

# **Environmental Assessment for Edenton National Fish Hatchery Fishing Plan**

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March 15, 2019

**U.S. Fish and Wildlife Service  
Southeast Region  
Fish and Aquatic Culture  
1875 Century Boulevard NE,  
Atlanta, Georgia 20345**

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# ENVIRONMENTAL ASSESSMENT FOR FISHING ON EDENTON NATIONAL FISH HATCHERY

**Date: March, 2019**

This Environmental Assessment (EA) is being prepared to evaluate the effects associated with this proposed action and complies with the National Environmental Policy Act (NEPA) in accordance with Council on Environmental Quality regulations (40 CFR 1500-1509) and Department of the Interior (43 CFR 46; 516 DM 8) and U.S. Fish and Wildlife Service (550 FW 3) regulations and policies. NEPA requires examination of the effects of proposed actions on the natural and human environment.

## **Proposed Action**

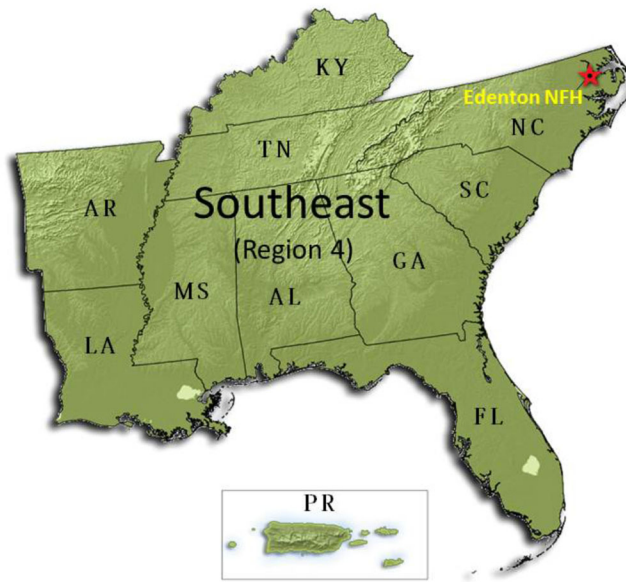
The U.S. Fish and Wildlife Service (Service) is proposing to expand fishing opportunities for all legal species on Edenton National Fish Hatchery in accordance with Edenton Fish Hatchery Fish Plan. Fishing opportunities specified in the plan describe those fishing activities that have been occurring on the hatchery as part of standard hatchery operations. It is important to note that fishing activities on the hatchery are in agreement with the State of North Carolina fishing regulations.

This proposed action is often iterative and evolves over time during the process as the agency refines its proposal and learns more from the public, tribes, and other agencies. Therefore, the final proposed action may be different from the original. The final decision on the proposed action will be made at the conclusion of the public comment period for the EA and the Draft 2019-2020 Hatchery-Specific Sport Fishing Regulations.

## **Background**

The Edenton National Fish Hatchery was established by Act of Congress 71 Statute 264, approved on July 7, 1898. The primary purpose was for production of warmwater fish, including American shad (*Alosa sapidissima*) and striped bass (*Morone saxatilis*). The hatchery property consists of 63.59 acres.

Location of the project: Chowan County, North Carolina, Edenton Township 36-03-27N, 76-38-22W.



National Fish Hatchery areas are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life and managed for the protection of all species of wildlife (50 CFR Ch.1 70.1)

It is a priority of the Service to provide for wildlife-dependent recreation opportunities, including hunting and fishing, when those opportunities are compatible with the purposes for which the hatchery was established and the mission of the Fish and Wildlife Service. (DOI Secretarial Order 3356)

### **Purpose of and Need for Action**

The purpose of this proposed action is to provide compatible wildlife-dependent recreational opportunities on Edenton National Fish Hatchery. The need of the proposed action is to meet the Service's priorities and mandates as outlined by the Secretary of the Department of Interior to "recognize compatible wildlife-dependent recreational uses as the priority general uses of the Federal Lands and "ensure that opportunities are provided within the National Fish Hatchery system for compatible wildlife-dependent recreational activities.

