Categorical Exclusion Checklist for NEPA Compliance

Proposed Action

The National Elk Refuge (Refuge) is proposing to extend the 2019 Bison and Elk Management Step-Down Plan (Step-Down Plan) on a short-term basis while the U.S. Fish and Wildlife Service (Service) continues to plan for the long-term management of bison and elk on the Refuge through the ongoing development of an updated Bison and Elk Management Plan (BEMP) and Environmental Impact Statement (EIS). The Step-Down Plan, which authorizes the Service to take certain management actions to reduce the elk herd's reliance on supplemental feeding, was originally set to expire on December 31, 2024. A short-term extension is necessary until the BEMP and EIS are completed. Under a limited extension of the Step-Down Plan, biologists from the Service and Wyoming Game and Fish Department (WGFD) would continue to collaborate in delaying the initiation of supplemental feeding, deter elk from finding the feed grounds, and encourage elk to utilize native winter range. In addition, and in accordance with the Step-Down Plan, the Service would coordinate with WGFD to end feeding earlier in the season, thereby reducing the duration of supplemental feeding and encouraging elk on the Refuge to spread out and utilize natural food resources in an effort to reduce potential disease transmission.

Categorical Exclusion

This proposed action is covered by the categorical exclusion 516 DM 8.5 A(1): Changes or amendments to an approved action when such changes have no or minor potential environmental impact.

The Service is proposing to amend the Step-Down Plan signed in 2019 by extending the plan on a short-term basis until the updated BEMP and EIS are completed. Categorical exclusion 516 DM 8.5 A(1) applies to this amendment because implementation of the Step-Down Plan over the past five years has proven that this plan has not had a significant impact on the environment and a short-term extension is likewise expected to result in no more than minor impacts on the environment. The reduction in the feed season length (number of days the Refuge provides supplemental feed to bison and elk) on the Refuge as outlined in the Step-Down Plan has not had more than minor impacts on bison and elk population size or dynamics, habitat, or other wildlife on the Refuge. Given these minor impacts, there have been no notable impacts to public recreation (e.g., wildlife observation, sleigh rides, or recreational hunting and guiding) from implementing the Step-Down Plan. Reducing feed season length has resulted in some minor cost savings to the Service because of the lower amount of feed rations provided on an annual basis. Additionally, under the Step-Down Plan, the Service has only made small reductions in supplemental feeding, so the majority of elk and bison have remained on the Refuge during the winter, resulting in little to no change of bison and elk moving off the Refuge and impacting private lands. Continuing to implement the Step-Down Plan on a short-term basis should similarly have no more than minor impacts.

While the Service is concerned about the long-term impact of Chronic Wasting Disease (CWD) on the Refuge's elk herd (which is one of the main reasons for updating the BEMP), CWD prevalence in the elk herd currently remains at trace levels (less than 1 percent), with only one elk testing positive (December 2020) for the disease. The Service anticipates CWD levels within the elk herd will remain low over the short-term providing sufficient time for the Service to complete the BEMP and EIS, which will contain a longer-term, more effective strategy for

reducing the potential impacts of CWD and other diseases on the elk herd. If the Service's extensive monitoring does demonstrate a notable increase in CWD prevalence in the short-term, the Service may need to re-evaluate this action. However, based on current and anticipated conditions during this short-term extension of the Step-Down Plan, no more than minor environmental impacts are anticipated.

For all of these reasons, this amendment to extend implementation of the Step-Down Plan until the updated BEMP and EIS are finalized aligns with Categorical Exclusion, 516 DM 8.5 A(1).

Extraordinary Circumstances (43 CFR 46.215)

There are certain extraordinary circumstances under which actions otherwise covered by a categorical exclusion require further analyses under the National Environmental Policy Act (NEPA). Below we discuss those extraordinary circumstances and whether they apply to this proposed action.

