

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

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

OREGON ADC NORTHWEST 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 Oregon. 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 Oregon's Northwest District (District). The District is made up of 16 counties: Benton, Clackamas, Clatsop, Columbia, Hood River, Jefferson, Lincoln, Linn, Marion, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, and Yamhill. This decision and Finding of No Significant Impact (FONSI) are based on the analysis in this EA, which ADC now adopts as final.

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 and poultry, certain wildlife species, 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 1.7 million acres, which is about 17% of the area within the District. However, ADC only conducts wildlife damage management on part of the area covered under agreements at limited times throughout the year. The District includes Federal lands under the jurisdiction of the Forest Service (USFS), Bureau of Land Management (BLM), National Park Service and U.S. Fish and Wildlife Service (FWS), and Tribal lands, and State, county and private lands. During 1995, about 99% of actual direct control operations were conducted on private lands. The remaining was conducted on county, State and Federal lands. 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 Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Agriculture (ODA), BLM and USFS to minimize animal damage. 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 programmatic Environmental Impact Statement (ADC EIS). The District EA is tiered to the programmatic ADC EIS.

ADC work is conducted according to Memoranda of Understanding (MOUs) signed between APHIS-ADC and ODFW. National level Master MOUs were also signed between APHIS-ADC and the US Forest Service (1993) and APHIS-ADC and BLM (1995) transferring NEPA responsibilities for wildlife damage management to ADC. All wildlife damage management will be conducted according to the MOUs and all Federal, State, and local regulations and policies, including the Endangered Species Act of 1973.

The analysis in the EA provides a comparison of six alternatives and one option 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, 2600 SE 98th Ave., Suite 110, Portland Oregon, 97266. The telephone number to call is (503) 231-6184.

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
- Effectiveness and Selectivity of the control methods
- Effects on threatened or endangered species
- Nontarget species impacts
- Cost effectiveness

Issues used to develop mitigation included humaneness, the public's concern about the use of chemicals, impacts on public lands and wilderness, and cultural resources.

ALTERNATIVES EVALUATED

Alternative 1 - The Current Northwest ADC District Program (No Action). Continuation of the current District Program was analyzed and used as a baseline for comparing the effects of the other Alternatives as required by 40 CFR 1502.14(d). Alternative 1 is a procedural NEPA requirement, and is a viable and reasonable alternative that could be selected. The current program would allow ADC to meet its mission for most program requests, but would not respond to requests for assistance on Forest Service or BLM lands. The analysis of impacts showed that Alternative 1 would have a low/moderate cumulative impact on target wildlife populations, good cost effectiveness, and low impacts on all other issues analyzed.

Alternative 2 - The Expanded Program. This Alternative would continue the current program as described under Alternative 1, and add additional approval for ADC to operate on certain Forest Service and BLM lands within the District at the request of the livestock permittee, ODFW, or the land management agency. Work on Forest Service and BLM lands would be conducted according to MOUs signed between the agencies. ADC Work Plans, developed in cooperation with the land management agencies, would outline planned control activities on lands under Federal jurisdiction. Impacts from this alternative were determined to be the same as Alternative 1, but cost effectiveness was better.

Alternative 3 - No Lethal Wildlife Damage Management (Technical Assistance Only). This alternative would eliminate ADC operational wildlife damage management in the District. ADC would only provide technical assistance and make recommendations when requested. Would-be service recipients could conduct their own wildlife damage management under the provisions of Oregon Revised Statutes. The environmental consequences of this alternative compared less favorably for impacts on sensitive species, nontarget species, and selectivity and effectiveness of methods. Cost effectiveness was difficult to judge. Other impacts were similar to Alternatives 1 and 2.

Alternative 4 - No Federal Program. This Alternative would eliminate all ADC wildlife damage management on all land classes. Wildlife damage management would be conducted by other groups and individuals. The environmental consequences of having no ADC program were determined to be similar to the Technical Assistance Only alternative, with a less desirable selectivity and effectiveness of the methods. Cost effectiveness was not applicable.

