

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
WILDLIFE DAMAGE MANAGEMENT**

**FOR THE PROTECTION OF LIVESTOCK, PROPERTY
AND HUMAN HEALTH AND SAFETY**

CALIFORNIA ADC SACRAMENTO DISTRICT

INTRODUCTION

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC) program receives requests to conduct wildlife damage management to protect livestock, property and human health and safety within the state of California. ADC prepared an Environmental Assessment (EA) to analyze the environmental impacts of continuing the current program that provides assistance in response to such requests. The scope of the EA includes ADC's predator damage management (PDM) actions on private and public lands in California's ADC Sacramento District (District). The District is made up of the following 10 counties: Colusa, El Dorado, Lake, Marin, Napa, Placer, Sacramento, Solano, Sonoma and Yolo. This decision and Finding of No Significant Impact (FONSI) are based on the analysis in this EA.

Individual actions on lands encompassed by this decision could each be categorically excluded under the APHIS Implementing Regulations for compliance with the National Environmental Policy Act (NEPA) (7 CFR 372.5(c)). This decision covers ADC's plans for future actions within the lands described in the EA. The purpose of the proposed plan of action is to alleviate damage caused by predator species. The needs for the program, as identified in the EA, are related to the fact that livestock, certain types of property, and at times, public health or safety may be adversely affected by predators.

The District program has agreements to conduct predator damage management on about 1.2 million acres or in about 17% of the District's total acreage. However, ADC only conducts wildlife damage management on a portion of the area covered under agreements at limited times throughout the year. During fiscal year (FY) 1995, ADC conducted predator damage management activities on 10.4% of the total acreage within these counties. The ADC Program typically does not conduct activities each year or throughout the year on properties under agreement. Under the current program, ADC could be asked to provide services on more properties in the future, however, it is anticipated that control activities would not necessarily increase overall.

ADC is the Federal agency authorized to manage damage by predators and other wildlife. ADC cooperates with the California Department of Fish and Game (CDFG), California Department of Food and Agriculture (CDFA), and California Department of Health Services (CDHS) to minimize animal damage. The CDFG has the primary responsibility to manage all protected and classified wildlife in California, except Federally listed threatened and endangered (T&E) species. The California Department of Fish and Game manages mountain lion and black bear depredations according to CDFG Code sections 4800-4809 and 4181-4191. The CDFA is the State agency with responsibility for managing depredations to agricultural resources caused by predatory animals, rodents, and related species. CDFA Code 11221 grants CDFA this management authority and CDFA Code 11222 authorizes the agency to cooperate and contract with ADC. ADC's authority comes from the Animal Damage Control Act of March 2, 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c), and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988.

The analysis in the EA relies heavily on existing data contained in published documents, primarily the USDA-APHIS-ADC Environmental Impact Statement (ADC EIS) and the Final Environmental Document, Sections 265, 460-467, and 472-480, Title 14, California Code of Regulations Regarding: Furbearing and Nongame Mammal Hunting and Trapping (1996) prepared by the State of California, Resources Agency, Department of Fish and Game in compliance with the California Environmental Quality Act (CEQA).

Memoranda of Understanding (MOUs) signed between APHIS-ADC, CDFG, CDFA, and CDHS clearly outline the responsibilities, technical expertise and coordination between agencies. National level Master MOUs were also signed between APHIS-ADC and USFS (1993) and APHIS-ADC and BLM (1995) transferring NEPA responsibilities for wildlife damage management to ADC. All wildlife damage management will be conducted in a manner consistent with the MOUs and all Federal, State, and local regulations and policies, including the Endangered Species Act of 1973.

The EA analysis provides a comparison of six alternatives for addressing predator damage management in the District. The analysis and supporting documentation are available for review at the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control office, 2800 Cottage Way, Rm. W-2316, Sacramento, CA. 95825 or at (916) 979-2675.

MAJOR ISSUES

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on target predator species populations
- Effects on nontarget species populations, including threatened and endangered species

- Humaneness of Control Techniques
- Effects on hunting and non-consumptive uses
- Use of Toxicants - impacts on public safety and environment
- Effectiveness of the ADC program
- Cost effectiveness

ALTERNATIVES EVALUATED

Alternative A. Continuation of the current California PDM Program in the District (No Action). The No Action Alternative was analyzed and used as a baseline for comparing the effects of the other alternatives as required by 40 CFR 1502.14(d). This alternative would allow ADC to meet its mission. The analysis of impacts showed that Alternative A would have low impacts on target and nontarget species, humaneness, hunting and non-consumptive uses, public safety, special management areas, and would have low cumulative impacts. Program effectiveness and cost effectiveness would be high.

