

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

Big Branch Marsh National Wildlife Refuge (NWR) is making minor administrative changes to the station's hunt program reflected in 50 CFR 32.37 including:

- Adding two (2) additional hunting hours to hunt snipe, rail, and gallinule;
- Adding the hunting of spring squirrel season; and
- Re-opening the take of raccoon during the refuge rabbit season in accordance with existing State, local, and refuge-specific regulations on the entire refuge hunt areas totaling 18,790 acres.

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 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 32.23);
  - \*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);
  - 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:

- Big Branch Marsh NWR proposes to expand hours for hunting of snipe, rail, and gallinule from 12 (noon) until 2 p.m., modify squirrel season to open spring squirrel season, and to re-open the take of raccoon during the already open rabbit season in accordance with existing State, local, and refuge-specific regulations (50 CFR 32.37) on the entire refuge in areas open to hunting totaling 18,790 acres.
- Opening the Refuge to raccoon was approved and analyzed in the Big Branch Marsh NWR Recreational Hunt Plan, Environmental Assessment, and Compatibility Determination (USFWS 2007a) and the Refuge's Comprehensive Conservation Plan (CCP) (USFWS 2007b).
- Raccoon was previously included in the CFR and this action will add raccoon back into the CFR.
- All other administrative changes are also in accordance with the Big Branch Marsh NWR Recreational Hunting Plan, associated Environmental Assessment, and Compatibility Determination (2007a) and the Refuge's CCP (USFWS 2007b).

### This proposed action is covered by the following categorical exclusions:

Multiple categorical exclusions apply to the proposed hunting on Big Branch Marsh NWR, as listed.

- 516 DM 8.5(A)(1) – changes or amendments to an approved action when such changes have no or minor potential environmental impact
- 516 DM 8.5 (B)(7) - Minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures.
- 516 DM 8.5(B)(9) – minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated
- 516 DM 8.5(B)(10) - The issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned.

This action will only result in a minor change in the type of hunting on the Refuge, because it is only adding additional days and times for hunting on the Refuge.

Hunting is currently authorized and ongoing on Big Branch Marsh NWR. This activity has been permitted on Refuge land since 1996 (USFWS 1996). Opening the refuge to additional hunting

opportunities as proposed was approved and analyzed in the Big Branch Marsh NWR Recreational Hunt Plan, Environmental Assessment, and Compatibility Determination (USFWS 2007a) and Refuge's Comprehensive Conservation Plan (CCP) (USFWS 2007b). The minor impacts to the human environment of adding these additional days to squirrel hunting, adding two additional hours of hunting rails, gallinules, and snipe, and re-opening the take of raccoon in the CFR during the rabbit season to align with State public land regulations would be similar to those already analyzed (USFWS 2007a, USFWS 2007b). Short-term, long-term, and cumulative impacts of hunting on Big Branch NWR were analyzed at that time and found to be not significant (USFWS 1996 and 2007a). Environmental conditions and hunting have not changed substantially since that analysis, including with the proposed administrative changes. The proposed changes would represent minor administrative changes to the existing hunt program. These minor changes would represent negligible to minor impacts to the human environment.

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

**Could This Proposed Action** *(check (x) 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 (x), 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.**

Documents that support this decision include:

USFWS 1996. Recreational Hunting Plan for Big Branch Marsh National Wildlife Refuge.

USFWS 2007a. Recreational Hunting, Recreational Hunting Plan Environmental Assessment, and Compatibility Determination for Big Branch Marsh National Wildlife Refuge.

- Section 7 concurrence has been received in the 2007 Recreational Hunting Plan for Big Branch Marsh National Wildlife Refuge, which addresses hunting seasons, species, and

dates allowed throughout the refuge acquisition boundary.

USFWS 2007b. Final Big Branch Marsh NWR Comprehensive Conservation Plan and associated Environmental Assessment.

- Section 106 concurrence has been received in the Big Branch Marsh NWR Comprehensive Conservation Plan, which addresses hunting throughout the acquisition boundary.
- Section 7 concurrence has been received in the Big Branch Marsh NWR Comprehensive Conservation Plan, which addresses hunting throughout the acquisition boundary.

**Service signature approval:**

Signature \_\_\_\_\_

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

Title \_\_\_\_\_

Signature \_\_\_\_\_

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

Title \_\_\_\_\_