This Environmental Assessment (EA) is being prepared to evaluate the effects associated with this proposed action and complies with the National Environmental Policy Act (NEPA) in accordance with Council on Environmental Quality regulations (40 CFR 1500-1509) and Department of the Interior (43 CFR 46; 516 DM 8) and U.S. Fish and Wildlife Service (550 FW 3) regulations and policies. NEPA requires examination of the effects of proposed actions on the natural and human environment.

## **Alternatives Considered**

The Proposed Alternative describes the actions currently underway at the Edenton Fish Hatchery and represents an agreement with the State of North Carolina. There are no unresolved conflicts about the proposed action with respect to the alternatives uses of available resources, because, based upon input from interested parties, there is agreement that the proposed action is sufficient. Therefore, the Service does not need to consider additional alternatives (43 CFR 46.310).

“When the Responsible Official determines that there are no unresolved conflicts about the proposed action with respect to alternative uses of available resources, the environmental assessment need only consider the proposed action and does not need to consider additional alternatives, including the no action alternative. (43 CFR 46.310).”

## **Alternative A (Proposed Alternative)**

Fishing is allowed on the hatchery during special events such as National Fishing and Boating Week, derbies and clinics for youth groups, handicapped, and elderly veterans. These derbies are in special production ponds that have been stocked with catchable size fish, normally striped bass, hybrid striped bass, and/or channel catfish.

This proposal would expand fishing to the area of the hatchery near the water intake that fronts on Pembroke Creek. In general, the Service would follow all regulations of the State of North Carolina on lands it owns.

Fishing opportunities will be open to the public during hatchery working hours and on hatchery property fronting Pembroke Creek including the hatchery boardwalk. Fishing allowed follows State of North Carolina fishing regulations, links to which may be found in the Hatchery Fishing Plan (attached). Where allowed, fishing on the hatchery land follows the season dates and catch limits outlined in the state of North Carolina regulations. This consistency with the state helps reduce confusion when anglers participate in fishing activities on Service lands.

The hatchery hosts special fishing events for children, veterans, and other special needs groups periodically through the warm weather months of the year. The schedule of those activities is planned on a yearly basis and information may be obtained from the hatchery staff.

Anglers will be allowed to take all species allowed by State of North Carolina Fishing Regulations.

The Hatchery has prepared a fishing plan (Appendix 1), which is presented in this document as the Proposed Alternative. Hatchery specific regulations include:

- Camping, overnight use, and fires are prohibited.
- Cleaning of fish on the hatchery is prohibited.
- Fishing on hatchery lands is allowed during hatchery open hours only.
- Pets must be on leash while on the hatchery.

## **Alternative B – No Action Alternative**

Under Alternative B the Edenton National Fish Hatchery would be closed to public fishing. This alternative would close all Hatchery lands to the public for fishing. The Service would operate the Hatchery as usual for the propagation of fish and other aquatic species. No special fishing events would be hosted at the Hatchery for the public.

## **Permits, Licenses, and Other Compliance Required**

A valid fishing license from the State of North Carolina for inland waters will be required to fish from the hatchery. No Federal permit or other compliance will be necessary.

