road use for fishing. Volunteers account for some maintenance hours and help to reduce overall cost of the program.*

*\*\*Detailed Federal Wildlife Officers since the refuge does not have a Law Enforcement Officer.*

*\*\*\*Infrastructure maintenance at Eagle Point is funded by the State per cooperative agreement.*

## **Draft Compatibility Determination**

Draft Compatibility Determination for Fishing; Missisquoi National Wildlife Refuge.

### **Refuge Use Category**

Fishing

### **Refuge Use Type(s)**

Fishing (non-commercial). The harvest of fish, shellfish, or other aquatic organisms for recreational purposes and/or personal consumption (includes collection of bait for personal use).

### **Refuge**

Missisquoi National Wildlife Refuge (including Eagle Point Unit)

### **Refuge Purpose(s) and Establishing and Acquisition Authority**

The Missisquoi National Wildlife Refuge was established “for use as an inviolate sanctuary, or for any other management purpose, for migratory birds” [Migratory Bird Conservation Act 16 U.S.C. 715–715d, and 715f–715r].

### **National Wildlife Refuge System Mission**

The mission of the National Wildlife Refuge System, otherwise known as Refuge System, is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252).

### **Description of Use**

The use is recreational fishing. Fishing is a priority public use of the Refuge System under the Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended by the Refuge System Improvement Act of 1997 (Public Law 105-57).

### **Is this an existing use?**

Yes. This compatibility determination reviews and replaces the 2007 compatibility determination (CD) for fishing.

**What is the use?**

The use is fishing. It is a priority public use of the National Wildlife Refuge System under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

**Is the use a priority public use?**

Yes

**Where would the use be conducted?**

Except as noted below, sport fishing is permitted year-round on waters surrounding and coursing through the refuge, including the shoreline areas of Lake Champlain, the Missisquoi River, and Dead Creek, Hall's Creek and Lake Memphremagog.

Other internal waters of the refuge are closed, including Cranberry Pool, Goose Bay Pool, Big Marsh Slough, Burton's Pothole, Saxes Creek, Metcalfe Pothole, Eel Creek, Long Marsh Channel, Black Duck Creek, and the backwaters of Charcoal Creek, including the Clark Marsh, and Charcoal Creek south of Route 78. Black Creek and Maquam Creek are closed where they lie within the refuge. Stephen J. Young Marsh is also closed.

Bank fishing is permitted along Charcoal Creek where it passes under Route 78, and along the shoreline of the Missisquoi River from Louie's Landing to the Mac's Bend boat launch. Bank fishing is accessible only on foot from Louie's Landing to Mac's Bend. Shoreline fishing access for disabled individuals is available at Louie's Landing.

At Eagle Point, shoreline fishing in Lake Memphremagog is open along the length of the refuge boundary. Hall's Creek is open to bank fishing as well as small boat access from Eagle Point Road.

**When would the use be conducted?**

Sport fishing on the refuge follows all Vermont fishing regulations, including open seasons, limits and methods of fishing. For information, consult the Vermont Fish and Wildlife Department (VFWD) Annual Fishing Guide and Regulations. The guide is available at refuge headquarters and other locations where fishing licenses are sold. Fishing is permitted 1 hour before legal sunrise to 1 hour after legal sunset on refuge land.

Long Marsh Bay is open to fishing until Labor Day, then it is closed to December 31 to prevent conflicts with waterfowl hunting. Long Marsh Bay may also be closed seasonally to protect nesting habitat for sensitive migratory bird species. We allow boat launching from Louie's Landing year-round. We allow boat launching from Mac's Bend boat launch area from September through December inclusive.

Additionally, from April to November, we may close and post areas to provide undisturbed nesting and resting areas for ospreys, black terns, great blue herons, bald eagles and other migratory birds.

The perimeters of those sensitive areas may change annually, and we ask anglers to observe and honor them.

