

Appendix 1. Environmental Action Statement template for categorical exclusion.

U. S. FISH AND WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT FOR CATEGORICAL EXCLUSION

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, 43 CFR §46.210, 43 CFR §46.215, and 516 DM 8.

Proposed Action and Alternatives. *Describe the proposed action and any alternatives explored. Discuss briefly why proposed action was selected over other alternatives.*

The legal provision (16 U.S.C. 668dd-668ee) states that lands within NWRS are closed to public use unless specifically and legally opened. No refuge use may be allowed unless it is determined to be compatible. A compatible use is one that, in the sound professional judgment of the refuge manager, will not materially interfere with or detract from the fulfillment of the mission of NWRS or the purposes of the refuge. All programs and uses must be evaluated based on the mandates set forth in the Improvement Act as follows:

- Contribute to ecosystem goals, as well as refuge purposes and goals;
- Conserve, manage, and restore fish, wildlife, and plant resources and their habitats;
- Monitor the trends of fish, wildlife, and plants;
- Manage and ensure appropriate visitor uses as those uses benefit the conservation of fish and wildlife resources and contribute to the enjoyment of the public; and,
- Ensure that visitor activities are compatible with refuge purposes.

The Improvement Act further identifies six priority wildlife-dependent recreational uses. These uses are hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. During the Comprehensive Conservation Plan process, the following three alternatives assessed visitor services:

Alternative A – No Action (Current Management)

Alternative B – Optimize Wildlife-Dependent Public Use and Management

Alternative C – Maximize Wildlife Dependent Public Use and Management.

Alternative A maintained the current level of visitor services. Alternative B increased opportunities for visitors including addition of a staffed visitor center, increased opportunities and amenities for visitors to participate in the six priority wildlife-dependent recreational uses and other uses.

Alternative C maximized visitor opportunities and amenities on the Refuge.

Alternative C was selected as the preferred alternative. As part of optimizing wildlife-dependent public use opportunities for visitors, the public use program is reviewed to ensure that it contributes to refuge objectives in managing quality recreational opportunities and protecting habitats. The

public use program is subject to modification if current uses results in unanticipated negative impacts to natural communities, wildlife species, or their habitats or if new refuge uses are identified. Compatibility determinations were reviewed, updated and/or developed for public uses currently occurring or requested to be allowed to occur on Clarks River NWR.

Categorical Exclusion(s). Quote and provide the Departmental Manual citation(s) for the specific Categorical Exclusions you are using; if it appears necessary, discuss why you believe the action fits as this Categorical Exclusion; mention that the action does not trigger an Exception to the Categorical Exclusions at 43 CFR §46.215; and/or if it does trigger an Exception, discuss why it does not apply for this action.

Clarks River NWR 2012 Comprehensive Conservation Plan (CCP) Goal D – Objectives D-2, D-3, D-4, D-5, and D-6 specifically relates to the six priority wildlife-dependent recreational uses (Hunting, Fishing, Wildlife Observation and Photography, Environmental Interpretation, and Environmental Education). The specific Categorical Exclusion “(B) Resource management - (9) Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated” applies for the minor changes in:

- Recreational Fishing,
- Recreational Hunting,
- Wildlife Observation,
- Environmental Education and Interpretation,
- Wildlife Photography
- Recreational Bow Fishing.

Clarks River NWR 2012 Comprehensive Conservation Plan (CCP) Goal D – Objectives D-7 specifically relates to promoting Special Uses such as hiking, biking, walking, and horseback riding on Clarks River NWR. The specific Categorical Exclusion “(B) Resource management - (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” applies for the following minor changes to and new special uses:

- Bicycle Use,
- Boating,
- Recreational Dog Walking,
- Horseback Riding,
- Picnicking,
- Exercise and Meditation,
- Ceremonies by Special Use Permit only,
- Commercial Photography by Special Use Permit only
- Commercial Guided Wildlife Observation by Special Use Permit only
- Dog Field Trails by Special Use Permit only
- Firewood Cutting for Personal Use by Special Use Permit only
- Geocaching for Environmental Education by Special Use Permit only
- Recreational Use of Off-road Vehicles by Special Use Permit only
- Release of Rehabilitated Wildlife (Captive or Feral) by Special Use Permit only
- Non-Motorized Competitive Races by Special Use Permit only.

Clarks River NWR 2012 Comprehensive Conservation Plan (CCP) Goal D – Objectives D-7 specifically relates to promoting Special Uses such as research on Clarks River NWR. The specific Categorical Exclusion “(B) Resource management - (7) Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or not introduction of organisms not indigenous to the affected ecosystem” applies for the following special uses:

- Scientific Research by Special Use Permit only
- Unmanned Aerial Systems/Drones by Special Use Permit only
- Collecting Natural Resources by Special Use Permit only

Clarks River NWR 2012 Comprehensive Conservation Plan (CCP) Goal A – Objectives A-1, A-5, A-20, A-21, and Goal B – Objectives B-1, B-2, B-6, B-7, and B-8 specifically relates to the resource and habitat management. The specific Categorical Exclusions “(B) Resource management - (9) Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated” and “(C) Permit and Regulatory Functions – (5) The issuance or reissuance of special use permits for the administration of specialized uses, including agricultural uses, or other economic uses for management purposes, when such uses are compatible, contribute to the purpose of the refuge system unit, and result in no or negligible environmental disturbances are anticipated” applies for the minor changes in:

- Cooperative Farming
- Forest Management for Wildlife Habitat Enhancement and Improvement
- Integrated Exotic, Nuisance, and Pest Management

The CCP (2012) and an Environmental Assessment (2010) considered resource management techniques such as cooperative farming and wildlife habitat enhancement and improvement as well as public uses such as hunting, fishing, wildlife observation and photography, environmental interpretation, environmental education, and other special uses (e.g. horseback riding, hiking, and biking). The 2013 Habitat Management Plan (HMP) further refined resource management techniques to be used on Clarks River NWR.

