

UNITED STATES FISH AND WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT

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 proposed Waterfowl Hunting Plan for Ten Thousand Islands National Wildlife Refuge in Collier County, Florida:

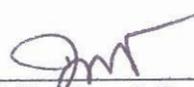
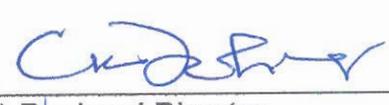
Check One:

- is a categorical exclusion as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1, Section 1.4 A (4). No further NEPA documentation will therefore be made.
- is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.
- is found to have significant effects and, therefore, further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.
- is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.
- is an emergency action within the context of 40 CFR 1 506.1 1. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other Supporting Documents:

Endangered Species Act, Section 7 Consultation, 2007
Compatibility Determination, 2007

Signature Approval:

	<u>4-6-07</u>		<u>4/19/07</u>
(1) Originator	Date	(2) Regional Environmental Coordinator	Date
	<u>4/20/2007</u>		<u>4/25/07</u>
(3) Regional Chief, NWRS, Southeast Region	Date	(4) Regional Director, Southeast Region	Date

Environmental Assessment

Waterfowl Hunt Plan

for

**TEN THOUSAND ISLANDS NATIONAL WILDLIFE REFUGE
Collier County, Florida**

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Chapter 1 Purpose and Need for Action

1.1 Introduction

In response to a 2003 lawsuit filed by the Fund for Animals, the U.S. Fish and Wildlife Service (Service) will amend or rewrite environmental assessments that describe hunting programs at 23 national wildlife refuges located in the Southeast Region. The environmental assessments will address the cumulative impacts of hunting at all refuges which were named in or otherwise affected by the lawsuit.

This Environmental Assessment document re-addresses the waterfowl hunting plan and program at Ten Thousand Islands National Wildlife Refuge (Refuge), Collier County, Florida. A waterfowl hunt plan was written in 1997 and the waterfowl hunt program was furthered considered in refuge's Comprehensive Conservation Planning process (1997-2000). Waterfowl hunting was opened on the refuge in 2000 and has been offered continuously to date.

The initiation of Ten Thousands Islands National Wildlife Refuge followed the completion of an Environmental Assessment (April 1987) titled "Ten Thousand Islands Preservation Proposal." The document considered the environmental effects of protecting and preserving about 15,000 acres in the Ten Thousand Islands area. The impacts of alternative actions and the degree to which each alternative would accomplish the goals and objectives of the Interior Department were examined and evaluated. The proposed action called for the exchange of surplus government lands for project lands. The project lands would be added to the National Wildlife Refuge System for conservation management.

The 1988 Florida/Arizona Land Exchange Act authorized the conveyance of approximately 19,650 acres of lands owned by the Collier family to the Fish and Wildlife Service. The title was conveyed on December 18, 1996 establishing the Ten Thousand Islands National Wildlife Refuge. The Refuge is located south of Marco Island in Collier County, on the southwest coast of Florida. The Refuge is part of the larger Ten Thousand Islands estuary area that stretches from Cape Romano to Cape Sable. The Refuge was established to develop, advance, manage, conserve, and protect the unique subtropical estuarine ecosystem and its fish and wildlife resources (Fish and Wildlife Act of 1956).

In 2003, the U.S. Fish and Wildlife Service acquired management authority from the State of Florida for approximately 13,500 acres of tidal open water. This area is co-managed with Rookery Bay National Estuarine Research Reserve. Total refuge acreage is approximately 35,000 acres.

The mangrove ecosystem of the Refuge and the greater area are currently used by the public in a variety of recreational pursuits. These activities include sport-fishing, boating, bird watching, camping, hunting, and nature observation.

1.2. Need and Purpose of The Proposed Action

The National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd et seq.) provides authority for the Service to manage the Refuge and its wildlife populations. In addition, it declares that compatible wildlife-dependent public uses are legitimate and appropriate uses of the Refuge System and are to receive priority consideration in planning and management. There are six wildlife-dependent public uses: hunting, fishing, wildlife observation, wildlife photography, environmental education and interpretation. The Improvement Act directs managers to increase recreational opportunities, including hunting, on National Wildlife Refuges when compatible with the purposes for which the Refuge was established and the mission of the national wildlife refuge system.

The proposed action is needed to provide the public with a high quality recreational hunting opportunity in Collier County without adversely affecting the biological integrity of the Refuge. Within southwest Florida, many of the fresh water marshes have been converted to agricultural or urban areas. Other remaining wetlands are in private or government ownership where hunting is not permitted. Some public waterfowl hunting is available on the Big Cypress National Preserve in the marshes east of Everglades City, but very few other opportunities exist locally. Providing access to Refuge land would help address the negative sentiments of many southwest Floridians who feel that too much of the government lands in south Florida are not accessible to the public for hunting. The Refuge waterfowl hunt program would offer limited access to the northern marshes and provide a waterfowl hunting area where few now exist.

Chapter 2 Alternatives Including the Proposed Action

This chapter discusses the alternatives considered for waterfowl hunting on Ten Thousand Islands National Wildlife Refuge. These alternatives are the 1) proposed action which would allow a waterfowl hunt program and 2) the alternative action would close the Refuge to waterfowl hunting.

2.1 Proposed Action Alternative: Allow Recreational Waterfowl Hunting

Under this alternative, recreational duck and coot hunting would be allowed on 4,000-5,000 acres of the Refuge in the northern freshwater and brackish marshes. This is approximately 11% of the Refuge's 35,000 acres. Other public uses, including wildlife observation, fishing, photography, environmental education, and interpretation would continue, as would all other wildlife and habitat management and research activities.

The Service proposes to allow recreational waterfowl hunting program which is compatible with refuge purposes. This action would continue the recreational waterfowl hunting that existed on the area prior to government acquisition, within the regulating framework established by the federal government and the State of Florida. These regulatory agencies issue annual regulations governing the waterfowl hunting season,

methods of take, possession, as well as license and stamp requirements.

