

**DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT  
FOR  
PREDATOR DAMAGE MANAGEMENT IN WESTERN MONTANA**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Animal Damage Control (ADC) program responds to a variety of requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. 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, 1995). To evaluate and determine if any potentially significant impacts to the human environment from ADC's planned and proposed program would occur, an environmental assessment (EA) was prepared. The Pre-Decisional EA, released by ADC in February 1997, documented the need for predator damage management in western Montana and assessed potential impacts of various alternatives for responding to wildlife damage problems. ADC's proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on all land classes in western Montana to protect livestock, public health and safety, property and wildlife from predator damage, as requested and appropriate.

The EA analyzes the potential environmental and social effects for 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 western Montana. 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) and U.S. Fish and Wildlife Service (USFWS), Montana Department of State Lands (MDSL), American Indian Reservation lands, and county, municipal and private lands. In 1995, Montana ADC had active agreements to conduct predator damage management on about 5.6 million acres (8,750 mi<sup>2</sup>) of State and private lands or about 14.8% of the analysis area (MIS 1995) (MIS data year corresponds to the Federal fiscal year). Also in 1995, ADC had authorization to conduct predator damage management on Forest Service and BLM lands that equaled about 6% of the total public land area in Montana. Comments from public involvement letters and from the Pre-Decisional EA were reviewed for substantive issues and alternatives which were considered in developing this decision. 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, P. O. Box 1938, Billings, Montana 59103.

ADC 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) and the 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). ADC 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. ADC predator damage management is not based on punishing offending animals but as one means of reducing 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 ADC to conduct predator damage management to protect livestock, wildlife and threatened and endangered (T&E) species in Montana. All Montana ADC predator damage management is in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act (ESA) of 1973.

ADC cooperates with the U.S. Forest Service (Forest Service), Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS), Montana Department of Fish, Wildlife and Parks (MFWP), Montana Department of Livestock (MDOL) and Montana Department of State Lands to reduce predator damage. The MFWP has the responsibility to manage all wildlife in Montana, including Federally listed T&E species and migratory birds, which is a joint responsibility with the USFWS. Memoranda of Understanding (MOUs) signed between APHIS-ADC and the Forest Service, BLM, MFWP, MDOL and American Indian Tribes clearly outline the responsibility, technical expertise and coordination between agencies. The MOUs with the Forest Service and BLM provide guidance for compliance with the National Environmental Policy Act (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 Forest Service and BLM cooperated with Montana ADC to determine whether the proposed action is in compliance with relevant laws, and Forest Service or BLM regulations, policies, orders, and procedures. All Montana ADC wildlife damage management is conducted consistent with the ESA and the Section 7 Consultation with the USFWS.

Within Montana, cattle and sheep are permitted to graze on Federal lands administered by the Forest Service and BLM, and on State and private lands. As proposed in the EA, Montana ADC would protect livestock, wildlife, property, and public health and safety, as requested and appropriate, on all land classes in western Montana.

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 the seven major newspapers in Montana. A total of 13 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 from the ADC State Director's office in Billings, Montana. Although most of the comments raised were already addressed in the EA, responses to some are presented below.

**1. Two commenters felt that the geographic area covered by the EA was too large, and an EIS should be prepared.**

- As noted in Chapter 1 of the EA, under the National Environmental Policy Act (NEPA), EAs are prepared to determine whether a proposed action has any significant impact on the quality of the human environment and to determine whether an EIS is necessary (40 CFR 1501.3 and 1501.4).
- As stated on page 1-1 of the EA, APHIS NEPA implementing procedures allow for individual wildlife damage management actions of the kind described in the EA to be categorically excluded from the requirements for preparation of either an EIS or EA (7 CFR 372.5 (c), 60 Fed. Reg. 6,000-6,003, 1995).

Nevertheless, this EA was prepared to evaluate and determine if any potentially significant impacts occur to the human environment from the proposed action. As noted on page 1-4 of the EA, an EA was prepared by the Forest Service to assess the potential impacts of ADC's predator damage management activities on the Beaverhead National Forest and by BLM for the Butte and western portions of the Lewistown BLM Districts. These EAs also resulted in a finding of no significant impact (FONSI). The ADC EA has taken a harder look at the impacts of ADC's activities than any other predator damage management EA in western Montana, but it has similarly resulted in a FONSI. The ADC Program has determined that an EIS is not required and that preparation of an EA for the Montana ADC program complies with NEPA, the Council on Environmental Quality (CEQ) NEPA implementing regulations (40 CFR 1500) and with APHIS NEPA implementing regulations (7 CFR 372).

