

**U. S. FISH AND WILDLIFE SERVICE  
DRAFT ENVIRONMENTAL ACTION STATEMENT FOR  
CATEGORICAL EXCLUSION  
FOR  
2024-25 BAYOU TECHE NATIONAL WILDLIFE REFUGE HUNT PACKAGE**

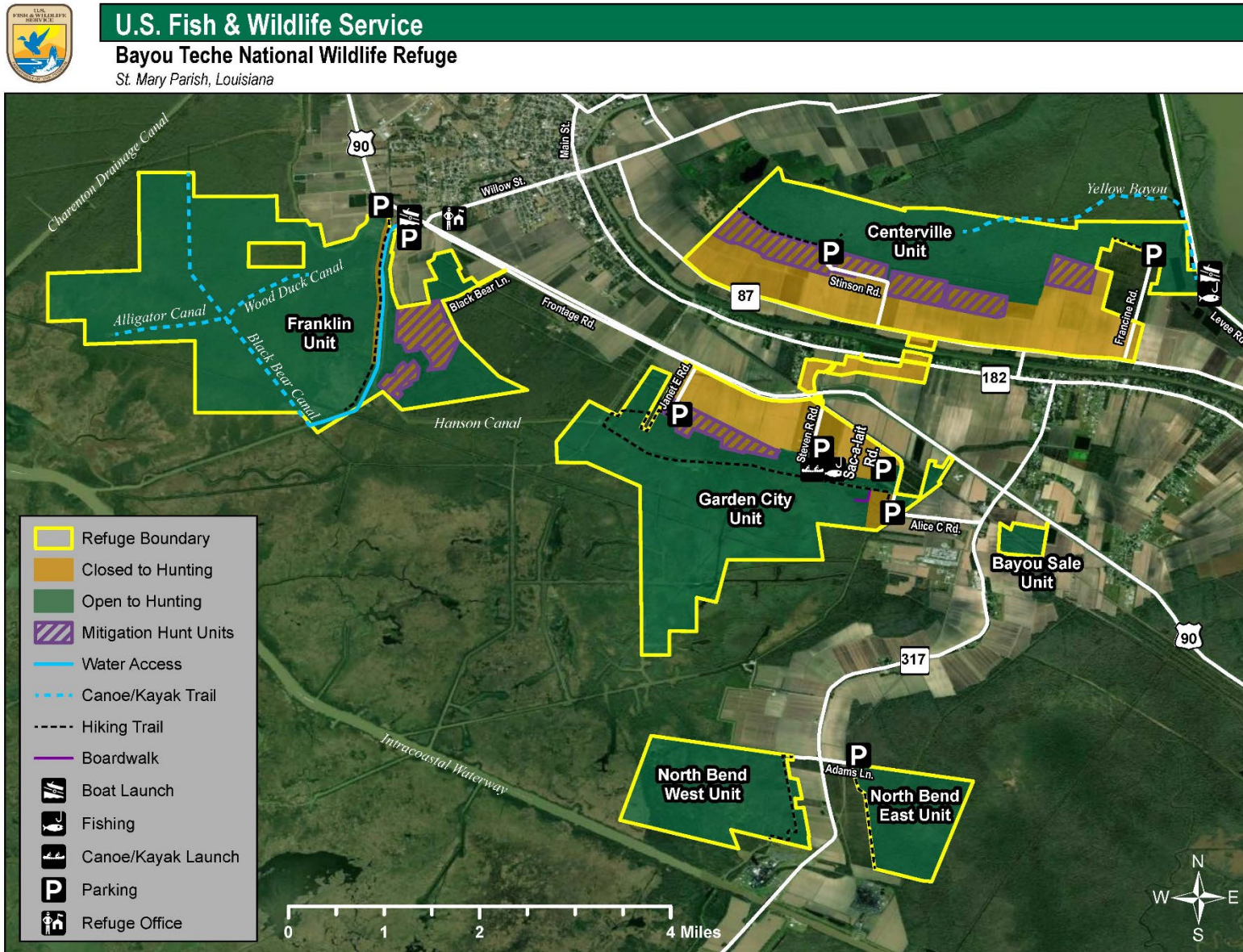
The U.S. Fish and Wildlife Service (Service, USFWS) is proposing to expand existing hunting opportunities at Bayou Teche National Wildlife Refuge (NWR, refuge) for: (1) migratory birds (firearms) and (2) white-tailed deer (*Odocoileus virginianus*) with incidental take of feral hog (*Sus scrofa*) (archery). The Service recently acquired approximately 835.19 acres, known as the Mitigation Tracts, for the refuge; see the hatched areas on Figure 1. Under the proposal and as outlined in Figure 1, the Service will add 835.19 acres to the refuge's existing public hunting program as a new hunt unit to be named Mitigation Units in accordance with the 2021-22 Southeast Louisiana Refuges Complex Hunt Package (including the Bayou Teche NWR Hunting Plan and Environmental Assessment [EA] for Migratory Game Birds, Upland Game, and Big Game; USFWS 2021); the Bayou Teche NWR Comprehensive Conservation Plan (CCP) / EA / Finding of No Significant Impact (FONSI) (USFWS 2009a, 2009b); and Federal, state, local, and refuge-specific regulations. The 2021-22 Hunt Package built on and updated the refuge's hunt program and 2007 Hunt Package (USFWS 2007). The 2021-22 Hunt Package specifically included and analyzed the 835.19-acre Mitigation Tracts in anticipation of their future acquisition and inclusion in the refuge's hunt program.

