

# U. S. FISH AND WILDLIFE SERVICE

## ENVIRONMENTAL ACTION STATEMENT FOR CATEGORICAL EXCLUSION

The U.S. Fish and Wildlife Service is updating fishing regulations to reflect a change in the type of motor boats used to support this use on the Crab Orchard National Wildlife Refuge in accordance with the refuge's 1994 Fishing plan updated through an amendment 2021. Through this action, the refuge is also amending the 1994 Fishing plan by administratively changing the date of access for fishing from March 15 through September 30 to March 1 through October 15.

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the following proposed action is categorically excluded from NEPA documentation requirements consistent with 40 CFR 1508.4, 43 CFR 46.205, and 516 DM 8.5.

The Service has fully satisfied the other requirements for expanding these opportunities on the refuge, including:

- Determining that the opportunities are compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System (see attached Compatibility Determination);
- Ensuring the opportunities are consistent with existing State, local, and refuge specific regulations (50 CFR 32.5 and 50 CFR 32.32(b)); Note: The use of signs and brochures may supplement the refuge-specific regulations;
- Complying with the National Environmental Policy Act (see attached categorical exclusion checklist);
- Complying with the Endangered Species Act Intra-Service Section 7 consultation (see attached Consultation documentation); and
- Complying with the National Historic Preservation Act Section 106 consultation (No consultation required).

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

### **Signature**

Refuge Manager or Project Leader Signature and Date

# CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

## Proposed Action

Crab Orchard National Wildlife Refuge is proposing to update boating regulations in 50 CFR 32.32(b) that support hunting and fishing activities on the refuge. Crab Orchard National Wildlife Refuge fishing will be opened in accordance with existing State, local, and regulations specific to fishing on national wildlife refuges and Crab Orchard National Wildlife Refuge itself. Specific CFR edits include changing access from March 15 to March and September 30 to October 15, expanding the fishing access by 30 days. Additional edits remove the limitation of flotation devices to support fishing and clarifies that gas powered boats are not allowed for fishing on A-41, Bluegill, Visitors, Honkers and Managers ponds.

## This proposed action is covered by the following categorical exclusion(s)

516 DM 8.5 B (7) and 516 DM 8.5 B (9)

Because no extraordinary circumstances apply to the proposed action (see Extraordinary Circumstances Checklist below), and it only results in “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” it is categorically excluded from further NEPA analysis under (516 DM 8.5 B (7)). Furthermore, this action is categorically excluded from further NEPA analysis at 516 DM 8.5 B (9) because it results in “minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated” .

This action will only result in a minor change to the amount of fishing on the refuge, because it is only extending the fishing season by 30 days on 1,948 acres of Crab Lake (about 25% of open waters on the lake). It is estimated that there will be approximately 3,000 additional fishing visits resulting from extending the season for the use of boats to support fishing (about a 2% increase in visits). In 2020, an estimated 1,232,274 angler visits occurred at the refuge. The increase in fishing visits estimated from this administrative change results in a 3.65% increase in angler visits to the refuge. This is minor in comparison to the increase in anglers visiting the refuge between 2019 and 2020. In 2019, there were an estimated 1,059,170 anglers that visited the refuge, this is an increase of 16.3%. These areas of the lake are very shallow and limit fishing access to an extent. Fishing is currently authorized and ongoing on approximately 9,082 acres of the 44,000 acre refuge. This activity has been permitted on Refuge land since 1947 and was outlined in the Refuge’s Comprehensive Conservation Plan completed in 2007. If any impact were to occur it should be negligible to the human environment of extending the opening dates of these additional acres. It would be similar to those analyzed in the

Environmental Assessment for the Crab Orchard Hunt Plan (October 2019) and to the Environmental Assessment for the Sport Fishing Plan (1994). There will be no effect to the Northern long eared bats, gray bats or Indiana bats. Fishing does not result in any ground disturbance or impact to cultural or historic resources present in the area. Lead tackle can be used during the fishing seasons however, the amount of lead introduced to the environment because of this activity is negligible. We also encourage the use of non-toxic fishing tackle and educated anglers about lead. As a result, there are not anticipated adverse impacts to any of the above listed species.

### **Extraordinary Circumstances (43 CFR 46.215) Checklist**

*If the proposed action results in a "yes" answer to the questions of extraordinary circumstances listed below then check the box. If "no" do not check the box.*

- a.  Does the proposed action, have significant adverse effects on public health or safety?
- b.  Does the proposed action, 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.  Does the proposed action, have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?
- d.  Does the proposed action, have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?
- e.  Does the proposed action, establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?
- f.  Does the proposed action, have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? **Not applicable effective September 14, 2020.**
- 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.)*

## Determination

*Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined:*

- The proposed action is covered by a categorical exclusion as provided by 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

Refuge Manager or Project Leader Signature and Date

**Signature**

Area Supervisor Signature and Date

**Signature**

Regional Refuge Chief Signature and Date

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