### **How would the use be conducted?**

Most fishing on the refuge takes place in accordance with state regulations, with additional restrictions to protect sensitive wildlife areas, via motorboat or paddle boat, using a rod and reel, hook and line, or bow and arrow. Refuge regulations must be consulted for details. Fishing also takes place from shore at open locations, mainly during spring and early summer. Anglers use the boat launch at Louie's Landing to access the river and lake, or travel into the refuge by water from other access points along the lake.

A valid state fishing license would be required to fish on the refuge in accordance with state regulations. Refuge regulations would not allow the use of firearms to take fish, even though permitted by state regulation for a limited time in the spring.

The Vermont legislature prohibited the sale of lead sinkers used for fishing tackle in 2006. The use of lead sinkers is prohibited in all Vermont waters, including the refuge.

### **Why is this use being proposed or reevaluated?**

This use is a priority public use and are being reevaluated to meet the 15-year mandatory requirement for reevaluation. By continuing to allow this activity, we are providing opportunities for fishing to the public to further our conservation mission and create a deeper understanding of the Missisquoi NWR and the Refuge System. Additionally, fishing is a historic, traditional, popular, and sustainable wildlife-oriented activity identified as a priority public use on national wildlife refuges.

Overall, this use provides safe recreational opportunities, with the realization that those who come strictly for recreation may be enticed to participate in the more educational facets of the visitor services program, and can then become informed supporters for the refuge, the refuge system and wildlife conservation. The proposed action promotes one of the priority public uses of the Refuge System and provides opportunities to promote stewardship of our natural resources and increase public appreciation and support for the refuge.

### **Availability of Resources**

Resources involved in the administration and management of the use are primarily maintenance and visitor services staff and maintenance equipment. Facilities or materials needed to support sport fishing include: two parking areas, two boat launch areas, restrooms, a refuge fishing brochure explaining fishing regulations, recurring maintenance costs, trash retrieval, public relations and enforcement of State and Federal fishing regulations. Some of these costs are shared with other public use programs such as hunting and public use trail maintenance. We anticipate the costs for the annual public fishing program at Missisquoi NWR to be \$7,750. This does not include costs associated with the Eagle Point Unit which are funded by VFWD.

Limited public outreach and programing for angling is available and refuge funding will focus on

infrastructure maintenance.

## **Anticipated Impacts of the Use**

### **Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission**

Impacts of fishing to refuge resources, whether adverse or beneficial, are those that are reasonably foreseeable and have a reasonably close causal relationship to the use. This CD includes the written analyses of the environmental consequences on a resource only when the impacts on that resource could be more than negligible and therefore considered an “affected resource.”

### **Short-term impacts**

Fishing at Missisquoi NWR, is authorized following all state seasons. Fishing activities in the fall could result in some negative impacts on migratory waterfowl. Spring and early summer fishing could disturb nesting bald eagles. Studies on boating disturbance to nesting waterfowl (Atkinson-Willes 1969, Bouffard 1982, Cook 1987, Coulter & Miller 1968) and migratory waterbirds (Erwin 1989) indicate that boating causes flushing of nesting birds and possible disturbance to nesting. In another study, Hartman found the wood duck, a prominent nesting waterfowl at Missisquoi NWR, quietly swam away instead of flushing (1972). Speight determined that the effects of waterfowl disturbance depended more on frequency of human presence than number of people present at one time (1973). The refuge will continue to maintain areas closed to public uses that protect nesting and migratory waterfowl and other migratory birds. These closed areas are sufficient to ensure that any disturbance from anglers would not materially interfere with or detract from the purpose of the refuge. While some disturbance may occur, ample protected habitats within the refuge exist to offset that disturbance.

Fishing can also potentially cause death or serious injury to migratory birds by using lead sinkers that can become ingested or by discarding hooks, monofilament line, or other litter that can trap or entangle birds and other wildlife. The best available science indicates that lead ammunition and tackle may have negative impacts on wildlife and human health, and the environment (Golden et al. 2016). However, lead tackle is prohibited by state law and not permitted on Missisquoi NWR.