Alternative 5 - No Use of Chemicals (Mechanical Methods Only). Alternative 5 would only provide for wildlife damage management with mechanical methods only. These would include

producer employed methods such as animal husbandry. ADC would use only traps, snares, shooting and other mechanical methods. The environmental consequences of this alternative were determined to be similar to the Current and expanded program as for cumulative impacts on wildlife populations and threatened and endangered species (low impacts). Impacts on nontarget species, selectivity and effectiveness, and humaneness were determined to be moderate. Cost effectiveness was lower than Alternatives 1 and 2.

Alternative 6 - Nonlethal Prior to Lethal Methods. This alternative is a modification of the current ADC program that would require that livestock producers practice nonlethal control before the use of lethal control methods by ADC. The environmental consequences of this alternative were determined to be similar to alternative 1, the Current ADC Program.

Livestock Protection Collar (LPC) Option to Alternatives 1 and 2. Livestock Protection Collars (LPCs), containing sodium fluoroacetate, are registered with the EPA for producer or ADC use nationwide. If the LPC is approved for use in Oregon through the Oregon Department of Agriculture, this option would allow its incorporation into the IWDM program for Alternative 1 or 2. The LPC would not be used on BLM or Forest Service lands in the District.

PUBLIC INVOLVEMENT

This EA was developed in coordination with cooperating agencies, and a predecisional document was made available for public review and input. In February 1996, more than 200 letters were mailed to individuals, organizations and agencies who had expressed an interest, or who were thought to have an interest in the program. Legal notices were published in four daily newspapers throughout the District. The public comments received did not raise substantive issues requiring further analysis in the EA. However, we have decided to address those comments in this decision document. References are contained in the Literature Cited Section of the EA:

1. Predation continues to be a major problem for producers. Ranchers need ADC to prevent severe financial losses. Losses are under reported. The livestock industry is a major income source for the State.

The EA discusses the need for the program. The American Sheep Industry Association (ASI Brochure, Sheep and Predator Management, September 1996) reports that predation costs to sheep producers are second only to feed and pasture, in total production costs. The EA acknowledges that ADC reported and confirmed losses are only a part of the damage picture. We agree that the livestock industry makes an important economic contribution to Oregon's economy.

2. Damage control should be conducted by professionals. It should not be allowed unless necessary. Free roaming dogs are a major problem.

When some individuals attempt to control wildlife damage it can have negative consequences on target and nontarget species and may not be as humane as when done by professionals. Also, individuals may not coordinate their activities with the appropriate wildlife management agencies. ADC conducts wildlife damage management only where a need exists. Need is determined by actual losses, or projected losses based on historical data.

Feral dog damage control falls under the jurisdiction of local animal control ordinances. State law provides for the establishment of dog control districts and allows for private individuals to do their own control work. ADC may provide assistance when requested by local dog control officials.

3. Discuss service recipient's (rancher or other) role before ADC work (actions and monetary). Who can enforce service recipients' responsibilities?

ADC recognizes the importance of good husbandry and management practices in helping to reduce wildlife damage. ADC policy is to respond to all requests for assistance within program authority and responsibility. If improved husbandry practices would likely reduce a predation problem, ADC makes recommendations promoting these practices.

There is no law or policy requiring livestock producers to employ good husbandry practices to protect their livestock. Still, most Oregon livestock producers do employ a variety of husbandry practices and nonlethal damage management methods to protect their stock as a matter of good business.

4. Each alternative should provide specific examples of nonlethal steps taken before lethal measures are begun.

The analysis of a nonlethal before lethal alternative was developed and assessed in the Programmatic EIS (1994), and further evaluated in the District EA. Most producers currently employ nonlethal methods. In addition, ADC may advise producers on additional nonlethal methods. Both the EIS and EA provide examples of these practices. The comment is not applicable to Alternative 3 (no lethal predator management) or Alternative 4 (no wildlife damage management). Table 2-4 in the EIS (USDA 1994) contains examples of control methods that could be used in the decision process. Under all of the alternatives considered (except Alternatives 3 and 4), the consideration of nonlethal methods would be similar. The ADC specialist, using the Decision Model (shown in Chapter 3 in the EA) applies the variables of each damage situation and chooses from allowable methods in an integrated pest management

program. The differences within the alternatives are the methods allowed and the locations proposed.

5. Discuss historical problems, scope and magnitude of predation in the District. Discuss why certain producers may have predation problems.

