

**DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT  
FOR  
PREDATOR DAMAGE MANAGEMENT IN EASTERN WYOMING**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to a variety of requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. (Wildlife Services was previously called Animal Damage Control but USDA-APHIS changed the name on August 1, 1997.) Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions are categorically excluded (7 CFR § 372.5(c), 60 Fed. Reg. 6000-6003). To evaluate and determine if any potentially significant impacts to the human environment from WS's planned and proposed program would occur, an environmental assessment (EA) was prepared. The Pre-Decisional EA, released by WS in November 1997, documented the need for predator damage management in eastern Wyoming and assessed potential impacts of various alternatives for responding to predator damage problems. WS's proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on all land classes in eastern Wyoming to protect livestock, public health and safety, property and wildlife from predator damage, when appropriate and as requested by resource owners or managers.

The EA analyzes the potential environmental and social effects of preventing or resolving predator damage related to the protection of livestock, wildlife, property, and to safeguard public health and safety on private and public lands in eastern Wyoming. The analysis area includes lands under the jurisdiction of the U.S. Forest Service (Forest Service), Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (USFWS), Wyoming State Lands and Investments (WSLI), and county, municipal and private lands. In 1995, Wyoming WS had active agreements to conduct predator damage management on about 5.6 million acres of the analysis area (Management Information System (MIS) 1995) (MIS data year corresponds to the Federal fiscal year). However, WS does not typically conduct damage management on the entire area under agreement during any given year. For example, in FY 1996 WS worked on about 3.6 million acres within the analysis area, or about 29% of the analysis area (MIS 1996).

WS is the Federal program charged by law to reduce damage caused by wildlife (Animal Damage Control Act of March 2, 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c), Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987, Stat. 1329-1331 (7 U.S.C. 426c). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS uses an IWDM approach, commonly known as Integrated Pest Management (ADC Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. WS predator damage management is not based on punishing offending animals but as one means of reducing future damage and is used as part of the ADC Decision Model (Slate et al. 1992, USDA 1994, ADC Directive 2.201). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). Livestock producers and wildlife management agencies have requested WS to conduct predator damage management to protect livestock, wildlife, and threatened and endangered (T&E) species in Wyoming. All Wyoming WS predator damage management is in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act (ESA) of 1973.

WS cooperates with the Forest Service, BLM, USFWS, Wyoming Game and Fish Department (WGFD), Wyoming Department of Agriculture (WDA) and WSLI to reduce predator damage. The WGFD has the responsibility to manage all wildlife in Wyoming, including Federally listed T&E species and migratory birds, which is a joint responsibility with the USFWS. Memoranda of Understanding (MOUs) signed between APHIS-WS and the Forest Service, BLM, WGFD and WDA clearly outline the responsibility, technical expertise and coordination between agencies. The MOUs with the Forest Service and BLM provide guidance for compliance with the NEPA and the

basis for the interdisciplinary process used to develop the EA. A Multi-agency Team with representatives and advisors from each of the cooperating agencies provided input during the development of the EA. The agencies cooperated with Wyoming WS to determine whether the proposed action is in compliance with relevant laws, regulations, policies, orders, and procedures. All Wyoming WS wildlife damage management is conducted consistent with the ESA and the Section 7 Consultation with the USFWS (USDI 1992, 1997).

A Pre-Decisional EA was prepared and released to the public for a 30-day comment period. Notice of availability of the Pre-Decisional EA was also published in five major newspapers in Wyoming. Eleven comment letters were received in response to the Pre-Decisional EA. Documentation of the public involvement effort, including comment letters and specific responses to all the issues identified in those letters, is available for public review by contacting the WS State-Director, P.O. Box 59, Casper, Wyoming 82602.

### **Consistency**

Predator damage management is conducted on National Forest System and BLM lands consistent with MOUs and policies of APHIS-WS, the Forest Service and BLM, and the EA. Any work plans developed for predator damage management, pursuant to this decision, will be consistent with the direction provided in the Land and Resources Management Plans (LRMPs) for the National Forests and the Resource Management Plans (RMP) for BLM administered lands found in Wyoming. On Forest Service and BLM managed lands, public safety and environmental concerns are adequately mitigated through jointly developing work plans with WS and the Forest Service or BLM. The Forest Service and BLM may, at times, restrict predator damage management that concerns public safety or resource values; modifications may also be made in areas where predator damage management occurs. All predator damage management will be conducted consistent with the ESA and the Section 7 Consultation with the USFWS.

