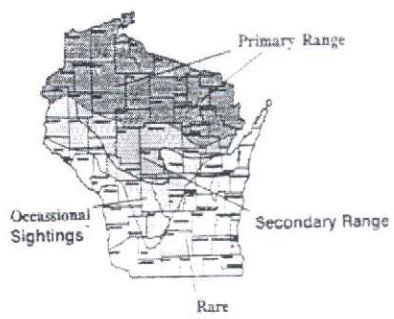
DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
BLACK BEAR NUISANCE AND DAMAGE MANAGEMENT
IN WISCONSIN

Introduction

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. WS is the federal program authorized by Congress and directed by law to reduce damage caused by wildlife (Act of March 2, 1931 (46 Stat. 1486; 7 U.S.C. 426-426c)), as amended in the Fiscal Year 2001 Agriculture Appropriations Bill. Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). WS generally uses an Integrated Wildlife Damage Management (IWDM) approach in which a combination of methods may be used or recommended to reduce damage. Resource management agencies and individuals are required to request WS activities (i.e., black bear damage management to protect human health and safety, agricultural resources, and property). All Wisconsin WS black bear damage management is in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973 (Letter dated April 16, 2002 to D. A. Nelson, WS from J Smith, USFWS). WS wildlife damage management is implemented based on application of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201).

Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions are categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment from WS' planned and proposed program would occur, this environmental assessment (EA) was prepared. The EA analyzes the potential environmental and social effects for resolving black bear nuisance and damage problems related to the protection of human health and safety, agricultural resources, apiaries, and property on private and public lands in Wisconsin. A pre-decisional EA was released by WS in March 2002 for a 30-day comment period. The pre-decisional EA documents the need for black bear nuisance and damage management in Wisconsin and assessed potential impacts of various alternatives for responding to nuisance and damage problems. WS' proposed action is to implement an Adaptive Integrated Black Bear Damage Management (IWDM) program on all land classes in Wisconsin when requested. Comments from the public involvement process were reviewed for substantial issues and alternatives, which were considered in developing the pre-decisional EA and this decision.

Figure 1. Black Bear Distribution in Wisconsin.



Background

Wisconsin has long recognized damage bears cause to agriculture, and has had an agriculture damage compensation program since 1931 (Hyngstrom and Hauge 1989). Bears can present problems concerning property damage, threats to public safety and nuisance situations anywhere in Wisconsin, but are most common in the northern part of the State (Figure 1). Wisconsin's black bear management philosophy has evolved during the past several decades as public attitudes toward bears have changed. Once hunted for bounty, bears are now highly valued and the population carefully monitored. The Wisconsin Department of Natural Resources (WDNR) has used a variety of strategies to address bear nuisance and damage complaints through the years including

information and education, regulated harvest, compensation program, live trapping and relocation of problem bears, and limited lethal removal of individual bears (Hyngstrom and Hauge 1989, Stowell and Willging 1992). Since 1988, WS has cooperated with the WDNR concerning several aspects of wildlife damage management. In 1990, because of WDNR wildlife management workload concerns, WDNR added bear relocation work to an existing cooperative agreement with WS to reduce damage cause by black bear (Stowell and Willging 1992). Black bear damage management was addressed in the cooperative agreement in accordance with Wisconsin Statutes Annotated (WSA) s.29.59 stats. Under terms of the cooperative agreement, WS and WDNR mutually agree that nuisance wildlife complaints, including bear complaints, will be directed to WS for the delivery of technical assistance, trapping and relocation, and/or abatement services. Therefore, WS is responsible for responding to all bear nuisance and damage complaints statewide, except on tribal lands unless requested by individual tribes.

Figure 2. Black Bear Management Zones in Wisconsin.

In 1996, the Wisconsin WS program prepared a similar EA on Black Bear Nuisance and Damage Management in Wisconsin to evaluate the potential effects of the program at that time. That process led to the preparation of a Finding of No Significant Impact (FONSI), and a Decision was issued on March 24, 1997. This EA analyzes planned and future black bear damage management related to the protection of agricultural resources, apiaries, property, and to protect human health and safety on public and private lands within Wisconsin as requested and the issues raised by the public and management agencies in relation to black bear management..

