

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

The Service is expanding hunting opportunities for species already hunted on the refuge (woodcock, snipe, rail and gallinule) on an additional 2,218 of the Iroquois National Wildlife Refuge in accordance with the refuge's Hunting Step-Down Plan.

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

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

- determining that the opportunities are compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System (see attached Compatibility Determination);
- ensuring the opportunities are consistent with existing State, local, and refuge-specific regulations (50 CFR 32.51);
  - \*Use of signs and brochures may supplement the refuge-specific regulations
- complying with the National Environmental Policy Act (see attached);
- complying with the Endangered Species Act section 7 evaluation (see attached Consultation documentation);
  - OR  N/A because there are no candidate, threatened or endangered species present;
- complying with the National Historic Preservation Act section 106 consultation (see attached Consultation documentation);
  - OR  N/A because there are no cultural or historic resources present;

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

Signature 

Date: 22 NOV 19

Title Refuge Manager

## CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

### Proposed Action:

Iroquois National Wildlife Refuge (Refuge) is proposing to open an additional 2,218 acres of hunting to Other migratory game birds (woodcock, snipe, rail, and gallinule) in accordance with existing State, local and refuge-specific regulations (50 CFR 32.51). In addition, The Refuge is making minor modification to existing hunting regulations to align more closely with New York State hunting regulations.

### This proposed action is covered by the following categorical exclusion: 516 DM 8.5 B (7)

An action by the Service that 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" is categorically excluded from further NEPA analyses, because it has been determined to be a class of action which does not individually or cumulatively have a significant effect on the human environment (516 DM 8.5 B (7)).

The Refuge is currently open to other migratory bird hunting in another location on the Refuge, this minor change would allow current waterfowl hunters to harvest other migratory birds while afield in what is now open as a waterfowl only area. In addition, the current action would align existing Refuge hunting regulations with established New York State hunting seasons. Most notably initiating hunting in September for other migratory birds and upland/small game. Past record have shown that other migratory birds hunting and small/upland game hunting on the Refuge has received very limited participation, recording less than 50 visits a year, with these changes we do not anticipate that to change.

### Extraordinary Circumstances (43 CFR 46.215) :

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

- | <u>Yes</u>               | <u>No</u>                           |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | a. Have significant adverse effects on public health or safety?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | b. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | c. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | d. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | e. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | f. Have a direct relationship to other actions with individually insignificant but  |

cumulatively significant environmental effects?

- 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.)*

---

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

- The proposed action is covered by a categorical exclusion as provided by 43 CFR §46.210 or 516 DM 8.5. No further NEPA documentation will therefore be made.**
- An Extraordinary Circumstance (43 CFR 46.215) could exist for the proposed action and, so an EA/EIS must be prepared.**

**Service signature approval:**

Signature *James M. A.*

Date: *22 NOV 19*

Title *Regional Manager*

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Title \_\_\_\_\_

## INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

**Originating Person:** Thomas P. Roster  
**Telephone Number:** 585-948-5445

**I. Region:** Region 5 (Northeast)

**II. Service Activity (Program):** National Wildlife Refuge System

**III. Pertinent Species and Habitat:**

**A. Listed species potentially present within the action area:**

1) Bog Turtle (*Clemmys muhlenbergii*)

There is no Federally-designated critical habitat within the action area or designated for this species..

**B. Proposed species and/or proposed critical habitat within the action area**

None

**C. Candidate species within the action area:**

None

**D. Include species/habitat occurrence on a map.**

**IV. Geographic area or station name and action:**

Iroquois National Wildlife Refuge (Refuge), Genesee and Orleans County, Refuge Hunting Plan update to implement during the 2020 – 2021 New York State hunting seasons. This update to the Hunt Plan and Hunting Program is complete strategies associated with the Refuge's CCP completed in 2011 and DOI initiative to align refuge-hunting programs as much as possible with State hunting programs. The updates to the Refuge's programs would move small game and other migratory bird hunting from the current Refuge start date of October 1 to the New York State seasons starting in September. We would extend the Refuge waterfowl hunting season to include the second split season (currently the Refuge is closed to waterfowl hunting when the deer firearm season starts). Hunters would be able to harvest turkey during the fall season (currently the Refuge is only open during the spring turkey season). Areas open to hunting would remain the same. No new lands or species are being open to hunting. Draft maps are available for review, including ones finalized for the Refuge's CCP in 2011. Final maps will be completed after the Service does its nationwide public announcement and comment period schedule for spring 2020.

**A. Ecoregion Number and Name:** Ecoregion No. 83 Great Lakes Plain Ecosystem

**B. Distance (miles) and direction to nearest town:** The Refuge is located 1.6 miles north of Alabama, NY

**V. Location:**

**A. Ecoregion Number and Name:** Ecoregion No. 83 Great Lakes Plain Ecosystem

**B. County and State:** Orleans/Genesee County, New York

**C. Section, township, and range (or latitude and longitude):** Towns of Shelby and Alabama

**D. The Refuge headquarters is located at:** Latitude 43 degrees, 11'16" and Longitude 78 degrees, 40'84"

**E. Distance (miles) and direction to nearest town:** The Refuge is located 1.6 miles north of Alabama, NY

**F. Species/habitat occurrence:**

- 1) **Bog Turtle** are one of the smallest turtles in the world and is listed as historic range in both Orleans and Genesee County in New York. The Environmental Online Conservation System (ECOS) shows range for western New York as Genesee County. The USFWS ECOS IPaC query identified this species for consideration within the project area, which is essentially the entire land base for Iroquois NWR. Iroquois NWR is divided between Orleans and Genesee Counties with the Southern half of the Refuge in Genesee County. Refuge staff are not aware of any populations of bog turtle on the refuge. Comprehensive surveys have not been established or completed.

Information on the occurrence of listed species and their habitats is frequently updated; thus, Refuge staff will continue to consult with the Service's Cortland Field Office.

**VI. Description of proposed action (attach additional pages as needed):**

The overall description of refuge programs are identified on the Iroquois NWR's Hunting Plan. The overall action would administratively align the refuge's current hunting program more with the NYS hunting seasons. No additional land or additional species are being considered as part of this update. This action does not release Iroquois NWR from any future Section 7 consultation requirements. If any listed species are discovered on Iroquois NWR in the future, a section 7 consultation will be conducted on any action that could have an effect on a listed species, not just the actions that have the potential to negatively affect a listed species.

**VII. Determination of effects:**

**A. Explanation of effects of the action on species in item III:**

None

**B. Explanation of actions to be implemented to reduce adverse effects:**

N/A

**VIII. Effect determination and response requested: [\* = optional]**

**A. List species/designated critical habitat:**

**Determination**

**No effect/No adverse modification**

**Species:**

1) Bog Turtle

**May affect, but is not likely to adversely affect species/adversely modify critical habitat**

**Species:**

None

**May affect, and is likely to adversely affect species/adversely modify critical habitat** Species:

None

**Response requested**

**Concurrence**

**Concurrence**

**Formal Consultation**



Signature  
Project Leader, Iroquois NWR

11/7/2019  
Date

**IX. Reviewing ESO Evaluation:**

A. Concurrence X Robyn A.  
11/14/19

B. Formal consultation required \_\_\_\_\_

C. Conference required \_\_\_\_\_

D. Informal conference required \_\_\_\_\_

E. Remarks (attach additional pages as needed):

A. Arned. Secord  
Signature  
Project Leader, New York Field Office

11/15/19  
Date