## **Affected Environment**

### **Hatchery Lands**

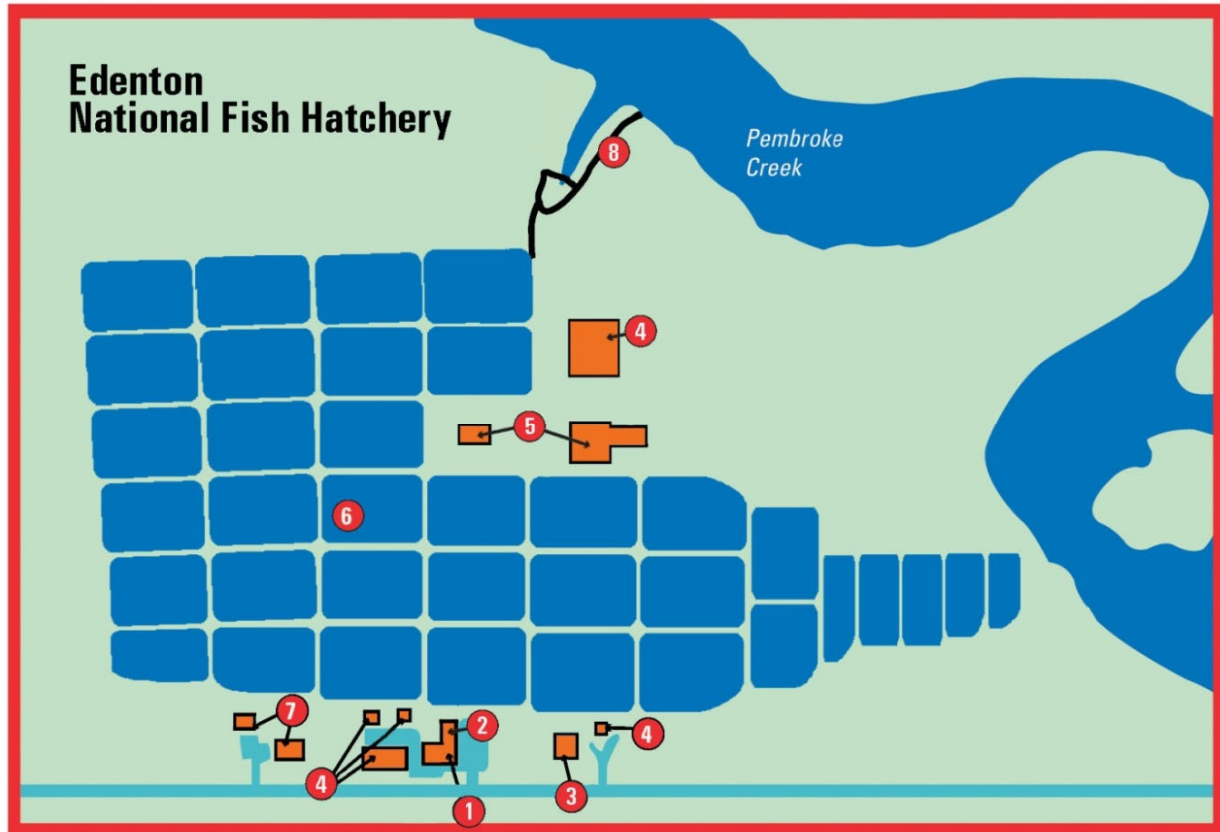
Edenton National Fish Hatchery is located in Chowan County, North Carolina near the town of Edenton (See below satellite image with the proposed fishing spot marked).



The hatchery consists of 63.59 acres. Most of the hatchery land area is dedicated to fish production ponds and facilities. The primary species raised in the ponds is Atlantic strain striped bass, though largemouth bass, channel catfish, bluegill, and other recreational species are raised in the ponds, while American shad and lake sturgeon are raised inside the culture buildings. The bulk of



unutilized land is dominated by wetlands and cypress trees, and is not conducive to shoreline fishing and has not been prepared for public access. Fishing access is proposed for a small length of shoreline near the Pembroke Creek water intake and the boardwalk from the intake area to Pembroke Creek. All in “8” on the below map:



- 1 – Parking
- 8 – Public Fishing Access

### Threatened, Endangered, and Candidate Species

No listed or at-risk species will be impacted by fishing access. The Bald Eagle is a transient species in the area but they would not be impacted.

### Environmental Consequences of the Action

This section analyzes the environmental consequences of the action on each affected resource, including direct and indirect effects. This EA only includes the written analyses of the environmental consequences on a resource when the impacts on that resource could be more than negligible and therefore considered an “affected resource”. Any resources that will not be more than negligibly impacted by the action have been dismissed from further analyses.



Table 1 provides a brief description of the affected resources in the proposed action area and impact of the proposed action on those resources, including direct and indirect effects.