The refuge manager can establish more stringent refuge-specific waterfowl hunting regulations within the designated hunt area if conditions warrant. Refuge-specific regulations are created to allow a quality hunting environment while protecting the biological integrity of the refuge. These regulations promote appropriate hunter spacing, which reduces conflicts among hunters, minimizes the hunting pressure on waterfowl, and reduces disturbance to non-hunted species. Waterfowl hunting would be managed by designating selected access points, limiting boat access on the refuge, and designating specific hunt days.

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Refuge-specific regulations were developed during the Comprehensive Planning process in 1997 (U.S. Fish and Wildlife Service 2002). During this process, public, government and non-government entities provided input for the development of the Refuge hunt program. Enforcement of the Refuge, state and federal waterfowl hunting regulations would be conducted by Refuge Officers, Service Special Agents, and Florida Fish and Wildlife Conservation Commission officers. Additionally, Refuge staff would monitor habitat and wildlife to ensure that these resources are not degraded.

Refer to 1997 Waterfowl Hunting Plan for specific regulations (Appendix B).

2.2 No Action Alternative: Refuge is closed to Hunting

The no action alternative would close the Refuge to hunting (Hunt closure alternative). Increased law enforcement would be needed to protect the wildlife resources and ensure more restrictive public use provisions. In closing the Refuge to waterfowl hunting, the Refuge would preclude Refuge users from a priority and compatible recreational use that is legislatively mandated in the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd et seq.). Other priority public uses, such as wildlife observation, fishing, photography, environmental education and interpretation would continue.

Chapter 3 Affected Environment

3.1 Physical Environment

The Refuge is located east of Marco Island in Collier County, on the southwest coast of Florida, and is part of the extensive Ten Thousand Islands estuary. The estuary, where salt and fresh water mix, is a physiographic zone where plant and animal communities thrive on edge of the Gulf of Mexico. The abundance of food in the Ten Thousand Islands area attracted coastal indigenous Indians who utilized the islands, marshes and hammocks extensively. These Indians constructed large shell mounds, or middens, which form significant uplands on the Refuge. The remaining marshlands and isolated uplands (i.e., hammocks) further characterize the northern areas of the Refuge.

3.2 Vegetation

The Refuge represents a variety of coastal habitats. The hydrologic inputs to the Refuge are derived from the freshwater outflows of the Fakahatchee and Picayune Strands. The northern third of the Refuge, where the waterfowl hunting program is proposed, encompasses a vast freshwater and brackish marsh system, interspersed with freshwater ponds and small islands or hammocks of upland habitat. Vegetation within the area consists of cordgrass, salt grass, saw grass and spike rush with scattered shrub species of wax myrtle, cabbage palm, mangrove, and buttonwood. Seasonally-flooded marsh with scattered ponds, ranging from 1-10 acres, is found in this area. Scattered, small hammocks with upland coastal plant species such as live oak, slash pine, cabbage palm, gumbo limbo, and wax myrtle are scattered throughout the northern Refuge area.

Tidal areas in the southern two-thirds of the Refuge consist of open water habitats such as saltwater bays, interconnected embayments, lagoons, and associated creeks. The most prominent habitat type in this area is the mangrove forest which dominates the tidal fringes and the numerous islands (or keys). Three species of mangrove occur in the Refuge: red, black, and white. The red mangroves generally dominate the middle and lower portions of the intertidal and upper subtidal zone, while the black predominates in the upper intertidal zone and the irregularly flooded tidal areas. White mangroves are few and patchy in their distribution and are the least salt tolerant of the three mangrove species. The Refuge's barrier islands are situated along the Gulf of Mexico and are characterized by narrow beaches and West Indian tropical hardwood vegetation. The presence of Indian shell middens on several of the islands influences vegetation diversity. Sea grasses are sparsely distributed in the Refuge tidal waters: the dominant species is shoal grass while manatee and turtle grasses are less common.

3.3 Wildlife Resources

The northern third of the Refuge lies within a broad band of emergent marsh extending from Marco Island to Cape Sable, which provides wintering and migration stopover habitat for a variety of waterfowl species. Typical species include blue and green-winged teal, lesser scaup, ring-necked ducks, hooded and red-breasted mergansers, and ruddy ducks. In addition, resident mottled and wood ducks also frequent these marshes. Of these species, blue wing teal and mottled ducks are the most common. The number of waterfowl using the Refuge during the fall and winter months average in the hundreds, but fewer than a thousand.

The varied habitats of Ten Thousand Islands area provide valuable habitat for a wide range of invertebrates, fishes, amphibians, reptiles, birds, and mammals. Over 200 species of fish have been documented at nearby Rookery Bay National Estuarine Reserve and much of the sea grass beds and mangrove bottoms serve as vital nursery areas for fish and invertebrates (polychaetes, crustaceans, and mollusks). Common reptiles and amphibians include diamond-backed terrapin and sea turtles, water and rat snakes, green anole, alligator, and various frogs. American alligator abundance is dependent on fluctuating water levels in the marsh. Over 200 species of birds have been documented

using the Refuge. Prominent bird groups include wading birds, shorebirds, waterfowl, and raptors. Common mammals found in this area include raccoon, opossum, river otter, marsh rabbit, and bottle-nosed dolphin.

3.3.1 Threatened and Endangered Species

The bald eagle has been sighted flying over the Refuge but is not known to nest here. The West Indian manatee is present in Gulf waters off the Refuge year round and occasionally use one or two of the larger freshwater-brackish water creeks north of the Refuge islands during the rainy season. American crocodiles frequent brackish and Gulf waters around Marco Island just west and adjacent to the Refuge but have not been recorded on the Refuge. Everglade snail kites are seen infrequently in the freshwater wetlands. Wood storks primarily use the Refuge's freshwater-brackish wetlands as water levels decline in the fall and winter. Florida panthers have not been documented in the Refuge though they occur on adjacent public lands.