Predation has historically been a major problem for livestock producers, and legislation has been enacted to respond to the problem. A detailed discussion of the historical problems is not warranted or appropriate for this EA. Readers should refer to the Programmatic EIS, to which the District EA is tiered.

The purpose of this EA is to consider the environmental consequences of responding to the need for a predator damage management program in the District, to inform interested persons of the decision making process, and to determine whether proposed actions might have a significant impact on the environment. ADC used the best available information, as required under NEPA, to describe the scope and magnitude of predation in the District. The information was presented from a variety of sources, including the National Agricultural Statistics Service, and ADC verified and reported losses.

6. Discuss the need for control in losses as a portion of total inventory. Discuss values of predators. Compare losses of livestock due to predators with other losses. How are losses verified?

Individuals who request ADC services are not given priority based on their economic status or the size of their operation. The EA and EIS contain discussions of losses of livestock and values of livestock and wildlife.

7. How does ADC compete with private businesses which offer the same services?

ADC policy is to avoid competition with private business in wildlife damage management (ADC Directive 4.220). Because wildlife is a publicly owned natural resource, Federal and State governments are given responsibility for maintaining healthy, stable wildlife populations. By coordinating government involvement in alleviating wildlife damage, ADC officials and State and local governments can ensure that control activities are both environmentally sound and conducted according to all applicable Federal, State and local laws and regulations, including the Endangered Species Act and the National Environmental Policy Act. ADC may cooperate with a private business by providing direct control, technical assistance, supervision, or by applying ADC-specific methods. Lacking a cooperative agreement, ADC will not provide direct control services at the same time and same location or tract of land where a private business or individual is similarly operating.

ADC frequently refers requests for assistance to private pest control operators. ADC policy states that it will not provide a bid in response to an advertised request for open bids; it will only provide direct control services when authorized and as provided by a cooperative agreement or memorandum of understanding; and requestors of ADC services are made aware of options available, such as technical assistance, and other providers. ADC may only provide service to those who have made a specific request.

8. Does this EA address urban wildlife conflicts? Does ADC provide educational materials or advice to urban callers?

The scope, as defined in the EA, is limited to wildlife damage management for protection of livestock and poultry, damage to property, and wildlife and public safety. Except for health and safety threats in urban areas (from dangerous bear or cougar), this EA does not address urban wildlife conflicts.

Technical assistance, advice and educational materials are provided to all callers when the damage situation is appropriate. ADC maintains and distributes information and literature on the use of effective nonlethal methods to anyone who requests it.

9. How much time and money are allocated to services other than livestock protection?

Approximately one-half of Oregon ADC's annual budget from Federal sources is spent on livestock protection. This figure, along with funds from State and County sources, varies depending on the needs, locations and year that funds are allocated. The need for wildlife damage control in each county can vary considerably depending on many factors (such as the types of enterprises, the dynamics of the wildlife populations, and the funds available for protecting resources).

10. Describe how ADC fees for service are formulated. Is it the same for everyone?

Funding for ADC comes from a variety of sources besides Federal appropriations. ADC programs are funded by Federal, State and County funds, and private contributions. Service depends on funds available.

11. What is the criteria for deciding whether or not ADC will provide on-site help.

See chapter 3 in the EA.

12. Outline responsibilities of cooperating agencies.

The reader should refer to Oregon Revised Statute 610 for information on the administration of laws on predatory animal damage management. The EA discusses the authority and compliance requirements of cooperating agencies.

13. Discuss long term results of the program in resolving conflicts and creating empty predator niches. Short term population control does not remove the problem.

To remove the coyote depredation problem completely, coyotes would need to be eliminated. This is not an acceptable or realistic solution. Damage management requires removing the individuals that prey on livestock. Not all coyotes prey on livestock. ADC does not attempt to eradicate the population. ADC attempts to remove the depredating individuals, or sometimes localized populations from areas where livestock are most vulnerable.

The removal of local territorial (dominant) coyotes removes the individuals that are most likely to kill livestock and generally results in the immigration of subdominant coyotes that are less likely to kill livestock.