Permits/Approvals. *Discuss any additional permits/approvals needed before the proposed action can be implemented, such as a Clean Water Act Section 404 permit, Endangered Species Act Section 7 consultation, and/or National Historic Preservation Act Section 106 clearance.*

Finding of Appropriateness were completed for the following public uses:

- Bee Keeping
- Bicycling
- Boating
- Camping
- Ceremonies
- Collecting Natural Resources
- Forest Management for Wildlife Habitat Enhancement and Improvement
- Commercial Photography
- Commercial Guide Observation

- Non-Motorized Competitive Races
- Cooperative Farming
- Recreational Dog Walking
- Dog Field Trails
- Firewood Cutting for Personal Use
- Geocaching for Environmental Education
- Horseback Riding
- Metal Detecting
- Model Boats and Planes
- Recreational Use of Off-Road Vehicles
- Off-trail Bicycling
- Picnicking
- Release of Feral/Captive Wildlife
- Scientific Research and Inventory and Monitoring
- Sewage Disposal
- Swimming
- Unmanned Aerial Systems/Drones
- Water Extraction

Public Involvement/Interagency Coordination. *Discuss the opportunities provided to the public, other agencies, and/or Tribes to get involved with the proposed action, any significant comments they may have made, and our responses.*

During the NEPA process for the CCP, Clarks River National Wildlife Refuge offered multiple opportunities for public input. Initially, a Notice of intent to prepare the comprehensive conservation plan was published in the *Federal Register* on August 29, 2008. The public was notified in the local newspapers and media of public scoping meetings held on September 23 and 25, 2008.

Approximately 10 members of the public attended the public scoping meeting. Four members of the public offered their comments at the public meeting. In addition, 25 other comments were received from the general public.

Additionally, the 2010 Draft CCP and Environmental Assessment (EA) was made available for public review beginning February 15, 2012 and ending March 15, 2012, as announced in the *Federal Register* (77 FR 8890). A news release was sent out to five local newspapers, two local online media outlets, two local TV stations, six local radio networks, and over one hundred state and regional media contacts. Announcements of the availability of the Draft CCP/EA and announcements of three public meetings were made in the *Paducah Sun*, *Marshall County Tribune-Courier*, and broadcast online and on television on *WDRB 41 Louisville*.

Prior to mailing out the 2010 Draft CCP/EA, the Service mailed over 1,700 post cards to landowners that owned land within the expansion area. Copies of the Draft CCP/EA, which included the land protection plan, were then posted at refuge headquarters and on the Service's website, <http://southeast.fws.gov/planning>, under "Draft Documents." More than 300 copies of the Draft CCP/EA were distributed to local landowners, the public, and local, state, and federal agencies. Public meetings were held on February 21, 22, and 23, 2012. More than 270 people attended and many submitted comments at the three public meetings. Approximately fifty-five respondents

submitted written comments on the Draft CCP/EA by mail or e-mail.

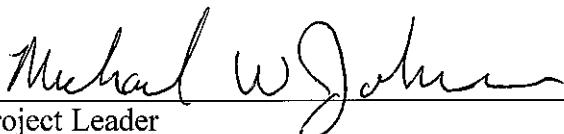
Since new public uses were considered, Clarks River NWR initiated a 30 day public comment period. The Refuge accepted public comments on the proposed determinations for compatible wildlife-dependent recreation and wildlife habitat management uses from February 15, 2017 through March 15, 2017. Notifications of the public comment period were posted on Clarks River NWR website and Facebook page, as well as published in a local newspaper. The Refuge only received one public comment during the 30 day open period. This comment was in support of the proposed determinations for compatible wildlife-dependent recreation and wildlife habitat management uses. The comment also requested that the Refuge expand recreational fishing opportunities to include bow-fishing. In response to this comment, a compatibility determination for bow-fishing was developed.

Supporting Documents. *Supporting documents for this determination include relevant office file material and the following key references: (List document citations here.)*

U. S. Fish and Wildlife Service. 2010. Draft Clarks River National Wildlife Refuge Comprehensive Conservation Plan and Environmental Assessment. Benton, Kentucky. 260 pp.

U. S. Fish and Wildlife Service. 2012. Clarks River National Wildlife Refuge Comprehensive Conservation Plan. Atlanta, Georgia. 266 pp.

U. S. Fish and Wildlife Service. 2013. Clarks River National Wildlife Refuge Habitat Management Plan. Benton, KY. 109 pp.


Project Leader

5-8-17
Date