The analyses in the EA demonstrate that Alternative 3 provides WS the best opportunity to reduce losses while maintaining low impacts on non-target species, other wildlife and T&E species. Alternative 3 best: 1) addresses the issues identified in the EA, 2) provides the environmental safeguards for public safety, 3) balances the economic effects of livestock losses to Forest Service, BLM and WSLI permittees and private land owners, 4) the concerns for the other multiple use values of the Forest Service and BLM, and 5) allows WS to meet its obligations to the WGFD, WDA and other cooperating agencies or entities.

### **Monitoring**

The Wyoming WS program will provide the WS take of target and non-target animals to the WGFD to determine if the total statewide take is within allowable harvest levels as determined by the WGFD and nonlethal methods used by cooperators will be tracked using the WS MIS database once this capability is developed. Monitoring of mitigation measures will continue to be addressed at the local level through regular contact with cooperating agency representatives and through discussions at work plan meetings with the respective land management agencies and the WGFD. This monitoring will include a review of livestock losses, target and non-target animals taken in response to damage complaints, and a comparison of this level of take with allowable harvest levels. WS also maintains informal communications throughout the year with the USFWS regarding potential impacts of WS's activities to T&E species.

### **Public Involvement**

Before development of the EA, 2,500 letters were mailed to individuals and organizations identified as having an interest in WS issues. Notices of the proposed action, availability of the public involvement letter and availability of the Pre-Decisional EA were also published in five major newspapers in Wyoming. A total of 126 comment letters or cards were received during the initial public involvement period and 11 comment letters were received on the Pre-Decisional EA. These letters were reviewed to identify any additional substantive issues to be addressed.

### **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).

1. Cumulative impacts on the viability of wildlife populations
  - the potential for the WS take of predators to negatively impact recreational or commercial harvest of predators.
2. Effectiveness and selectivity of damage management methods
  - the potential for WS methods to take non-target animals
  - need for a wide variety of damage management methods
  - criteria for deciding what methods will be used
  - use of "*preventive*" damage management work.
3. Risks posed by damage management methods to the public and domestic pets
4. Concern about WS impacts on T&E species.
5. Cost-effectiveness of WS activities.

#### **Alternatives That Were Fully Evaluated**

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

**Alternative 1. No Action - Current Analysis Area WS Program.** 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 consists of the current program of technical assistance and operational IWDM (ADC Directive 2.105) by Wyoming WS on the Rawlins and Casper BLM Districts, and the Big Horn, Medicine Bow and Black Hills National Forests, State, county, municipal, and private lands under Cooperative Agreement and Agreement for Control with Wyoming WS. The current program direction is primarily for the protection of agricultural resources and public health and safety.

**Alternative 2. No Predator Damage Management in the Analysis Area.** This alternative would terminate the Federal Predator Damage Management program in eastern Wyoming. Alternative 2 was not selected because WS is charged by law and reaffirmed by a recent court decision (U.S. District Court of Utah 1993) to reduce damage caused by wildlife (Animal Damage Control Act of 1931, as amended; and the Rural Development, Agricultural and Related Agencies Appropriation Act of 1988). This alternative would not allow WS to meet its statutory responsibility for providing assistance or to reduce wildlife damage. Alternative 2 violates the MOU between APHIS-WS and the Forest Service and BLM whereby it is mutually recognized that management of wildlife damage on Forest Service and BLM managed lands is important and may involve the predator damage management to achieve land and resource management objectives.