**TABLE 1. AFFECTED NATURAL RESOURCES AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

NATURAL RESOURCES	
AFFECTED RESOURCE	ANTICIPATED DIRECT AND INDIRECT IMPACTS
<p><b>[Species to Be Hunted/Fished]</b></p> <p>All fish species legal under North Carolina State Fishing Regulations, including but not limited to:</p> <p>Black crappie Bluegill Bowfin Brown bullhead Flier Largemouth bass Longnose gar Pumpkinseed Redear sunfish Striped bass Warmouth White catfish White perch Yellow perch</p> <p>Pembroke Creek receives heavy recreational fishing and boating pressure, however that activity is outside of the authority of the Hatchery.</p>	<p><b>Alternative A:</b></p> <p>This proposed action would allow fishing on approximately one hundred linear feet of shoreline and the hatchery boardwalk.</p> <p>Due to the limited scope and nature of the opening to an already heavily utilized waterway, no impact is anticipated to resident wildlife other than the actual fish being caught.</p> <p><b>Alternative B:</b></p> <p>This proposed action would not change hatchery operations and would have no impact to natural resources. Fish populations would not change because the fishing pressure experienced at the Hatchery is not sufficient to impact fish populations.</p>
<p><b>Other Wildlife and Aquatic Species</b></p> <p>Other wildlife present on the hatchery include snakes, turtles, songbirds, herons, ducks, and geese.</p>	<p><b>Alternative A:</b></p> <p>Public fishing may result in brief disturbance to wildlife as anglers walk through the working area of the fish ponds however, due to the limited number of anglers that visit and the managed nature of the area around the ponds which are accessed daily by Hatchery staff disturbance will be minimal. Visitors do not access wooded areas of Hatchery lands and no public facilities are available to the public in those areas so no impacts are expected.</p> <p><b>Alternative B:</b></p>

	<p>Not allowing fishing would have no impact on other wildlife. The areas around the propagation ponds will continue to be accessed daily by staff creating the same types of disturbance described in Alternative A.</p>
<p><b>Threatened and Endangered Species and Other Special Status Species</b></p> <p>There are no listed or imperiled species on the hatchery beyond those which may be cultured inside the fish culture buildings.</p> <p>There are occasional transient species such as bald eagles sighted on the hatchery.</p>	<p><b>Alternative A:</b></p> <p>Bald Eagles occasionally transit the area but there are no nests on Hatchery property and no impacts are anticipated under this alternative.</p> <p><b>Alternative B:</b></p> <p>There are no anticipated impacts to listed or imperiled species under this alternative.</p>
<p><b>Vegetation (including vegetation of special management concern)</b></p> <p>Vegetation consists mainly of grass which is regularly mowed and cypress trees, with trees such as sweetgum, oak, and maple a short distance inland.</p>	<p><b>Alternative A:</b></p> <p>Impacts to vegetation around ponds and the fishing pier are not expected to increase due to public fishing. Staff would use these areas in the absence of fishing and therefore no change is anticipated. The public does not access forested areas and therefore no impacts to those vegetative communities are anticipated.</p> <p><b>Alternative B:</b></p> <p>There are no anticipated impacts to vegetation under this alternative.</p>
<p><b>Geology &amp; Soils</b></p> <p>The soils of the hatchery consist predominantly of clay. The water retention properties of clay are one of the primary reasons the hatchery was located here.</p>	<p><b>Alternative A:</b></p> <p>There are no anticipated impacts to soils under this alternative.</p> <p><b>Alternative B:</b></p> <p>There are no anticipated impacts to soils under this alternative.</p>
<p><b>Water Resources</b></p> <p>Pembroke Creek is a blackwater tidal creek with good quality water that serves as one of the hatchery's water supplies.</p>	<p><b>Alternative A:</b></p> <p>There are no anticipated impacts to water resources under this alternative. The public is already fishing the area adjacent to the fish hatchery by boat.</p> <p><b>Alternative B:</b></p> <p>There are no anticipated impacts to water resources under this alternative. The public is already fishing the area adjacent to the fish hatchery by boat.</p>
<p><b>Wetlands</b></p> <p>Pembroke Creek is bordered by wetlands, dominated by cypress trees.</p>	<p><b>Alternative A:</b></p> <p>There are no anticipated impacts to wetlands on the hatchery. Cypress swamp is not conducive to foot travel or fishing. Anglers will not access those areas.</p>

	<p><b>Alternative B:</b> There are no anticipated impacts to wetlands under this alternative.</p>
<b>Wilderness:</b>	<p><b>Alternative A:</b> N/A</p> <p><b>Alternative B:</b> N/A</p>

