

COMPATIBILITY DETERMINATION

Use: Road repair and improvement project on existing Right-of-Way at intersection of Old State Route 13 and North Wolf Creek Road

Refuge Name: Crab Orchard National Wildlife Refuge

Establishing and Acquisition Authorities: Public Law 80-361 and the Refuge Recreation Act

Refuge Purpose(s): The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Crab Orchard National Wildlife Refuge was established by Public law 80-361 "...for the conservation of wildlife, and for the development of the agricultural, recreational, industrial, and related purposes..." (61 Stat. 770, dated Aug. 5, 1947) "...suitable for—(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species..." 15 U.S.C. 460k-1 "...the Secretary...may accept and use...real...property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors..." 16 U.S.C. 460k-2 (Refuge Recreation Act (16 U.S.C. 460k-460k-4), as amended).

On October 19, 1976, Congress enacted Public Law 94-557 designating a portion of the refuge one of many wilderness areas of the National Wilderness Preservation System "...administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness..." (Wilderness Act, Public Law 88-577, 78 Stat. 892)

National Wildlife Refuge System Mission: The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Use: The U.S. Fish & Wildlife Service (Service) proposes to grant access to the Illinois Department of Transportation (IDOT) to an existing right-of-way for the purpose of road repairs to include grade correction, installation of box/pipe culverts, drainage and pavement work at the intersection of Old Highway 13 and North Wolf Creek Road. The improvement project is located at the intersection of Old Highway 13 and North Wolf Creek Road, Section 1R-1, 1N-1 at the northern border of the Crab Orchard National Wildlife Refuge. The Service would provide the IDOT a right-of-way for 50 years or as long as needed for the highway access to be utilized. Once all NEPA and permitting regulations are satisfied, the Service will issue the ROW to IDOT. In return, the IDOT will provide the Service mitigation, as appropriate, for any impacted Refuge land.

Availability of Resources: Current staffing levels/funding are available to manage this activity. This use will not require a significant increase in staff time or expenditures, as the IDOT will be conducting project activities. The Service will not provide any equipment toward completion of this project.

Anticipated Impacts of the Use: Repair and enhancement of roads in and around the Refuge improves not only public safety, but enhances use by various Refuge user groups including, but not limited to: “Big 6” users, industrial tenants, farmers, grazers, cemetery visitors, etc. The actual project will not involve any tree clearing; therefore, no threat to potential Indiana Bat habitat will occur.

Public Review and Comment: This Compatibility Determination (CD) has been posted for 14 days at the Refuge and in local libraries as well as on the Refuge website. A press release has been sent to local media outlets (television and radio stations).

Determination:

Use is Not Compatible

Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility: To ensure compatibility with the purposes of the Refuge and the mission of the National Wildlife Refuge System, a ROW will be granted with the following stipulations:

1. IDOT will comply with all state and federal environmental policies.
2. IDOT will apply for a ROW permit and comply with all fees/requirements of the SUP.
3. IDOT will notify the Project Leader if Refuge land, outside of the proposed ROW, will be affected during the construction phase of the project.

Justification: This use has been determined compatible as it will not materially interfere with or detract from Refuge purposes, provided the above stipulations are implemented. This use will not diminish the primary purposes of the refuge. This use will comply with Service policy (340 FW 3) and the regulations listed in 50 CFR, 29.21 and 29.22.

NEPA Compliance for Refuge Use Decision

- Categorical Exclusion without Environmental assessment
 Categorical Exclusion and Environmental assessment
 Environmental Assessment and Record of Decision
 Environmental Assessment and Finding of No Significant Impact

Categorical exclusions are classes of actions which do not individually or cumulatively have a significant effect on the human environment. This categorical exclusion is covered by 516 DM 6 and 516 DM 2 (B) (2), Appendix 1, and, as outlined below.

The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.

Signature: Refuge Manager: _____ Date: _____

Concurrence: Regional Chief: _____ Date: _____

Mandatory 10-year Re-evaluation Date: 2023