3.3.2 Fishery Resources

The Refuge provides habitat for many species of saltwater fish and freshwater fish. The important saltwater sport fish present in Refuge waters include tarpon, snook, redfish, sea trout, and mangrove snapper. Important freshwater fish present in Refuge waters include bluegill, large-mouthed bass, and spotted gar. Other species include exotic fish species such as oscars, black acara, and various tropical cyclids.

3.4 Cultural Resources

The body of federal historic preservation laws has grown dramatically since the enactment of the Antiquities Act of 1906. Several themes recur in these laws, their promulgating regulations, and more recent Executive Orders. They include: 1) each agency is to systematically inventory the "historic properties" on their holdings and to scientifically assess each property's eligibility for the National Register of Historic Places; 2) federal agencies are to consider the impacts to cultural resources during the agencies' management activities and seek to avoid or mitigate adverse impacts; 3) the protection of cultural resources from looting and vandalism are to be accomplished through a mix of informed management, law enforcement efforts, and public education; and 4) the increasing role of consultation with groups, such as Native American tribes, in addressing how a project or management activity may impact specific archaeological sites and landscapes deemed important to those groups. The Service, like other federal agencies, is legally mandated to inventory, assess, and protect cultural resources located on those lands that the agency owns, manages, or controls. The Service's cultural resource policy is delineated in 614 FW 1-5 and 126 FW 1-3. In the Service's Southeast Region, the cultural resource review and compliance process is initiated by contacting the Regional Historic Preservation Officer/Regional Archaeologist (RHPO/RA). The RHPO/RA will determine whether the proposed undertaking has the potential to impact cultural resources, identify the "area of potential effect," determine the appropriate level of scientific investigation necessary to ensure legal compliance, and initiates consultation

with the pertinent State Historic Preservation Office (SHPO) and federally recognized Tribes.

The majority of the recorded archeological resource sites located on the Refuge are located on the larger Refuge islands in the southern part of the Refuge. There are areas of the Refuge that have not been surveyed.

3.4 Socio-Economic

Collier County is very urbanized along the western coastal edge but changes gradually to rural towards the Refuge area in east Collier. The economy is based on tourism, agriculture, and light industry. Agriculture is dominated by vegetable and citrus farming and cattle production. Clean air, a subtropical climate, extensive natural resource amenities and diverse recreational opportunities make the south Florida area extremely attractive to tourists, retirees, and year-round residents. A 2002 survey stated that 66% of visitors from other mainland states were likely to participate in a nature-based activity during their vacation (Visit Florida.org 2005). Hunting has been a traditional form of outdoor recreation for many people in Collier County although the number of hunters is declining statewide and locally.

Chapter 4 Environmental Consequences

This chapter describes the foreseeable environmental consequences of implementing the two management alternatives in Chapter 2. When detailed information is available, a scientific and analytic comparison between alternatives and their anticipated consequences is presented, which is described as “impacts” or “effects.” When detailed information is not available, those comparisons are based on the professional judgment and experience of Refuge staff.

4.1 Effects Common to all Alternatives

4.1.1 Environmental Justice

Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” was signed by President Bill Clinton on February 11, 1994, to focus federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities. The Order directed federal agencies to develop environmental justice strategies to aid in identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Order is also intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide minority and low-income community’s access to public information and participation in matters relating to human health or the environment. This assessment has not identified any adverse or beneficial effects for either alternative unique to minority or low-income populations in the South

Florida area. Neither alternative will disproportionately place any adverse environmental, economic, social, nor health impacts on minority or low-income populations.

4.1.2 Public Health and Safety

During the past six years, hunter use has remained relatively constant with a slight increase. The total number of individual hunters using the Refuge in 2000-2002 was approximately 18-22 and at present there are approximately 25-30 hunters. The average number of hunters using the Refuge on a typical hunting day is about six and this equates to one hunter/840 acres. At this density, the chance for safety risks among hunters is low. No accidents have been recorded on the hunt area.

The Refuge specific hunt regulations prohibit hunting along the Refuge boundary and U.S. 41, and around the one-mile hiking trail. These measures serve to minimize conflicts among other Refuge users and adjacent property owners. Virtually all of the existing Refuge hunting is of a short-term duration in the early morning. Most hunters depart the hunt area by the mid-morning hours (legal hunting hours are from half hour before sunrise to noon). The overall hunter use is low density and consequently there are minimal to negligible effects on human health and safety.

Public safety issues related to the use of the U.S. 41 road shoulders as a parking area for Refuge visitors, especially those that launch their boats at the designated boat trails, has become a concern. The completion of a new parking lot and boat launching facility in 2008 should alleviate these concerns.

4.1.3 Refuge Physical Environment

Impacts of each alternative on the Refuge's physical environment would have minimal to negligible effects. Very few motorized boats are utilized by Refuge visitors, including anglers, hunters and non-consumptive wildlife users. Most Refuge boaters in the marsh area utilize non-motorized boats. Some disturbance to surface soils, topography, and vegetation has occurred along designated boat trails due to minor dredging from boat motors. To improve boat travel efficiency and minimize free range travel by Refuge visitors, the staff marked three navigation trails in the northern marsh for motorized and non-motorized boats. In areas adjacent to Trail #1, some excavations (6-8 inch depth) have occurred from motorized watercraft. This impact may cause slight changes in local runoff. Motorized boats have caused a slight alteration in the natural vegetation regime due to the motors pushing up soil along the path of travel. The number of motorized boats is small and their use diminishes as water levels drop in late fall and winter.

Air and water quality impacts are minimal because the overall number of Refuge visitors (including hunters) to the northern marsh is low. The number of visitors' vehicles varies depending on the use. During hunting season, vehicles vary from several to as many as 10 vehicles on opening day. The percentage of hunters using motorized boats is

approximately 40-50%. The effect of these Refuge-related activities on overall air and water quality in the region are relatively negligible. Engine size is limited by Refuge specific regulations (25 hp limit). During recent years, an appreciable number of boats have electric motors. Existing state water quality criteria and use-classifications are adequate to maintain desired refuge conditions; thus, implementation of the proposed action would not impact adjacent landowners or users beyond the constraints already implemented under existing state standards and laws.