**TABLE 2. AFFECTED VISITOR USE AND EXPERIENCE AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>VISITOR USE AND EXPERIENCE</b>	
<b>AFFECTED RESOURCE</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
<p>Visitation to the hatchery averages around 2,600 people per year. Current recreation and visitor use includes:</p> <ul style="list-style-type: none"> <li>- Visiting the indoor aquarium</li> <li>- Observing aquaculture operations on the ponds and inside the culture buildings.</li> <li>- Birdwatching</li> <li>- Fishing in the propagation ponds by special needs groups.</li> </ul>	<p><b>Alternative A</b></p> <p>There are no anticipated impacts to aquarium visitation or observation of aquaculture operations since these are in separate areas of the hatchery from the proposed fishing location.</p> <p>There may be visitors attempting to birdwatch in the proposed fishing location, but with both activities being generally quiet, no contention is anticipated.</p> <p><b>Alternative B:</b></p> <p>Cessation of fishing on the hatchery will remove this opportunity for some anglers including young anglers who visit the hatchery to learn to fish and who participate in special fishing events. The Fishing Pier at Pembroke Creek offers access to handicapped anglers. Under this alternative that opportunity for fishing access to mobility impaired individuals will be removed.</p> <p>No impacts are anticipated to visitor experiences at the aquarium or for those observing aquaculture operations.</p>

**TABLE 3. AFFECTED CULTURAL RESOURCES AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>CULTURAL RESOURCES</b>	
<b>AFFECTED RESOURCE</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
There are no known resources	<p><b>Alternative A:</b> N/A</p> <p><b>Alternative B:</b> N/A</p>

**TABLE 4. AFFECTED HATCHERY MANAGEMENT AND OPERATIONS AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>HATCHERY MANAGEMENT &amp; OPERATIONS</b>	
<b>AFFECTED RESOURCE</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
<p><b>Land Use:</b></p> <p>The primary land use on the hatchery is for aquaculture operations. Ponds are utilized for extensive grow out of numerous fish species, while culture buildings are utilized for spawning and intensive culture of several aquatic species.</p> <p>Visitation is an important secondary use and the hatchery is already well adapted to conducting work while visitors observe, ask questions, birdwatch, and engage in photography.</p>	<p><b>Alternative A:</b></p> <p>There may be a slight increase in visitation from this alternative, but no impact to station operations is anticipated other than staff having to empty recycle and trash containers at the proposed location.</p> <p><b>Alternative B:</b></p> <p>There will be no impacts under the no action alternative.</p>
<p><b>Administration</b></p> <p>The Edenton National Fish Hatchery has a staff of six: Four biological, one administrative, and one maintenance. The station budget is approximately \$660,000 per year and Edenton is the</p>	<p><b>Alternative A:</b> Initial start up is estimated to cost \$1,800 in materials with an annual maintenance and staff cost of \$4,500. This will be paid for out of hatchery operations funding (1311). Staff will oversee the fishing program. While this would impact the administration of the hatchery, it would not be significant because the hatchery would still be</p>

<p>largest striped bass producer in the National Fish Hatchery System.</p> <p>Outreach is an important secondary activity, with a public aquarium on site as well as regularly scheduled tours, educational events, and fishing events for special needs groups.</p>	<p>able to carry out its other priority actions and obligations in meeting the purpose of the hatchery and the mission of the FAC Program.</p> <p><b>Alternative B:</b> There are no anticipated costs with the no action alternative.</p>
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**TABLE 5. AFFECTED SOCIOECONOMICS AND ANTICIPATED IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>SOCIOECONOMICS</b>	
<b>AFFECTED ENVIRONMENT</b>	<b>ANTICIPATED DIRECT AND INDIRECT IMPACTS</b>
<p><b>Local and regional economies</b></p> <p>The hatchery is located inside the town limits of Edenton, North Carolina, which has a population of approximately 4,850. Several other small towns are also within thirty to ninety miles away. Norfolk, Virginia, is 70 miles away. The predominant land use in the vicinity of the hatchery are agriculture and residential. The hatchery averages about 2,600 visitors per year. Fishing and tourism (historical and ecological) are important activities in the area.</p>	<p><b>Alternative A:</b> Public fishing from the hatchery is anticipated to be minimal due to numerous other fishing locations in the area, generating fewer than a hundred additional visits over the course of a year.</p> <p><b>Alternative B:</b> There are no anticipated impacts with the no action alternative.</p>
<b>ENVIRONMENTAL JUSTICE</b>	
<p>Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all Federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities.</p>	<p>The Service has not identified any potential high and adverse environmental or human health impacts from this proposed action or any of the alternatives. Edenton has significant minority and low-income populations that will benefit from increased fishing access.</p>

## Cumulative Impact Analysis

Cumulative impacts are defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR 1508.7).