**2. One commenter suggested that ADC's removal of coyotes may increase livestock depredation problems. They cited evidence suggesting that coyotes from unexploited populations produce smaller litters than coyotes in areas subject to human-caused mortality.**

This argument was raised in *Southern Utah Wilderness Alliance v. Thompson* (U.S. District Court of Utah 1993) and addressed by Connolly (1992) during that court case. What happens in an unexploited coyote population bears little relevance to the situation in Montana or in most other areas of the United States. As noted in the EA, coyote populations in Montana are subject to mortality not only from ADC, but also from natural mortality, private trappers and hunters as well as ranchers protecting their stock.

Mortality in coyote populations can range from 19-100% with 40-60% mortality most common. Several studies of coyote survival rates, which include calculations based on the age distribution of coyote populations, show typical annual survival rates of 45 to 65% for adult coyotes. High mortality rates have also been shown in four telemetry studies involving 437 coyotes that were older than 5 months of age; 47% of the marked animals are known to have died. Mortality rates among "unexploited" coyote populations were reported to be between 38-56%. In studies where reported coyote mortality was investigated, only 14 of 326 recorded mortalities were due to ADC activities.

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 in the absence of exploitation and individual coyote territories produce one litter per year independent of the population being exploited or unexploited. Connolly and Longhurst (1975) demonstrated 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.

ADC is unaware of any scientific data that would prove speculation about unexploited coyote populations posing less risk to livestock than exploited populations. Windberg et al. (1997), however, noted that the high incidence of coyote predation on goats during their study with an unexploited coyote population was contrary to this theory.

The EA also noted that without a Federal ADC program, coyote damage management efforts would still likely be carried out in some other fashion.

**3. One commenter believed the EA failed to justify the proposed action based on big game protection and an EIS needed to be prepared because of the benefit to wildlife.**

As noted throughout the EA, predator damage management for the protection of any wildlife species would only be conducted after a request has been received by the agency responsible for managing that wildlife species and based on needs they identify. An EIS is required only when a beneficial impact is determined by the action agency to be "*significant*" in terms of the criteria contained in the CEQ NEPA Implementing Regulations (40 CFR 1508.27). The proposed action includes predator damage management for game species enhancement if the MFWP, USFWS or an American Indian Tribe identifies the need for and requests such activity to meet current or future management goals for certain localized game populations. Populations of game species such as deer, pronghorn antelope or migratory birds are cyclic depending on weather and other habitat and mortality factors, including predation. Any increases in a localized population, that result from predator damage management, would be within those cyclical limits that can occur without any Federal predator damage management programs, and would thus not be "*significant*" in terms of NEPA.

The regulation (40 CFR §1508.27(b)(9)) does not suggest an EIS is required merely by the presence of threatened or endangered (T&E) species, but requires a determination of the degree to which a proposed action may adversely affect such Federally listed species. The EA presented information on T&E species and addressed potential impacts in Chapter 4, and described or referenced mitigation measures already in place as a result of ADC's standard operating procedures or established as a result of Section 7 Consultation with the USFWS. The analysis supports a conclusion of no significant impact regarding T&E species.

**4. One commenter believed the program is not cost effective, that ADC predator damage management has no effect on livestock lost, and the EA did not demonstrate a need on BLM or Forest Service lands.**

ADC addressed need using an analysis of studies that assessed predation when predator damage management was present and when it was not as cited in the ADC Programmatic EIS, Chapter 4 (USDA 1994) and the EA. When predator damage management was absent, livestock producers sustained greater loss from predators. ADC is also charged by law to protect agricultural resources (Animal Damage Control Act of 1931 (46 Stat. 1486; 7 U.S.C. 426-426c), the Rural Development, Agriculture and Related Agencies Appropriations Act of 1988). To fulfill these directives, 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. Wildlife damage management is not based on punishing offending animals but as a means of reducing damage, and is conducted using the ADC Decision Model (Slate et al. 1992) described in the programmatic EIS (USDA 1994, pp. 2-23 to 2-36).