Alternative B. No Federal ADC PDM - This Alternative would terminate the Federal predator damage management program in the District. This alternative was not selected because it would not allow ADC to meet its statutory responsibility for providing assistance, nor would it optimize the chances for minimizing losses. Impacts on target species were determined to be low to moderate. Impacts on nontarget species, including threatened and endangered species, were determined to be moderate. The issues of humaneness, hunting and non-consumptive uses, and toxicants (public safety) would be moderately impacted. Cumulative impacts would be moderate. Program effectiveness was none, and cost effectiveness was determined to be low.

Alternative C. The Nonlethal Control Only Alternative would allow ADC to provide technical information on nonlethal control methods. This alternative was determined to have impacts similar to the No Program Alternative, but program effectiveness would be low.

Alternative D. The Compensation for Predator Damage Loss Alternative would require the establishment of a system to reimburse producers for predator losses. This alternative was analyzed and discussed in the detail in the ADC EIS, and was discussed in the EA. However, it is not a viable alternative at this time since a compensatory funding mechanism is not in place.

Alternative E. The Nonlethal Before Lethal Alternative would provide that lethal techniques would only be used when nonlethal controls, including husbandry, have failed to control livestock losses. The environmental analysis showed that all impacts on the issues considered were very similar to the current program, except that the program effectiveness and cost

effectiveness were determined to be moderate. Essentially, effectiveness and efficiency were less desirable than the current program.

Alternative F. The Expanded Program Alternative, contingent upon increased program funding, would increase the current program efforts to cover the entire District. Analysis of this alternative shows that projected environmental impacts would not be significant, because of adherence to applicable state and federal laws/regulations, and compliance with program mitigation measures.

MONITORING

Routine monitoring is conducted with cooperating agencies in the form of planning meetings to ensure that ADC is in conformance with agency policies and regulations, and that agency concerns are addressed. ADC monitors program impacts through its Management Information System (MIS) data collection. Section IV of the EA lists monitoring requirements.

PUBLIC INVOLVEMENT

This EA was made available for public review. Notices of availability were sent to 45 groups or individuals and published in 2 major or general circulation newspapers in the District. Most of the public comments received did not raise substantive issues requiring further analysis in the EA. Some of the comments made resulted in modifications and additions to the EA. Other comments received related to issues that have been adequately addressed in the ADC programmatic EIS (USDA 1994) and/or the California Department of Fish and Game Final Environmental Document on Furbearing and Nongame Mammal Hunting and Trapping (1996) (CEQA 1996). Readers are referred to those documents for more comprehensive reviews. Nevertheless, the comments received on the EA, other than editorial comments and comments supporting the program, are summarized with responses below. References are contained in the Literature Cited Section of the EA:

1. The EA fails to demonstrate need for PDM for livestock protection on federal lands, and fails to meet standards for NEPA compliance on Forest Service and Bureau of Land Management Lands.

Chapter 1 has been revised to include a discussion on livestock losses on lands under the jurisdiction of BLM and USFS. To date ADC has conducted limited control work on Federal lands and therefore, has not compiled extensive loss data. The EA states that ADC will not work on federal lands without reported, confirmed, or reasonably anticipated losses based on historical data in the vicinity.

NEPA compliance responsibilities for wildlife damage management have been transferred from BLM and FS to ADC through National level Memoranda of Understanding, signed into effect in

1995 and 1993 respectively. ADC follows APHIS NEPA Implementing Regulations and is not subject to standards set forth in BLM or FS NEPA Implementing Procedures.

2. The EA fails to provide predator population estimates for USFS and BLM lands, and fails to fully assess cumulative impacts on predator populations.

Predator populations do not recognize land status boundaries. ADC chose to define populations on a district wide basis from the CEQA 1996 and from CDFG 1990. ADC combined information from these two documents to estimate predator densities in the District. The lowest population densities were used to arrive at the most conservative estimates. Based on these conservative estimates, ADC determined that the program would not significantly impact species populations. Further, CEQA (1996) concludes that total hunting and trapping of the species of concern will not significantly impact those species or the environment. ADC take was included in the CEQA analysis and is only a fraction of the total number of animals taken.