**TABLE 6. ANTICIPATED CUMULATIVE IMPACTS OF THE PROPOSED ACTION AND ANY ALTERNATIVES**

<b>Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment</b>	<b>Descriptions of Anticipated Cumulative Impacts</b>
<p>Fishing</p> <p>Fishing is popular and widespread in the Chowan County area, and has been since colonial times.</p> <p>Fishing is regulated entirely by the State of North Carolina, which has regulations in place to prevent overuse of the resource.</p>	<p>The proposed action would have minimal effect on the impacts on the environment from other opportunities locally, primarily due to the tiny footprint of the proposed location.</p> <p>Pembroke Creek receives significant angling pressure, and is utilized for multiple largemouth bass tournaments over the year. The limited opportunity for fishing on the creek from this action will not significantly impact either the natural or human environment.</p>
<p>Other wildlife-dependent recreation (i.e. road and trail development and use)</p> <p>Edenton NFH is a stop on the Charles Kuralt Trail, and receives several hundred bird watchers and wildlife photographers over the year.</p>	<p>The proposed action would have minimal effect on other wildlife dependent recreation, primarily due to the tiny footprint of the proposed location. Fishing and wildlife observation coexist comfortably due to the similar nature of the actions which benefit from reduced noise and activity.</p>
<p>Development and Population Increase</p> <p>The demographics of Edenton have remained relatively static since 1950, rising only from 4,468 to 4,846</p>	<p>The State of North Carolina uses an adaptive management approach for its fishing regulations, and the Service will continue to comply with State regulations regarding fishing from hatchery property. Fishing at the Hatchery will not increase population or impact development in the area due to</p>

	the small size of the area to be fished and the limited use it receives.
<p>Agricultural land uses</p> <p>Area around the hatchery is utilized for growing cotton, sage, soybeans, and other food crops.</p>	<p>The proposed fishing will not affect agricultural use at all. The nearest field is over 300 yards from the proposed fishing access and the nature of fishing does not create extended geographic influence.</p>
<p>Use of lead ammunition/tackle</p> <p>North Carolina has no prohibition on the use of lead tackle.</p>	<p>Under this alternative, the hatchery only represents a tiny fraction of the fishing areas in the County. Therefore, the continued allowance of lead tackle has a negligible impact on the cumulative impacts of lead in the environment. Because of the small area of the Hatchery staff can more easily control litter including discarded fishing accessories preventing those items from remaining in the environment.</p>
<p>Climate Change</p> <p>N/A</p>	<p>N/A</p>

## Monitoring

Hatchery staff monitor the boardwalk area for safety issues, and conduct water quality measurements of Pembroke Creek in the vicinity of the intake. They would also regularly police the area for sanitation purposes. The hatchery allowed the area North Carolina Wildlife Resources Commission and North Carolina Division of Marine Fisheries game wardens to park their boats on the hatchery, and these officers would be available to monitor anglers appropriately [WP1].

## Summary of Analysis

The purpose of this EA is to briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

## Alternative A – Proposed Action Alternative



The proposed action's potential impacts to hatchery operations, wildlife and visitor use of the station are anticipated to be minimal. The area in question and the anticipated level of use do not pose significant risk to fish or wildlife populations. The use proposed will not increase impacts to hatchery physical resources because the areas that will be open to the public for fishing are already regularly used by staff or hatchery operations and the anticipated level of additional use is not anticipated to be significant to change the substrate or plant communities. Wildlife observation and fishing will overlap in time and location but no conflicts are anticipated between user groups because the activities and requirements involved in the two uses are quite similar.

#### **Alternative B – No Action**

No positive impacts are anticipated if this action is not allowed. Due to the small footprint of the area to be used by the public and the anticipated level of use no significant impacts to wildlife or fish populations, physical resources or vegetative communities are anticipated. Some negative impacts are anticipated if access to fishing by mobility impaired visitors is removed under this alternative.

#### **Consultation and Coordination with the State**

The Service reviewed any applicable state fishing regulations to ensure consistency, and has been in contact with North Carolina Wildlife Resources Commission concerning the Service proposal. The Commission has expressed full support for additional access for fishing.