Coyotes and other predators evaluated in the EA are not bound by human-made administrative boundaries, such as BLM Districts or National Forest boundaries, but are dependent on an adequate prey base, interspecific competition, intraspecific competition and density. ADC used coyote research studies that determined coyote predator behavior, and the effectiveness of predator damage management to reduce losses. The imminent threat of damage or loss of resources is often sufficient for wildlife damage management to be initiated. The need for action is derived from the

specific threats to the resources and the available methods for responding to those threats. Knowlton (1989) suggested that increased abundance of natural prey cause an increase in the coyote population that resulted in greater predation on sheep. When natural densities of prey declined, but while coyote densities were still high, predation on sheep escalated sharply.

**5. One commenter stated that the EA failed to estimate predator populations for each BLM District or National Forest.**

The EA did not estimate any wildlife populations, but used MFWP information to determine if there were any adverse impacts to predator populations from ADC activities. The MFWP uses the principle of sustained yield to manage wildlife populations, based on the populations ability to recruit individuals into a population. The size of the annual surplus varies by species (factors such as proportion and age of females in the population, litter size and offspring survival) and according to local conditions (factors such as habitat quality and population density). Annual harvest is managed at a level corresponding to the capacity of the population to compensate (via reproduction and recruitment). Coyotes and other predators evaluated in the EA are not bound by human-made boundaries, such as BLM Districts or National Forest boundaries, but are dependent on an adequate prey base, interspecific competition, intraspecific competition and density.

The MFWP is the State agency charged by law with the responsibility for protecting, preserving and perpetuating fish, game and furbearer populations as well as nongame wildlife populations within Montana (MCA 87-1-201). Harvest regulations proposed by MFWP for fish, game and furbearer species are subject to public review and input before being adopted by the MFWP Commission. Harvest regulations are designed to provide public recreation opportunity and reduce conflicts between wildlife and other land uses, while ensuring perpetuation of healthy viable wildlife populations.

BLM and Forest Service sensitive species considerations and any special management restrictions or mitigation in the habitats of these species would be addressed in the ADC Work Plan.

**6. One commenter suggested that ADC needed to consider the phenomena of "mesopredator release" (i.e., in the absence of large predators, smaller predators such as foxes, raccoons and skunks, can become more abundant), and the potential to negatively impact bird species of special concern.**

While the phenomena of mesopredator release has been documented in the absence of larger predators, this phenomena would not likely result from ADC's predator damage management efforts. Trend information on the population status of predators taken by sport harvest or by ADC indicate that those populations are healthy and generally stable or increasing throughout the State, with minor fluctuations from year-to-year, thus no major release of "mesopredators" would occur because of ADC predator damage management.

**7. One commenter expressed a desire for beekeepers to use nonlethal damage management for black bears that damage beehives.**

The MFWP and ADC are in the process of developing and disseminating nonlethal damage management information to beekeepers to promote the use of electric fencing around bee yards. The MFWP and ADC will cooperate and coordinate efforts to prevent depredations at bee yards where preventive measures can be implemented. The MFWP will make available printed information on electric fence designs and certain fence materials for distribution by ADC when responding to bear damage complaints on bee hives. ADC agrees to promote the use of electric fencing to prevent the destruction of depredating bears.

### **Consistency**

Predator damage management is conducted on National Forest System and BLM lands consistent with MOUs and policies of APHIS-ADC, 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 found in Montana and the Resource Management Plans (RMP) for the Butte and Lewistown BLM Districts. On Forest Service and BLM managed lands, public safety and environmental concerns are adequately mitigated through jointly developing Work Plans with ADC 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 in a manner consistent with the ESA and the Section 7 Consultation with the USFWS.

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

### **Monitoring**

The Montana ADC program will provide the ADC take of target and nontarget animals to the MFWP to determine if the total statewide take is within allowable harvest levels as determined by the MFWP and nonlethal methods used by cooperators will be tracked using the ADC MIS database once this capability is developed.