Impacts associated with solitude are expected to be minimal given time and space zone management techniques, such as seasonal access and area closures.

4.1.4 Cultural Resources

Under each alternative, all visitor uses, regardless of method of travel through the marsh area, or type of use, pose no threat to historic properties on and/or near the Refuge.

4.1.5 Refuge Facilities

Few Refuge facilities exist that can be utilized by Refuge visitors. Three boat trails are maintained in the marsh area and a one-mile hiking trail is located on an old road. Maintenance or improvement of existing facilities would cause minimal short term impacts to localized soils and waters and staff time. This maintenance with regular law enforcement patrols are anticipated to cause minimal wildlife disturbances and damage to vegetation. Within the next year, a new parking lot and small boat canoe access point will be completed for all Refuge users. This facility will enable both consumptive and non-consumptive users the opportunity to pursue primary public uses including hunting, fishing, wildlife observation, environmental education and interpretation, and wildlife photography.

4.2 Summary of Effects

4.2.1 Impacts to Habitat

Proposed Action Alternative

Under this alternative, duck and coot hunting would be allowed. Hunters would be allowed to access the 4,000-5,000-acre hunt area with motorized and non-motorized boats. The limited use of small-engine (25 hp limit) boats promotes a wider dispersion of hunters across the hunt area. Dispersal of hunters aids with the quality of the hunt and minimizes hunter overlap. Some disturbance to surface soils, topography, and vegetation has occurred along designated boat trails due to minor dredging from boat motors. To improve boat travel efficiency and minimize damage to a larger area of the marsh, the staff marked three navigation trails in the northern marsh for motorized and non-motorized boats. Minor excavations (6-8 inch depth) have occurred from motorized watercraft in a few areas. Because water levels decline in the late fall and winter, accessing hunting sites would become increasingly difficult due to the lower water levels;

consequently, hunting pressure would drop off dramatically as the season progressed. Because of the small number of hunters, few hunting days, and limited access due to low water levels, negative impacts to the habitat would be limited.

Periodic field assessments would be made by Refuge staff to monitor impacts to habitat integrity. Should habitat alterations be judged as unacceptable, then changes in the hunt design would be evaluated and implemented if necessary.

Hunt Closure Alternative

In addition to hunters, other Refuge visitors would be allowed to utilize motorized boats, including anglers. However, hunters would use more motorized boats on the Refuge than the other groups, so less habitat disturbance would occur under this alternative.

4.2.2 Impacts to Hunted Wildlife

Proposed Action Alternative

Mortality of individual hunted animals would occur under this alternative. Regulation of waterfowl take is managed within the application of the very closely managed migratory bird framework (see Cumulative Impacts analysis below). An estimated 200 - 250 ducks and 10 - 20 American Coots would be taken annually on the Refuge under the proposed alternative. Disturbance by hunters to hunted wildlife would occur; however, this is inherent to this recreational activity and the over all impact would be minimal. Because much of the marsh habitat outside the Refuge is protected and not hunted, there is extensive habitat available where waterfowl can rest and feed without hunting pressure. Additionally, the hunting pressure is so low on the Refuge, that waterfowl can find areas on the Refuge where they are not disturbed or hunted.

Hunt Closure Alternative

No mortality or disturbance of individual hunted species would occur under this alternative.

4.2.3 Impacts to Non-hunted Wildlife

Proposed Action Alternative

Disturbance to non-hunted wildlife would increase slightly. The Refuge hosts a substantial number of wading birds during the late fall and winter. During this time, water levels drop, concentrating fish and other aquatic resources in low spots within the area used by hunters. While this seasonal increase in concentrated use by wading birds coincides with the waterfowl hunting season, impacts to these species would be minor provided that hunter-use levels do not substantially increase. Additionally, the density of hunters is so low in the Refuge that non-game birds can find other areas of the Refuge to feed and rest that are away from hunters. Adjacent public lands also provide refugia from hunting disturbance.

Significant disturbance to wading birds and other wildlife is unlikely due to the low hunter presence. Current hunter density on peak days is estimated to be approximately 1 hunter per 200 acres. During the majority of the hunting season, hunter density is much lower (1 hunter/840 acres). The hunt program design is intended to mitigate disturbance by hunters to non-hunted wildlife. Hunters are encouraged to enter the hunt area by using marked trails which are routed in open water areas and they are urged to enter the hunt area well before daylight, prior to when most bird species emerge from their roosts. Disturbance to daily feeding and resting activities of non-hunted wildlife might occur, but would be short in duration. Hunters would usually leave hunt areas by mid-morning using designated trails. Hunting would be allowed on weekends, holidays and Wednesdays. No afternoon hunting would be permitted. Disturbance to non-hunted wildlife by hunters

would probably be commensurate with that caused by non-consumptive users and government management activities.

Hunt Closure Alternative

Under this alternative, disturbance to non-hunted wildlife would be lower than the proposed alternative. However, other Refuge users (anglers, bird watchers, photographers, etc) and government employees and contractors would still be permitted to access these wetlands, which would continue to cause minimal disturbance to wildlife.

4.2.4 Impacts to Endangered and Threatened Species

Proposed Action Alternative

Limited disturbance may occur to these species due to hunting. Because current public use levels on the Refuge are not anticipated to appreciably increase from hunting activity, there would be no increased chance of adversely affecting threatened and endangered species. A Section 7 Evaluation associated with this assessment was conducted, and it was determined that the proposed action is not likely to adversely affect these species.

Hunt Closure Alternative

Hunt closure would have no impact on these species. However, other Refuge users (anglers, bird watchers, photographers, etc) and government employees and contractors would still be permitted to access these wetlands, which would continue to cause minimal disturbance to wildlife.

4.2.5 Impacts to Refuge Facilities

Proposed Action Alternative

Minor damage to waterway trails might occur during the beginning of the dry season when waters levels drop due to motor boat use. Costs associated with maintaining these trails and signs would be negligible.