The concern, therefore, is if disturbances from recreational fishing activities are sufficient to adversely affect the subject purposes for which the refuge was established. Since areas open to fishing on the refuge are carefully designed to avoid interior wetlands important for migratory birds and other closed areas, it is not likely that fishing will negatively impact wildlife species on the refuge.

People fishing from the shore may also inadvertently damage plants (e.g., via trampling or equipment use) while fishing. Trampling, damage, and killing of vegetation from walking off-trail is also a possibility as a result of this use (Kuss 1986, Roovers et al. 2004). It is unlikely that short term trampling will have significant impacts to plants or soil erosion, since bank fishing along the Missisquoi is relatively light due to the requirement of accessing the areas by foot. Additionally, foot access along Mac’s Bend Road has been permitted for decades with no significant impacts to plants or soils.

## **Long-term impacts**

Recreational fishing could potentially cause negative impacts to fish populations if it occurs at unsustainably high levels or is not managed properly. Potential impacts include direct mortality from harvest, catch and release injury, changes in age and size class distribution, changes in reproductive capacity and success, loss of genetic diversity, altered behavior, and changes in ecosystems and food webs (Lewin et al. 2006, Cline et al. 2007). Fishing generally removes individuals from a population at high levels and can lead to reduced population sizes and loss of genetic diversity. The loss of genetic diversity can ultimately reduce a population's fitness, resilience, and ability to adapt to environmental changes and stressors. The higher the fishing mortality, the greater these types of impacts will be (Lewin et al. 2006).

While fishing removes individuals from the population, we do not anticipate that projected fishing pressure will affect the coastal fish population as a whole. VDFW strives to ensure maintenance of healthy and diverse fish species populations. Anglers must abide by the State's seasons, catch limits, and regulations to protect the State's fish populations. Overall, impacts to the fishery are expected to be insignificant. Most game species present on the refuge are widespread in Lake Champlain, Lake Memphremagog and throughout the watershed. We consider habitat degradation from water quality issues to be a larger threat to fish populations than angling pressure.

Motorboats could potentially affect the submerged aquatic vegetation, could create limited shoreline erosion from their wakes, and could potentially increase turbidity if there were enough visits. Circumstantial observations have noted considerable wake action with erosive force when larger bass boats move up and down the Missisquoi River. Water levels typically do not permit boats to travel fast particularly in mid to late summer, therefore this impact will likely be minor when considering seasonal flooding impacts.

Cumulative impacts on the environment result from incremental impacts of a proposed action when these are added to other past, present, and reasonably foreseeable future actions. While cumulative impacts may result from individually minor actions, they may, viewed as a whole, become substantial over time. The entirety of the fishing is regulated and managed by the State of Vermont. Provided that the refuge maintains sensitive areas as closed to fishing access, especially during the breeding and migration season, long term impacts are will not impact the purposes the refuge was established for or the fishery resources within refuge boundaries.

## **Federal and State Endangered Species**

Northern long-eared bats (*Myotis septentrionalis*, or NLEB) inhabit Franklin County, Vermont, where Missisquoi NWR is located. Historically, they used trees in the refuge's floodplain forests from April to August for roosting and maternal colonies. In northern latitudes like Vermont, NLEB hibernate in caves and mines for 8 or 9 months of the year, sometimes beginning in August (Sefchick 2019). Acoustic monitoring of bats in 2013-2014 showed that six of nine State bat species use the refuge, including the State endangered tri-colored and little brown bats.

Anglers will be able to use a portion of refuge lands, but their impacts will be concentrated to areas around water. There is no nighttime fishing allowed, so any potential impacts would be limited to

anglers walking through the unit during refuge hours to gain access to water banks for fishing. The effects to bats by anglers walking through the habitat where bats could be roosting is discountable, given the bats and anglers are likely not to overlap in space or time of day. Although unlikely, if bats and anglers were to overlap, any potential effects from walking activities are also expected to be insignificant because it is not expected to rouse bats from roosting habitat.

