

**U. S. FISH AND WILDLIFE SERVICE
ENVIRONMENTAL ACTION STATEMENT FOR
CATEGORICAL EXCLUSION
FOR
2023-24 EVERGLADES HEADWATERS NATIONAL WILDLIFE REFUGE HUNT
PACKAGE FOR THE OKEECHOBEE UNIT**

The U.S. Fish and Wildlife Service (Service, USFWS) is proposing to expand hunting opportunities on the Okeechobee Unit to include migratory game birds, upland game, big game, and incidental take of nonnative wildlife that are hunted on other units of the Everglades Headwaters National Wildlife Refuge (NWR, refuge). In 2021, the Service acquired 1,863 acres known as the Okeechobee Unit for the refuge. Under the proposal and as outlined in Figure 1, hunting on the new property would include non-lead ammunition in accordance with the Everglades Headwaters NWR and Conservation Area (CA) Land Protection Plan and Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) (USFWS 2012); Everglades Headwaters NWR Visitor Services Plan and Hunt and Sport Fishing Plan/EA/FONSI (USFWS 2020); Everglades Headwaters NWR Hunt Plan Amendment/EA/FONSI (USFWS 2021); and Federal, state, local, and refuge-specific regulations.

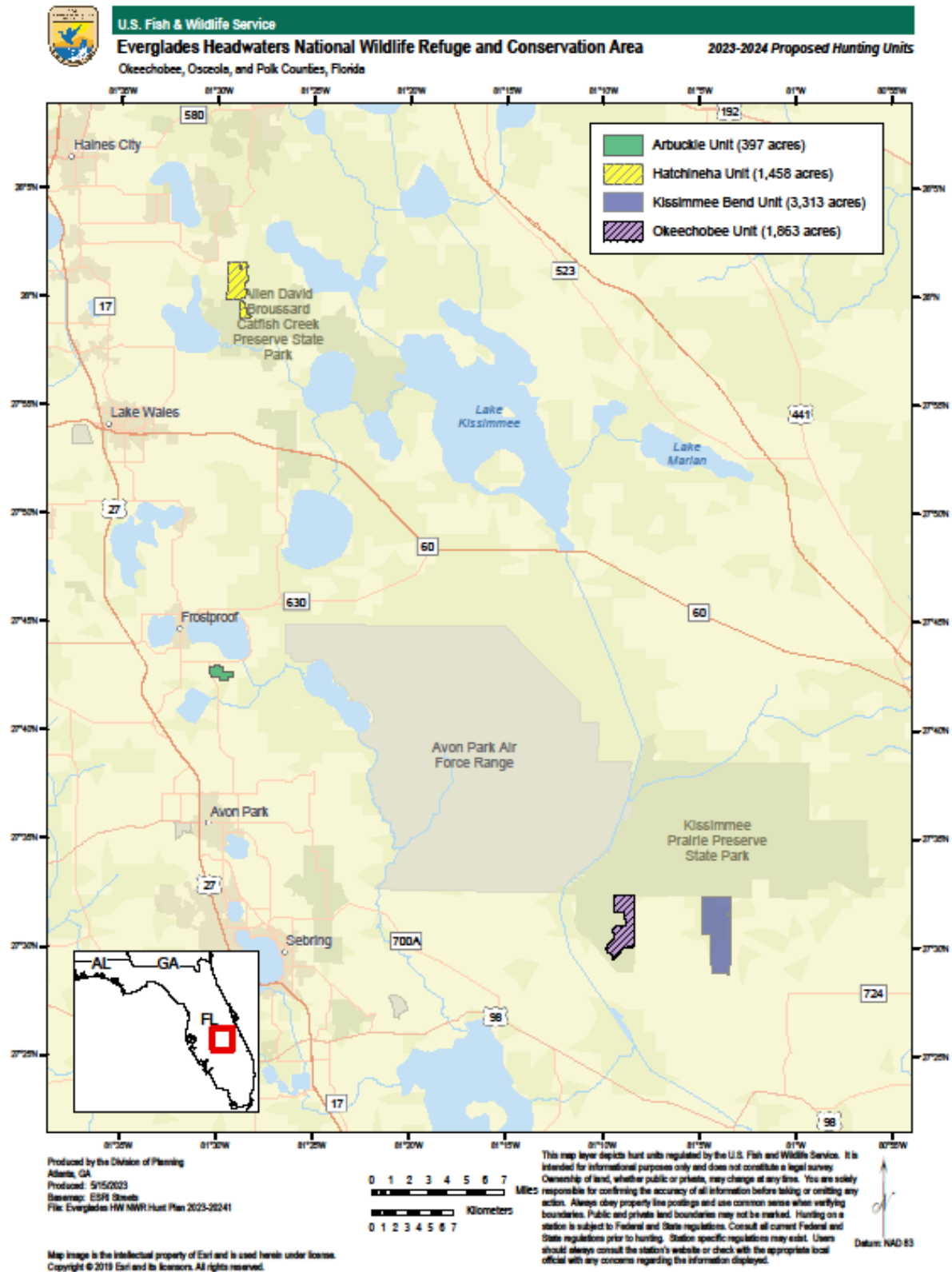
The Service has a Memorandum of Understanding (MOU) with the state of Florida whereby the state manages hunting on Service fee title refuge units through its Wildlife Management Area (WMA) program. As part of the agreement, the Florida Fish and Wildlife Conservation Commission (FWC) cooperatively manages the hunting on the refuge properties included in the WMA program.

