



United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Wildlife
Services

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FINDING OF NO SIGNIFICANT IMPACT

and
DECISION
for the

PREDATOR DAMAGE MANAGEMENT IN WASHINGTON EA and SUPPLEMENT

May 2010

1. AGENCY AUTHORITIES

U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) is the Federal agency directed by law and authorized by congress to reduce damages to agricultural and natural resources, property and to resolve public health and safety concerns cause by wildlife. The primary statutory authorities for the APHIS – WS program are the Act of March 2, 1931 (46 Stat. 168; 7 U.S.C. §426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-1331, 7 U.S.C. §426c).

Under the Act of March 2, 1931, as amended, and 7 U.S.C. §426c, APHIS may carry out wildlife damage management programs or enter into cooperative agreements with states, local jurisdictions, individuals, and public and private agencies whereby they may fund and assist in carrying out such programs. WS activities are conducted at the request of and in cooperation with other federal, state, and local agencies, private organizations, and individuals. Accordingly, WS' authorities support and authorize its mission of providing federal leadership and expertise to reduce problems caused by injurious or nuisance wildlife.

2. ENVIRONMENTAL ASSESSMENT AND EA SUPPLEMENT PREPARATION

In 1997, the Washington WS program completed an Environmental Assessment (EA) (USDA 1997a) which addressed the need to reduce human/predator conflicts and analyzed the potential impact of various alternatives for responding to predator damage in Washington. The EA analyzed potential impacts of the WS program as it involves conflict resolution with predatory species¹, such as coyotes (*Canis latrans*), black bears (*Ursus americanus*), grizzly bears (*Ursus arctos horribilis*), gray wolves (*Canis lupus*), cougars (*Puma concolor*), red foxes (*Vulpes vulpes*), bobcats (*Felis rufus*), badgers (*Taxidea taxus*), feral/free ranging dogs (*Canis familiaris*), and common ravens (*Corvus corax*). The Washington WS program conducts conflict reduction activities with various methods on various land classes in Washington, as needs arise and as requested and completed a Section 7 consultation to insure WS activities do not adversely affect listed species.

Availability of the pre-decisional EA was announced on August 11, 1997 through publication of notices for 3-days in three newspapers in Washington; WS provided a 30-day public comment period. Following a review and consideration of comments, a Finding of No Significant Impact (FONSI) was issued with a Decision signed October 27, 1997. The EA identified five alternatives which were analyzed in detail and Alternative 5, the "Expanded Program Alternative," was

¹ Of the ten species analyzed in the EA, WS only conducted management actions on six species (*i.e.* cougar, coyote, bobcat, badger, feral dog, and common raven) between FY02 and FY08.

selected in the Decision. A Notice of Availability (NOA) was published in three major newspapers on November 10, 1997 informing the public of the availability of the FONSI. Copies of the EA and FONSI are available from the Washington WS State Office, 720 O'Leary St NE, Olympia, WA 98502.

In 2009, a Summary Review was prepared to examine the results of WS' predator damage management activities in Washington during FY02 through FY08 and a Supplement to the EA was prepared to include WS raccoon and opossum damage management, as requested. The review, along with the EA Supplement, was distributed for public comment in April of 2009. Based on comments received during the public comment period, Washington WS evaluated additional issues and concerns. The Summary Review and EA Supplement were reissued in March of 2010 with the additional analysis. The analysis determined that the Proposed Alternative (*i.e.*, current program) is not having a significant impact, individually or cumulatively on the quality of the human environment, and the affected environment remains essentially unchanged. These discussions and analyses strengthen WS' selection of the Alternative 5 and continued implementation of an integrated predator damage management program in the State of Washington as described in the EA.

As part of a public review and comment process, the revised Summary Review and EA Supplement were made available to the public for a 30-day comment period through a NOA published for 3- consecutive days from March 3 through March 5, 2010 in *The Olympian*, the paper used for notices by WS in Washington (Fed. Reg. 72:13237-13238, March 21, 2007). NOAs were also sent to interested parties to inform them that the Summary Review and EA Supplement were available for comment. The Summary Review and EA Supplement were also available to the public at <http://www.aphis.usda.gov/regulations/pdfs/nepa/>. Copies of the EA, FONSI/Decision, and EA Supplement may be obtained from the USDA-APHIS-WS, Washington State Office, 720 O'Leary St NE, Olympia, WA 98502.

Comments Received from the Public on the 2010 Summary Review and EA Supplement

One comment letter from an out-of-state non-government organization was received during the 2010 public review period. After reviewing this letter, it was determined that the comments had already been considered in the Supplement or analyzed in the original EA. However, one point did warrant further clarification which was the request that WS reinitiate consultation with the U.S. Fish and Wildlife Service (USFWS) on federally listed species in the State. A review of the 1997 Section 7 consultation determined that it was still appropriate and valid and WS' normal operating procedures are generally more restrictive than the conservation measures prescribed for listed species in that consult. WS has reinitiated informal consultation with USFWS on lynx and will comply with direction received through that consultation.

3. MAJOR ISSUES IDENTIFIED in USDA (1997a) and ISSUES/ACTIVITIES ANALYZED in the EA SUPPLEMENT

The issues in USDA (1997a) were consolidated into the following five primary issues to be considered in detail:

- Impact on Target Species
- Impact on Non-target Species Including T&E Species
- Impact on Public Safety
- Humaneness of Control Techniques
- Effectiveness of the WS Program

Issues considered in USDA (1997a), but not in Detail:

- Impact on Hunting and Non-consumptive Uses of Wildlife
- Impact on Cultural Resources

Issues considered in the EA Supplement:

- Potential for Lethal Predator Damage Management to Cause Increased Predation and Increased Predation through Compensatory Reproduction
- WS Focuses almost all Resources on Lethal Methods.
- Use of Reproductive Inhibitors or Sterilization
- Effects of Predator Damage Management on Aesthetic Enjoyment of Predators
- Predator-prey Relationships
- WS' Affect on Biodiversity
- Cost - Benefit Analysis
- Federal Direction to provide Predator Damage Management
- Providing Public Education and Outreach
- Aerial Gunning Impacts
- Effects on Wildlife from WS Gunshot Noise
- American Indian and Cultural Resource Concerns
- Effects from Use of Lead (Pb) Ammunition in Washington

Additional Activities Analysis in the EA Supplemental

- Addition of Raccoon and Opossum Damage Management to the Program

4. Affected Environment

Predator damage management actions conducted by Washington WS could occur on private, federal, state, tribal, and municipal lands in Washington to protect resources from predator damage, as requested and as needs arise. The affected environment includes, but is not necessarily limited to, areas in and around agricultural and industrial areas, livestock facilities, rural and urban areas, and airports wherever predators are found causing damage to resources or posing threats to HHS. Areas may include federal, state, county, city, private, or other lands, where WS' assistance has been requested by a landowner or manager to reduce predator damage. The areas affected by the current program may also include property adjacent to identified sites where predation or threats to HHS could occur.

5. ALTERNATIVES ANALYZED IN DETAIL

Five alternatives, ranging from an expanded version of the current program to no program, were analyzed in USDA (1997a) in relation to the issues analyzed in detail identified above. The following summary provides a brief description of the each alternative and its anticipated impacts. The one commenter called for the preparation of a new EA, but Washington WS has not been presented any new issues and facts to call for a reanalysis of the issues in USDA (1997a) or the reconsideration of the selection of Proposed Alternative.

Alternative 1: Current Program Alternative

Alternative 1, the Current Program Alternative, was also the "No Action" alternative for USDA (1997a). The "No Action" Alternative is a procedural National Environmental Policy Act (NEPA) requirement (40

CFR 1502.14(d)), and is a viable and reasonable alternative that could be selected. No action, in this case, meant no change from the current program and included WS operational management and technical assistance (TA) applied on a case-by-case basis to use the most appropriate, effective, and biologically sound methods available to resolve damages caused by predators. This approach is known as integrated wildlife damage management and was analyzed and discussed in USDA (1997b).

Under Alternative 1 (*i.e.*, what was the “current program” prior to the selection of Alternative 5 of the EA), WS received requests for TA and operational assistance from and entered into Cooperative Agreements with private landowners, livestock managers, municipalities, wildlife management agencies, such as the USFWS and Washington Department of Fish and Wildlife (WDFW), and other land management agencies such as the Washington State Department of Natural Resources. Under this alternative, WS would have continued to provide operational assistance, contingent upon funding on behalf of the requester, when livestock, other domestic animals, or sensitive wildlife species are killed or threatened by predators, or when predators damage property or threaten public health or safety.

Alternative 2. Technical Assistance Alternative

Alternative 2 would have allowed WS to provide only TA (advice or instruction). Under this alternative, WS would have made recommendations on the use of lethal and nonlethal management methods. WS would have demonstrated or advised cooperators on the use of all methods listed under Alternative 1, except the M-44, DRC-1339, and aerial gunning. No lethal predator damage management would have been conducted by WS except when emergency management was necessary for public safety.

Alternative 3. Nonlethal Before Lethal Methods Alternative

Alternative 3 would have required that: 1) potential cooperators show evidence of sustained and ongoing use of nonlethal/husbandry techniques aimed at preventing or reducing predation prior to receiving services from WS; 2) used or recommended, as a priority, appropriate nonlethal techniques in response to confirmed damage; and 3) lethal techniques would have only been used when nonlethal methods failed to keep damages below an acceptable level. This alternative was analyzed in USDA (1997b).

Alternative 4. No WS Program Alternative

Under Alternative 4, WS would not have conducted predator damage management, thus no TA or operational assistance would be provided by WS. Risks to the public and threatened and endangered (T&E) species would probably be greater under this alternative than for Alternatives 1-3 and 5. Members of the public experiencing predator damage would have needed to conduct predator damage management operations themselves or sought assistance from some other source, such as WDFW or private predator control operators. Predator control would still have occurred, but without the oversight and accountability inherent with a federally operated program. The lack of availability of some specialized management methods and expertise would probably have resulted in reduced effectiveness and humaneness and increased amounts of predator damage and non-target take.

Alternative 5. Expanded Program (Selected Alternative)

Alternative 5 was the Proposed Action in USDA (1997a) and was similar to Alternative 1 as it allowed the same activities and methods. However, predator damage management efforts would increase to work

on additional private and public lands, as requested, and where appropriate work plans are in place. WS would continue to use the WS Decision Model (Slate et al. 1992) and provide TA and operational management. WS would not conduct activities that are in conflict with national level Memoranda of Understanding between the Bureau of Land Management, USDA Forest Service, and USFWS without further appropriate consultation. If WS received a long-term or ongoing request for assistance on U. S. Forest Service or BLM lands it would reevaluate the environmental consequences of such an action to comply with NEPA.

6. MONITORING

The Washington WS program provides WDFW WS' take data, as required by permit, to help ensure the total statewide take (WS take and sport harvest) does not impact the viability of wildlife populations, as determined by WDFW. The annual take of select predators by WS is well below the thresholds identified in USDA (1997a, b) and therefore is not having an impact on the viability of predator populations or population trends.

7. RELATIONSHIP of the SUPPLEMENT to OTHER ENVIRONMENTAL DOCUMENTS

WS' Programmatic Environmental Impact Statement: WS developed a programmatic Final EIS that addressed the need for wildlife damage management in the United States (USDA 1997b). The EIS contains discussions of potential impacts to the human environment from wildlife damage management methods used by WS. Information from USDA (1997b) has been incorporated by reference.

Predator Damage Management in Washington EA: WS issued an EA and Decision analyzing predator damage management activities conducted by the WS in Washington (USDA 1997a). That EA included analysis of actions and methods used to reduce predator damage to protected resources, as requested. That analyses remain relevant to current program activities, including the analysis of potential impacts associated with the methods used during predator damage management. Information from USDA (1997a) has been incorporated by reference.

8. DECISION AND RATIONALE

The analysis provided in the EA and EA Supplement indicate that there will not be a significant impact, individually or cumulatively, on the quality of the human environment from implementing the proposed action (*i.e.*, current program today), and the action does not constitute a major federal action. Management actions are conducted pursuant to applicable laws, regulations, policies, and orders to reduce damages or potential damages caused by select predators in Washington, as requested and when needs arise. I find the current program to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of State and federal management agencies, landowners, the general public, and advocacy groups.

The rationale for this Decision is based on several considerations. This Decision takes into account current and previous public comments, social/political and economic concerns, public health and safety, and current science. However, the foremost considerations are that predator damage management by

Washington WS will only be conducted at the request of landowners/managers, when a need is demonstrated, when management actions are consistent with applicable laws, regulations, policies and orders, and no adverse impacts from management actions were identified in the analysis. As a part of this Decision, the Washington WS program will continue to provide effective and practical TA and operational management that could reduce damage as coordinated with WDFW.

FINDING OF NO SIGNIFICANT IMPACT

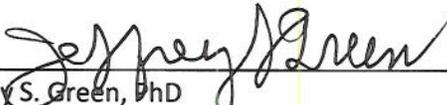
The analysis in the EA and EA Supplement indicate that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of Washington WS predator damage management. I agree with this conclusion and therefore find that an Environmental Impact Statement need not be prepared. This determination is based on the following factors:

1. Predator damage management as conducted by WS in Washington is not regional or national in scope.
2. Washington WS predator damage management would pose minimal risk to public health and safety. No injuries to any member of the public are known to have resulted from WS predator management activities in Washington.
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas which 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 damage management, the expected environmental effects associated with implementing the Washington WS predator damage management program are not controversial among experts.
5. Based on the analysis documented in the EA, as supplemented, 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. Current WS predator damage management activities have been occurring for decades in Washington with no significant adverse environmental impacts.
6. The Washington WS predator damage management program would not establish any precedent for any foreseeable future actions 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 and population estimates or trends falls well within the allowable harvest levels.
8. The Washington WS predator damage management program 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. The USFWS has concurred, through an informal Section 7 consultation, that Washington WS predator damage management would not likely adversely affect any T&E species.
10. The Washington WS predator damage management program would be in compliance with all federal, State, and local laws imposed for the protection of the environment.

DECISION

I have carefully reviewed the EA and EA Supplement, and the input provided during the public involvement process. I believe the continued implementation of Alternative 5 will provide the best

overall approach to address the issues identified in the Washington predator damage management program while also providing for a program which will best meet the needs of cooperating agencies, organizations, and individuals who may request WS assistance. Continued implementation of Alternative 5 will involve the use of no additional predator damage management methods beyond what are already used in the current program. For additional information regarding this Decision, please contact the Washington WS State Office, 720 O'Leary Street NW, Olympia, WA 98502.



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USDA-APHIS-WS

5/13/10

Date

Literature Cited

- USDA. 1997a. Environmental Assessment: Predator Damage Management in Washington. USDA-APHIS-WS, 720 O'Leary Street, NW., Olympia, WA 98502
- USDA. 1997b (revised). Animal Damage Control Program, Final Environmental Impact Statement. USDA-APHIS-ADC [WS] Operational Support Staff, 4700 River Road, Unit 87, Room 2D-07.3, Riverdale, Maryland, USA.