The use of lead sinkers is prohibited in all Vermont waters, including the refuge. While remote, there is a possibility that anglers could use lead tackle other than sinkers (i.e., hooks, lures, line). In this unlikely scenario, lead tackle fragments would have to break down in the soil in order to be taken up by plants near the area in which the fragments fall on or penetrate the soil surface. Typically, however, plants do not take heavy metals up until they have reached critical thresholds in the soil (Sharma and Dubey 2005). Given that anglers are unlikely to use lead tackle, the soil is not expected to reach the critical threshold necessary to be taken up by plants. Although unlikely, if lead is taken up by plants, it is mainly through the root system and partly, in minor amounts through the leaves. Inside the plants lead accumulates primarily in the root, but a part of it is translocated to the aerial portions. Larvae of certain herbivorous insect species could ingest some of the lead when they eat the exposed plants. Some of the insects could then be consumed by bats. However, the potential for any lead impacts to bats through bioaccumulation is discountable due to Northern long-eared bats' diet and foraging habits. Northern long-eared bats' diet is insects such as moths, flies, leafhoppers, caddisflies, and beetles, only some of which are herbivorous. In addition, bats are transitory in nature and will not consume their entire diets on the refuge area. To summarize, in light of the state restrictions on lead sinkers, anglers are not likely to use lead tackle, and considering the chain of events that are necessary for exposure, it is very unlikely that bats would consume lead derived from tackle used by anglers on the refuge.

This project complies with the Northern long-eared bat 4(d) rule. The proposed action, which includes updating the current recreational fishing plan and adding a new seasonal parking area for winter access at the Eagle Point Unit, is not likely to adversely affect the Northern long-eared bat. The proposed parking area will result in a minor reduction of old field habitat on the refuge, estimated at 0.17 acres, and no Northern long-eared bats use or are present in the area. Any effects would be insignificant in the size of the impact or so extremely unlikely to occur such that they cannot be measured. Therefore, the proposed action is not likely to adversely affect this species.

Several State-listed species occur on the refuge and in the Missisquoi River, including lake sturgeon (*Acipenser fulvescens*, state Endangered), Eastern sand darter (*Ammocrypta pellucida*, State Threatened) and stonecats (*Noturus flavus*, State Endangered). The State manages the sturgeon population and provides substantial angler outreach in areas where this species occurs and closes areas where they spawn between mid-March and mid-May each year. Being a minnow, the Eastern sand darter is not likely to be impacted by fishing. Stonecats have been found in the Missisquoi River but not in large numbers (Pachala 2015). These species are impacted more by habitat conditions and water quality rather than recreational fishing. It should be noted that the Missisquoi River is not refuge property, and these species are managed by the State.

### **Visitor Uses and Experiences**

Fishing provides an additional wildlife-dependent recreational opportunity and can foster a better

appreciation and more complete understanding of the wildlife and habitats associated with the northern Vermont landscape. This can translate into more widespread and stronger support for wildlife conservation, the refuge, the Refuge System, and the Service. Missisquoi NWR is open to all six priority wildlife-dependent recreational uses. At 25,000 to 30,000 annual visits, fishing visits make up approximately 40 percent of total refuge visitation.

The beneficial impacts of providing this wildlife-dependent activity and the modest increases in opportunities include helping meet the existing and future demands for outdoor recreation and education. Any increase in recreational fishing on the refuge may lead to conflict and competition between the anglers. Additionally, anglers may also impact other user groups. For example, they may disturb or flush wildlife that other users were observing. Although these conflicts may arise, it is not a significant issue at the present levels of use, and we do not expect the number of anglers to rise to such a level that it would become an issue in the future. Should significant conflicts become evident, we may need to manage public use to minimize conflicts and ensure public safety. That may include public outreach or zoning to separate user groups.

Interpretive signs and maps are located at refuge access points and are available at the refuge office and on our website. Buoys and boundary signs to mark the areas between the vegetated shoreline and the lake boundary of the refuge delta property where fishing is permitted. The continued closure of boating/fishing in Long Marsh Bay after Labor Day would have a positive impact on the environment, primarily by avoiding disturbance to waterfowl and preventing user conflicts during waterfowl season. Increasing winter parking at Eagle Point will reduce congestion on Eagle Point Road and make access to ice fishing safer and easier. There would be no cultural or historical resource impacts expected.