Could this Proposed Action…

a. Have significant adverse effects on public health or safety? No. Public access to the Refuge and surrounding lands will not change as a result of this action. No health or safety hazards will result from this action.
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? No. As outlined above, this action will not result in any more than minor impacts to the Refuge, Grand Teton National Park (GTNP), or any of the natural resources or unique geographic characteristics in the action area.
c. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]? No. There is no controversial environmental effect or unresolved conflict regarding the proposed short-term extension of the Step-Down Plan. To the extent there is controversy or conflict, it involves the long-term issue of supplemental feeding of bison and elk on the Refuge. The short-term extension of the Step-Down Plan is necessary to provide more time so that the Service can make a more informed decision in the BEMP and EIS that best allows for the long-term management of the bison and elk. Further, because the environmental effects of the Step-Down Plan over the last five years have been minor, they should remain minor during this short-term extension. CWD prevalence is also anticipated to remain very low over this time, despite continued supplemental feeding. In contrast, abruptly ending the Step-Down Plan would likely have significant impacts on the environment.
d. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? No. Because the Service has already been implementing the Step-Down Plan for five years and is only proposing a short-term extension, the effects of this action are well-known and predictable.
e. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. The Service is already

developing a new long-term BEMP and EIS that will depart from this Step-Down Plan, which demonstrates that extension of the Step-Down Plan does not set precedent or establish a decision in principle about future actions. The Step-Down Plan has always been intended to inform long-term management decisions for bison and elk. Continuing implementation in the short-term will only result in giving the Service more information and data to make more informed decisions in the BEMP and EIS.

f. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? No. There are no known planned actions in the area that will have cumulative effects with this action in the short-term.

g. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau? No. Section 106 of the National Historic Preservation Act compliance was completed for the Step-Down Plan and the associated Environmental Assessment (EA), and it was concluded that there would be no significant impacts on the National Register of Historic Places or other cultural resources. This extension of the Step-Down Plan would likewise have no adverse effects on any cultural resources.

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? No. The Service completed Endangered Species Act Section 7 consultation for the Step-Down Plan and associated EA, and it was determined that there would be no adverse impacts on listed species or their habitat. Additionally, the Refuge was recently granted an extension of the 2016 Biological Opinion (BO) for grizzly bears related to the Refuge's bison and elk management as outlined in the original BEMP and Step-down Plan, which concluded: "The incidental take statement included in our 2016 BO allowed for the removal of seven (7) grizzly bears until 2022. Since the original 2007 BO issuance, one bear has been taken. Given the history provided, the conservation status of grizzly bear in the project area, the commitments by the GTNP and [the Refuge] regarding continued operation, and ongoing efforts to educate the public on bear safety, the Service authorizes an extension as requested in order to accommodate the completion of the new [BEMP], the associated formal consultation, and the NEPA analysis. This letter extends the date of the 2016 BO through September 30, 2025."

i. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? No. The project complies with applicable law, regulation, and policy.

j. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898). No. Users of the project area are not predominantly low-income or minority populations.

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). No. This action will not increase ground disturbance by wildlife or humans or otherwise affect access to or the physical integrity of such sacred sites.

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). No. The Service takes stringent measures to ensure the supplemental feeding program does not increase the introduction, continued existence, or

spread of noxious weeds or non-native invasive species known to occur in the area. Reducing the supplemental feeding program, as outlined in the Step-Down Plan, further reduces this risk by reducing human activity, equipment, and alfalfa pellets that could introduce invasive species. Short-term extension of the Step-Down Plan will only have continued minor beneficial impacts on reducing the risk of invasives on the Refuge.

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? No. This action is not expected to have adverse effects on floodplains, wetlands, natural streams, or bodies of water. Implementation of the Step-Down Plan over the past five years has demonstrated that it did not make any more than minor changes to how elk and bison are distributed throughout the landscape. As such, there has been no change in how these animals impact wetlands, natural streams, or bodies of water on the Refuge and there are expected to be no impacts on these resources from short-term continued implementation of the Step-Down Plan.

Determination

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing 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 516 DM 8.5. No further NEPA documentation will therefore be made.

Service Approval Signature

Signature FRANCIS DURBIAN Digitally signed by FRANCIS DURBIAN Date: 2024.12.04 08:03:38 -07'00' Date: _____

Frank Durbian
Project Leader, National Elk Refuge