

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

The Service is expanding opportunities for waterfowl hunting, specifically for geese, on 141 acres of tidal marsh at Nestucca Bay National Wildlife Refuge in accordance with the refuge's Nestucca Bay Waterfowl Hunt Plan 2013.

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 32.26.21);

\*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 is 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: \_\_\_\_\_

Title \_\_\_\_\_

## CATEGORICAL EXCLUSION CHECKLIST FOR NEPA COMPLIANCE

### **Proposed Action:**

The U.S. Fish and Wildlife Service (Service) is proposing to allow the hunting of geese on 141 acres at Nestucca Bay National Wildlife Refuge. The Service already allows the hunting of ducks and coots on the 141 acres and would expand an opportunity for hunters to harvest geese. Specifically, the Service will allow the hunting of geese on 108 acres of Brooten Marsh and 33 acres at the mouth of Little Nestucca River seven days per week in accordance with State and Federal regulation 50 CFR 32.26.21.

Allow the harvest of geese on refuge lands already open to duck and coot hunting represents a minor change in the amount or type of public use on Service or State-managed lands, and is in accordance with existing regulations, management plans, and procedures. This change will bring the Nestucca Bay NWR hunt program into alignment with Oregon Department of Fish and Wildlife's hunt program and regulations. Environmental effects related to waterfowl hunting in Brooten Marsh and the mouth of the Little Nestucca River were analyzed in the 2013 Nestucca Bay NWR Comprehensive Conservation Plan (CCP) (USFWS 2013). The CCP was approved in 2013 upon a finding of no significant impacts (USFWS 2013). The 2013 CCP is incorporated herein by reference. Waterfowl hunting is described in detail in the Nestucca Bay Waterfowl Hunt Plan 2013 which is also incorporated herein by reference.

### **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 2013 CCP analyzed the environmental effects of waterfowl hunting at Brooten Marsh and at the mouth of the Little Nestucca River, determining that no significant impacts would result (USFWS 2013). In the analysis it was shown that overall waterfowl harvest levels in the local area surrounding Nestucca Bay NWR represent a very small portion of the waterfowl production for the State of Oregon and the Pacific Flyway and of the total harvest based on production surveys and mid-winter surveys. Given the low harvest rates of waterfowl in this area relative to the State harvest, Nestucca Bay NWR harvest numbers are expected to make up a very small proportion of local, State, or Pacific Flyway harvest, and the refuge's expanded hunt program will not significantly contribute to population changes of geese.

The Service has determined that allowing the hunting of geese is the type of undertaking that does not have the potential to cause effects on historic properties (36CFR800.3.a.1. the implementing regulations of Section 106 of the National Historic Preservation Act - NHPA). No ground disturbing activities are proposed and opening the area would not alter, directly or indirectly, any characteristic of a historic property. The undertaking may proceed without further

consideration of NHPA Section 106.

**Extraordinary Circumstances (43 CFR 46.215) :**

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

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.)*

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*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 \_\_\_\_\_

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

Title \_\_\_\_\_

Signature \_\_\_\_\_

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

Title \_\_\_\_\_

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