Coyotes in areas of lower population densities, may reproduce at an earlier age and have more off spring per litter, however, these same populations generally sustain high mortality rates of adults and offspring. Therefore, the overall population of the area does not change. The number of breeding coyotes does not substantially increase without exploitation and individual coyote territories produce one litter per year independent of the population being exploited or unexploited. Connolly and Longhurst (1975) showed coyote populations in exploited and unexploited populations do not increase at significantly different rates and that an area will only support a population to its carrying capacity.

14. Commenter feels that ADC does not need to assist in protection of wildlife species from predators.

The comment implies that people should not interfere with nature. Natural systems are in a state of dynamic equilibrium. Balance is not static. Some species are increasing in numbers, while others are decreasing. Such changes are constantly occurring. Human populations are an integral component of this balance. Humans impact wildlife through activities such as crop and livestock production, urban development, and recreation. Similarly, wildlife activities affect human populations. The presence of humans and their activities can impose an element of management simply because of competition for resources and because of the changes humans cause in the landscape. Sound management practices take into account the dynamic state of the balance of nature, the often diverse interests of humans, wildlife needs, and the conflicts that sometimes result. Human influences on all ecosystems are present despite APHIS ADC activities.

The APHIS ADC program (See Chapter 1, ADC Programmatic EIS) attempts to reduce conflicts between humans and wildlife. APHIS ADC seeks to accomplish this mandate under law based on biological research and knowledge. Control of wildlife populations or removal of individual animals is a scientifically recognized component of wildlife management, as are preservation and the maintenance of populations (see Chapter 1 USDA 1994, pp. 3-5). APHIS ADC practices are based on scientific knowledge of wildlife populations and habitats. For example, the APHIS National Wildlife Research Center conducts research regarding the behavior of predators, the effectiveness of wildlife damage control methods, and many other topics related to the control of wildlife damage. APHIS ADC approaches to the control of wildlife damage are based in research.

The U.S. Fish and Wildlife Service, State wildlife management agencies, and other agencies with authority and responsibility for wildlife management frequently request the services of ADC throughout the country to help in resolving excessive depredation to sensitive or valuable wildlife species. Often the single limiting factor in the recovery of endangered species is predation, as identified by FWS in the reintroduction of the black-footed ferret. The swift fox conservation team has identified coyote predation as the primary cause of mortality in swift fox.

15. Why should taxpayers help protect livestock producers? Producers should obtain service from private businesses or be user fee based.

Some individuals feel that wildlife damage management should not be provided at the expense of the taxpayer or that it should be fee based. ADC was established by Congress as the Federal agency responsible for providing wildlife damage management to the people of the United States. Funding for ADC comes from a variety of sources besides Federal appropriations. Generally State funds and license fees, county funds and livestock producer funds are all applied to a cooperative program under Cooperative Agreements. Federal, State and local officials have decided that ADC should be conducted by appropriating funds. Additionally, wildlife damage management is an appropriate sphere of activity for government programs, since wildlife management is a government responsibility.

16. The EA should not be tiered to the Record of Decision from the ADC Programmatic EIS. The Record of Decision is not legal.

The Record of Decision, signed on March 7, 1995, was prepared in compliance with Council on Environmental Quality regulations implementing the National Environmental Policy Act. The final EIS was programmatic in nature and assisted in the development of a flexible framework within which the various alternatives could be considered on a site-specific context. The EA is appropriately tiered to the EIS to assess site-specific impacts under the broader programmatic analysis.

17. Poultry losses reflect irresponsible producers.

This statement is unfounded. Poultry producers can sustain high losses to predators, under a variety of management methods. Most poultry losses are to producers of free ranging poultry and backyard operations. ADC provides these operators with technical assistance as well as direct control when appropriate.

18. Discuss how nontarget animal numbers will be minimized.

ADC uses methods that have been developed to be as selective as possible. These methods and mitigation to improve selectivity are described fully in the District EA and the EIS. ADC specialists are experienced, trained professionals. Their knowledge of predator behavior, livestock management practices, and control methods assure the lowest possible incidence of nontarget take. The National Wildlife Research Center continues to conduct research in more selective methods. ADC monitors the numbers of animals removed and coordinates both target and nontarget animal removals with the appropriate wildlife and land management agencies.

