

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE SUPPLEMENT TO THE ENVIRONMENTAL ASSESSMENT:
BLACK BEAR NUISANCE AND DAMAGE MANAGEMENT IN
WISCONSIN**

July 13, 2011

Black bears (*Ursus americana*) are a valued component of native ecosystems and are enjoyed by many individuals for their cultural, aesthetic and existence value. Wisconsin also has a hunting season for black bears. However, despite their positive values, Wisconsin black bears also come into conflict with humans. Conflicts include damage to crops and apiaries, predation on livestock, and damage to property. Some bears become accustomed to people and learn to associate people with food (habituated bears). Habituated bears may cause damage and nuisance problems while looking for food and can pose a risk to human safety. In 2002, the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program completed an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) on the reduction of black bear (*Ursus americanus*) damage to human health and safety, agriculture, property, and natural resources in Wisconsin (USDA 2002). A Supplement to the EA was completed in 2010 to update information on WS' bear damage management activities and their associated environmental impacts. The Supplement also considered a modification to the current management alternative which would increase the maximum annual take of black bear from 15 to 25 bears per year. This document provides notification of WS' choice of a management alternative and determination regarding the environmental impacts of the chosen alternative.

After review of information in the EA and Supplement and comments provided on the supplement, WS has chosen to implement the preferred alternative, Alternative 5 - Integrated Adaptive Black Bear Damage Management (IABBDM), with the proposed increase in maximum annual take of black bears from 15 to 25 bears. Under the chosen alternative, WS will continue to use an integrated approach to provide technical and direct control assistance to alleviate black bear damage and conflicts. WS will encourage resource owners/ managers to use non-lethal methods including environmental manipulation, attractant removal, animal husbandry changes, fencing, and harassment. Operational assistance from WS may include installation of electric fencing, capture and relocation, capture followed by euthanasia and shooting. Non-lethal methods would be given first consideration, but may not always be implemented based on the damage/nuisance situation (i.e., risks to human health and safety).

WS was the lead agency in the preparation of the EA. The Wisconsin Department of Natural Resources (WDNR), U.S. Department of the Interior (USDI) Fish and Wildlife Service (USFWS), Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), and USDA Forest Service (USFS) were consulted in the preparation of the EA. Wildlife

Services is the Federal program authorized by law to reduce damage caused by wildlife (the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 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). Wildlife Services responds to 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 may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). However, WS decided to prepare the EA and Supplement to assist in planning bear damage management activities and to clearly communicate with the public the analysis of issues of concern relative to alternative means of meeting the need for action.

PUBLIC COMMENTS

The supplement and 2002 EA and FONSI were made available for comment from July 6 to August 6, 2010. The documents were made available through a "Notice of Availability" (NOA) published in the *Wisconsin State Journal* and on the WS website http://www.aphis.usda.gov/wildlife_damage/nepa.shtml, and through direct mailings of the NOA to interested parties. The only comments that were received came from 2 Native American Tribes and from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), and are discussed below. All letters and comments are maintained at the Wildlife Services State Office, 732 Lois Dr., Sun Prairie, WI 53590. This decision document will be made available to the public using the same procedures as for the Supplement.

REVIEW BY NATIVE AMERICAN TRIBES AND TRIBAL ORGANIZATIONS

Comments were received from the Oneida Tribe of Indians of Wisconsin, the Forest County Potawatomi Community, and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). The Oneida Tribe of Indians of Wisconsin Environmental Health and Safety Division confirmed their review of the document but had no additional comments. The Forest County Potawatomi Community and GLIFWC requested that WS add information on the importance of black bears in tribal culture, and on tribal views on black bear management. They also made recommendations for improved coordination and communication between WS and the Tribes relative to bear management and other future planning documents. Information provided by the Potawatomi Tribe and GLIFWC is included in the section "Importance of Black Bears in Native American Culture" below. Wisconsin Wildlife Services has contacted GLIFWC and the Potawatomi Tribe regarding their recommendations for improved communication and will continue to work to improve communications with all Native American Tribes in the state.

MAJOR ISSUES

The EA analyzed a range of management alternatives in context of issues relevant to the scope of the analysis including:

- Viability of black bear populations in Wisconsin.
- Public health and safety from black bear management.
- Maintain effective and selective resource protection methods and tools.
- Potential for some WS methods to take non-target animals.

Each of the proposed management alternatives was also evaluated in terms of its ability to achieve each of 3 management objectives:

- Objective 1) Acceptance of the program by cooperators;
- Objective 2) All requests for black bear damage management assistance receive a response within 48 hours;
- Objective 3) No adverse impact on the statewide black bear population.

IMPORTANCE OF BLACK BEAR IN NATIVE AMERICAN CULTURE

Bears play an important role in Native American culture and beliefs. The exact nature of this relationship and role varies among Tribes and individuals within Tribes. The Forest County Potawatomi Community provided information on the role of black bears in Potawatomi culture. The Great Lakes Indian Fish and Wildlife Commission provided information on the role of black bears in Ojibwe culture. We have included this information below.

Traditionally, the black bear has served as a protector to the Potawatomi. Bear Clan members have served as the medicine collectors and the “police force” of Potawatomi bands. Bears are seen as culturally sacred, and many members of the Potawatomi abstain from harvesting and consumption of bear. Accordingly, the Potawatomi Tribe has requested that all practical and possible non-lethal management options be considered prior to lethal take of a bear.

The representative from GLIFWC noted that Makwa, or black bear, is a revered animal for the Ojibwe people. It is recognized as one of the original clans. People of the Makwa Clan were considered the police of the village patrolling the outskirts of the village so as to ward off any unwelcome visitors. Bear clan members are known for their knowledge of plants because of the large amounts of time they spend close to nature. (Benton-Banai 1988). Members of the Makwa Clan are charged with protecting their clan’s symbol. For many this means that the harvest or killing of a Makwa is forbidden. For others this means caring for bears so that they remain healthy and plentiful.

The GLIFWC notes that bears cause problems in and around Indian communities just like around non-Indian communities. Bears get into garbage, investigate bird feeders, tip over grills, raid apple trees and disturb pets. Several Ojibwe Tribes have on-going programs to try to reduce these problems. The challenge facing Tribes is how to address the concern about bears in their

communities while at the same time acknowledging the role that Makwa plays in their culture. Tribes try to find the balance between respect for Makwa while reducing the negative consequences of the bear's presence.

The selected alternative, Alternative 5, is a continuation of Wildlife Services existing bear damage management program. Data presented in the supplement show that for the period of 2002-2009, WS was able to use technical assistance (advice on strategies for living with bears) to address 66% of requests for assistance. During the same period WS captured and relocated an average of 600 bears per year. Lethal take of bears (including euthanizing bears injured in car collisions) has averaged less than 5-6 bears a year. We believe the data demonstrates Wisconsin WS commitment to giving priority to nonlethal methods. The decision to increase the predicted maximum annual lethal take of bears from 15 to 25 bears is a reflection of the increasing bear and human population and resulting interactions between the two. The increase is not indicative of a change in WS' commitment to using nonlethal methods where practical and effective.

AFFECTED ENVIRONMENT

The area of the proposed action includes all private and public lands in Wisconsin where black bear damage is occurring or could occur and a request for assistance is received. The proposed action could be conducted on urban/suburban sites, campgrounds, farms, seasonal residences or other locations as appropriate.

During preparation of the EA, WS did not have any agreements or Memoranda of Understanding (MOUs) with Native American Tribal governments. WS only works on Tribal lands if a request for assistance is received from the Tribal government and an "Agreement for Control" and/or MOU is signed. In 2006, at the request of the St. Croix Band of the Lake Superior Chippewa Indians, WS signed an agreement to resolve black bear damage complaints on St. Croix Tribal lands. When WS is conducting IABBDM under this agreement, WS activities are highly coordinated with the Tribal Police Department to insure Tribal cultural/spiritual beliefs are recognized. Wildlife Services is also currently working with two Tribal Governments in the preparation of MOUs that will address IABBDM on or near their tribal lands.