Current black bear range in Wisconsin covers approximately 22,144 mi². WDNR manages black bears in management zones (Figure 2). Management Zone A contains about 7,020,160 acres, Zone B contains about 3,319,040 acres, and Zone C contains about 3,832,960 acres. WS activities were conducted on only about 113,381 acres in FY 01 (MIS 2001), 234,274 acres in FY00 (MIS 2000), 292,400 acres in FY99 (MIS 1999) and 96,950 acres in FY98 (MIS 1998) statewide. The analysis area encompasses federal lands under the administration of the USDA-Forest Service (Forest Service), U.S. Fish and Wildlife Service (USFWS), as well as state, county and private lands, and also tribal lands if requested by individual tribes. In many cases, WS spends only a few hours in a specific location and often on just a few acres under agreement trying to resolve a particular problem.

Consistency

Wildlife damage management activities conducted in Wisconsin would be consistent with MOUs and policies of APHIS-WS, the WDNR, Wisconsin Department of Agriculture, Trade and Consumer protection (WDTACP), USFWS, and Forest Service, and the EA. In addition, WS completed an ESA Section 7 Consultation with the USFWS for bear damage management activities (Letter dated April 16, 2002 to D. A. Nelson, WS from J. Smith, USFWS). The agencies may, at times, restrict damage management that concerns public safety or resource values.

The analyses in the EA demonstrate that Alternative 5: 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage while providing low impacts on black bear and non-target species, 4) balances the economic effects to agricultural and natural resources, and property, 5) best meets the objectives set for the program by WS and cooperating agencies/entities, and 6) allows WS to meet its obligations to the WDNR and other agencies or entities.

Monitoring

The Wisconsin WS program will annually provide to the WDNR the WS take of black bear and non-target animals to help ensure the total statewide take (WS and other take) does not impact the viability of black bear or non-target species

populations as determined by the WDNR. WS will continue to provide program data to WDNR as a participant on the WDNR black bear management advisory committee. WS black bear damage and nuisance management activities primarily occur across the northern third of the state, but can occur statewide. Black bear harvest and population information for WDNR Bear Management Zones statewide suggest that populations are healthy and stable to increasing. The population trend indicates that the Wisconsin black bear population is expanding toward southern Wisconsin and into more populated areas.

Public Involvement

WDNR, WDATCP, USFWS, and Forest Service were invited to participate in the development of this EA and asked to provide issues and concerns for consideration for development of the EA. An invitation for public comment letter containing issues, objectives, preliminary alternatives, and a summary of the need for action was sent to 342 individuals, agencies, or organizations identified as interested in Wisconsin WS projects. Notice of the proposed action and invitation for public involvement were placed in eight newspapers with circulation throughout Wisconsin. An invitation for public comment letter also was sent to the Red Cliff, Lac Courte Oreilles, Bad River, Lac du Flambeau, St. Croix, and Soskaogon Chippewa Bands, Ho Chunk Nation, and Stockbridge-Munsee Band of Mohican Indians. None of the Tribes identified or provided any cultural or other concerns relating to WS' current or proposed program during the 30-day public involvement process. WS did receive 18 public comment letters prior to development of the EA; issues and concerns from these letters were analyzed in the pre-decisional EA. A pre-decisional EA was released by WS in March 2002 for a 30-day comment period, which assessed potential impacts of various alternatives for responding to black bear nuisance and damage problems. The pre-decisional EA was sent to 39 entities, including tribes, GLIFWC, and the 18 respondents to the initial invitation for public comment. Notice of the pre-decisional EA was placed in four newspapers, including the *Milwaukee Journal-Sentinel*. A letter dated April 15, 2001 was received from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), which represents member tribes off-reservation treaty rights concerning the pre-decisional EA. The Wisconsin WS State Director met with GLIFWC to discuss issues and concerns related to the EA. WS will continue to consult with GLIFWC on bear damage management issues and concerns. All comments received from review of the pre-decisional EA were reviewed for issues and concerns prior to reaching a Decision. These letters and notices are maintained in the administrative file located at the Wisconsin WS District Office, P.O. Box 1064, Rhinelander, WI 54501.

Major Issues

Several issues were identified by the Multi-agency Team (i.e., WS, WDNR, WDATCP, and Forest Service) during preparation of this pre-decisional EA. Some were used to prepare the detailed impact analyses of the alternatives in Chapter 4. Some issues were also used to identify mitigation measures and develop SOP's for reducing or eliminating the likelihood of adverse environmental impacts from implementation of the proposed action. Some issues, however, did not receive detailed analyses because WS black bear nuisance and damage management would not have any adverse affect on the legal, social, or economic environment from program implementation. The following issues were determined to be relevant by WS, WDNR, WDATCP and Forest Service based on public and other agency comments, and analyzed in detail in Chapter 4:

- Viability of black bear populations in Wisconsin.
- Public health and safety from black bear management.
- Maintain effective and selective resource protection methods and tools.
- Potential for some WS methods to take non-target animals.

Affected Environment

The area of the proposed action includes all private, tribal and public lands in Wisconsin where black bear damage is occurring or could occur and a request for assistance is received. The proposed action could be conducted on

urban/suburban sites, campgrounds, farms, seasonal residences or other sites as appropriate.

Alternatives That Were Fully Evaluated

The following Alternatives were developed by the Multi-agency Team to respond to the issues. Three additional alternatives were considered but not analyzed in detail. A detailed discussion of the effects of the alternatives on the issues is described in the EA; below is a summary of the Alternatives.

Alternative 1. No Federal WS Black Bear Damage Management in Wisconsin.

This alternative would eliminate all WS or any other federal program for black bear damage management (operational and technical assistance) in Wisconsin. However, state and county agencies and private individuals could conduct some degree of black bear damage management. WS would not be available to provide technical assistance or make recommendations to individuals or entities experiencing bear damage.

Alternative 1 was not selected because WS is authorized by Congress and directed by law to reduce wildlife damage, and this direction was reaffirmed from a previous court decision (U. S. District Court of Utah 1993). This alternative would not allow WS to meet its statutory responsibility to provide assistance or reduce black bear damage. In addition, Alternative 1 allow WS to meet any of the objectives set for the program.

Alternative 2. Technical Assistance Only.

Under this alternative, WS would not conduct any operational black bear damage management in Wisconsin. The entire WS program would consist of technical assistance with WS making recommendations.

This "technical assistance only" alternative would place the immediate burden of operational black bear damage management on WDNR. If Alternative 2 was selected, WS could not participate in how a state agency or individuals would implement black bear damage management. Some agencies or individuals may choose not to take action to resolve black bear damage. Other situations may warrant the use of legally available management methods because of public demands, mandates, or individual preference. Damage management methods and devices might be applied by people with little or no training and experience, and with no professional oversight or monitoring for effectiveness. This in turn could require more effort and cost to achieve the same level of problem resolution, and could result in more non-target animals being captured or killed.

Risks to the public and to non-target species, including T&E species would probably be greater under alternative 2 than under Alternatives 3-5, and effectiveness and selectivity would probably be lower. Cumulative impacts on wildlife populations would probably be low. In addition, Alternative 2 would not allow WS to meet two of three objectives set for the program.

Alternative 3. Non-lethal Black Bear Damage Management Only (Current Program) (No Action Alternative).

The No Action alternative is a procedural NEPA requirement (40 CFR 1502.14(d)), is a viable and reasonable alternative that could be selected, and serves as a baseline for comparison with the other alternatives. The No Action Alternative, as defined here, is the current program and consistent with CEQ definitions (CEQ 1981). Selecting the No Action Alternative would not result in the cessation of existing practices; that result would be achieved by selection of Alternative 1.