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, we 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
- ensuring the opportunities are consistent with existing state, local, and refuge-specific regulations (50 CFR §32.20b)
- using signs and brochures to supplement the refuge-specific regulations
- complying with NEPA (see below)
- complying with the Endangered Species Act Section 7 evaluation (see attached Consultation documentation)

Figure 1. Existing and 2023-24 Proposed Hunting Units for Everglades Headwaters NWR



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 would make minor changes to the existing hunting program of the refuge through the addition of 1,863 acres for expanded hunting opportunities. This Categorical Exclusion/Environmental Action Statement (CatEx/EAS) tiers from the existing the Everglades Headwaters NWR and CA Land Protection Plan/EA/ FONSI (USFWS 2012); Everglades Headwaters NWR Visitor Services Plan and Hunt and Sport Fishing Plan/EA/FONSI (USFWS 2020); and Everglades Headwaters NWR Hunt Plan Amendment/EA/FONSI (USFWS 2021).

Under the proposal, the Service would expand hunting opportunities on the Okeechobee Unit through an established MOU with FWC, as outlined under 50 CFR §32.28(e). 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 1,863-acre hunt area as a separate hunt unit. Hunting on this unit would require non-lead ammunition and tackle.

As outlined above, the Okeechobee Unit was acquired in 2021. The property was previously managed as a cattle ranch and hunting lease with 10 hunters. The north, south, and west side of the property are adjacent to Kissimmee Prairie Preserve State Park. The east boundary is adjacent to a wetlands easement and private game reserve.

Huntable species on the refuge currently include white-tailed deer (*Odocoileus virginianus*), feral hog (*Sus scrofa*), wild turkey (*Meleagris gallopavo*); small (upland) game, including raccoon (*Procyon lotor*), opossum (*Didelphis virginiana*), and Northern quail (*Colinus virginianus*); and migratory game birds, including waterfowl, mourning dove (*Zenaida macroura*), and American alligator (*Alligator mississippiensis*). Incidental hunting on the refuge of non-native wildlife, includes amphibians [e.g., cane toad (*Rhinella marina*)], reptiles [e.g., tegu (*Salvator merianae*), monitor lizards (*Varanus* spp.), and pythons (*Python* spp.)], mammals [e.g., axis deer (*Axis axis*)], and birds [e.g., rock pigeon (*Columba livia*) and Eurasian collared dove (*Streptopelia decaocto*)] in accordance with applicable state regulations.