Hunt Closure Alternative

Increased wear to waterway trails due to hunter use would be avoided; however, trails would continue to be used by anglers and other Refuge visitors and government and contract employees. The Refuge would still have to maintain trail posts and signs, which would be minimal relative to total refuge operations and maintenance costs.

4.2.6 Impacts to Wildlife Dependant Recreation

Proposed Action Alternative

The public would have the opportunity to harvest a renewable resource, participate in wildlife-oriented recreation that is compatible with the purposes for which the Refuge was established and hunters would have an increased awareness of the Refuge and the National Wildlife Refuge System. Good public relations would be maintained with the local community. Under this alternative, youth would be able to experience state-designated special hunting days with an experienced guide (Youth Waterfowl Hunting Days). This alternative would allow youth the opportunity to experience a wildlife-dependant recreation, instill an appreciation for and understanding of wildlife, the natural world and the environment and promote a land ethic and environmental awareness.

As general public use levels expand over time, unanticipated conflicts between user groups may occur. Conflicts between hunters, anglers, and non-consumptive users have not occurred even though most wildlife observation is pursued during the late fall when migrant birds utilize the Refuge and the lower water levels congregate wading birds. User conflicts would be mitigated by spatial and temporal difference in use by the public. Hunting would occur over less than half of the week. Further, photographers and wildlife observers would primarily utilize the area within the buffers.

Hunt Closure Alternative

The public would not have the opportunity to harvest a renewable resource, participate in wildlife-oriented recreation that is compatible with the purposes for which the Refuge was established, have an increased awareness of the Refuge and the National Wildlife Refuge System; nor would the Service be meeting public use demand. Public relations would not be enhanced with the local community. Under this alternative, youth would be unable to experience a special hunting day with an experienced guide. This would be a missed opportunity to participate in a partnership program with Ducks Unlimited to promote youth-oriented, wildlife-dependant recreation.

4.3 Cumulative Impacts Analysis

4.3.1 Anticipated Direct and Indirect Impacts of Proposed Action on Wildlife Species.

4.3.1.1 Migratory Birds

The U.S. Fish and Wildlife Service, working with partners, annually prescribes frameworks, or outer limits, for dates and times when hunting may occur and the number of birds that may be taken and possessed. These frameworks are necessary to allow State selections of season and limits for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with population status and habitat conditions. Because the Migratory Bird Treaty Act stipulates that all hunting seasons for migratory game birds are closed unless

specifically opened by the Secretary of the Interior, the Service annually promulgates regulations (50 CFR Part 20) establishing the frameworks from which States may select season dates, bag limits, shooting hours, and other options for the each migratory bird hunting season. The frameworks are essentially permissive in that hunting of migratory birds would not be permitted without them. Thus, in effect, Federal annual regulations both allow and limit the hunting of migratory birds.

Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (16 U.S.C. 703-712), the Secretary of the Interior is authorized to determine when "hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any ... bird, or any part, nest, or egg" of migratory game birds can take place, and to adopt regulations for this purpose. These regulations are written after giving due regard to "the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, and are updated annually (16 U.S.C. 704(a)). This responsibility has been delegated to the U.S. Fish and Wildlife Service as the lead federal agency for managing and conserving migratory birds in the United States. Acknowledging regional differences in hunting conditions, the Service has administratively divided the nation into four Flyways for the primary purpose of managing migratory game birds. Each Flyway (Atlantic, Mississippi, Central, and Pacific) has a Flyway Council, a formal organization generally composed of one member from each State and Province in that Flyway. Ten Thousand Islands National Wildlife Refuge is within the Atlantic Flyway.

The process for adopting migratory game bird hunting regulations, located in 50 CFR part 20, is constrained by three primary factors. Legal and administrative considerations dictate how long the rule making process will last. Most importantly, however, the biological cycle of migratory game birds controls the timing of data-gathering activities and thus the dates on which these results are available for consideration and deliberation. The process of adopting migratory game bird hunting regulations includes two separate regulations-development schedules, based on "early" and "late" hunting season regulations. Early hunting seasons pertain to all migratory game bird species in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; migratory game birds other than waterfowl (e.g. dove, woodcock, etc.); and special early waterfowl seasons, such as teal or resident Canada geese. Early hunting seasons generally begin prior to October 1. Late hunting seasons generally start on or after October 1 and include most waterfowl seasons not already established. There are basically no differences in the processes for establishing either early or late hunting seasons. For each cycle, Service biologists and others gather, analyze, and interpret biological survey data and provide this information to all those involved in the process through a series of published status reports and presentations to Flyway Councils and other interested parties (USFWS 2006).

Currently, Ten Thousand Islands National Wildlife Refuge has an estimated maximum harvest of 250 ducks (primarily Blue-winged teal, Mottled duck, Ringneck duck) and 20 coots on 4,000-5,000 acres per season. Under the proposed action, Ten Thousand

Islands National Wildlife Refuge estimates that a maximum of 250 ducks and 20 coots would continue to be harvested each year with a similar hunting effort. Waterfowl hunting is only allowed until noon each hunt day (only Wednesdays, weekends, and holidays) during the season, which is more restrictive than regulations set forth by the Florida Fish and Wildlife Conservation Commission. This harvest impact represents 0.2%, and 0.1%, respectively of Florida's four-year (2001-2004) average harvest of 115,250 ducks (USFWS 2005), and Florida's 2005 estimated harvest of 14,400 coots. Allowing waterfowl hunting at Ten Thousand Islands National Wildlife Refuge should not have cumulative impacts on waterfowl populations.

Because the Service is required to take abundance of migratory birds and other factors in to consideration, the Service undertakes a number of surveys throughout the year in conjunction with the Canadian Wildlife Service, State and Provincial wildlife-management agencies, and others. To determine the appropriate frameworks for each species, the Service considers factors such as population size and trend, geographical distribution, annual breeding effort, the condition of breeding and wintering habitat, the number of hunters, and the anticipated harvest. After frameworks are established for season lengths, bag limits, and areas for migratory game bird hunting, migratory game bird management becomes a cooperative effort of State and Federal Governments. After Service establishment of final frameworks for hunting seasons, the States may select season dates, bag limits, and other regulatory options for the hunting seasons. States may always be more conservative in their selections than the Federal frameworks but never more liberal. Season dates and bag limits for National Wildlife Refuges open to hunting are never longer or larger than the State regulations. In fact, based upon the findings of an environmental assessment developed when a National Wildlife Refuge opens a new hunting activity, season dates and bag limits may be more restrictive than the State allows. At Ten Thousand Islands NWR, season length is more restrictive for waterfowl than the State allows.