**Alternative 3. Fully Integrated Wildlife Damage Management (IWDM) for Multiple Resources and Land Classes: (Proposed Alternative).** This alternative would allow for predator damage management based on the needs of multiple resources (livestock, wildlife, property, and public health and safety) and would be implemented following consultations with the WGFD, WDA, Federal agencies or Tribes, as appropriate. This alternative would allow for a Federal WS program to protect multiple resources on all land classes at the request of the land management agency or individual if a Cooperative Agreement, Agreement for Control and/or Work Plan or comparable document with Wyoming WS, as appropriate, are in place. Alternative 3 best conforms to the MOU between WS, the Forest Service and BLM that mutually recognize that the management of wildlife damage on Forest Service and BLM lands is important and may involve the management of predator damage to achieve land and resource management objectives. Analysis of Alternative 3 showed low level of impact to the target species, non-

target species and T&E species.

**Alternative 4. Nonlethal Control Required Prior to Lethal Control.** This alternative would require that nonlethal damage management be implemented before the initiation of lethal predator damage management by Wyoming WS. This alternative was not selected because no standard exists to determine diligence in applying nonlethal methods nor are there any standards to determine how many nonlethal applications are necessary before initiation of lethal controls. WS is charged by law to reduce damage caused by wildlife (Animal Damage Control Act of 1931, as amended; and the Rural Development, Agricultural and Related Agencies Appropriation Act of 1988) and this was reaffirmed in a recent court decision (U. S. District Court of Utah 1993). Consideration of wildlife protection is not included with the non-lethal methods currently available nor could WS base damage management strategies on the needs of designated wildlife.

**Alternative 5. Corrective Control Only.** This alternative would require that livestock depredation occur before the initiation of lethal damage management. This alternative would not allow for any lethal preventive damage management and management could only be implemented after the onset of losses. Alternative 5 was not selected because it is often difficult to remove offending coyotes quickly enough to prevent further losses once predation has begun and does not allow WS to meet its statutory directives. Under Alternative 5, WS could conduct predator damage management only after verification of livestock losses. WS is charged by law to minimize damage caused by wildlife (Animal Damage Control Act of 1931, as amended; and the Rural Development, Agricultural and Related Agencies Appropriation Act of 1988) and this was reaffirmed by a recent court decision (U. S. District Court of Utah 1993). The alternative would only delay damage management while verification of losses occurred and management actions could be implemented.

**Alternative 6. Technical Assistance Program.** Under this alternative, Wyoming WS would not conduct operational predator damage management in eastern Wyoming. The entire program would consist of only technical assistance and all WS operational wildlife damage management in eastern Wyoming would be eliminated. Alternative 6 was not selected because it was inconsistent with Forest Service and BLM policy, and it is likely that the Forest Service and BLM could not meet their management guidelines.

**Alternative 7. Predator Damage Management with Only Mechanical Methods (No Use of Chemicals).** Under this alternative, Wyoming WS would be restricted to using only mechanical damage management methods (i.e., traps, snares, aerial hunting, calling and shooting, shooting) with no chemical damage management methods allowed (i.e., DRC 1339, sodium cyanide, gas cartridge, livestock protection collar, immobilizing and euthanizing chemical agents). Alternative 7 was not selected because it does not allow for a full array of predator damage management strategies and methodologies, and therefore may preclude the most effective approach to resolving damage situations.

**Alternatives Considered but not Analyzed in Detail are the Following:**

**Compensation for Wildlife Damage Losses -** The Compensation alternative would direct all Wyoming WS program efforts and resources to the verification of losses from predators and providing monetary compensation. WS services would not include any direct damage management nor would technical assistance or nonlethal methods be provided. This alternative was eliminated from detailed analysis in WS's Programmatic EIS (USDA 1994) because of many disadvantages such as: (1) the alternative would require large expenditures of money and a large work force to investigate and validate all losses and to determine and administer appropriate compensation, (2) compensation would likely be below full market value, (3) many losses could not be verified, (4) compensation would provide less incentive to livestock owners to limit predation through improved husbandry practices and other management strategies, (5) not all ranchers would rely completely on compensation and lethal control of predators would most likely continue as permitted by State law, and (6) Congress has not appropriated funds to compensate for predation or other wildlife damage to agricultural products.