### **Public Review and Comment**

The draft compatibility determination will be available for public review and comment for 30 days— from (insert date) to (insert date). The public will be made aware of this comment opportunity through newspapers, social media, postings at local libraries and businesses. State and Tribes have been asked to review and comment on the draft compatibility determination. A hard copy of this document will be posted at the Visitor Center (29 Tabor Road, Swanton, Vermont). It will be made available electronically on the refuge website (<https://www.fws.gov/refuge/missisquoi/>). Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final document.

### **Determination**

#### **Is the use compatible?**

Yes

#### **Stipulations Necessary to Ensure Compatibility**

1. Areas that provide important migratory bird nesting, feeding, and resting habitats will be closed to fishing. We will delineate those areas annually by posting them with refuge boundary signs and signs that read “Area Beyond This Sign Closed.” The refuge fishing

leaflet and personal contacts will further advise boaters to stay clear of those seasonally and annually shifting closed areas.

2. Fishing would be allowed daily from dawn to dusk (daylight hours only).
3. Long Marsh Bay is open to fishing until Labor Day, then it is closed to December 31 to prevent conflicts with waterfowl hunting.
4. Brochures, leaflets, and signs are available to inform and educate anglers and boaters about the consequences of transporting invasive aquatic species by contaminated equipment.

### **Justification**

The stipulations outlined above would help ensure that the use is compatible at Missisquoi NWR. Fishing, as outlined in this compatibility determination, would not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge. Based on available science and best professional judgement, the Service has determined that fishing at Missisquoi NWR, in accordance with the stipulations provided here, would not materially interfere with or detract from the fulfillment of the Refuge System mission or the purposes of the refuge. Rather, appropriate and compatible fishing would be a use of the refuge through which the public can develop an appreciation for wildlife and wild lands.

### **Signature of Determination**

Refuge Manager Signature and Date

### **Signature of Concurrence**

Assistant Regional Director Signature and Date

### **Mandatory Reevaluation Date**

Delete this text and insert year for reevaluation

## Literature Cited/References

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- Cline, R., N. Sexton and S.C. Steward. 2007. A human-dimensions review of human-wildlife disturbance: a literature review of impacts, frameworks, and management solutions. Fort Collins, CO: U.S. Geological Survey, Open-File Report 2007-1111.
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## **OTHER APPLICABLE STATUTES, EXECUTIVE ORDERS AND REGULATIONS**

### ***Cultural Resources***

- American Indian Religious Freedom Act, as amended, 42 U.S.C. 1996 – 1996a; 43 CFR Part 7.
- Antiquities Act of 1906, 16 U.S.C. 431-433; 43 CFR Part 3.
- Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa – 470mm; 18 CFR Part 1312; 32 CFR Part 229; 36 CFR Part 296; 43 CFR Part 7.
- National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470x-6; 36 CFR Parts 60, 63, 78, 79, 800, 801, and 810.
- Paleontological Resources Protection Act, 16 U.S.C. 470aaa – 470aaa-11.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-3013; 43 CFR Part 10.
- Executive Order 11593 – Protection and Enhancement of the Cultural Environment, 36 Fed. Reg. 8921 (1971).

### ***Fish and Wildlife***

- Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1544; 36 CFR Part 13; 50 CFR Parts 10, 17, 23, 81, 217, 222, 225, 402, and 450.
- Fish and Wildlife Act of 1956, 16 U.S.C. 742 a-m.
- Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Fed. Reg. 3853 (2001).

