

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

2023-24 CAHABA RIVER NATIONAL WILDLIFE REFUGE FINAL HUNT PACKAGE

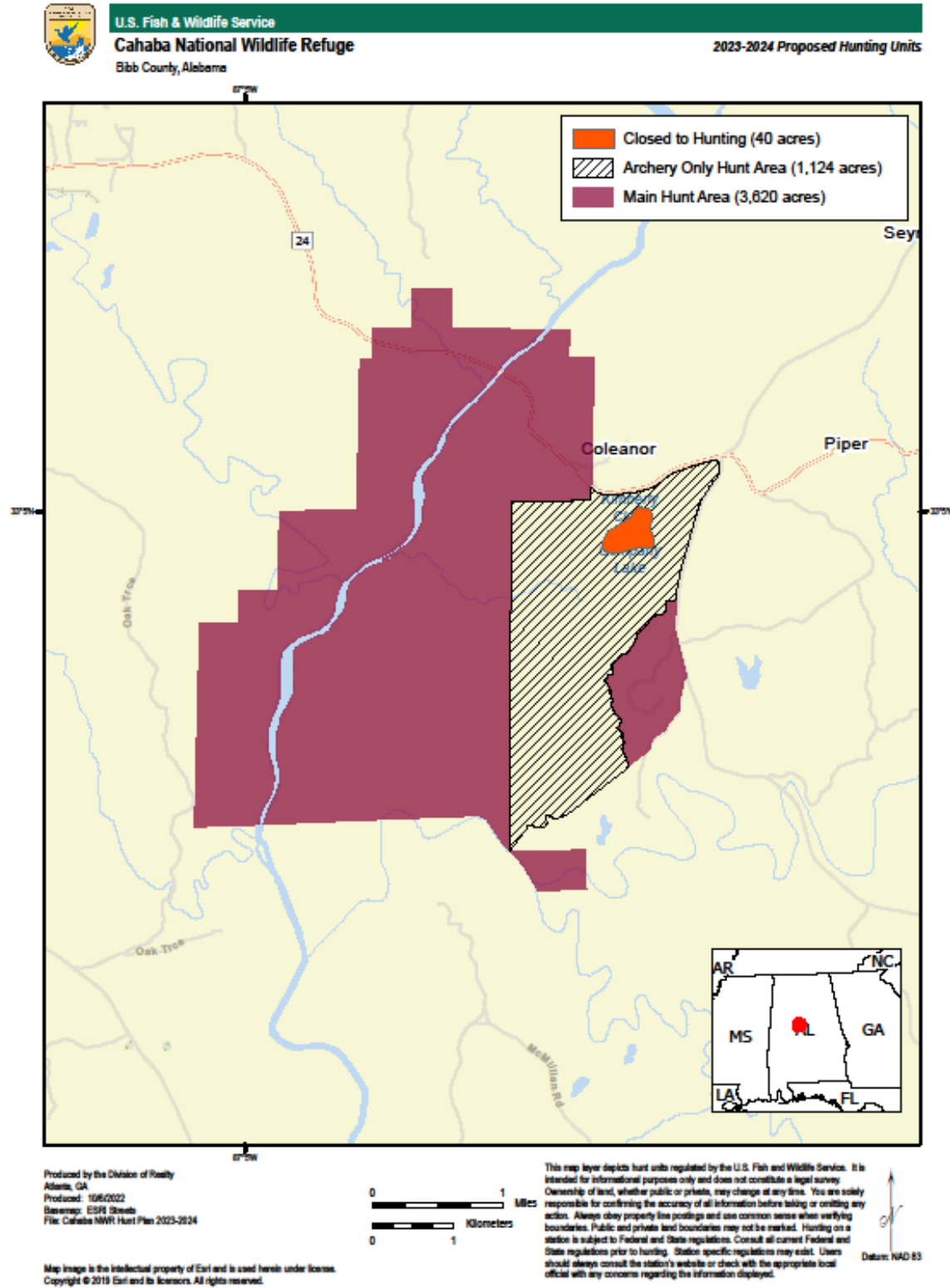
The U.S. Fish and Wildlife Service (Service, USFWS) is proposing to expand hunting opportunities for white-tailed deer (*Odocoileus virginianus*), a species already hunted on the Cahaba River National Wildlife Refuge (NWR, refuge). The Service recently acquired 1,164 acres known as the Wadsworth Tract for the refuge. Under the proposal and as outlined in Figure 1, the new property will have 40 acres closed to the public, while the new Archery Only Hunt Area will be on the remaining 1,124 acres of the newly acquired tract in accordance with the Cahaba River NWR Sport Hunting Plan/Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) (USFWS 2007b); the Cahaba River NWR Comprehensive Conservation Plan (CCP)/EA/FONSI (USFWS 2015, 2019); Habitat Management Plan (HMP, USFWS 2007a), and federal, state, local, and refuge-specific regulations.

Within the spirit and intent of the Council on Environmental Quality's (CEQ'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 further NEPA documentation requirements consistent with 40 Code of Federal Regulations (CFR) Part 1508, 43 CFR §46.205, 43 CFR §46.210, 43 CFR §46.215, and 516 DM 8.5.

The Service has fully satisfied the other requirements for expanding these opportunities on the refuge, as listed.

- ✓ 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 §32.20b)
 - *Use of signs and brochures may supplement the refuge-specific regulations
- ✓ complying with the National Environmental Policy Act (see below)
- ✓ 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
 - OR N/A because there are no cultural or historic resources present

Figure 1. Existing and Proposed 2023-24 Hunting Units for Cahaba River National Wildlife Refuge



The Service is, therefore, waiving the requirement to prepare an opening package in compliance with Service policy (605 FW 2.9A).

Proposed Action:

The Proposed Action will make minor changes to the existing hunting program of Cahaba River NWR through the addition of 1,124 acres for archery only white-tailed deer hunting. This Categorical Exclusion/Environmental Action Statement (CatEx/EAS) tiers from the existing Cahaba River NWR Sport Hunting Plan/EA/FONSI (USFWS 2007b), HMP (USFWS 2007a), and the Cahaba River NWR CCP/EA/FONSI (USFWS 2015, 2019). Anticipating acquisition of the property in question, the Service included this area in the 2007 Sport Hunting Plan/EA/FONSI (USFWS 2007b).

Under the Proposed Action, the Service will open an additional 1,124 acres on Cahaba River NWR (Figure 1) to archery only white-tailed deer hunting in accordance with existing federal, state, local, and refuge-specific regulations; the Cahaba River NWR Sport Hunting Plan/EA/FONSI (USFWS 2007b); Habitat Management Plan (USFWS 2007a) and the Cahaba River NWR CCP/EA/FONSI (USFWS 2015, 2019). Under the proposal and as previously analyzed (USFWS 2007b), the Service will expand the current management archery only white-tailed deer hunt from the existing 3,620 acres to a new total of 4,744-acres in 2 hunt units (i.e., the existing 3,620-acre Main Hunt Area and the proposed 1,124-acre Archery Only Hunt Area) through an established partnership with the Alabama Department of Conservation and Natural Resources' William R. Ireland, Sr. – Cahaba River Wildlife Management Area (WMA), as outlined under 50 CFR §32.20(b)(2)(i) and 50 CFR §32.20(b)(3)(i). Hunting on the refuge is managed by the state as part of the larger WMA. As depicted in Figure 1, the proposal adds the new 1,124-acre hunt area as a separate hunt unit (Archery Only Hunt Area). The new hunt area is approximately one-half mile at the nearest point from the Cahaba River. Generally, hunting on the refuge annually occurs from mid-October to mid-February. For clarity, since the Proposed Action only includes archery hunting, lead ammunition is not included in the proposed hunt.

As outlined above, the refuge is a small portion (~10%) of the larger William R. Ireland Sr. – Cahaba River WMA, which is currently 34,000 acres with 5,677 annual hunters and an average annual take of 55 white-tailed deer for the entire WMA, including the refuge. Currently, estimated average annual take of deer from the refuge's 3,620-acre portion of the WMA is about 5 white-tailed deer by an estimated 50 to 100 annual hunters. Under the Proposed Action, the Service would add acreage (1,124 acres) totaling about 3% of the WMA and 24% of the refuge's total hunt units. Previously, the 1,124 acres of the proposed refuge hunt unit were part of a private hunt club that had 20 hunters. Potentially, the Proposed Action

could be expected to increase the annual hunters on the refuge with a new total of up to between 70 and 120. Based on historic use and take on the refuge and in the WMA and based on conversations with WMA staff, the Service anticipates that the Proposed Action would increase the take of white-tailed deer by up to 2 additional deer. However, the first year or so may see higher than expected average take due to the newly opened nature of the hunt unit.