The current hunt program has not resulted in adverse impacts to listed species. The increase in acres, hunting visits, and take of species under the Proposed Action would not be expected to change this.

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

(1) **Migratory game bird hunting.** We allow hunting of migratory game birds and the incidental take of nonnative wildlife as defined by the State on designated areas of the refuge in accordance with State regulations and applicable State Wildlife Management Area regulations and the following conditions:

(i) We require the use of non-lead ammunition when hunting migratory game birds and the incidental take of nonnative wildlife on the Okeechobee Unit.

(2) **Upland game hunting.** We allow upland game hunting and the incidental take of nonnative wildlife as defined by the State on designated areas of the refuge in accordance with State regulations and applicable State Wildlife Management Area regulations and the following conditions:

(i) We require the use of non-lead ammunition when hunting upland game and the incidental take of nonnative wildlife on the Okeechobee Unit.

(3) **Big game hunting.** We allow big game hunting and the incidental take of nonnative wildlife as defined by the State on designated areas of the refuge in accordance with State regulations and applicable State Wildlife Management Area regulations and the following conditions:

(i) We require the use of non-lead ammunition when hunting big game and the incidental take of nonnative wildlife on the Okeechobee Unit.

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 CatEx/EAS tiers from the existing the Everglades Headwaters NWR and CA Land Protection Plan/EA/FONSI (USFWS 2012); Everglades Headwaters NWR Visitor Services Plan and Hunt and Sport Fishing Plan/EA/FONSI (USFWS 2020); and Everglades Headwaters NWR Hunt Plan Amendment/EA/FONSI (USFWS 2021).

Incorporated herein by reference, the Section 7 biological evaluation for the Proposed Action found no effect for Everglades snail kite (*Rostrhamus sociabilis*), Florida scrub-jay (*Aphelocoma coerulescens*), Whooping crane (*Grus americana*); found not likely to adversely affect for Audubon's crested caracara (*Polyborus plancus audubonii*), Eastern black rail (*Laterallus jamaicensis jamaicensis*), Eastern indigo snake (*Drymarchon corais couperi*), Florida bonneted bat (*Eumops floridanus*), Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), and Florida panther (*Puma concolor coryi*); and found not likely to jeopardize for the monarch butterfly (*Danaus plexippus*).

The Proposed Action:

- was previously analyzed, with no additional anticipated impacts
- is non-lead ammunition and tackle only
- represents a minor change to the refuge hunt program

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 CatEx 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 and Fishing Plan (USFWS 2020, 2021) 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 on the new hunt unit to evaluate any potential impacts to federally listed species (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 through the state’s quote permit system. This will also help minimize any potential disturbance to listed species.

Public Involvement/Interagency Coordination:

The Service has a MOU with FWC under the WMA program. The 2012 MOU covers hunting programs including new units added to the Refuge. 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 will be conducted through the 2023-2024 Hunting and Sport Fishing rulemaking action with public notice through the Federal Register.

Supporting Documents.

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

U.S. Fish and Wildlife Service. 2012. Land Protection Plan and Environmental Assessment for Everglades Headwaters National Wildlife Refuge and Conservation Area. [Land Protection Plan Everglades Headwaters NWR | FWS.gov](#). Accessed: May 2023.

U.S. Fish and Wildlife Service. 2020. Visitor Services Plan and Hunt and Sport Fish Plan for Everglades Headwaters National Wildlife Refuge. Southeast Region. [Everglades Headwaters Hunt Plan 2020 | FWS.gov](#). Accessed: May 2023.

U.S. Fish and Wildlife Service. 2021. Hunt Plan Amendment and Environmental Assessment for Everglades Headwaters National Wildlife Refuge. U.S. Department of the Interior. Southeast Region. [Everglades Headwaters NWR Draft Hunt Plan Amendment and Environmental Assessment April 2021 | FWS.gov](#). Accessed: May 2023.

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: Deputy Project Leader