Cumulative impacts on each species are assessed by considering all known human caused mortality which includes private harvest as well as ADC lethal take on all land status areas within the state. Because private harvest figures are not available by land status, and because populations do not recognize land status boundaries, it is appropriate to consider impacts on populations regardless of land status in order to analyze cumulative impacts. The cumulative impacts analyses in the CEQA, EIS, and the EA clearly shows that ADC PDM actions in the District have low impacts on populations within the District.

3. Clarify relationship between the EA and BLM and FS NEPA documents.

See Chapter 1 modifications.

4. Clarify trap mitigation measures.

As is noted in the EA, daily trap inspections are required by State law. ADC ensures that traps are checked on weekends, federal holidays, or at other times when the ADC field specialists may not be available by one of two methods: 1) landowners sign liability agreements which bind them to make daily checks, or 2) ADC covers, deactivates or removes traps when they cannot be inspected daily.

5. The EA analysis of humaneness is prejudiced towards protecting domestic animals.

Although the EA identifies that humaneness should be considered in protecting domestic animals, the discussion is primarily focused on humaneness of predator control methods on target and nontarget animals. Humaneness issues have and continue to affect ADC's standard operating procedures. The EA fully describes mitigation that is used to reduce pain and suffering of predators from control methods, and reduce the incidence of nontarget impacts. As explained in the EA, ADC follows all State and federal regulations and agency policies.

DECISION AND RATIONAL

I have carefully reviewed the EA and believe the issues identified in the EA are best addressed by selecting Alternative 1. Alternative 1 provides the best range of damage management methods considered practical and effective to accomplish ADC's Congressionally authorized activities. While Alternative 1 does not require nonlethal methods to be used by producers, ADC will continue to encourage the use of practical and effective nonlethal methods by livestock producers. By this decision, I am directing the California ADC Sacramento District Program to implement Alternative 1, and continue the current program.

Finding of No Significant Impact

The EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment because of this proposed action and that these actions do not constitute a major Federal action. I agree with this conclusion and, therefore, determine that an Environmental Impact Statement will not be prepared. This determination is based on the following factors:

1. Predator damage management, as conducted in the District is not regional or national in scope.
2. Based on the analysis documented in the EA, the impacts of the predator damage management program will not significantly affect the human environment.
3. The proposed action will not have an impact on unique characteristics of the areas such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.
4. The proposed action will not significantly affect public health and safety. No accidents associated with ADC predator damage management are known to have occurred in California.
5. The effects on the quality of the human environment are not highly controversial. Although there is opposition to predator damage management, this action is not controversial in relation to size, nature, or effects.
6. Mitigation measures adopted and/or described as part of the proposed action minimize risks to the public and prevent adverse effects on the human environment and reduce uncertainty and risks.

7. The proposed action does not establish a precedent for future actions. This action would not set a precedent for future predator damage management that may be implemented or planned within the state.
8. The number of animals taken (both target and nontarget) by ADC annually is small in comparison to total populations. The amount of land area on which PDM services are conducted is also minor. Adverse effects on wildlife or wildlife habitats would be minimal.
9. No significant cumulative effects were identified by this assessment for this or other anticipated actions to be implemented or planned within the area.
10. Predator damage management would not affect cultural or historic resources. ADC PDM activities are not undertakings that could have detrimental impacts on districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places, nor will they cause a loss or destruction of significant scientific, cultural, or historical resources, including interference with American Indian cultural resources.
11. An evaluation of the proposed action and its effects on T&E species determined that the program would not likely adversely affect such species. The proposed action will comply with the Endangered Species Act of 1973, as amended. Consultation with the U.S. Fish and Wildlife Service has taken place and mitigations developed as part of that process, or mitigations that may be established as the result of further consultations, will be implemented to avoid jeopardy or significant adverse impacts.
12. This action would be in compliance with Federal, State and local laws or requirements for predator damage management and environmental protection.

Reviewed by:



Gary Simmons
California State Director, USDA-APHIS-ADC

2-13-97

Date

Approved by:



Michael Worthen
Regional Director, USDA-APHIS-ADC

2-18-97

Date