The refuge already has a hunt program that is part of the larger WMA as outlined above. The current hunt program has not resulted in adverse impacts to listed species. The increase in acres, hunting visits, and take of white-tailed deer under the Proposed Action would not be expected to change this. Many hunt days during the work week do not have any hunt visitors to the refuge.

With the decline and loss of top predators in this area, white-tailed deer populations can become overpopulated, resulting in a variety of adverse impacts, including a loss of threatened and endangered plant species. The Proposed Action is part of the larger refuge and WMA hunt program to maintain white-tailed deer populations at healthy levels and minimize adverse impacts to deer, other wildlife, and habitat.

Specific changes proposed for the existing Sport Hunting Plan are listed.

- Following the 2nd Federal Register Notice, the Amendment to the 2007 Sport Hunt Plan will replace Figure 2 on Page EA8 with Figure 1 (Existing and 2023-24 Proposed Hunting Units for Cahaba River National Wildlife Refuge) included here.

Categorical Exclusions:

Multiple categorical exclusions apply to the Proposed Action, as listed.

- 516 DM 8.5(A)(1) - Changes or amendments to an approved action when such changes have no or minor potential environmental impact.
- 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.
- 516 DM 8.5(B)(9) - Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated. Examples could include minor changes in the type and location of compatible public use activities and land management practices.

This Categorical Exclusion/Environmental Action Statement (CatEx/EAS) tiers from the existing Cahaba River NWR Sport Hunting Plan/EA/FONSI (USFWS 2007b), HMP (USFWS 2007a), and the Cahaba River NWR CCP/EA/FONSI (USFWS

2015, 2019). The proposed hunt and hunt area were previously included and analyzed in the Cahaba River NWR Sport Hunting Plan/EA/FONSI (USFWS 2007b), the Cahaba River NWR CCP/EA/FONSI (USFWS 2015, 2019), and the HMP (USFWS 2007a) with the intent to add newly acquired properties to the hunt program following acquisition.

Incorporated herein by reference, the Section 7 biological evaluation for the Proposed Action found no effect for Cahaba shiner (*Notropis cahabae*), goldline darter (*Percina aurolineata*), Alabama moccasinshell (*Medionidus acutissimus*) and critical habitat, finelined pocketbook (*Hamiota altilis*) and critical habitat, orangenacre mucket (*Hamiota perovalis*) and critical habitat, ovate clubshell (*Pleurobema perovatum*) and critical habitat, southern acornshell (*Epioblasma othcaloogensis*) and critical habitat, southern clubshell (*Pleurobema decisum*) and critical habitat, triangular kidneyshell (*Ptychobranthus greenii*) and critical habitat, upland combshell (*Epioblasma metastriata*) and critical habitat, cylindrical lioplax (snail, *Lioplax cyclostomaformis*), flat pebblesnail (*Lepyrium showalteri*), and round rocksnail (*Leptoxis ampla*); found not likely to adversely affect for gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), red-cockaded woodpecker (*Picoides borealis*), Gentian pinkroot (*Spigelia gentianoides*), Georgia rockcress (*Arabis georgiana*) and critical habitat, Mohr's Barbara's buttons (*Marshallia mohrii*), and Tennessee yellow-eyed grass (*Xyris tennesseensis*); and found not likely to jeopardize for the monarch butterfly (*Danaus plexippus*).

The Proposed Action:

- was previously analyzed, with no additional anticipated impacts;
- is an archery only white-tailed deer hunt with an expected increase of up to 20 annual hunters and an expected associated annual take of up to 2 additional white-tailed deer; and
- represents a minor change to the refuge hunt program, as part of the larger WMA.

As outlined above and tiering from the referenced NEPA and planning documents, the Proposed Action is categorically excluded from further NEPA documentation. Further, this Proposed Action would not trigger an extraordinary circumstance precluding the use of a Categorical Exclusion as outlined under (43 CFR §46.215).

Extraordinary Circumstances (43 CFR §46.215):
Could This Proposed Action:

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.)

Permits/Approvals:

Endangered Species Act Section 7 Intra-Service Biological Evaluations were completed with the Sport Hunting Plan (USFWS 2007b) and the CCP (USFWS 2019); both had findings of Not Likely to Adversely Affect. A new Endangered Species Act Intra-Service Section 7 Biological Evaluation was completed for the Proposed Action with the Service’s Alabama Ecological Services Field Office to evaluate any potential impacts to federally listed species, finding no effect for listed fishes, clams, and snails, and finding not likely to adversely affect for listed bats, birds, insects, and plants (see above).