### **Public Involvement**

Before development of the EA, 604 letters were mailed to individuals and organizations identified as having an interest in ADC issues. Notices of the proposed action, availability of the public involvement letter and availability of the Pre-Decisional EA were also published in the seven major newspapers in Montana. A total of 70 comment letters or cards were received during the initial public involvement period and 13 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 ADC take of predators to cause long-term predator population declines, when added to other mortality.
2. Effectiveness and selectivity of damage management methods - the potential for ADC methods to take nontarget animals, need for a wide variety of damage management methods, criteria for deciding what methods will be used, and use of "preventive" damage management work.
3. Risks posed by damage management methods to the public and domestic pets
4. Concern about ADC impacts on T&E species.
5. Cost-effectiveness of ADC activities.

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

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

**Alternative 1. No Action - Continue the current Montana ADC 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 Montana ADC on the Butte and western portions of the Lewistown BLM Districts, Beaverhead National Forest, Tribal, State, county, municipal, and private lands under Cooperative Agreement and Agreement for Control with Montana ADC. The current program direction is primarily for the protection of agricultural resources

and public health and safety.

**Alternative 2. Integrated Wildlife Damage Management 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 MFWP, MDOL, Federal agencies or Tribes, as appropriate. This alternative would allow for a Federal ADC 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 a Work Plan with Montana ADC, as appropriate, are in place. Alternative 2 best conforms to the MOUs between ADC, 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 2 showed low level of impact for the target species, nontarget species and T&E species.

**Alternative 3. A Corrective Only Predator Damage Management Program.** This alternative would require that livestock depredation occur before the initiation of lethal damage management. No preventive lethal control would be allowed. This alternative would not allow for any preventive damage management and management could only be implemented after the onset of losses. Alternative 3 was not selected because it: 1) is often difficult to remove offending coyotes quickly enough to prevent further losses once predation has begun and 2) does not allow ADC to meet its statutory directives. Under Alternative 3, ADC could conduct predator damage management only after verification of livestock losses. ADC is charged by law to minimize damage caused by wildlife and this was reaffirmed by a recent court decision (U. S. District Court of Utah 1993). The alternative would delay management of problem wildlife while verification of losses occurred and management actions could be implemented.

**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 Montana ADC. 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. ADC is charged by law to reduce damage caused by wildlife 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 ADC base damage management strategies on the needs of designated wildlife.

**Alternative 5. Technical Assistance Program.** Under this alternative, Montana ADC would not conduct operational predator damage management in western Montana. The entire program would consist of only technical assistance and all operational wildlife damage management in western Montana would be eliminated. Alternative 5 was not selected because it was inconsistent with Forest Service and BLM policy, and it is likely the Forest Service and BLM could not meet their management guidelines.

**Alternative 6. No Predator Damage Management in the Western Montana Analysis Area.** This alternative would terminate the Federal Predator Damage Management program in western Montana. Alternative 6 was not selected because ADC is charged by law and reaffirmed by a recent court decision to reduce damage caused by wildlife. This alternative would not allow ADC to meet its statutory responsibility for providing assistance or to reduce wildlife damage. Alternative 6 violates the MOU between APHIS-ADC 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.

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

**Compensation for Wildlife Damage Losses -** The Compensation alternative would direct all Montana ADC program efforts and resources to the verification of livestock and poultry losses from predators and providing monetary compensation to the producers. ADC 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 ADC'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 and many losses could not be verified, (3) compensation would give little incentive to livestock owners to limit predation through

improved husbandry practices and other management strategies, (4) not all ranchers would rely completely on compensation 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.

**The Humane Society of the United States (HSUS) Alternative** - The HSUS proposed an alternative that requires:

1) "permittees evidence sustained and ongoing use of nonlethal/husbandry techniques aimed at preventing or reducing predation prior to receiving the services of the ADC Program"; 2) "employees of the ADC 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 resolve predator damage management problems. In addition, ADC is directed by Congress to protect American agriculture, natural resources, property, and safeguard public health and safety, despite the cost of damage management. Further, the Southern Utah 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 ADC program. . . .Hence, to establish need for an ADC, the forest supervisors need only show that damage from predators is threatened." In other words, establishing a criterion is not necessary, 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 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 ADC.

**Bounties** - Bounties are payments of funds for killing predators (bounties) suspected of causing economic losses. They have typically proven ineffective in reducing predator damage and not supported by Montana State agencies such as MFWP and MDOL. ADC concurs with these agencies because:

- ADC 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 coyotes are easiest and cheapest to harvest. However, the measure of success is not in how many coyotes are killed, but in how much damage is reduced. Many damage problems occur at times and in places where it is difficult to remove depredate predators.

