

**Supplementary Guidance
FFA Lawsuit/NEPA Document Revisions
Frequently Asked Questions
March 8, 2007**

Can the deadline for submitting the revised NEPA documents be extended?

Response: No. All revised documents must be submitted to the Court by May 30, thus the May 1 deadline for getting them to the WO is needed for review and working with the regions to complete final revisions.

Will NEPA documents completed for CCPs (or about to be completed) provide adequate NEPA compliance for the hunt programs?

Response: It depends. CCP NEPA documents must contain sufficient detail on the hunting program, and must sufficiently analyze direct, indirect and cumulative impacts of the hunting program as per the WO guidance. Most CCP NEPA documents do not meet these criteria. In the case of hunts that were opened using a CCP NEPA document which did not provide enough detail on the hunt program and/or an adequate cumulative impacts analysis, a new EA specific to the hunt program should be prepared.

Can the revised hunt program EAs be written to reflect current “real time” situation where the “No Action” alternative would be the continuation of the hunt program as it currently exists, and a corresponding “Action” alternative would be to close down the hunt program?

Response: No. The Service’s proposed remedy to the Court specified that we would revise the existing NEPA documents under which the hunts were opened to meet NEPA requirements by adequately addressing cumulative impacts. The original alternatives found in the original EAs should be maintained, with the major revision being the addition of the cumulative impact analysis as per the January 19, 2007 WO guidance and checklist (and any additional "beefing up" deemed necessary). The revised EAs should include introductory information explaining why the original EAs are being revised. In addition, information generated from the hunts that have been held since the original decision documents were approved can be used to help describe the hunt program and to complete the impacts analysis.

For those refuges whose original NEPA compliance for opening the hunts was such that a hunt program-specific EA is now needed, how many and which alternatives must be considered in the new hunt program EAs?

Response: Under NEPA, we must consider a “reasonable range of alternatives.” At a minimum, two alternatives (a no action and an action alternative) are needed. For those refuges whose proposed action was a minor modification to an existing hunt (for example, adding land opened to hunting, adding a new species to an existing hunt program, etc.), two alternatives would generally suffice. For hunt program EAs involving a proposed action of opening a refuge to hunting for the first time or making a significant modification, we recommend that at least three

alternatives be considered. The alternatives should reflect the situation which was in place at the time the original action was taken, that is, one of the action alternatives would be opening/modifying the hunt program, and the No Action alternative would be not opening/modifying the hunt program. Again, introductory information should explain why the current EA is being written for an action that was taken several years ago, and information from the hunts that have been conducted can be used.

Is a cumulative impact analysis needed for all alternatives in the new/revised EAs?

Response: At a minimum, a cumulative impact analysis must be completed for the preferred alternative, consistent with the WO guidance and checklist. If a CIA is not completed for each alternative, then the CIA for the preferred alternative must discuss the non-selected alternatives as well.

Can the original preferred alternative (proposed action) in the original hunt program NEPA documents be changed to include new hunt program activities?

Response: Not recommended. Due to the short time period for completion and in order to remain consistent with the Service's proposed remedy, this revision of the hunt program EAs should not to be used for making major changes to hunt programs from the original proposed actions. However, the final decision on which alternative will become the "Proposed Action or Preferred Alternative" in the new and revised hunt program EAs must take into account the information generated through the cumulative impacts analysis. It should be noted that this could be different than the original decision made under the original NEPA document.

Will new decision documents need to be prepared for the Final EAs?

Yes, new decision documents for the new/revised NEPA documents will be needed to reflect the decisions rendered based on the new information provided by the cumulative impacts analysis.

Should the revised EAs contain analyses of the impacts of the hunt on Regional, flyway, and even national perspective?

Response: Yes. Contrary to our WO guidance (January 19, 2007) on this subject, we believe that all modified EAs should also contain analyses of the impacts of the proposed hunt from a regional, flyway, where appropriate, a national perspective. These analyses should be included in the EAs when they are circulated for public review. If by chance, these analyses were not included in the public review documents, these analyses can be added to the final EAs prior to the execution of the decision documents. For waterfowl, please pay particular attention to the Migratory Bird Hunting Frameworks as described in Appendix 2 of the WO guidance.