Within the spirit and intent of the Council on Environmental Quality's (CEQ'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 further NEPA documentation requirements consistent with 40 Code of Federal Regulations (CFR) Part 1508, 43 CFR §46.205, 43 CFR §46.210, 43 CFR §46.215, and 516 DM 8.5.

The Service has fully satisfied the other requirements for expanding these opportunities on the refuge, as listed.

- ✓ determining that the opportunities are compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System

Figure 1. Existing and 2024-25 Proposed Hunt Units for Bayou Teche National Wildlife Refuge



- ✓ ensuring the opportunities are consistent with existing state, local, and refuge-specific regulations (50 CFR §32.20b)
  - \*Use of signs and brochures may supplement the refuge-specific regulations
- ✓ complying with NEPA
- ✓ 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
  - 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).

Proposed Action:

The Proposed Action will make minor changes to the existing hunting program of Bayou Teche NWR through the addition of 835.19 acres in a new hunt unit to be named Mitigation Units for the hunting of: (1) waterfowl (firearms) and (2) white-tailed deer with incidental take of feral hog (archery). This Categorical Exclusion/Environmental Action Statement (CatEx/EAS) tiers from the existing 2021-22 Southeast Louisiana Refuges Complex Hunt Package (including the Bayou Teche NWR Hunting Plan and EA for Migratory Game Birds, Upland Game, and Big Game; USFWS 2021) and the Bayou Teche NWR CCP/EA/FONSI (USFWS 2009a, 2009b). The 2021-22 Hunt Package specifically included and analyzed these tracts in anticipation of their acquisition.

Under the Proposed Action, the Service will open an additional 835.19 acres on Bayou Teche NWR in a new hunt unit to be named Mitigation Units (Figure 1) in accordance with existing federal, state, local, and refuge-specific regulations; the 2021-22 Southeast Louisiana Refuges Complex Hunt Package (including the Bayou Teche NWR Hunting Plan and EA for Migratory Game Birds, Upland Game, and Big Game; USFWS 2021); and the Bayou Teche NWR CCP/EA/FONSI (USFWS 2009a, 2009b). Under the proposal and as previously analyzed, the Service will expand the current migratory bird hunting (firearms) and big game hunting (archery white-tailed deer with incidental take of feral hog) from the existing 8,937 acres to a new total of 9,772.82 acres (i.e., the existing 8,937 acres in 6 existing hunt units in the Bayou Sale, Centerville, Franklin, Garden City, North Bend East, and North Bend West units; the existing 2,021-acre Closed Area; and the proposed 835.19-acre

Mitigation Units). As depicted in Figure 1, the proposal adds the new 835.19-acre hunt area as the Mitigation Units. Generally, hunting on the refuge annually occurs from mid-September to mid-February. For clarity, since the Proposed Action only includes waterfowl hunting and archery hunting, lead ammunition is not included.

