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

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

CALIFORNIA ADC SOUTH AND SAN LUIS DISTRICTS

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 San Luis and South Districts (Districts). The Districts are made up of 16 counties: Imperial, Kern, Los Angeles, Monterey, Orange, Riverside, San Benito, San Bernardino, San Francisco, San Luis Obispo, San Mateo, San Diego, Santa Barbara, Santa Clara, Santa Cruz and Ventura. 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 two District programs have agreements to conduct predator damage management on about 2.4 million acres, which is about 5.8% of the area within the Districts. However, ADC only conducts wildlife damage management on a portion of the area covered under agreements at limited times throughout the year. In fiscal year (FY) 1995, ADC conducted predator damage management activities on 4.3% of the total acreage within the District. 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 CDFG 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 this 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 (CDFG 1996).

Memoranda of Understanding (MOUs) signed between APHIS-ADC, CDFG, CDFA, and CDHS clearly outline the responsibility, technical expertise and coordination between agencies. National level Master MOUs were also signed between APHIS-ADC and the U.S. Forest Service (USFS 1993) and APHIS-ADC and Bureau of Land Management (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.

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 Districts (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). Alternative A 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 on all issues addressed similar to the No Program Alternative, with program effectiveness being low.

Alternative D. The Compensation for Predator Damage Loss Alternative was considered to 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 about 50 groups or individuals and published in six general circulation newspapers in the Districts, exceeding APHIS and Council on Environmental Quality minimal standards for public involvement. The public comments received did not raise substantive issues requiring further analysis in the EA. Some comments received related to issues that have been adequately addressed in the ADC EIS and/or the CDFG Final Environmental Document on Furbearing and Nongame Mammal Hunting and Trapping (CDFG 1996). Readers are referred to those documents for more comprehensive reviews. The comments received on the EA, other than editorial comments, are summarized with responses below. References are contained in the Literature Cited Section of the EA:

1. Oppose use of the Livestock Protection Collar (LPC). Concerns that EPA studies on LPC are biased. Concerns about secondary poisoning. Concerns with impacts on California condor, San Joaquin kit fox and other species. Cumulative impact study of LPC insufficient. Mitigation needed to minimize potential impacts of LPC.

Sodium fluoroacetate in the LPC is registered with the EPA (EPA Reg. No. 56228-22) for private or ADC use nationwide. Before it can be used in individual states, the LPC must receive approval from the agency within the state that oversees pesticide usage. The California

Environmental Protection Agency (Cal EPA) has approved LPC for use in California. ADC would not use the LPC on public lands.

The Risk Assessment contained in the ADC EIS discusses the risks associated with the use of LPC. It compared APHIS findings with those of the USFWS and US Environmental Protection Agency (USEPA) and found consistent conclusions.

ADC has worked closely with the USFWS to ensure compliance with the provisions of the Endangered Species Act. In a letter dated June 19, 1997, the USFWS concurred with ADC's determination that the ADC practices and management in the Districts were not likely to adversely affect the endangered California condor, the San Joaquin kit fox, or any other threatened or endangered species within the Districts. This determination is made based on the site specific analysis contained in the biological assessment, the Risk Assessment contained in the ADC EIS, mitigation measures developed between the USFWS and ADC, and LPC Use Restrictions. Mitigation measures that would be used with the LPC are listed in the EA in the biological assessment (Appendix 3), the LPC label (Appendix 6), and in section IV, Mitigation.

2. What is ADC's commitment to the environmental assessment review process?

In addition to informal NEPA compliance reviews, ADC has decided to formally reevaluate its environmental assessments and reissue a Decision to the public on an annual basis. Public comments on any aspect of the program are always welcome.

3. Several comments urged ADC to proceed with the preferred alternative citing increasing need for the program in areas of human safety and livestock protection. Livestock producers expressed that the ADC program is vital when producer implemented methods failed.

Thank you for your input.

4. Some comments in favor of the preferred alternative noted the indirect beneficial impacts of the program. One commenter noted the large reliance of California's economy on agriculture. Losses in agricultural operations have a multiplier effect throughout the economy. One commenter pointed out that wildlife habitat and open space is lost when producers are unable to sustain viable operations and are forced to sell to developers.

Thank you for your input.

5. Include protective measures for San Joaquin kit fox and Blunt-nosed leopard lizard for San Luis Obispo County Bulletin for the use of gas cartridges.

ADC has complied with all provisions required by the Endangered Species Act. ADC consulted with the USFWS (both formally and informally) and the CDFG. ADC follows all label restrictions for toxicants, including the gas cartridge. The comments made request mitigative measures that ADC has already included in its standard operating procedures, and has committed to through its consultation process with the USFWS and the CDFG. Mitigative measures designed to protect listed species are contained in the Section IV Mitigation, in the Environmental Consequence section, and in the correspondence between ADC and wildlife management agencies (Appendices 3 and 4).

6. Concerns with noise impacts from frightening devices.

Noise impacts from pyrotechnics used to reduce bird damage to crops are outside of the scope of this EA. This issue will be handled in a separate analysis.

7. Consider where the enhancement of raptor population may fit into EA.

This comment refers to bird damage management and is outside of the scope of this EA.

8. Senate Bill 1143 passage would make it unlawful to use dogs for hunting. It may also limit or ban the use of some traps included in methods allowed in this EA.

ADC has assessed the effects of its program under current regulations. If hunting or trapping regulations change substantially, there may be a need to reevaluate this EA. This EA will be reviewed periodically, and a decision issued on an annual basis.

DECISION AND RATIONAL

I have carefully reviewed the EA and believe the issues identified in the EA are best addressed by selecting Alternative A. Alternative A provides the best range of damage management methods considered practical and effective to accomplish ADC's Congressionally authorized activities. While Alternative A 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 San Luis and South District Programs to implement Alternative A, 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:

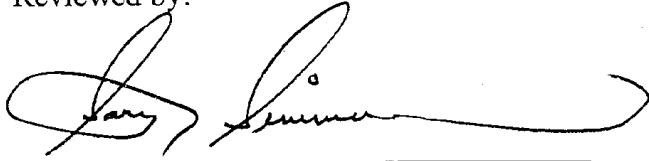
1. Predator damage management, as conducted in the Districts is not regional or national in scope.
2. Based on the analysis documented in the EA, the impacts of the predator damage management program will not significantly affect the human environment.
3. The proposed action will not have an impact on 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.

Decision and FONSI - California ADC San Luis and South Districts EA

Reviewed by:

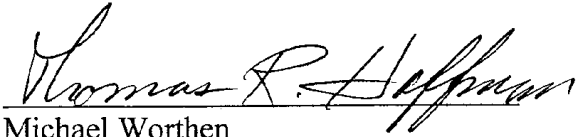


Gary Simmons
California State Director, USDA-APHIS-ADC

6-25-97

Date

Approved by:

for 
Michael Worthen
Regional Director, USDA-APHIS-ADC

7-2-97

Date