19. The alternatives are not given serious consideration.

ADC has evaluated all of the issues identified under each alternative. NEPA requires that all reasonable, representative outcomes are evaluated and presented to describe and clarify basic underlying issues and impacts to provide the decision maker with a clear means to discriminate between the various biological, sociocultural, economic, and physical environmental consequences of the alternatives. Any substantive issues or comments received from agency and public review are considered in the EA process. All input has been given consideration.

20. Who provides oversight to the ADC program in Oregon? Discuss chain of command.

ADC is subject to many Federal and state regulations, APHIS/ADC policies and directives, and interagency agreements. Many review and coordination processes exist which ensure compliance with these guidelines. The oversight entity depends on the compliance area. For example, for compliance with the Federal Insecticide Rodenticide and Fungicide Act, ADC reports to EPA and the Oregon Department of Agriculture, which have enforcement responsibilities for pesticide uses. For compliance with provisions in the Endangered Species Act and Migratory Bird Treaty Act, ADC consults and coordinates with the U.S. Fish and Wildlife Service (both on a National and local level). ADC authorities, key laws and regulations, interrelationships and the NEPA process are described in detail in Chapter 1 of the ADC EIS (1994) and Chapter 1 of the District EA.

The environmental assessment that resulted in this decision document, in conjunction with the Programmatic ADC EIS (1994), is part of ADC's NEPA compliance process. National Environmental Policy Act compliance includes opportunities for public participation and scrutiny, as required by the Council on Environmental Quality.

National level Memoranda of Understanding have been signed between ADC and other Federal agencies such as Forest Service, Bureau of Land Management, and the Federal Aviation Administration. Coordination is required for planning and implementing activities with these agencies. Unresolvable conflicts arising from either signatory party for nonconformance with MOU provisions must be elevated for resolution. Memoranda of Understanding require agencies to comply with all appropriate management regulations.

Other review and oversight mechanisms include the National Animal Damage Control Advisory Committee (NADCAC), a citizen committee which advises the Secretary of Agriculture on ADC policies; General Accounting Office audits, and APHIS Internal Program Evaluation and Management Control reviews.

ADC has an internal review process under which ADC Field Specialists are supervised by District Supervisors who ensure that each ADC Specialist is conducting field work according to all Federal, State, and local laws, and with all USDA, APHIS, and ADC directives and policies. State program oversight is provided by the State Director.

DECISION AND RATIONAL

I have carefully reviewed the EA and believe the issues identified in the EA are best addressed by selecting Alternative 2, the Expanded Program Alternative, with the option to use the LPC, should it become available for use in the District. Alternative 2 provides the best range of damage management methods considered practical and effective to accomplish ADC's Congressionally authorized activities. While Alternative 2 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. Alternative 2 authorizes ADC to work on selected U.S. Forest Service and Bureau of Land Management Lands within the District to respond to requests made by livestock permittees, ODFW, or the land management agency.

ODA has given ADC the authority to use the LPC in Curry County only (not within the District). If approved for use within the Northwest Oregon ADC District, ADC will follow EPA registration and ODA requirements. Only specially trained and certified ADC employees would be authorized to use the LPC. The LPC is discussed fully in the EA and in Appendix F.

By this decision, I am directing the Oregon ADC Northwest District Program to implement Alternative 2, and expand the current program. Oregon ADC may also incorporate the LPC into its predator damage management program, should it receive approval from ODA. LPC use would be subject to all EPA and ODA restrictions and mitigative measures, as discussed in the EA and supporting documentation.

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.
5. The effects on the quality of the human environment are not highly controversial.
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. The effects of the proposed action on the human environment are not highly uncertain.
7. The proposed action does not establish a precedent for future actions.
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. No significant cumulative effects were identified by this assessment for this or other anticipated actions to be implemented or planned within the area.

9. Predator damage management would not significantly affect cultural or historic resources. ADC predator damage management 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.
10. 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.
11. This action would be in compliance with Federal, State and local laws or requirements for predator damage management and environmental protection.

Decision and FONSI - Oregon ADC Northwest District EA

Reviewed by:

David Williams
David E. Williams
Oregon State Director, USDA-APHIS-ADC

Date July 24, 1997

Approved by:

Michael Worthen
Michael Worthen
Regional Director, USDA-APHIS-ADC

Date 7/25/97