Previously, the 835.19 acres of the proposed refuge hunt unit were part of a private mitigation bank that had approximately 20 hunters. Potentially, the Proposed Action could be expected to increase the annual hunting visits on the refuge from the current 236 to a new total of up to between 250 and 270 from the additional 835.19 acres. The associated increase in anticipated annual take of white-tailed deer would be up to 5 with incidental annual take of feral hog of up to 3, while anticipated annual take of migratory birds would be up to 45. However, the first year or so may see higher-than-expected average take due to the newly opened nature of the hunt unit.

Similar to the existing hunt units and as previously analyzed, the Mitigation Units include bottomland hardwood forest with very shallow, seasonally wet drainage ditches, and marsh.

The existing 8,937-acre hunt program has not resulted in adverse impacts, including to listed species. The increase in acres, hunting visits, and take of white-tailed deer, feral hog, and migratory birds under the Proposed Action would not be expected to change this. Many hunt days during the work week do not have any hunt visitors to the refuge.

The Proposed Action is part of the larger refuge management and hunt program to maintain plant and animal populations at healthy levels while supporting opportunities for appropriate and compatible priority public use.

Specific changes proposed for the existing Sport Hunting Plan are listed.

- Following the second Federal Register notice and approval of the Proposed Action, Figure 1 here would replace Figure 1 (Bayou Teche NWR Hunt Units) in the 2021 Bayou Teche NWR Hunting Plan (USFWS 2021).
- Following the second Federal Register notice and approval of the Proposed Action, 50 Code of Federal Regulations (CFR) §32.27 would be updated to reflect the new Mitigation Units.

#### Categorical Exclusions:

Multiple categorical exclusions apply to the Proposed Action, 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. Examples could include minor changes in the type and location of compatible public use activities and land management practices.

This CatEx/EAS tiers from the existing 2021-22 Southeast Louisiana Refuges Complex Hunt Package/EA/FONSI (USFWS 2021) and the Bayou Teche NWR CCP/EA/FONSI (USFWS 2009a, 2009b). The Proposed Action and hunt area were previously included and analyzed in the 2021-22 Southeast Louisiana Refuges Complex Hunt Package/EA/FONSI (USFWS 2021) with the clearly stated intent to add newly acquired properties to the hunt program following acquisition.

Incorporated herein by reference, the draft Section 7 biological evaluation for the Proposed Action found Not Likely to Jeopardize for the alligator snapping turtle (*Macrochelys temminckii*) and monarch butterfly (*Danaus plexippus*) and found No Effect for West Indian manatee (*Trichechus manatus*). The West Indian manatee is not present in the action area or in areas used to access the action area.

The Proposed Action:

- Was previously analyzed, with no additional anticipated impacts;
- Includes (1) migratory birds (firearms) and (2) white-tailed deer (*Odocoileus virginianus*) with incidental take of feral hog (*Sus scrofa*) (archery);
- Includes an increase in annual hunting visits from the current 236 to a new total of up to between 250 and 270 for the refuge;
- Includes additional annual take of up to 45 migratory birds;
- Includes additional annual take of up to 3 white-tailed deer with incidental annual take of up to 2 feral hogs; and
- Represents a minor change to the refuge's existing hunt program.

As outlined above and tiering from the referenced NEPA and planning documents, the Proposed Action is categorically excluded from further NEPA documentation. Further, this Proposed Action would not trigger an extraordinary circumstance precluding the use of a Categorical Exclusion as outlined under (43 CFR §46.215).