The current program is governed by a cooperative agreement between WDNR and WS which details the cooperative bear damage management program. Education/extension programs would be conducted by Wisconsin WS to provide individuals with assistance and information concerning the use and effectiveness of non-lethal black bear damage management methods. Resource owners would be responsible for implementing non-lethal methods, except for operational methods such as trapping and relocation. WS personnel would conduct technical assistance, and corrective (in response to current loss or hazard) operational black bear damage management using live trapping or spring-activated foot snares to relocate nuisance/problem bears in accordance with bear damage management protocols. WS

activities would be conducted on private lands as requested by landowners and managers under *"Agreements for Control."*

Under this alternatives, WS would not conduct any lethal operational black bear damage management but only provide technical assistance or conduct trap and relocation activities for problem black bears when requested by the WDNR or individuals experiencing black bear damage to reduce damage, as appropriate. Captured black bear would be relocated to suitable areas in accordance with applicable regulations and policies. WS would encourage resource owners to use non-lethal methods which could include environmental manipulation, animal husbandry changes, habitat modification, fencing, and harassment.

WS would not be able to respond with all the methods or possibly the appropriate methods under this alternative in comparison to Alternative 5. By restricting damage management methods, WS would not be able to as effectively resolve some damage or nuisance problems. Effectiveness would probably be lower under Alternative 3 when compared to Alternative 5. Decreased effectiveness is tied to the logistics of getting to areas with damage problems and possibly having to use less effective damage management methods. The selectivity of alternative 3 would be similar to Alternative 5. Risks to the public could be greater under Alternative 3 than Alternative 5, however risks to non-target species, including T&E species would probably be similar. Cumulative impacts on wildlife populations would probably be similar to Alternative 5 be lower than Alternatives 1, 2, and 4.

Alternative 4. Lethal Only Program

Under this alternative, only lethal operational black bear damage management and technical assistance would be provided by WS. Requests for information regarding non-lethal management approaches would be referred to WDNR. Individuals or agencies might choose to implement WS lethal recommendations, implement non-lethal methods or other methods not recommended by WS, contract for WS damage management services, use contractual services of private businesses, use volunteer services, or take no action. WS damage management services would be conducted as authorized by various federal and state regulations. This alternative would not allow WS to consider the use of physical exclusion, livestock guarding dogs, fencing, electronic frightening devices or other non-lethal devices, even where these non-lethal methods may be beneficial. Lethal methods used by WS would include trapping and euthanasia, and shooting.

Alternative 4 was not selected because it would not allow WS to: 1) respond to all requests, 2) recommend and monitor the implementation of non-lethal methods, and 3) assist the WDNR in meeting their wildlife management objectives.

Alternative 5. Integrated Adaptive Black bear Damage Management (Proposed Action).

This alternative would allow for a WS Program where black bear damage management would be closely coordinated with the WDNR or other appropriate state agency, and with tribal authorities on tribal lands if requested by tribes. The damage management program would be designed to meet management objectives balanced with the needs of multiple resource managers (agricultural, apiaries, property owners, and public health and safety). The damage management program analyzed in this alternative would operate according to and in compliance with the conservation goals established for black bear in Wisconsin and strategies outlined in approved state or federal conservation or management plans. WS would encourage resource owners to use non-lethal methods which could include environmental manipulation, animal husbandry changes, habitat modification, fencing, and harassment. Lethal methods used by WS would include trapping and euthanasia, and /or shooting.

Alternative 5 was selected because it best allows WS to meet the objectives described in the pre-decisional EA and showed low level of impact on black bears and nontarget species, including T&E species populations. In addition, under this alternative WS personnel could utilize the most selective and effective non-lethal and lethal methods available. Lethal methods would only be used as necessary to prevent or reduce damage and in compliance with WDNR policies and guidelines.

Alternatives Considered but not Analyzed in Detail are the Following:

Bounties

Payment of funds for killing wildlife (bounties) suspected of causing economic losses is not considered effective. This alternative will not be considered by WS in detail because:

- WS does not have the authority to establish a bounty program.
- Bounties are generally not as effective in reducing damage because depredating individuals/local populations are not specifically targeted.
- Circumstances surrounding take of animals is completely unregulated.
- No effective process exists to prohibit taking of animals from outside the damage management area for compensation purposes.

Damage Management Through Birth Control

Under this alternative, black bear populations would be managed through the use of contraceptives. Bears would be sterilized or contraceptives administered to limit their ability to produce offspring. However, at present, there are no approved chemical or biological contraceptive agents for bears. A black bear contraceptive, chemosterilant or immunocontraceptive, if delivered to a sufficient number of individuals, could temporarily suppress local breeding populations by inhibiting reproduction. Reduction of local populations would result from natural mortality and inhibited reproduction. No bears would be killed directly with this method, however treated bears may continue to cause damage.

Potential environmental concerns with chemical sterilization still need to be addressed, including safety of genetically engineered vaccines to humans and other wildlife. At this time, chemical sterilization is controversial among wildlife biologists and many others. Should any become registered in the future, WS could consider them among the methods to be used. Any additional NEPA analyses deemed necessary at that time would be conducted. The use of contraceptives is not realistic at this point, since effective and legal methods of delivering contraceptives to bears are not yet available for operational use.

Black Bear Damage Should be Managed by Sport Hunters (i.e., volunteer services).

WS provides professional wildlife damage management services at site-specific locations when requested by citizens or resource managers experiencing a wildlife/human conflict. Personnel respond to requests for assistance in accordance with the Congressional direction provided to WS that authorizes the program and in consultation with the WDNR. The response by hunters is based on a desire to sport hunt. Most sport hunters cannot afford to provide long-term, site-specific black bear damage management services to a complainant, who often requires the type of commitment and expertise that WS provides.

In addition, the jurisdiction for managing resident wildlife rests with the WDNR. The WDNR currently manages black bears as a protected game species with many restrictions on their management (WAC NR §§10.101, WAC NR §§10.102). WDNR recognizes the importance of hunters in bear management. Hunters are utilized to assist with bear management in accordance with a policy that seeks to use hunters with valid bear harvest tags to take bears at agricultural bear damage situations. The WDNR, through the Wisconsin legislature, has the option to increase the numbers of bear tags issued to hunters or to increase the length of the hunting season for bear damage management purposes.

Finding of No Significant Impact

The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Bear nuisance and damage management as conducted by WS in Wisconsin is not regional or national in scope.

2. The proposed action would pose minimal risk to public health and safety.

3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected.

4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.

5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.

6. The proposed action would not establish a precedent for any future action with significant effects.

7. No significant cumulative effects were identified through this assessment. The number of bears taken by WS, when added to the total known other take of bears, falls well within allowable harvest levels.

8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.

9. An informal consultation with the USFWS confirmed that the proposed action would not likely adversely affect any T&E species.

10. The proposed action would be in compliance with all federal, state, and local laws imposed for the protection of the environment.

Decision and Rationale

I have carefully reviewed the EA and the input from the public involvement process. I believe that the issues and objectives identified in the EA are best addressed by selecting Alternative 5 *(Integrated Adaptive Black Bear Damage Management* -Proposed Alternative in the EA) and applying the associated mitigation and monitoring measures discussed in Chapter 3 of the EA. Alternative 5 would provide the greatest effectiveness and selectivity of methods available, the best cost-effectiveness, has the potential to even further reduce the current low level of risk to the public, pets, and T&E species, and provides for cooperative relationships between WS and other wildlife management agnecies/entities. WS will continue to use currently authorized wildlife damage management methods in compliance with all the applicable mitigation measures listed in Chapter 3 of the EA. I have also adopted the Pre-Decisional EA *"Black Bear Nuisance and Damage Management in Wisconsin"* as the final.

For additional information regarding this decision, please contact David A. Nelson, USDA-APHIS-WS, 750 Windsor Street, Room 101, Sun Prairie, Wisconsin, 53590.

Charles A Brown 5/10/02

Regional Director
APHIS-WS Eastern Region

Date

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