ALTERNATIVES THAT WERE FULLY EVALUATED

Five alternatives were developed by the multi-agency team to address the issues identified above. Three additional alternatives were considered but not analyzed in detail. Reasons for not considering the alternatives in detail remain as discussed in the EA. The following is a summary of the management alternatives considered in the Supplement.

Alternative 1. No Federal WS Black Bear Damage Management in Wisconsin.

This alternative would eliminate all WS black bear damage management (operational and technical assistance) in Wisconsin. WS would not be available to provide technical assistance or make recommendations to individuals or entities experiencing bear damage. Requests for information or assistance with bear damage management would be referred to the WDNR,

extension agents, local animal control agencies, or private businesses or organizations as appropriate. Under this alternative, the WDNR would be responsible for most bear damage management assistance. Given budget and staff limitations, the WDNR will likely seek alternatives for authorizing others to conduct bear damage management (i.e., through permits). Damage management methods and devices might be applied by people with less training and experience than WS specialists. This could require more effort and cost to achieve the same level of problem resolution, and could result in more risk to human health and safety and non-target animals than an operational program by WS.

Alternative 2. Technical Assistance Only.

Under this alternative, WS would not conduct any operational black bear damage management in Wisconsin. Wildlife Services would only provide technical assistance. This alternative would place the immediate burden of operational black bear damage management on the WDNR. Given budget and staff limitations, the WDNR will likely seek alternatives for authorizing others to conduct bear damage management (i.e., through permits). Damage management methods and devices might be applied by people with less training and experience than WS specialists. This could require more effort and cost to achieve the same level of problem resolution, and could result in more risk to human health and safety and non-target animals than an operational program by WS.

Alternative 3. Non-lethal Black Bear Damage Management Only.

Under this alternative, WS would not conduct any lethal operational black bear damage management. Wildlife Services would encourage resource owners to use non-lethal methods which could include environmental manipulation, animal husbandry changes, habitat modification, fencing, and harassment. WS would only provide technical assistance or conduct trap and relocation activities for problem black bears when requested. Captured black bears would be relocated to suitable areas in accordance with applicable regulations and policies and consultations between WS, the WDNR, USFS and Tribes as appropriate. The WDNR would be responsible for lethal bear damage management. However, given the limited need for lethal methods, the WDNR is more likely to meet the need with available staff and resources than for Alternatives 1 and 2.

Alternative 4. Lethal Only Program

Under this alternative, WS would only provide operational and technical assistance with lethal black bear damage management methods. Requests for information or assistance with nonlethal bear damage management would be referred to the WDNR, extension agents, local animal control agencies, or private businesses or organizations as appropriate. This alternative would not allow WS to consider the use of physical exclusion, trap and relocation, livestock guarding dogs, fencing, electronic frightening devices or other non-lethal devices, even where these non-lethal methods may be beneficial. Lethal methods used by WS would include shooting and live-capture followed by euthanasia.

Alternative 5. Integrated Adaptive Black Bear Damage Management (“No Action” Alternative/Proposed Alternative).

The No Action alternative is a procedural NEPA requirement (40 CFR 1502.14(d)), is a viable and reasonable alternative that could be selected, and serves as a baseline for comparison with the other alternatives. The No Action Alternative, as defined here, would be the continuation of the current bear damage management program. Wildlife Services could choose to leave the maximum annual lethal take of bears at 15 bears per year or, based on the analysis in the supplement and public comments, could choose to increase the maximum annual lethal take of bears to 25 bears per year.

Wildlife Services would continue to use an Integrated Wildlife Damage Management approach to reduce black bear damage and conflicts in Wisconsin. WS would encourage resource owners to use non-lethal methods including environmental manipulation, attractant removal, animal husbandry changes, fencing, and harassment. Operational assistance from WS includes installation of electric fencing, capture and relocation, capture followed by euthanasia and shooting. Lethal methods used by WS would include trapping and euthanasia drugs, and/or shooting. In addition, non-lethal methods would be given first consideration, but may not always be implemented based on the damage/nuisance situation (i.e., particularly human health and safety).

CONSISTENCY

Wildlife damage management activities conducted in Wisconsin are consistent with Work Plans MOUs and policies of WS, the WDNR, DATCP, USFWS, and the USFS. In addition, WS has completed ESA Section 7 Consultations with the USFWS for wildlife damage management activities. WS has also consulted with the WDNR regarding risks to state-listed threatened and endangered species.

The Coastal Zone Management Act of 1972, as amended (16 USC 1451-1464, Chapter 33; P.L. 92-583, October 27, 1972; 86 Stat. 1280) requires that federal actions be conducted in a manner consistent with the federally approved state Coastal Zone Management Plans. Wildlife Services has determined that the proposed action would not affect coastal resources and would, by default, be consistent with the State's Coastal Zone Management Program. Wisconsin Coastal Management Program has concurred with this determination.

MONITORING

WS will continue to monitor the impacts of its activities on bears and non-target species that could be affected by IABBDM activities. This will primarily be done by reporting and closely coordinating WS' IABBDM activities with the WDNR to ensure that cumulative impacts of WS' actions in combination with all other bear management activities are not having an adverse impact on the bear or nontarget species populations. The EA will also be reviewed each year to ensure that there are no new needs, issues or impacts meriting additional analysis.

DECISION AND FINDING OF NO SIGNIFICANT IMPACT

I have carefully reviewed the EA and Supplement prepared for this proposal and the input from the public involvement process. I believe that the issues identified in the EA and Supplement are best addressed by selecting Alternative 5 - Integrated Adaptive Black Bear Damage Management, with the proposed increase in maximum annual take of black bears from 15 to 25 bears. This alternative has been selected because (1) it best enables WS to provide prompt, professional assistance with bear damage and conflicts in Wisconsin; (2) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (3) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and (4) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered.

The analysis 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. Black bear damage management as proposed in the EA and Supplement is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS' IABBDM methods were determined to be low in a formal risk assessment (USDA 1997 Revised, Appendix P).
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. Built-in mitigation measures that are part of the action agencies' Standard Operating Procedures and adherence to applicable laws and regulations will further ensure that the agencies' activities do not harm the environment.
4. The effects on the quality of the human environment are not highly controversial. Although there is opposition to bear damage management proposed in the preferred alternative, this action is not highly controversial in terms of size, nature, or effect. Public controversy over black bear management has been acknowledged and addressed in the EA and Supplement.
5. Based on the analysis documented in the EA and Supplement and the accompanying administrative file, the effects of the proposed 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. Authorization issued by the WDNR will be reviewed and renewed annually.
7. No significant cumulative effects were identified through this assessment. The EA discussed cumulative effects on non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.
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. If an individual activity with the potential to affect historic resources is planned under the selected alternative, then site-specific consultation as required by Section 106 of the NHPA would be conducted as necessary (EA Appendix B).
9. The USFWS has determined that the proposed program would have no effect on, or is not likely to adversely affect any Federal listed threatened or endangered species. This determination is based upon a Section 7 consultation completed by the USFWS for activities described in the EA and an August 23, 2006, consultation with the USFWS regarding the impacts of statewide WS program activities, including possible WDM activities on lynx. In addition WS and the WDNR have determined that the proposed program will not adversely affect any State-listed threatened or endangered species.
10. The proposed action will be in compliance with all applicable federal, state, and local laws. The proposed action is consistent with the Wisconsin Coastal Zone Management Plan.

Therefore, it is my decision to implement the proposed action (Alternative 5) with the proposed increase in annual bear take as described in the Supplement. Copies of the EA and Supplement are available upon request from the Wisconsin Wildlife Services State Office, 732 Lois Dr, Sun Prairie WI 53590, (608) 837-2727, on the WS website at: http://www.aphis.usda.gov/wildlife_damage/nepa.shtml.



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7/13/11
Date

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