**Extermination and Suppression** - An extermination alternative would direct all Montana ADC program efforts toward planned, total elimination of native predatory species. Extermination of unprotected predators, such as coyotes, is legal in Montana (Montana Code Annotated (MCA) 81-7-102) but not supported by MFWP or MDOL. The Natural Areas Act contains a statement recognizing the importance of and need to protect ecosystems (MCA 76-12-103). Montana 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 Montana ADC in detail because: (1) ADC is opposed to the extermination of any native wildlife species, (2) MFWP and MDOL oppose the extermination of any native Montana 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 ADC program efforts toward managed reduction of certain wildlife populations or groups. In localized areas where damage can be attributed to predation by specific groups, MFWP has the authority to increase hunting seasons and hunter tag quotas; the MDOL has the authority to control unprotected predators, such as coyotes. When many requests for predator damage management are generated from these two agencies and from a localized area, ADC may consider suppression of the local population or groups of the offending species, if appropriate.

Considering large-scale population suppression as the basis of the ADC program is not realistic, practical, or allowable under present ADC policy. Typically, ADC activities in the analysis area would be conducted on a very small portion of the area.

**Threshold of Loss and Livestock Losses are a Cost of Doing Business** - This alternative would not allow any predator damage management until economic losses became unacceptable. Although some losses of livestock and poultry can be expected and tolerated by livestock producers, ADC has the legal responsibility to respond to requests for predator damage management, and it is program policy to aid each requester to minimize losses. ADC uses the Decision Model, discussed on page 3-4 of the EA to determine an appropriate strategy.

In the *Southern Utah Wilderness Society et al. vs. Hugh Thompson et al.*, Forest Supervisor for the Dixie NF, 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 ADC program. . . . Hence, to establish need for an ADC, 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.

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

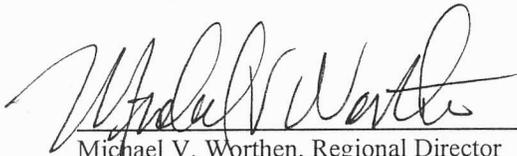
The analysis in the EA shows that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following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

1. Predator damage management, as conducted by ADC in western Montana, is not regional or national in scope.
2. No injuries to any member of the public are known to have resulted from ADC activities in the analysis area. 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 ADC 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 ADC, 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 2 (Current Program Plus Additional Activities on Public Lands as Requested - Proposed Alternative in the EA) and applying the associated mitigation and monitoring measures discussed in Chapter 3 of the EA. Alternative 2 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, and T&E species. ADC 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 Western Montana 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 Larry Handegard, APHIS-ADC, P.O. Box 1938, Billings, Montana 59103, telephone (406) 657-6464.



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

5-12-97  
Date

**Literature Cited:**

ADC Directive 2.105. The ADC Integrated Wildlife Damage Management Program

ADC Directive 2.201 ADC Decision Model

CEQ. 1981. Forty most asked questions concerning CEQ's NEPA regulations. (40 CFR 1500-1508) Fed. Reg. 46(55): 18026-18038.

Connolly, G. E., and W. M. Longhurst. 1975. The effects of control on coyote populations. Div. of Agric. Sci., Univ. California, Davis. Bull. 1872. 37 pp.

Connolly, G. E. 1992. Declaration of Guy Connolly for United States District Court of Utah. Civil No. 92-C-0052A.

Defenders of Wildlife and the Center for Wildlife Law. 1996. Saving biodiversity: a status report on State laws, policies and programs. Defenders Wildl. and Center for Wildl. Law, Washington, D.C. 218pp.

Knowlton, F. F. 1989. Predator biology and livestock depredation management. Amer. Soc. Anim. Sci. 40:504-509.

USDA (U.S. Department of Agriculture). Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC). 1994. Final Environmental Impact Statement. USDA, APHIS, ADC Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.

U.S. District Court of Utah. 1993. Civil No. 92-C-0052A.

Windberg, L.A., F.F Knowlton, S.M. Ebbert, and B.T. Kelly. 1997. Aspects of coyote predation on angora goats. J. Range Manage. 50: 226-230.