NEPA considerations by the Service for hunted migratory game bird species are addressed by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14)," filed with the Environmental Protection Agency on June 9, 1988. We published Notice of Availability in the Federal Register on June 16, 1988 (53 FR 22582), and our Record of Decision on August 18, 1988 (53 FR 31341). Annual NEPA considerations for waterfowl hunting frameworks are covered under a separate Environmental Assessment, "Duck Hunting Regulations for 2006-07," and an August 24, 2006, Finding of No Significant Impact. Further, in a notice published in the September 8, 2005, Federal Register (70 FR 53376), the Service announced its intent to develop a new Supplemental Environmental Impact Statement for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as announced in a March 9, 2006, Federal Register notice (71 FR 12216). More information may be obtained from: Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP-4107-ARLSQ, 1849 C Street, NWR, Washington, DC 20240.

4.3.1.2 Non-hunted Wildlife

Non-hunted wildlife would include non-hunted migratory birds such as songbirds, wading birds, raptors, and woodpeckers; small mammals such as mice, shrews, and bats; reptiles and amphibians such as snakes, skinks, turtles, lizards, salamanders, frogs and toads; and invertebrates such as butterflies, moths, other insects and spiders. Except for migratory birds and some species of migratory bats, butterflies and moths, these species have very limited home ranges and hunting would not affect their populations regionally; thus, only local effects will be discussed.

Disturbance to non-hunted migratory birds could have regional, local, and flyway effects. Regional and flyway effects would not be applicable to species that do not migrate such as most woodpeckers, and some songbirds. The cumulative effects of disturbance to non-hunted migratory birds under the proposed action are expected to be negligible for the following reasons: 1) hunting season would not generally coincide with the nesting season of non-hunted migratory birds; and 2) long-term future impacts that would occur if reproduction was reduced by hunting are not relevant for this reason. Disturbance to the daily wintering activities, such as feeding and resting, of birds might occur. Disturbance to birds by hunters would probably be commensurate with that caused by non-consumptive users or a small number of fishermen.

The cumulative effects of disturbance to other non-hunted wildlife under the proposed action are expected to be negligible for the following reasons: 1) most small and medium size mammals using the Refuge are not open water occupants making hunter interactions very rare; 2) reptiles and amphibians limit their activity during the hunting season when temperatures are cooler; and 3) hunters would rarely encounter reptiles and amphibians during the hunting season and would not have appreciable cumulative negative effects on reptile and amphibian populations. During the majority of the hunting season, hunter density would be very low (1 hunter/840 acres). The hunt program design is intended to mitigate disturbance by hunters to non-hunted wildlife. Hunters would be encouraged to enter the hunt area by using marked trails which are routed in open water areas and urged to enter the hunt area well before daylight when most non-hunted wildlife are not active. The taking of any wildlife other than the game species legal for the season would not be permitted.

Although ingestion of lead-shot by non-hunted wildlife could be a cumulative impact, it is not relevant to the Refuge because the use of lead shot would not be permitted on the Refuge for any type of hunting.

4.3.1.3 Endangered Species

Endangered and threatened species that utilize the Refuge include wood storks, Everglade snail kites, West Indian manatee, American crocodile, bald eagle, and the Florida panther. A revised Section 7 Evaluation was conducted in association with this revised environmental assessment. It was determined that the proposed alternative would not likely adversely affect these endangered species.

Wood storks utilize seasonal wetlands on the Refuge, especially during the late fall and early winter when water levels are dropping. This seasonal drawdown concentrates fish and other aquatic resources in the area used by hunters. While this seasonal use by wood storks coincides with the regular waterfowl hunting season, impacts to these species would be minor, provided that hunter levels remain low.

Manatees primarily use the southern portion of the Refuge; however, manatees may venture into creeks within the marsh area during the early teal season when the water levels are highest. Otherwise, manatee use during the main hunting season is precluded by inadequate water levels.

Crocodiles use the southern tidal portion of the Refuge and are not be present in the hunt area.

Bald eagles range through areas open to waterfowl hunting but there should be no adverse effects. The small number of bald eagles using the Refuge has remained stable since the Refuge waterfowl hunt began in 2000. Un-retrieved ducks or coots would not pose any lead poisoning threat because regulations require non-toxic shot use. No bald eagles nest on the Refuge.

Occasionally, Florida panthers range just north of the Refuge but they have not been documented on the Refuge and encounters by hunters with panthers would be highly unlikely.

Refer to the revised Southeast Region Intra-Service Section 7 Biological Evaluation for the Waterfowl Hunt Plan on Ten Thousand Islands National Wildlife Refuge for more information.

4.3.2 Anticipated Direct and Indirect Impacts of Proposed Action on Refuge Programs, Facilities, and Cultural Resources.

4.3.2.1 Wildlife-Dependant Recreation

If Refuge public use increases in the future, unanticipated conflicts between user groups may occur. The Refuge's visitor use programs would be adjusted as needed to eliminate or minimize conflicts, but, at the same time, continue to provide quality wildlife-dependent recreational opportunities. By managing time and space zoning (e.g., establishment of separate use areas, use periods, and restrictions on the number of users), conflicts between user groups would be eliminated.

The level of recreational use and disturbance from visitors would be largely concentrated at boat trails and the future Refuge parking lot. It is unlikely that the hunter use at this future facility would cause appreciable user conflicts because most hunters would use this site from predawn hours to mid-morning, well before when most other users are arriving to visit the Refuge. Should significant conflicts develop between different users, the Refuge would implement appropriate measures to minimize wildlife disturbance, user

group conflict, and habitat degradation, while allowing compatible wildlife-dependent recreation without jeopardizing the biological integrity of the Refuge.