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

**Could This Proposed Action:**

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.)*

#### Permits/Approvals:

Endangered Species Act Section 7 Intra-Service Biological Evaluations were completed with the 2021-22 Southeast Louisiana Refuges Complex Hunt Package (USFWS 2021) and the CCP (USFWS 2009b). The 2021-22 Hunt Package and its Section 7 previously included and analyzed this action; the 2021 Section 7’s findings were No Effect and Not Likely to Adversely Affect (USFWS 2021). A new Endangered Species Act Intra-Service Section 7 Biological Evaluation was completed for the Proposed Action with the Service’s Louisiana Ecological Services Field Office to evaluate any potential impacts to federally listed species, finding Not Likely to Jeopardize for the alligator snapping turtle and monarch butterfly, and finding No Effect for West Indian manatee.

Current federal and state wildlife law enforcement resources are sufficient to monitor the use of the additional hunt acres; the presence of these officers will provide a deterrent to the take of non-target species. Given the small size of the units, few expected additional hunters, nature of the migratory bird (firearms) and white-tailed deer (archery) hunts, additional impacts from the Proposed Action would be minimized, including impacts to listed species.

#### Public Involvement/Interagency Coordination:

Public involvement, engagement of potentially interested Native American Tribes, and interagency coordination related to the Proposed Action were previously conducted during the planning processes for the refuge’s 2007 Sport Hunting Plan (USFWS 2007), CCP (USFWS 2009a, 2009b), and 2021-22 Southeast Louisiana Refuges Complex Hunt Package (USFWS 2021). Since the Proposed Action continues implementation of these previously approved plans, the Refuge Manager sent coordination letters on December 6, 2023, to the state of Louisiana

Department of Wildlife and Fisheries and to the Chitimacha Tribe of Louisiana, Alabama-Coushatta Tribe of Texas, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, and Tunica-Biloxi Indian Tribe of Louisiana. Since the Proposed Action represents a minor change to those previously approved documents and since no or negligible impacts would be anticipated, public involvement and additional interagency coordination were conducted through the 2024-2025 Hunting and Sport Fishing rulemaking action with public notice through the Federal Register (<https://www.federalregister.gov/>) and the refuge's website (<https://www.fws.gov/refuge/bayou-teche>).

#### Supporting Documents:

Supporting documents for this determination include relevant office file material and the listed key references.

U.S. Fish and Wildlife Service. 2007. Bayou Teche National Wildlife Refuge Sport Hunting Package: EAS, Sport Hunting Plan, Environmental Assessment, Compatibility Determination, FONSI, Section 7, Letter of Concurrence, Press Release, Outreach Plan. Southeast Region. April 2007. Atlanta, GA. 67 pp. <https://ecos.fws.gov/ServCat/Reference/Profile/34718>.

U.S. Fish and Wildlife Service. 2009a. Bayou Teche National Wildlife Refuge Comprehensive Conservation Plan. U.S. Department of the Interior, U.S. Fish and Wildlife Service, Southeast Region. October 2009. Atlanta, GA. 122 pp. <https://ecos.fws.gov/ServCat/Reference/Profile/135841>.

U.S. Fish & Wildlife Service. 2009b. Draft Comprehensive Conservation Plan and Environmental Assessment, Bayou Teche National Wildlife Refuge. U.S. Department of the Interior, U.S. Fish and Wildlife Service, Southeast Region. May 2009. Atlanta, GA. 152 pp. <https://ecos.fws.gov/ServCat/Reference/Profile/135843>.

U.S. Fish and Wildlife Service. 2021. 2021-22 Hunt Package for Bayou Sauvage, Bayou Teche, Big Branch Marsh, Bogue Chitto, Cat Island, Delta, and Mandalay NWRs, Southeast Louisiana Refuges Complex; Orleans, Plaquemines, St. Mary, St. Tammany, Terrebonne, Washington, and West Feliciana Parishes, Louisiana and Pearl River County, Mississippi. U.S. Department of the Interior, U.S. Fish and Wildlife Service, Southeast Region. August 2021. Atlanta, GA. <https://ecos.fws.gov/ServCat/Reference/Profile/158637>.



*Within the spirit and intent of the CEQ's regulations for implementing NEPA and other statutes, orders, and policies that protect fish and wildlife resources, I have established this 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: