

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
PROTECTION OF AGRICULTURAL AND NATURAL RESOURCES,
PROPERTY AND PUBLIC HEALTH AND SAFETY
FROM RACCOON AND SKUNK DAMAGE IN UTAH**

INTRODUCTION and PROPOSED ACTION:

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program receives requests to conduct wildlife damage management to protect agricultural and natural resources, property, and public health and safety in Utah. To develop this environmental assessment (EA), WS worked cooperatively with the Bureau of Land Management (BLM), U.S. Forest Service, Utah Division of Wildlife Resources (UDWR) and Utah Department of Agriculture and Food (UDAF). This Decision and Finding of No Significant Impact (FONSI) are based on the analysis in the EA.

The purpose of the proposed action is to alleviate damage and public health and safety risks caused by raccoons and skunks in Utah. The needs for the program, as identified in the EA, are that agricultural and natural resources, property and public health or safety may be damaged by raccoon and skunk activities, and the residents of Utah desire assistance from WS to these minimize damages. In addition, the UDWR and U. S. Fish and Wildlife Service (USFWS), at times, depend on WS to help with wildlife research studies and achieve management objectives.

WS is the Federal agency directed and authorized by law and authorized by Congress to reduce the damage caused by wildlife damaging agricultural and natural resources, property and for resolving public health or safety concerns. WS cooperates with the Forest Service, BLM, UDWR, UDAF and Utah Department of Health (UDH) to minimize damage caused by wildlife. The UDWR has the responsibility to manage all protected and classified wildlife in Utah, except Federally listed threatened and endangered (T&E) species. The UDAF has the responsibility to manage species classified as predatory animals. The UDH has the responsibility to safeguard public health and safety in Utah. WS' authority is derived from the Animal Damage Control Act of March 2, 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c), the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988 (Public Law 100-202, Dec. 22, 1987, Stat. 1329-1331 (7 U.S.C. 426c)), and in Utah by the Utah Agricultural and Wildlife Damage Prevention Act.

The area encompassed in the analysis for this EA is the State of Utah (more than 82,000 mi²). WS currently has agreements to conduct raccoon and skunk damage management on about 35,000 acres or less than 0.06% of the State. The EA also addresses the impacts of damage management on areas where additional agreements with WS may be written in the reasonably foreseeable future; the location where WS conducts activities may change depending on where damages occur, but the total area of activities is expected to remain relatively stable and not exceed 35,000 acres.

Memoranda of Understanding (MOUs) signed between APHIS-WS and the UDWR and UDAF clearly outline the responsibility, technical expertise and coordination between agencies. A Multi-agency Team with representatives and advisors from each of the cooperating agencies assisted in the assessment of raccoon and skunk damage management in Utah. The Forest Service and BLM cooperated with WS to determine whether the proposed action on Forest Service or BLM lands is in compliance with relevant laws, regulations, policies, orders and procedures. All wildlife damage management will be conducted consistent with the Endangered Species Act of 1973, including the Section 7 Consultation with the USFWS.

This EA analyzes the potential environmental and social effects for preventing or resolving damage to

agricultural and natural resources, property and reducing threats to public health and safety from raccoons and skunks in Utah, and an objective comparison of three alternatives addressing raccoon and skunk damage management. Comments from comments from the Pre-Decisional EA were reviewed for substantive issues and alternatives in developing this Decision. The analysis and supporting documentation are available for review at the USDA-APHIS-WS Office, P.O. Box 26976, Salt Lake City, Utah 84126-0976.

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 (the Proposed Alternative in the EA) and applying the associated mitigation and monitoring measures discussed in Chapter 3 of the EA and this Decision. I have also issued a final "*Protection of Agricultural and Natural Resources, Property and Public Health and Safety from Raccoon and Skunk Damage in Utah*" EA with additional pertinent issues and editorial comments addressed in the final EA. Most changes from public comments did not change the analysis.

The analyses in the EA demonstrate that Alternative 2 provides WS the best opportunity to address the issues, had low impacts on target and non-target species, and reduced the adverse effects of predation on designated wildlife and T&E species. Alternative 2 best: 1) addresses the issues identified in the EA and provides the safeguards for public safety, and 2) allows WS to meet its obligations to the UDWR, UDAF and cooperating counties and residents of Utah. As a part of this Decision, the Utah WS program will continue to provide biological and non-lethal management techniques information that could reduce damage when new agreements are signed.

Consistency

Raccoon and skunk damage management will be conducted on National Forest System and BLM lands consistent with the MOUs between the APHIS-WS, the Forest Service and BLM, the EA, and Forest Service and BLM policies. Any WS activities pursuant to this Decision will be consistent with the direction provided in the LRMPs for the Forest Service, and with the RMP or MFPs for BLM. The Forest Service or BLM may, at times, restrict raccoon and skunk damage management that threatens other resource values; modifications may also be made in areas where raccoon and skunk damage management is permitted.

Monitoring

WS' proposed action is to reduce or minimize raccoon and skunk damage to agricultural and natural resources, property, and to safeguard public health and safety in Utah. The Utah WS program, in cooperation with the UDWR, will monitor the impact on raccoon and skunk populations to determine if the total take is within allowable harvest levels; Utah WS will use MIS data to track the take of raccoons and skunks. UDWR expertise will be used to determine the impact of total take on raccoon and skunk populations.

Public Involvement

Public meetings were held in Cache and Sevier Counties, Utah prior to drafting the EA. During the meetings, WS raccoon and skunk damage management was discussed for the protection of ring-necked pheasants when requested by the UDWR. In addition, formal notices were published in six (6) statewide and regional newspapers to inform the public that WS was conducting a NEPA analysis for raccoon and skunk damage management in Utah to protect agricultural and natural resources, property and public health and safety. The initial public involvement process provided no comments, nor issues or concerns to WS to consider during the EA preparation.

Eleven Pre-Decisional EAs were mailed to organizations, individuals, public agencies and local American Indian Tribes for review and comment. Five (5) responses were received from organizations and individuals

from review of the Pre-Decisional EA as a continue effort by WS to solicit public involvement. The responses were reviewed for substantive issues and alternatives; pertinent comments and issues were incorporated into the Final EA and this Decision.

Some letters received from the public outside of the project area criticized the EA for not being site specific enough to assess impacts. This is an important point of discussion that warrants clarification and this discussion can be found below.

WS' mission is to reduce wildlife damage, not wildlife populations. WS personnel use the WS Decision Model (Slate et al. 1992) for each damage management situation. It is also the site specific tool used by WS "on the ground" to develop the most appropriate strategy to reduce damages and detrimental environmental effects from damage management actions. The WS Decision Model is an analytical thought process used by WS personnel for evaluating and responding to wildlife damage management requests. When a request for assistance is received and after consultation with the requester, WS personnel evaluate the appropriateness of strategies, and methods are evaluated in the context of their availability (legal and administrative) and suitability based on biological, economic and social considerations. Following this evaluation, the methods deemed to be practical are formed into a damage management strategy for the situation. For example, on most properties, wildlife damage may occur whenever food, water and habitat for the damaging species are present. WS personnel and the property owner/manager monitor and reevaluate the situation to devised the most effective solution. If one method or combination of methods fail to stop damage, a different strategy or a modified strategy may be implemented. If the strategy is effective, the need for damage management is ended but monitoring continues. In terms of the WS Decision Model, most damage management efforts consist of a continuous feedback loop between receiving the request, implementing a strategy and monitoring the results.

In addition, the purpose for preparing this EA is to determine if the proposed action could have a significant impact on the quality of the human environment, analyze the alternatives, inform the public of WS actions, and to comply with NEPA. WS analyzed the proposed action and alternatives against the issues that were raised. These issues were analyzed at levels that are "site specifically" appropriate for this action in Utah. Determining impacts requires that WS look at the *context* of the issue and *intensity* of the action and impacts. The extent of raccoon and skunk populations are never a few acres or household, but rather over a much larger area and WS actions generally are conducted on a much smaller portion of the habitat inhabited by the target species. While WS recognizes that the animal rights community is concerned about each individual animal, as professional wildlife biologists, WS has to analyze impacts to a population. With that, WS, as well as, other professional wildlife agencies are aware that the damage situation with each individual raccoon or skunk may change at any time in any location; wildlife populations are dynamic and mobile.

In this EA and Decision, WS recognizes that raccoons and skunks have no *intent* to do harm. They inhabit (i.e., reproduce, walk, forage, deposit waste, etc.) habitats where they can find a *niche*. If they do "*wrongs*," people characterize this as damage. *Wrongs*, unfortunately, are determined not merely in spacial terms but also with respect to time and other circumstances that define the *wrongness*. (For example: a raccoon living in the wilds of Utah may not be a problem while one living in a Salt Lake City resident's chimney could cause a human health and safety concerns, injuries, and destruction of property.) When WS is requested to determine exactly where damage will occur, WS is being held to a standard that no other damage management agency, wildlife management agency or other entity is required to meet or could do. In fact, despite similar language to NEPA in the California CEQA requirements, the California Game and Fish Department was only required to address the impacts to the analysis area "*population*" of concern (WS uses this standard for WS actions to comply with NEPA analysis). WS has prepared an EA that provides as much information as possible to address and predict the locations of potential wildlife damage management actions and the raccoon and skunk estimated population that could be involved in causing damage or threats to human interests and needs.

Like other damage management organizations (fire departments, emergency clean-up organizations, etc.), WS can sometimes predict the location and types of needs, damage and risks from historical records or past damage

problems, and take action to prevent or reduce the damage. WS can not, however, always predict the exact locations or need to reduce wildlife damage at all locations. This type of prediction would be highly speculative in nature. This phenomenon would be like a fire department determining where the next fire occurs. To reduce damages, along with corrective and preventive direct damage management, WS provides technical assistance and demonstrations to help prevent the need for direct damage management. WS can and does provide an analysis of impacts of their actions and impacts to reduce wildlife damage within the scope of the EA. The site specificity problem occurs when trying to determine the exact location and animal that is, or would be responsible for damages before the damage situation occurs. WS determined that its analysis was adequate because further site specific information would not change the results of the analysis, and to the public's understanding of the proposal, or provide additional useful or relevant information to the Decision maker (Eccleston 1995).

The full documentation of the public involvement effort are available for review at the WS State Directors Office in Salt Lake City, Utah.

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. Risks posed by damage management to the public and domestic pets.
2. Influence of WS Raccoon and Skunk Damage Management on population viability.
3. Effectiveness of the WS damage management program to reduce economic losses.

Alternatives That Were Fully Evaluated

The following Alternatives were developed to respond to issues. Three (3) additional alternatives were considered but not analyzed in detail. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

Alternative 1 - Technical Assistance Only. Under Alternative 1, WS would be restricted to providing technical assistance and all operational raccoon and skunk damage management in Utah would be eliminated. Alternative 1 was not selected because it was inconsistent with State policy and MOUs. The analysis of impacts of Alternative 1 are higher than Alternatives 2.

Alternative 2 - Integrated Wildlife Damage Management for Multiple Resources (No Action) Proposed Alternative). 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 using preventive and corrective non-lethal and lethal raccoon and skunk damage management for resolving damage problems. Integrate Wildlife Damage Management for Multiple Resources was selected because it best allows WS to resolve damage problems and address the issues. The analysis of the issues and impacts show that Alternative 2 has low adverse impacts on raccoon and skunk populations, non-target and T&E species, and public health and safety.

Alternative 3 - No Federal ADC Program. This Alternative would stop the Federal raccoon and skunk damage management program in Utah. Alternative 3 was not selected because WS is charged by law and reaffirmed by a recent court decision to reduce damage caused by wildlife. This alternative would not allow WS to meet its statutory responsibility for providing assistance, nor would it facilitate the responsibilities to minimize damage. The analysis of the level of anticipated impacts of Alternative 3 are higher than those of

Alternative 1 or 2.

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

Compensation for Wildlife Damage Losses. The Compensation alternative would direct all Utah program efforts and resources to the verification of damage and providing monetary compensation to home/resource owners. WS would not include any direct damage management nor would technical assistance, or non-lethal methods be provided. This alternative was eliminated from detailed analysis in WS' Final Environmental Impact Statement (EIS) because of many disadvantages (USDA 1994). Some disadvantages listed in the Final EIS are:

- 1) the alternative would require large expenditures of money and work force to investigate and validate all losses, and determine and administer appropriate compensation,
- 2) compensation would most likely be below full market value, and making timely responses to all requests to assess the losses would be difficult and many losses could not be verified,
- 3) compensation would give little incentive to home/resource owners to limit damage,
- 4) not all home/resource owners would rely completely on compensation and lethal control of raccoons and skunks 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.

Eradication and Suppression Alternative. The eradication and suppression alternative would direct all Utah program efforts' toward planned, total elimination or large scale population suppression of raccoon and skunk populations. Eradication of unprotected predators, such as raccoons, is legal in Utah but is not supported by WS, the State agencies. This alternative was not considered in detail because:

- 1) WS is opposed to the eradication of any native wildlife species,
- 2) UDWR and UDAF oppose the eradication of any native Utah wildlife species,
- 3) the eradication of a native species or local population would be extremely difficult if not impossible to accomplish,
- 4) would be cost prohibitive, and
- 5) eradication is not acceptable to most members of the public.

Suppression would direct WS program efforts toward managed reduction of raccoon and skunk populations or groups. Considering large-scale population suppression as the basis of the WS program is not realistic, practical, or allowable under present WS policy. Typically, WS activities in Utah would be conducted on only a small portion of the area inhabited by raccoons or skunks.

In localized areas where damage can be attributed to specific raccoon or skunk groups, the UDWR, as the responsible management agency, has the authority to lengthen hunting/trapping seasons; UDAF has the authority to control unprotected predators, such as raccoons. When many requests for wildlife damage management are generated from a localized area, WS after consultation with UDWR or UDAF, would consider suppression of the local population or groups of the offending species, if appropriate.

Relocation (rather than killing) of Raccoon and Skunks.

Relocation may be appropriate in some situations (i.e., if the problem species' population is at very low levels, there is a suitable relocation site and the additional funding required for relocation can be obtained.) However, the species addressed in this EA are relatively abundant in much of the suitable habitat in Utah and relocation is not necessary for the maintenance of viable populations. In addition, it is illegal to relocate raccoons in Utah (UCA §R58-14-3). Any decisions on relocation wildlife are coordinated with UDWR officials.

The AVMA, the National Association of State Public Health Veterinarians, and the Council of State and Territorial Epidemiologists all oppose the relocation of mammals because of the risk of disease transmission, particularly for small mammals such as raccoons or skunks (Center for Disease Control 1990). Although relocation is not necessarily precluded in all cases, it would in many cases be logistically impractical and biologically unwise.

Decision

I have carefully reviewed the EA and the public input resulting from public involvement and the Pre-Decisional EA review process. I believe the issues identified in the EA are best addressed by selecting Alternative 2. Alternative 2 provides the best range of damage management methods considered practical and effective, address the issues, and accomplish WS' Congressionally directed activities. In keeping with current WS policies, social considerations, including humane issues, will be considered in WS activities. While Alternative 2 does not require non-lethal methods to be used, WS will continue to provide information and encourage the use of practical and effective non-lethal methods by home/resource owners.

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 EIS will not be prepared. This determination is based on the following factors:

1. Raccoon and Skunk damage management, as conducted in Utah, is not regional or national in scope.
2. Based on the analysis documented in the EA, the impacts of the raccoon and skunk damage management program will not affect the human environment.
3. The proposed action will not have an impact on unique characteristics of the areas such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.
4. The proposed action will not significantly affect public health and safety. No accidents associated with WS raccoon and skunk damage management are known to have occurred in Utah.
5. The effects on the quality of the human environment are not highly controversial. Although there is opposition to WS damage management, this action is not controversial in relation to size, nature or effects.
6. Mitigation measures adopted as part of the proposed action minimize risks to the public and prevent adverse effects on the human environment and reduce uncertainty and risks.
7. The proposed action does not establish a precedent for future actions with significant effects. This action would not set a precedence for additional WS damage management that may be implemented or planned in Utah.
8. The number of animals taken (both target and non-target) by WS annually is small in comparison to the total population. Adverse effects on wildlife or wildlife habitats would be minimal.

9. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the area.

10. Raccoon and skunk damage management would not affect cultural or historic resources. The proposed action does not affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places or will cause a loss or destruction of significant scientific, cultural, or historical resources, including interference with American Indian traditional uses or Sacred sites.

11. An evaluation of the proposed action and its effects on T&E species determined that no significant adverse effects would be created for these species. The proposed action will fully comply with the Endangered Species Act of 1973, as amended. In the EA, the concern for viability of T&E species addresses not only the legal mandate to preclude jeopardy, but also recognizes the opportunity to protect T&E species from direct predation. Both concerns were analyzed in the EA. Consultation with the USFWS has taken place and their input was used as part of the mitigation development process.

12. This action would be in compliance with Federal, State and local laws or requirements for predator damage management and environmental protection.



Michael Worthen
Regional Director, USDA-APHIS-WS

8-30-99

Date

Decision Literature Cited

Eccleston, C. 1995. Determining when an analysis contains sufficient detail to provide adequate NEPA coverage. *Federal Facilities Environmental Journal*, Summer pp. 37-50.

Slate, D.A., R. Owens, G. Connolly, and G. Simmons. 1992. Decision making for wildlife damage management. *Trans. N. Am. Wildl. Nat. Res. Conf.* 57:51-62.

USDA. 1994. Animal Damage Control Program Final Environmental Impact Statement. USDA, APHIS, WS Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.