4.3.2.2 Refuge Facilities

The Service defines facilities as: “Real property that serves a particular function(s) such as buildings, roads, utilities, water control structures, raceways, etc.” Under the proposed action those facilities most utilized by hunters would be the road shoulders of U.S. 41, boat trails and boat launching areas. In the future, the hunters will be using a parking lot and new launching facility. Maintenance or improvement of existing facilities would cause minimal short term impacts to localized soils and waters and may cause some wildlife disturbances. The facility maintenance and improvement activities described are conducted to accommodate daily Refuge management operations and general public uses such as fishing, wildlife observation and photography. These maintenance activities will be conducted in a manner that causes the least amount of disturbance to wildlife.

4.3.2.3 Cultural Resources

Hunting, regardless of method or species targeted, is a consumptive activity that does not pose any threat to historic properties on and/or near the Refuge. In fact, hunting meets only one of the two criteria used to identify an “undertaking” that triggers a federal agency’s need to comply with Section 106 of the National Historic Preservation Act. These criteria, which are delineated in 36 CFR Part 800, state:

- 1- an undertaking is any project, activity, or program that can alter the character or use of an archaeological or historic site located within the “area of potential effect;” and
- 2- the project, activity, or program must also be either funded, sponsored, performed, licenses, or have received assistance from the agency.

Consultation with the pertinent State Historic Preservation Office and federally recognized Tribes are, therefore, not required.

4.3.2.4 Anticipated Impacts of Proposed Hunt on Refuge Environment and Community

There would be few impacts from the proposed action on the Refuge environment which consists of soils, vegetation, air quality, water quality and solitude. Some disturbance to surface soils and vegetation would occur in areas selected for hunting; however impacts would be minimal. The Refuge will monitor habitat conditions to safeguard against significant habitat degradation.

Impacts to air and water quality would be minimal. Impact would include vehicle and boat motor emissions and minor prop excavation along trail sides and adjacent areas. The effect of these refuge-related activities, as well as other management activities on overall air and water quality in the region are anticipated to be relatively negligible compared to the contributions of industrial centers, power plants, and vehicle traffic on

adjacent public highways. Existing State water quality criteria and use classifications are adequate to achieve desired on-refuge conditions; thus, implementation of the proposed action would not impact adjacent landowners or users beyond the constraints already implemented under existing State standards and laws.

Impacts associated with solitude are expected to be minimal given time and space zone management techniques, such as seasonal access and area closures, used to avoid conflicts among user groups.

The Refuge would work closely with State, Federal, and private partners to minimize impacts to adjacent lands and associated natural resources; however, no indirect or direct impacts are anticipated. The hunts would result in a net gain of public hunting opportunities positively impacting the general public, nearby residents, and Refuge visitors. The Refuge expects increased visitation and tourism to bring additional revenues to local communities.

4.3.2.5 Other Past, Present, Proposed, and Reasonably Foreseeable Hunts and Anticipated Impacts

Cumulative effects on the environment result from incremental effects of a proposed action when these are added to other past, present, and reasonably foreseeable future actions. While cumulative effects may result from individually minor actions, they may, be viewed collectively as a whole and become substantial over time. The proposed hunt alternative has been designed to be sustainable through time, given relatively stable conditions. Changes in Refuge conditions, such as sizeable increases in Refuge acreage or public use, are likely to change the anticipated impacts of the current plan and would trigger a new hunt planning and assessment process.

The implementation of any of the proposed actions described in this assessment includes actions relating to the Refuge hunt program (see 1997 Waterfowl Hunt Plan for Ten Thousand Islands National Wildlife Refuge- Appendix B). These actions would have both direct and indirect effects; however, the cumulative effects of these actions are not expected to be substantial.

The past hunting program has remained the same since originally proposed in terms of season lengths and species hunted; the hunter bags have changed slightly in accordance with the federal harvest framework. The Refuge does not foresee any changes to the proposed action in the way of increasing the intensity of hunting in the future.

4.3.2.6 Anticipated Impacts if Existing Hunt is Allowed to Accumulate

National Wildlife Refuges, including Ten Thousand Islands National Wildlife Refuge, conducts its hunting programs within the framework of State and Federal regulations. The waterfowl hunting program at the Refuge is more restrictive than the state season. By maintaining hunting regulations that are as, or more, restrictive than the State, individual refuges ensure that they are maintaining seasons which are supportive of management on a more regional basis. The proposed hunt plan has been reviewed and is

supported by the Florida Fish and Wildlife Conservation (FWC) Commission. Additionally, refuges within the State of Florida periodically coordinate with FWC to maintain regulations and programs that are consistent with the State management program.

Chapter 5 Consultation and Coordination with Others

The FWC concurs and fully supports the regulated consumptive public use of the natural resources associated in Ten Thousand Islands National Wildlife Refuge, as noted in a letter of concurrence dated March 19, 2007. The FWC feels that the hunting program on the Refuge provides a very valuable hunting opportunity in southwest Florida, where public waterfowl options are in extremely short supply. FWC supported the Refuge's hunt plan and feels it is compatible with the purpose of the Refuge and the wellbeing of fish and wildlife populations.

The Service provided an in depth review of the hunt plan and Environmental Assessment by Regional Office personnel and staff biologists. A public notice was placed in the Naples Daily News on March 4, 2007 announcing the 30-day availability (March 5-April 3, 2007) of the Refuge's Waterfowl Hunt Plan and Environmental Assessment for public review. Additionally, news releases were sent to local papers.

Appendix A. Literature References

- U.S. Fish and Wildlife Service. 1997. Waterfowl Hunt Plan - Ten Thousand Islands National Wildlife Refuge, Naples, FL. 6 pp.
- U.S. Fish and Wildlife Service. 2002. Ten Thousand Islands National Wildlife Refuge Comprehensive Conservation Plan, Naples, FL. 121 pp.
- U.S. Fish and Wildlife Service. 2005. Waterfowl harvest and population survey data: Estimates of U.S. harvest, hunting activity, and success derived from the state-federal cooperative harvest information program. Division of Migratory Bird Management, Columbia, Missouri. 92 pp.
- U.S. Fish and Wildlife Service. 2006. Migratory bird hunting activity and harvest during the 2004 and 2005 hunting seasons: Preliminary estimates. U.S. Department of the Interior, Washington, D.C. USA

Appendix C. SUMMARY OF PUBLIC FEEDBACK

We received 66 comments on our draft Environmental Assessment (EA) titled Waterfowl Hunt Plan for Ten Thousand Islands National Wildlife Refuge that was available for public comment from March 5-April 3, 2007. Sixty-four of these comments were in support of the Service's proposed Alternative in the draft EA. Two comments were in opposition to the proposed Alternative.

The Florida Fish and Wildlife Conservation Commission requested that "light geese" (blue, snow, and Ross' geese) be included as legal to take on the Refuge during the regular waterfowl season, consistent with state and federal hunting regulations. Light geese do not utilize the refuge, consequently, there is no need to add them to the list of legal take. In the future, if light geese start to utilize the Refuge, the staff will re-evaluate compatibility issues and other related direct, indirect, and cumulative impacts to determine if a light geese season can be included in the Refuge's hunt program.

The Safari Club International recommended that the EA, in addition to noting the state's concurrence with the Waterfowl Hunt Plan, the Hunt Plan and Environmental Assessment included the state agency's input about how hunting on the refuge assists with and/or is an element of the states' efforts to manage state wildlife populations. The States supporting comments were included in Chapter 5.

We received a letter from the Humane Society of the United States that contained comments related to hunting on the National Wildlife Refuge System as a whole and containing elements related to litigation filed in 2003 by the Fund for Animals against the Service. These comments were not specific to this draft EA and are noted but not responded to here.

FINDING OF NO SIGNIFICANT IMPACT

Waterfowl Hunt Plan For Ten Thousand Islands National Wildlife Refuge

The U.S. Fish and Wildlife Service proposes to allow waterfowl hunting on a portion of the Ten Thousand Islands National Wildlife Refuge (Refuge). Hunting activities will be permitted, but administratively limited to those areas specified in the refuge-specific regulations.

The Service has analyzed two alternatives, including the proposed.

- 1) The proposed alternative would allow duck and coot hunting on approximately 5,000 acres of the refuge, within the freshwater and brackish marsh.
- 2) The alternative action would be to close the refuge to hunting.

The proposed alternative was selected over the other alternative because it is compatible with the refuge purpose and Service policy regarding the establishment of hunting on National Wildlife Refuges. Additionally, the proposed alternative provides access to public waterfowl hunting in an area of Florida where there is limited waterfowl hunting opportunities. There are no conflicts with local, state, regional, or federal plans or policies.

Implementation of the agency's decision would be expected to result in the following environmental, social and economic effects:

- 1) The refuge could better manage wildlife populations;
- 2) The hunt would allow the public to harvest a renewable resource;
- 3) The public would have increased opportunity for wildlife-oriented recreation;
- 4) Local businesses would benefit from hunters visiting from surrounding counties;
- 5) The Service would be perceived as a good steward of the land by continuing traditional uses of the land in Florida.

Measures to mitigate and/or minimize adverse effects have been incorporated into the proposal. These measures include:

- 1) Access to the hunt area is restricted to specific areas and boat trails;
- 2) Boat motor size is restricted to 25 hp.
- 3) No-hunting buffer zones are placed along refuge boundaries, highways and the refuge hiking trail to protect adjacent landowners, passing vehicles, and other refuge visitors.

- 4) Refuge Officers, Service Special Agents, and State Wildlife Officers will enforce Refuge, State and Federal laws to limit the illegal take of wildlife.
- 5) Waterfowl hunting will be limited to the following days during general waterfowl season: Wednesday, Saturday, and Sunday (and Federal holidays). During the early teal season, hunting is open everyday.
- 6) Hunt hours are from one-half hour before sunrise to noon.

The proposed alternative is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988 because of the low number of hunters, small boats with a limit on motor size, and limited access due to shallow water conditions.

The proposal action has been thoroughly coordinated with all interested and/or affected parties. Parties contacted included:

- 1) Florida Fish and Wildlife Conservation Commission
- 2) U.S. Fish and Wildlife Service, Division of Ecological Services, Vero Beach, FL.

Therefore, it is my determination that the proposal does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required. This determination is based on the following factors (40CFR 1508.27):

- 1) Both beneficial and adverse effects have been considered and this action will not have significant effect on the human environment (EA, page 7-12).
- 2) The action will not have a significant effect on public health and safety (EA, page 7).
- 3) The project will not significantly effect any unique characteristic of the geographic area such as proximity to historical or cultural resources, wild and scenic rivers, or ecologically critical areas (EA, pages 8, 9, 17).
- 4) The effects on the quality of the human environment is not likely to be highly controversial (EA, page 17).
- 5) The actions do not involve highly uncertain, unique, or unknown environmental risks to the human environment (EA, page 7-8).
- 6) The actions will not establish and precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration (EA, page 18).
- 7) There will be no cumulative significant impacts on the environment. Cumulative impacts have been analyzed with consideration of other similar activities on adjacent lands, in past action, and in foreseeable futures actions (EA, page 12-18).
- 8) The actions will not significantly affect any site listed in, or eligible for listing in the National Register of Historic Places, nor will they cause loss or destruction of significant scientific, cultural, or historic resources (EA, page 8, 17).

- 9) The actions are not likely to adversely affect endangered or threatened species, or their habitats (Intra-Service Section 7 Biological Evaluation Form attached to EA).
- 10) The actions will not lead to a violation of federal, state, local laws imposed for the protection of the environment (EA, page 18).

References:

U.S. Fish and Wildlife Service. 2007. Environmental Assessment – Waterfowl Hunt Plan, Ten Thousand Islands National Wildlife Refuge. Naples, FL 30 pp.



for Regional Director



Date