#### **Public Outreach**

A notice will be issued in the local press of the availability of the EA and requesting review and comment. The comment period will be open for 30 days. The notice will also be placed on the Edenton Fish Hatchery web site and referenced on the hatchery's Facebook page.

#### **References:**

Relevant North Carolina Fishing Regulations:

<http://www.eregulations.com/northcarolina/hunting-fishing/warm-water-game-fish-regulations/>

<http://www.eregulations.com/northcarolina/hunting-fishing/other-fishing-regulations/>

Caudill, James, Ph.D, Region 4 Warm Water Hatcheries: The Economic Effects of the Recreational Use of National Fish Hatchery 2002 - 2005 Fish Stocking, US Fish and Wildlife Service Division of Economics, 2007

## APPENDIX 1: OTHER APPLICABLE STATUTES, EXECUTIVE ORDERS & REGULATIONS

### STATUTES, EXECUTIVE ORDERS, AND REGULATIONS

<p>Cultural Resources American Indian Religious Freedom Act, as amended, 42 U.S.C. 1996 – 1996a; 43 CFR Part 7 Antiquities Act of 1906, 16 U.S.C. 431-433; 43 CFR Part 3 Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa – 470mm; 18 CFR Part 1312; 32 CFR Part 229; 36 CFR Part 296; 43 CFR Part 7 National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470x-6; 36 CFR Parts 60, 63, 78, 79, 800, 801, and 810 Paleontological Resources Protection Act, 16 U.S.C. 470aaa – 470aaa-11 Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-3013; 43 CFR Part 10 Executive Order 11593 – Protection and Enhancement of the Cultural Environment, 36 Fed. Reg. 8921 (1971) Executive Order 13007 – Indian Sacred Sites, 61 Fed. Reg. 26771 (1996)</p>	<p>Cultural resources management in the Service is the responsibility of the Regional Director and is not delegated for the Section 106 process when historic properties could be affected by Service undertakings, for issuing archeological permits, and for Tribal involvement. The Regional Historic Preservation Officer (RHPO) advises the Regional Director about procedures, compliance, and implementation of cultural resources laws. The hatchery manager assists the RHPO by informing the RHPO about Service undertakings, by protecting archeological sites and historic properties on Service managed and administered lands, by monitoring archeological investigations by contractors and permittees, and by reporting violations. Activities that might cause an effect to a historic property would be subject to a case-by-case Section 106 review.</p>
<p>Fish &amp; Wildlife Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668-668c, 50 CFR 22 Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1544; 36 CFR Part 13; 50 CFR Parts 10, 17, 23, 81, 217, 222, 225, 402, and 450 Fish and Wildlife Act of 1956, 16 U.S.C. 742 a-m Lacey Act, as amended, 16 U.S.C. 3371 et seq.; 15 CFR Parts 10, 11, 12, 14, 300, and 904 Migratory Bird Treaty Act, as amended, 16 U.S.C. 703-</p>	<p>The final opening package will include a Section 7 consultation to assess impacts to endangered and threatened species.</p>

712; 50 CFR Parts 10, 12, 20, and 21 Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Fed. Reg. 3853 (2001)	
Natural Resources Clean Air Act, as amended, 42 U.S.C. 7401-7671q; 40 CFR Parts 23, 50, 51, 52, 58, 60, 61, 82, and 93; 48 CFR Part 23 Wilderness Act, 16 U.S.C. 1131 et seq. Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq. Executive Order 13112 – Invasive Species, 64 Fed. Reg. 6183 (1999)	None of these apply to the proposed action.
Water Resources Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq.; 15 CFR Parts 923, 930, 933 Federal Water Pollution Control Act of 1972 (commonly referred to as Clean Water Act), 33 U.S.C. 1251 et seq.; 33 CFR Parts 320-330; 40 CFR Parts 110, 112, 116, 117, 230-232, 323, and 328 Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401 et seq.; 33 CFR Parts 114, 115, 116, 321, 322, and 333 Safe Drinking Water Act of 1974, 42 U.S.C. 300f et seq.; 40 CFR Parts 141-148 Executive Order 11988 – Floodplain Management, 42 Fed. Reg. 26951 (1977) Executive Order 11990 – Protection of Wetlands, 42 Fed. Reg. 26961 (1977)	None of these applies to the proposed action.