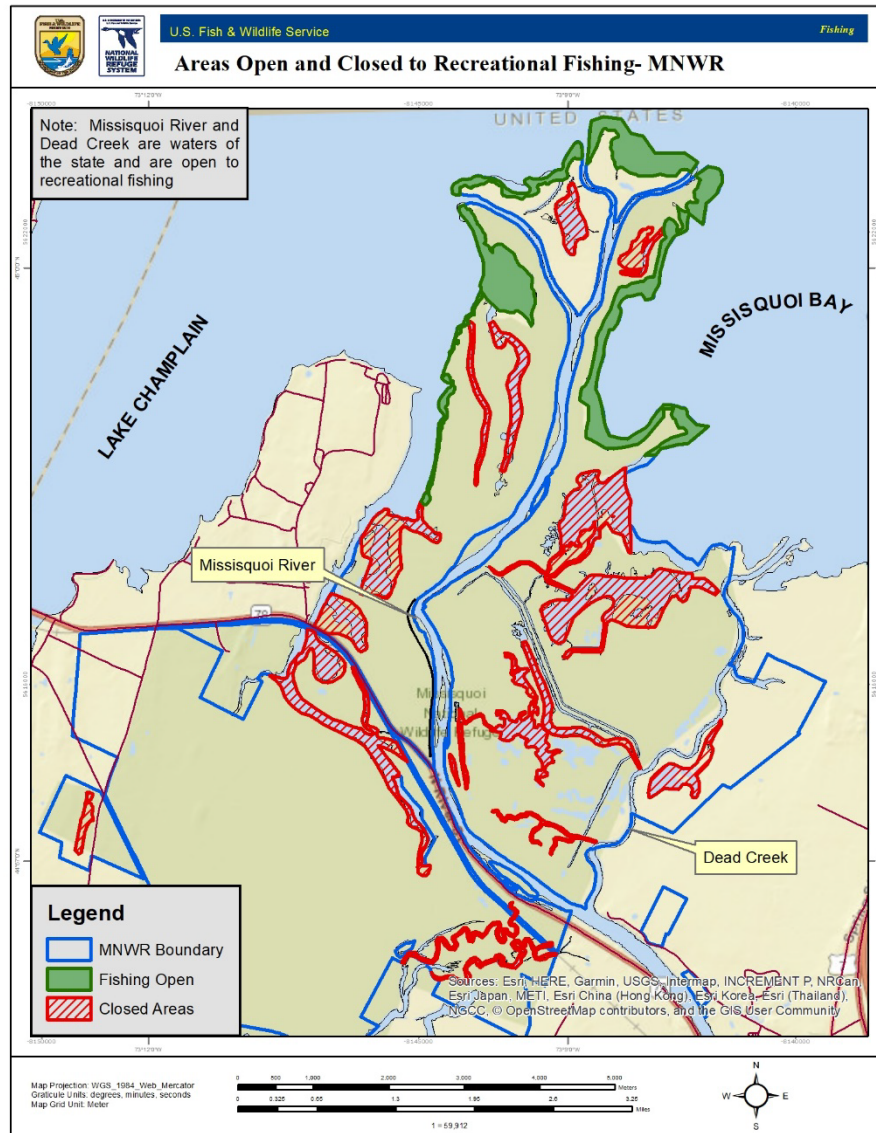
### ***Natural Resources***

- Clean Air Act, as amended, 42 U.S.C. 7401-7671q; 40 CFR Parts 23, 50, 51, 52, 58, 60, 61, 82, and 93; 48 CFR Part 23.
- Wilderness Act, 16 U.S.C. 1131 et seq.
- Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq.
- Executive Order 13112 – Invasive Species, 64 Fed. Reg. 6183 (1999).

### ***Water Resources***

- Federal Water Pollution Control Act of 1972 (commonly referred to as Clean Water Act), 33 U.S.C. 1251 et seq.; 33 CFR Parts 320-330; 40 CFR Parts 110, 112, 116, 117, 230-232, 323, and 328.
- Executive Order 11988 – Floodplain Management, 42 Fed. Reg. 26951 (1977).
- Executive Order 11990 – Protection of Wetlands, 42 Fed. Reg. 26961 (1977).