**Bounties -** Bounties are payments of funds for killing predators suspected of causing economic losses. They have typically proven not as effective in reducing predator damage and not supported by Wyoming State agencies such as

the WGFĐ. WS does not support the bounty system because:

- WS does not have the authority to establish a bounty program
- Bounties are generally not as effective or practical in controlling damage
- Circumstances surrounding take of animals is completely unregulated
- No process exists to prohibit taking of animals from outside the damage management area for compensation purposes or the use of illegal methods
- Enormous expense and cumbersome administrative logistics

A bounty system encourages harvest of predators at times and places when predators are easiest and cheapest to harvest. However, the measure of success is not in how many predators are killed, but in how much damage is reduced. Many damage problems occur at times and in places where it is difficult to remove depredating predators.

**Extermination and Suppression** - An extermination and suppression alternative would direct all Wyoming WS program efforts' toward planned, total elimination of native predatory species. Extermination of unprotected predators, such as coyotes, is legal in Wyoming (Wyoming Statutes 11-6-101, 11-6-102, 23-3-103(a)) but not supported by WGFĐ or WDA. Wyoming has an endangered species act that covers animals and listings are based on scientific data (Defenders of Wildlife and the Center for Wildlife Law 1996). This alternative was not considered by Wyoming WS in detail because: (1) WS is opposed to the extermination of any native wildlife species, (2) WGFĐ and WDA oppose the extermination of any native Wyoming wildlife species, (3) the extermination of a native species or local population would be extremely difficult, if not impossible, to accomplish, (4) would be cost prohibitive, and (5) extermination is not acceptable to most people.

Suppression would direct WS program efforts toward managed reduction of certain wildlife populations or groups. In localized areas where damage can be attributed to predation by specific groups, WGFĐ has the authority to increase hunting seasons and hunter tag quotas; WDA has the authority to control unprotected predators, such as coyotes. When a large number of requests for wildlife damage management are generated from a localized area, WS would consider suppression of the local population or groups of the offending species, if appropriate.

It is not realistic, practical, or allowable under present WS policy to consider large-scale population suppression as the basis of the WS predator damage management program. Typically, WS predator damage management in the analysis area would be conducted on a very small portion of the area.

**The Humane Society of the United States (HSUS) Alternative** - The HSUS proposed an alternative that requires: 1) "*permitted evidence sustained and ongoing use of nonlethal/husbandry techniques aimed at preventing or reducing predation prior to receiving the services of the WS Program*"; 2) "*employees of the WS Program use or recommend as a priority the use of appropriate nonlethal techniques in response to a confirmed damage situation*"; 3) "*lethal techniques are limited to calling and shooting and ground shooting, and used as a last resort when use of husbandry and/or nonlethal controls have failed to keep livestock losses below an acceptable level*"; and 4) "*establish higher levels of acceptable loss levels on public lands than for private lands.*"

The components of this proposed alternative by the HSUS have been analyzed in detail in the alternatives contained in this EA and through court rulings. The HSUS alternative would not allow for a full range of IWDM techniques to reduce predator damage. In addition, WS is directed by Congress to protect American agriculture, natural resources, property, and safeguard public health and safety, despite the cost of damage management (Animal Damage Control Act of 1931, as amended; and the Rural Development, Agricultural and Related Agencies Appropriation Act of 1988). Further, the Southern Utah Wilderness Society, The Wilderness Society et al. vs. Hugh Thompson et al. U.S. Forest Service (U.S. District Court of Utah 1993) the court clearly states that, "*The agency need not show that a certain level of damage is occurring before it implements an WS program. . . Hence, to establish need for an WS, the forest supervisors need only show that damage from predators is threatened.*" In other words, it is not necessary to establish a criterion, such as percentage of loss of a herd to justify the need for wildlife damage management. The alternatives and option selected for detailed analysis in this EA include many of the suggestions in the HSUS proposal, and it is believed that inclusion of this alternative would not contribute new information or options for

consideration and analysis that are not already being considered and available in IWDM as used by WS.

#### **Provide Economic Incentives for Herd Protection**

Providing economic incentives for a herd protection alternative would direct WS program efforts and resources toward the verification of herd protection methods and providing monetary compensation to the producers. WS services would not include direct damage management nor would technical assistance, or nonlethal methods be available.

This option is not currently available because WS is directed by Congress to protect American agricultural, natural resources, and property (Animal Damage Control Act of 1931, as amended; and the Rural Development, Agricultural and Related Agencies Appropriation Act of 1988).

Analysis of this alternative indicates that it has many drawbacks: (1) it would require larger expenditures of money and workforce to investigate and validate all protective methods, and to determine and administer appropriate compensation, (2) making prompt responses to all requests to assess and confirm herd protection would be difficult, and losses could occur when and if the protection methods failed to adequately protect the livestock, (3) not all ranchers would rely completely on a herd protection/compensation program and unregulated lethal control of predators would most likely continue as permitted by State law, and (4) Congress has not appropriated funds to compensate livestock producers for herd protection or other wildlife damage to agricultural products.

#### **No Wildlife Damage Management within any Wilderness or Proposed Wilderness Area (WA)**

Under the current and proposed WS programs (Alternatives 1 and 3), the amount of predator damage management that would occur in WA is so minor that the effects of either of those alternatives would not likely be significantly different from the effects of a *No Control in Wilderness Areas* alternative. The minor amount of predator damage management conducted by WS in WA or proposed WA conforms to legislative and policy guidelines as administered by the responsible land management agency. WS and the land management agency meet to review work plans that delineate what, when, and where wildlife damage management would be conducted. Mitigation specific to this issue is listed at the end of Chapter 3 of the EA.

#### **Transfer the Present Wyoming WS Program to the WDA**

This alternative would transfer the Federally administered Wyoming WS program to the WDA, and consist of transferring all field and administrative activities including technical assistance and operational predator damage management. The conveyance of the Federal responsibility and funding to the WDA could only occur after a U.S. Congressional Directive allowed for such an action. Many other unresolved factors dealing with this alternative also include: 1) personnel and equipment transfers, 2) management and administration of the program, 3) proposed control methodologies, and 4) NEPA responsibilities, etc., under a State-managed program. In addition, if the current WS program would be transferred to the WDA and the program went forward in a similar manner, the outcome of this alternative would be similar to the WS's program because the activities would be conducted under the same set of wildlife and environmental protection laws. Therefore, the environmental impacts would be similar to those of the current and proposed program alternatives and are covered by those analyses. Given the myriad of unknowns surrounding this alternative and the fact that WS would not be part of such a program this alternative was not analyzed further.

#### **Finding of No Significant Impact**

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

1. Predator damage management, as conducted by WS in eastern Wyoming, is not regional or national in

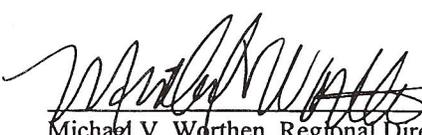
scope.

2. The proposed action would pose minimal risk to public health and safety. No injuries to any member of the public are known to have resulted from WS activities in the analysis area.
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to predator control, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed predator damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The number of animals taken by WS, when added to the total known other take of all species, falls well within allowable harvest levels.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. An informal Section 7 consultation with the USFWS confirmed that the proposed action would not likely adversely affect any T&E species.
10. The proposed action would be in compliance with all Federal, State, and local laws imposed for the protection of the environment.

#### Decision and Rationale

I have carefully reviewed the EA and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 3 (Fully Integrated Wildlife Damage Management (IWDM) for Multiple Resources and Land Classes - Proposed Alternative in the EA) and applying the associated mitigation and monitoring measures discussed in Chapter 3 of the EA. Alternative 3 would provide the greatest effectiveness and selectivity of methods available, the best cost-effectiveness, and has the potential to even further reduce the current low level of risk to the public, pets, wildlife and T&E species. WS will continue to use all currently authorized predator damage management methods in compliance with all the applicable mitigation measures listed in Chapter 3 of the EA. I have also adopted the Pre-Decisional Predator Damage Management in Eastern Wyoming EA as the final. Most comments identified from public involvement were minor and did not change the analysis.

For additional information regarding this decision, please contact Richard Phillips, APHIS-WS, P.O. Box 59, Casper, Wyoming 82602, telephone (307) 261-5336.

  
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Michael V. Worthen, Regional Director  
APHIS-WS Western Region

1-23-98  
Date

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