Current Federal and state wildlife law enforcement resources are sufficient to monitor the use of the additional hunt acres; the presence of these officers will provide a deterrent to the take of non-target species. Hunter numbers are minimized since the action is an archery only hunt. This will also help minimize any potential disturbance to listed species. One gate located off Bulldog Bend Road/Bibb County Road 65 will be opened seasonally to allow access to the new hunt area.

Public Involvement/Interagency Coordination:

Public involvement, engagement of potentially interested Native American Tribes, and interagency coordination related to the Proposed Action were previously conducted during the planning processes for the refuge’s Sport Hunting Plan (USFWS 2007b), HMP (USFWS 2007a), and CCP (USFWS 2019). Since the Proposed Action continues implementation of these previously approved plans, the Refuge Manager sent coordination letters on 11/21/2022 to the state of Alabama Department of Conservation and Natural Resources and on 11/21/2022 to the Choctaw Nation of Oklahoma, Mississippi Band of Choctaw Indians, and the Jena Band of Choctaw Indians. Since the Proposed Action represents a minor change to those previously approved documents and since no or negligible impacts would be anticipated, public involvement and additional interagency coordination were conducted through the 2023-2024 Hunting and Sport Fishing rulemaking action with public notice through the Federal Register (draft rule published on June 23, 2023; 88 FR 41058; Docket Number FWS-HQ-NWRS-2023-0038; <https://www.federalregister.gov/documents/2023/06/23/2023-13360/national-wildlife-refuge-system-2023-2024-station-specific-hunting-and-sport-fishing-regulations>) and the refuge’s website (<https://www.fws.gov/refuge/cahaba-river>).

Also on June 23, 2023, following up on the November 2022 coordination letters, the Refuge Manager sent additional letters to the state of Alabama Department of Conservation and Natural Resources, Choctaw Nation of Oklahoma, Mississippi Band of Choctaw Indians, and the Jena Band of Choctaw Indians. The Service's responses to comments received through the Federal Register rulemaking process were published in the final rule in the Federal Register. The Service's responses to comments received locally and refuge-specific comments received through the Federal Register are published here. No comments were received from the state of Alabama or from any of the three Native American Tribes. Only a single comment was received from the general public regarding the Proposed Action at Cahaba River NWR through the Federal Register notice. This single comment expressed support for the Proposed Action and expressed concerns regarding the banning of the use of lead ammunition, including concerns for increased wounding of some game and support for such a ban when appropriate and based on unbiased research that indicates a serious detrimental impact. However, as outlined above, the Proposed Action at Cahaba River NWR does not include lead ammunition, thus, the lead ammunition concerns expressed are outside the scope of the Cahaba River NWR Proposed Action and were not addressed for the Proposed Action.

Supporting Documents.

Supporting documents for this determination include relevant office file material and the listed key references.

U.S. Fish and Wildlife Service. 2007a. Cahaba River National Wildlife Habitat Management Plan. May 2007. Atlanta, GA. 137 pp.
<https://ecos.fws.gov/ServCat/Reference/Profile/144446>.

U.S. Fish and Wildlife Service. 2007b. Cahaba River National Wildlife Refuge Sport Hunting Package: EAS, Sport Hunting Plan, Environmental Assessment, Compatibility Determination, FONSI, Section 7, Letter of Concurrence, Press Release, Outreach Plan. Southeast Region. April 2007. Atlanta, GA. 67 pp.
<https://ecos.fws.gov/ServCat/Reference/Profile/34718>.

U.S. Fish and Wildlife Service. 2015. Cahaba River National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. Southeast Region. May 2015. Atlanta, GA. 316 pp.
<https://ecos.fws.gov/ServCat/Reference/Profile/60715>.

U.S. Fish and Wildlife Service. 2019. Cahaba River National Wildlife Refuge Comprehensive Conservation Plan. Southeast Region. September 2019. Atlanta, GA. 312 pp. <https://ecos.fws.gov/ServCat/Reference/Profile/148889>.

Within the spirit and intent of the CEQ's regulations for implementing NEPA and other statutes, orders, and policies that protect fish and wildlife resources, I have established this 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: