

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
WILDLIFE DAMAGE MANAGEMENT
FOR
JOHN DAY, OREGON ADC DISTRICT**

I. INTRODUCTION

The Animal and Plant Health Inspection Service, Animal Damage Control (ADC) program, has received requests to conduct wildlife damage management to protect livestock, wildlife and human safety from predators in the John Day ADC District located in eastern and southeastern Oregon. ADC has worked cooperatively with the Wallowa-Whitman, Umatilla, Malheur and Ochoco National Forests (FS), the Vale and Burns Districts of the Bureau of Land Management (BLM), the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Agriculture (ODA) to produce the environmental assessment (EA) upon which this decision and Finding Of No Significant Impact (FONSI) is based. The purpose of the proposed action is to alleviate damage caused by wildlife in the District. The needs of the program, as identified in the EA, are that livestock, wildlife and at times, public health and safety may be adversely affected by predatory animals. Livestock producers (cooperators) in the District depend on the ADC program to reduce the number of livestock killed, injured or harassed by predators, and to help maintain the economic viability of their operations.

The District currently has agreements to conduct wildlife damage management on about 9 million acres within the District, which is 32% of the area. Cattle and sheep are permitted to graze on Federal lands under the jurisdiction of FS and BLM in addition to 478 private livestock owners that participate in the cooperative ADC program. The majority of permittees on FS and BLM managed lands depend on grazing for spring, late summer, fall and some winter forage. On Federally managed lands the amount of livestock grazed must conform to the National Forest's Land and Resource Management Plans (LRMP) and the BLM's District Resource Management Plans (RMP) and Management Framework Plans (MFPs).

ADC is the Federal Government agency authorized to manage predatory animals preying on livestock or wildlife, or creating human health or safety concerns on FS, BLM and other lands. ADC's authority comes from the Animal Damage Control Act of March 2, 1931, as amended, and pursuant to the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988. ADC cooperates with the ODFW and the ODA for the control of predatory animals causing damage to livestock, property, reforestation, wildlife resources and public health and safety. The ODFW has the responsibility to manage all protected and classified wildlife in Oregon, except Federally listed threatened and endangered species. The ODA has the responsibility to manage species classified as predatory animals.

MOUs signed between APHIS and FS, BLM, ODFW and ODA clearly outline the responsibility, technical expertise, and coordination between agencies, and in the case of the FS and BLM provide the basis for compliance with the National Environmental Policy Act (NEPA). These

MOUs and Cooperative Agreements also provide the basis for the interdisciplinary process used to develop the EA. An Interagency (IA) Team with representatives and advisors from each of the cooperating agencies was convened to assist in the evaluation of wildlife damage management activities in the District. FS and BLM line officers cooperated with ADC to determine whether or not any activity proposed on Forest Service or Bureau of Land Management lands is in compliance with relevant laws, regulations, policies, orders, and procedures.

This EA analyzes the potential environmental and social consequences and objective comparison of four alternatives and one option of methods of addressing proposed wildlife damage management. The analysis and supporting documentation are available for review from the Animal and Plant Health Inspection Service, Animal Damage Control, U.S. Department of Agriculture, 2600 S.E. 98th Ave., Suite 110, Portland, Oregon 97266.

II. DECISION AND RATIONALE

I have carefully reviewed the EA and the input resulting from the public involvement process. I believe that the issues identified in the analysis are best addressed by selecting Alternative 2 (the proposed action in the EA) with the inclusion of the option for the use of the Livestock Protection Collar (LPC) and applying the associated mitigation and monitoring measures discussed in Chapter 3 of the EA. I have also decided to adopt the pre-decisional John Day ADC District EA as the final. Most corrections identified from public comments were editorial in nature and did not change the analysis or alternatives. Some of the comments regarding the EA indicated several areas that required clarification or inclusion. These are:

- A. **Educating ADC personnel and livestock producers on wildlife damage management techniques that reduce livestock predation.** ADC personnel in the District and in Oregon will continue to be provided specific training in the latest and most effective wildlife damage management methods. ADC personnel will continue to receive up-to-date information regarding effective nonlethal and lethal livestock protection techniques. Emphasis will continue to be placed on methods that are more efficiently and economically applied by the livestock producer. Some methods found to be effective include predator-proof fencing, guarding animals, use of herders and various animal husbandry practices. Personnel will continue to be provided materials specific to private individual use and application.
- B. **Use of Compound 1080 in the Livestock Protection Collar.** If the LPC is approved by ODA for use in the State of Oregon, all applications would adhere to EPA use restrictions and ODA requirements and would be restricted to specially trained and certified ADC employees. The LPC would not be used on any public lands and would be geographically restricted as per ODA requirements. All monitoring would be provided by ODA and ADC personnel as per ODA and EPA regulations.

- C. **Justification for control on BLM and FS lands and impacts to target and nontarget populations on these land.** During the Work Planning process with BLM, the FS and ADC, lands are classified as either Planned Control Areas, No Planned Control Areas or No Control Areas. ADC control activities will occur only on those BLM and FS lands where livestock losses have been verified or where a history of predation has occurred. Maps of these areas are available at the appropriate FS, BLM or ADC offices.

Areas designated as Planned Control are those where livestock are grazed and where a history of predation has been documented. Planned Control areas could also include areas where ODFW has requested wildlife damage management to meet their management objectives for game animals.

No Planned Control areas are those where livestock are or may be grazed and where there has been no predation or no history of predation. Corrective control can be authorized in these areas once ADC personnel have documented a predation problem. No Planned Control areas are sometimes referred to as Emergency Control areas.

No control areas (restricted areas) are generally camp grounds, picnic areas and other areas where there is high human activity. No damage management is conducted in these areas except where there is a need to protect public health and safety.

The EA estimates predator populations over the entire District in order to better assess cumulative impacts across administrative boundaries. Coyotes and other predators evaluated in the EA are not restricted by human-made administrative boundaries such as National Forests and BLM districts. ADC used existing population information from ODFW, research studies and population models to determine estimates in the District. A recent coyote population model developed for the Vale BLM District was used for comparison purposes. We believe that these estimates are accurate for all land classes and types that comprise the District, including public lands. The ODFW provided baseline population information and assisted in developing these estimates for all lands considered in the analysis.

- D. **ODFW has requested that ADC conduct a wildlife damage management program to benefit pronghorn antelope and mule deer fawn recruitment and to protect remnant populations of bighorn sheep.** Though this was not specifically requested as described in Alternative 1 or 2, it is considered within their scope. The impacts of this proposal are addressed within the discussion of impacts to coyotes, cougars and pronghorn antelope and mule deer populations (Chapter 1 and 4 of the EA). No specific control areas have been identified in the District by ODFW, however, they have requested that APHIS-ADC be prepared

to respond to specific request on an as-needed basis. This is in accordance with the MOU and Cooperative Service Agreement between APHIS-ADC and ODFW. The BLM and FS agree that wildlife damage management conducted on public lands is the responsibility of ODFW and ADC and support ADC involvement if ODFW requests assistance to achieve management objectives for specific species. Wildlife damage management would be carried out in accordance with timing and restrictions established in BLM's Wilderness Interim Management Policy, FS Land and Resource Management Plans and the Interagency Work Plans.

- E. **Cultural significance of wildlife to Americans Indians.** ADC requested each tribe in the District (The Burns Paiute Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Reservation of Oregon) to identify a contact person, special interest areas, and cultural sites and important resource uses that may be impacted by the proposed ADC program. Only the Paiute Tribe responded to the initial public involvement letter. The Confederated Tribes of the Umatilla Indian Reservation responded to the pre-decisional EA.

The ADC program recognizes the significance wild animals have with American Indians. The cumulative impact analysis for coyotes and other affected species demonstrated that the proposed action would have no adverse, long term effects on the continued existence of these species. If wildlife damage management activities are requested by a Tribe, additional mitigations may be adopted in the work plan that will ensure Tribal concerns are addressed.

The Oregon State Historic Preservation Office concurred with the proposed action and agrees that there will be no adverse effects to sensitive cultural and historical resources in the District.

Mitigation measures have been developed and will be implemented to avoid possible impacts to any cultural and historical resources and the effected target and nontarget species.

- F. **The Proposed Action is not justified as demonstrated by the level of verified or reported livestock loss.** Some commentors stated that the proposed action was confusing and that it would allow ADC to implement indiscriminate livestock and wildlife protection in the District beyond that presently conducted. They also believed that levels of losses were not sufficient to justify an expanded program.

Currently, wildlife damage occurs primarily on private lands at the specific request of landowners and on a very limited scale on Federal lands administered by the BLM and FS. ADC has not been authorized to respond to numerous damage requests on other public lands where livestock permittees have documented wildlife damage and have requested assistance. This is the only

change that the proposed action would have over the current program since it allows ADC to respond to all request for assistance involving all classes of land ownership.

- G. **Predator Losses are cost of doing business.** Concern was raised during public involvement that ADC should not conduct wildlife damage management until economic losses become unacceptable or exceed the District objective levels. These livestock protection objective levels were established in the District to aid ADC managers to monitor levels of predation to specific livestock classes and to be used as goals to assist in the planning and monitoring process. ADC acknowledges that some losses of livestock can be expected and is tolerated by producers. ADC has the legal mandate to respond to all requests for wildlife damage management regardless of extent of loss, and it is program policy to assist each requester to minimize losses.

ADC acknowledges the comments presented by some respondents relative to levels of livestock losses on BLM, FS, and private lands. The ADC program in the District has been able to limit annual lamb losses to below 5%, adult sheep losses to less than 3% and to maintain calf losses at 1%. These losses occurred with the current program level of effort. However, additional losses have been documented by public land permittees in areas that have not been able to utilize ADC program services. The proposed action would increase ADC's ability to protect additional livestock on selected areas of public lands in the District.

ADC addressed these issues using an analysis of available reported loss data (FY 1993) and current verified losses. The EA analyzed studies which assessed predation when wildlife damage management was present and when it was not as cited in the literature and in the ADC Programmatic EIS, Chapter 4. These studies demonstrate that when wildlife damage management was absent, livestock producers sustained greater loss of livestock from predators. In order to fulfill ADC's responsibility to protect agricultural resources, wildlife damage management is conducted to prevent or minimize damage and protect resources while complying with strict measures to ensure public safety as well as the protection of domestic animals, nontarget and T/E species. Hence, wildlife damage management is not based on the principle of condemning or punishing offending animals but rather as a means of reducing damage, predicting future damage and is conducted using the ADC Decision Model as described in the EA and in the Programmatic ADC EIS.

Alternative 2. The Proposed Action.

The proposed action provides the range of Integrated Wildlife Damage Management (IWDM) methods that are considered practical and reasonable to complete our legally authorized activities. The Alternative allows for both

control of individual offending animals, and coyote populations or groups on a specific area and areas adjacent to FS and BLM lands that have experienced historical losses. Alternative 2 is reasonable and fully compatible with the MOUs between ADC and FS and BLM, as well as FS, BLM and ADC policies.

Alternative 2 (Proposed action) is consistent with the management direction provided in the Land and Resource Management Plans (Forest Plan) for the Umatilla, Wallowa-Whitman, Ochoco and Malheur National Forests and with the RMP and MFPs for the Burns and Vale Districts of the Bureau of Land Management.

On FS and BLM managed lands public safety and environmental concerns are adequately mitigated by requiring Work Plans to be jointly developed between each National Forest, BLM Districts, the ODFW, and ODA and ADC. The FS and BLM may at any time restrict any wildlife damage management that threaten public safety or resource values. Modifications may also be made to areas where wildlife damage management is permitted with approval from both agencies. All wildlife damage management will be conducted in a manner consistent with the Endangered Species Act of 1973 and an informal Section 7 consultation has been completed with the U.S. Fish and Wildlife Service for the John Day ADC District.

Alternative 2 best addresses all issues identified in the EA, and also provides the environmental safeguards that address concerns about public safety and nontarget species. The analysis conducted in the EA showed that Alternative 2, with the use of the LPC, gives ADC the best opportunity to meet its stated objectives and, along with Alternative 1, had the lowest impacts. Alternative 2 best balances the potential economic effects of livestock losses to FS and BLM permittees and adjacent land owners with concerns for the other multiple use values the FS and BLM are charged with managing. Alternative 2 best allows ADC to meet its contractual obligations to ODFW, ODA and the cooperating counties and individuals within the District.

As a part of this decision the Oregon ADC program will provide all cooperators and cooperating Federal, state and local agencies with 1) information on nonlethal management techniques proven to be effective for reducing predation within one year of the decision, 2) new information on proven nonlethal management techniques will be provide to all cooperators and cooperating agencies within 90 days and 3) provide new cooperators or cooperating agencies information within three weeks of signing a cooperative agreement. Existing nonlethal actions being employed by cooperators will be tracked manually or by using the ADC Management Information System database.

Also, as a part of this decision, the Oregon ADC program in cooperation with the ODFW will annually monitor and evaluate the key target and nontarget species¹ killed in the District and statewide with the total kill of these species. This evaluation will be used to estimate population impacts and to determine if total take is within the allowable harvest levels. Oregon ADC will also annually monitor its progress towards the objectives found in Chapter 1 of the District EA, including Objective A-7 whose purpose is to monitor the implementation of producer implemented nonlethal techniques.

To insure that concerns of American Indians are addressed on an annual basis, Oregon ADC will invite representatives from the Tribes to participate in work planning sessions within their area of legal concern. The results of this consultation will be incorporated into work plans and decisions. In addition ADC will work with Tribes to develop a better understanding of the missions and goals of APHIS. Appropriate documents between the Tribes and the Animal and Plant Health Inspection Service that meet the intent of the Government-To-Government Relationship Directive of April 29, 1994 will be developed on an as needed basis.

III. PUBLIC INVOLVEMENT

A total of 178 local and national organizations and individuals and 9 daily newspapers within the District were contacted to solicit initial input for the analysis. Twenty organizations and individuals responded with issues as part of this initial process.

Over 50 pre-decisional EAs were mailed to these organizations and individuals as well as public agencies and local Tribes for review and comment. In addition, a news release and formal notice were published in 9 regional newspapers announcing the availability of the pre-decisional EA. Nine individuals, organizations or agencies provided written comments on the EA.

The documentation on the public involvement effort, including the written responses, is available for public review. They are located in the administrative file in District Office in John Day, Oregon.

IV. MAJOR ISSUES

The following issues were identified as being important to the scope of the analysis (40 CFR 1508.25):

1. The potential for the ADC kill of predators to cause predator population declines, when added to other mortality.

¹ Key species are those analyzed in the John Day Environmental Assessment

2. Potential for the incidental take of T&E species, especially the northern bald eagle (*Haliaeetus leucocephalus*).
3. Level of kill of nontarget species incidental to ADC wildlife damage management.
4. Wildlife damage management in special management Areas on Federal lands.
5. Humaneness of methods used by ADC.
6. The public's concern about use of chemicals.
8. State Historic Preservation/American Indian concerns.

V. ALTERNATIVES

The following five Alternatives and one option were developed to respond to the above issues. Four additional alternatives were considered but not analyzed in detail. A summary of the effects of the Alternatives on objectives and issues is in the Environmental Assessment.

I reached my decision based on the following review of the Alternatives developed from the EA.

Alternative 1. No Action - Continuation of the current ADC District program. The No Action Alternative was studied and used as a baseline for comparing the effects of the other Alternatives and the option as required by 40 CFR 1502.14(d). Alternative 1 was not selected in part because 1) it is inconsistent with the Wallowa-Whitman Forest Plan (LRMP) direction that contemplates activities to control predation of permitted livestock, 2) violates the MOU between APHIS-ADC and FS and BLM that mutually recognizes that the management of wildlife damage on National Forests lands is important and may involve the control of predator populations to achieve land and resource management objects, and 3) would not allow ADC to fully meet its objective to reduce predation on calves, to respond to all requests and assist ODFW in meeting wildlife management objectives. The analysis of the level of impact that Alternative 1 would have was low for all the target species, predator/prey relationships, nontarget species and T&E species.

Alternative 2. Expanded program. This is the current program described in Alternative 1 plus similar operational activities on other land classes as requested (proposed action). Alternative 2 will improve ADC's ability to respond to livestock damage requests on all lands not currently authorized under Alternative 1. These "other" lands are primarily public grazing allotments (BLM and FS). Alternative 2 was selected because 1) it is consistent with the Wallowa-Whitman Forest Plan (LRMP) direction that contemplates activities to control predation of permitted livestock, 2) conforms to the MOUs between APHIS-ADC, FS and BLM that mutually recognizes that the management of wildlife damage on National Forests and BLM lands is important and may involve the

management of predator populations to achieve land and resource management objects, and 3) would allow ADC to fully meet eight of the nine objectives for the program and to partially meet the objective of monitoring the application of producer-implemented nonlethal techniques. The analysis of the level of impacts that Alternative 2 would have was also low for all the target species, predator/prey relationships, nontarget species and T&E species.

Alternative 3. A nonlethal before lethal management program would be a modification of the current ADC program (Alternative 1). This alternative would require that livestock producers practice nonlethal methods before lethal methods are used by ADC. Alternative 3 is essentially the current program alternative with the restriction that no ADC activities would be allowed until the cooperator demonstrated the use of all available nonlethal techniques. This alternative was not selected because 1) no standard exists to determine diligence in applying nonlethal methods, 2) there are no standards to determine how many nonlethal applications are necessary before initiation of lethal controls, and 3) ADC is charged by law to respond to damage requests as reaffirmed in a recent court decision to minimize damage caused by wildlife. Consideration of wildlife needs is not included with the nonlethal methods currently available nor could ADC base control strategies on the needs of designated wildlife. Alternative 3 would not allow ADC to respond to all request, reduce predation to lambs and calves, assist ODFW in meeting its wildlife management objectives, and address public safety. Analysis of Alternative 3 showed it impacts are higher than those of Alternatives 1 and 2.

Alternative 4. Wildlife damage management activities by ADC would be restricted to providing technical assistance and would eliminate all operational wildlife damage management by ADC conducted in the current program (Alternative 1). Alternative 4 would not allow ADC to meet objectives to reduce predation to lambs, sheep and calves, to assist ODFW in meeting wildlife objectives and to respond to human safety requests concerning black bear and cougar. Objectives concerning responding to all requests, nonlethal wildlife damage management and monitoring would only be partially met, and the nontarget species objective would be met. Analysis of Alternative 4 showed its impacts to be higher than Alternatives 1 and 2.

Alternative 5. No wildlife damage management activities by ADC. The Alternative would terminate the Federal wildlife damage management program in the District. Alternative 5 was not selected because it would be inconsistent with the FS (LRMPs) and BLM Policy. Alternative 5 violates the MOU between APHIS-ADC, FS and BLM that mutually recognizes that the management of wildlife damage on National Forests and BLM managed lands is important and may involve the management of predator populations to achieve land and resources management objectives. Alternative 5 would not allow ADC to meet eight of the nine objectives for the program. Only the nontarget species objective would be met. Analysis of Alternative 5 showed the level of anticipated impacts to be higher than Alternative 1 and 2 and the same as Alternative 4.

The alternatives considered but not analyzed in detail are the following:

Compensation for Wildlife Damage Losses Alternative. The Compensation alternative would direct all ADC program efforts and resources toward the verification of livestock and poultry losses from predators, and providing monetary compensation to the producers. ADC services would not include any direct control nor would technical assistance or nonlethal methods be provided. This alternative was eliminated from detailed analysis since the analysis in ADC's FEIS found that this alternative had many drawbacks (USDA 1994). Some of the draw backs listed in the FEIS were; (1) the alternative would require large expenditures of money and manpower to investigate and validate all losses, and determine and administer appropriate compensation, (2) compensation would most likely be below full market value and it would be difficult to make timely responses to all requests to assess and confirm losses, as many losses could not be verified, (3) compensation would give little incentive to livestock owners to limit predation through improved animal husbandry practices and other management strategies, (4) not all ranchers would rely completely on a compensation program and lethal control of predators would most likely continue as permitted by state law, and (5) Congress has not appropriated funds to compensate for predation or other wildlife damage to agricultural products.

Bounties Alternative. The Bounty Alternative would provide payment for killing predators (bounties) suspected of causing economic losses. This alternative is not supported by state agencies such as the ODFW and the ODA nor by ADC because of the many drawbacks and problems such as; (1) ADC does not have the authority to establish a bounty program, (2) bounties are generally not as effective in controlling damage, (3) circumstances surrounding the take of animals is completely unregulated and (4) no process exists to prohibit taking of animals from outside the damage management area for compensation purposes.

Eradication and Suppression Alternative. The eradication and suppression alternative would direct all ADC program efforts toward planned, total elimination of native predatory species. Eradication of unprotected predators, such as coyotes, is legal in Oregon but is not supported by the ODFW or the ODA. This alternative was not considered in detail because; (1) ADC is opposed to the eradication of any native wildlife species, (2) ODFW and ODA oppose the eradication of any native Oregon wildlife species, (3) the eradication of a native species or local population would be extremely difficult if not impossible to accomplish and would be cost prohibitive and (4) eradication is not acceptable to most members of the public.

Humane Society of the United States (HSUS) Alternative. This Alternative's fundamental components required: (1) permittees evidence a sustained and ongoing use of nonlethal/husbandry techniques; (2) employees of the ADC program use or recommend nonlethal techniques as a priority; (3) lethal techniques be limited to calling and shooting and ground shooting; and (4) established higher levels of acceptable loss

levels on public lands than on private lands. This Alternative was eliminated from detailed consideration because: (1) The components dealing with nonlethal/husbandry techniques are addressed in the current program Alternative (Alternative 1) as are the lethal techniques of calling and shooting and ground shooting and therefore detailed analysis of this alternative would not have contributed new information, (2) The limitation on lethal methods would not allow for a full range of IWDM methods to resolve wildlife damage management problems, and (3) The restriction to ground calling and, shooting would have effectively resulted in a technical assistance only program which was analyzed as Alternative 4.

Livestock Protection Collar (LPC) options to Alternative 1 and 2. This option would allow ADC to incorporate the use of the LPC as a method available for use in the IWDM program in the John Day District. This option was selected but will only be implemented if the ODA approves use of the LPC for Oregon and the District. The LPC contains sodium fluoroacetate (1080) and is currently registered with EPA. The LPC would not be used on FS and BLM lands. Use of the LPC would improve ADC's ability to meet objectives for reducing predation on lambs and sheep and for reducing nontarget wildlife take. Use of the LPC would not affect five of the objectives and would help to partially meet the objective for responding to requests. The analysis of the level of anticipated impacts with the use of the LPC are all low.

FINDING OF NO SIGNIFICANT IMPACT

The EA indicates that there will not be a significant impact on the quality of the human environment as a result of this proposal. I agree with this conclusion, and therefore, determine that an Environmental Impact Statement (EIS) will not be prepared. This determination is based on consideration of the following factors which are addressed in the EA:

1. The proposed activities will not significantly affect public health and safety.
2. The proposed activities will not have an impact on unique characteristics of the geographical areas such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.
3. The effects on the human environment of the proposed activities are not highly controversial.
4. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
5. The proposed activities do not establish a precedent for future actions.
6. There are no significant cumulative effects identified by this assessment.

7. The proposed activities do not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or will cause a loss or destruction of significant scientific, cultural, or historical resources, including interference with American Indian traditional uses or Sacred sites.
8. The proposed activities will fully comply with the Endangered Species Act of 1973, as amended. An informal Section 7 consultation for the proposed activities has been completed.
9. There are no irreversible or irretrievable resource commitments identified by this assessment.
10. The proposed activities will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

For additional information concerning this decision, please contact Thomas Hoffman, APHIS-ADC, 2600 S.E. 98th, Suite 110, Portland, Oregon 97266, Area Code (503) 231-6184 or Alan Armistead, APHIS-ADC, 431 Patterson Bridge Road, John Day, Oregon 97470, Area Code (541) 575-1252.

Approved By:


Thomas R. Hoffman
State Director, Oregon
Animal Damage Control

July 12, 1996
Date