Figure A-1: Areas Open to Fishing at Missisquoi NWR



**Figure A-2: Areas Open to Fishing at Eagle Point Unit of Missisquoi NWR**



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

The U.S. Fish and Wildlife Service (Service) is updating the fishing plan for Missisquoi National Wildlife Refuge (NWR, refuge), and proposes to continue to allow public fishing on parts of the refuge in accordance with existing State, local, and refuge-specific regulations (50 CFR 32.64). The Service is expanding fishing access on the Eagle Point Unit of the Missisquoi NWR in accordance with the refuge's Fishing Plan

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 32.64);

\*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 (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 \_\_\_\_\_

## CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

### **Proposed Action:**

The U.S. Fish and Wildlife Service (Service) is updating the fishing plan for Missisquoi National Wildlife Refuge (NWR, refuge), and proposes to continue to allow public fishing on parts of the refuge in accordance with existing State, local, and refuge-specific regulations (50 CFR 32.64). The plan sets forth guidance on the expansion and implementation of the fishing program at the refuge. At the Eagle Point Unit of Missisquoi NWR we are proposing a new seasonal ice fishing lake access parking lot to aid in vehicle congestion during winter months at Eagle Point in accordance with existing State, local, and refuge-specific regulations. No substantial changes in the existing program are being proposed.

Fishing would be allowed daily from dawn to dusk (daylight hours only). Fishing seasons follow State regulations. Primary species taken include bass, yellow and white perch, northern pike, walleye, brown bullhead along with other panfish common in Lake Champlain, the Missisquoi River and Lake Memphremagog and their surrounding wetland and riverine habitats. A valid State fishing license would be required to fish on the refuge. Refuge regulations would not allow the use of firearms to take fish, even though permitted by State regulation for a limited time in the spring. The Vermont legislature prohibited the sale of lead sinkers used for fishing tackle in 2006. The use of lead sinkers is prohibited in all Vermont waters, including the refuge.

Areas open to fishing on the refuge are carefully designed to avoid interior wetlands important for migratory birds and other closed areas; therefore, it is unlikely that fishing will negatively impact wildlife species on the refuge. While fishing removes individuals from the population, we do not anticipate that projected fishing pressure will affect the coastal fish population as a whole. Vermont Department of Fish and Wildlife (VDFW) strives to ensure maintenance of healthy and diverse fish species populations. Anglers must abide by the State's seasons, catch limits, and regulations to protect the State's fish populations. Overall, impacts to the fishery are expected to be insignificant. Most game species present on the refuge are widespread in Lake Champlain, Lake Memphremagog and throughout the watershed.

While remote, there is a possibility anglers could use lead tackle other than sinkers (i.e., hooks, lures, line). In this unlikely scenario, lead tackle fragments would have to break down in soil in order to be taken up by plants near the area in which the fragments fall on or penetrate the soil surface. Given that anglers are unlikely to use such lead tackle, the soil is not expected to reach the critical threshold necessary to be taken up by plants. The potential for any lead impacts to threatened or endangered species in the area (Northern long-eared bat) through bioaccumulation is discountable due to species diet and foraging habits.

In light of the State restrictions on lead sinkers, anglers are not likely to use lead tackle, and considering the chain of events that are necessary for exposure, it is very unlikely that the only listed threatened or endangered species in the area (Northern long-eared bat) would consume lead derived from tackle used by anglers on the refuge.

**This proposed action is covered by the following categorical exclusion: 516 DM 8.5 B (7):** “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”; **and 516 DM 8.5 B (10)** “The issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned. Examples could include an amended public use plan or fire management plan.”

This action 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 only result in a minor reduction of old field habitat on the refuge, estimated at 0.17 acres. This is less than 1 percent of grassland/old field habitat on the tract. Creating additional ice angler access was proposed in the Environmental Assessment for the Eagle Point Unit (2010) and the minor impacts to the human environment of providing this seasonal access would be similar to those analyzed in that document. There are no “extraordinary circumstances” which would apply to this project.

**Extraordinary Circumstances (43 CFR 46.215) :**

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

- | <u>Yes</u>               | <u>No</u>                           |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | a. Have significant adverse effects on public health or safety?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | c. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | d. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | e. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | f. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | g. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | h. Have significant impacts 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?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | i. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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.)*

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*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 \_\_\_\_\_