

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
MAMMAL DAMAGE MANAGEMENT IN WISCONSIN
ENVIRONMENTAL ASSESSMENT:**

December 19, 2013

Wisconsin wildlife has many positive values and is an important part of life in the state. However, as human populations expand, and land is used for human needs, there is increasing potential for conflicting human/wildlife interactions. 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 alternatives for reducing mammal damage in Wisconsin. The EA evaluated the potential impacts on the human environment from alternatives for WS involvement in the protection of agricultural and natural resources, property, livestock, and public health and safety from damage and risks associated with mammals in Wisconsin. This Decision document provides notification of WS' choice of a management alternative and determination regarding the environmental impacts of the chosen alternative. Based on analysis in the EA and response to public comments, WS is selecting Alternative 2 "*Integrated Mammal Damage Management*" in which WS provides technical assistance and direct control activities to alleviate damage and conflicts caused by the mammals addressed in the EA.

Damage problems can occur throughout the state. Under the Proposed Action, MDM could be conducted on private, federal, state, tribal, county, and municipal lands in Wisconsin upon request. Several mammal species have potential to be the subject of WS MDM activities in Wisconsin including: badger (*Taxidea taxus*), cottontail rabbits (*Sylvilagus floridanus*), coyotes (*Canis latrans*), feral cats (*Felix* sp.), feral swine (*Sus scrofa*), fox squirrel (*Sciurus niger*), gray fox (*Urocyon cinereoargenteus*), gray squirrel (*Sciurus carolinensis*), weasels including - least weasel (*Mustela rixosa*), long-tailed weasel (*Mustela frenata*) and shorttail weasel (*Mustela ermine*), mink (*Mustela vison*), muskrat (*Ondatra zibethicus*), pocket gophers (*Geomys* spp.), raccoons (*Procyon lotor*), red fox (*Vulpes vulpes*), red squirrel (*Tamiasciurus hudsonicus*), river otter (*Lontra canadensis*), striped skunk (*Mephitis mephitis*), thirteen-lined ground squirrel (*Spermophilus tridecemlineatus*), woodchuck (*Marmota monax*), and Virginia opossums (*Didelphis virginianus*). This EA also addressed limited take of miscellaneous mice, moles, shrews, and voles during small mammal surveys at airports. Management of damage caused by beaver (*Castor canadensis*) and gray wolves (*Canis lupus*) is addressed in separate analyses.

This analysis also includes management of free ranging white-tailed deer (*Odocoileus virginianus*) and multiple species of captive cervids (including; white-tailed deer, elk (*Cervus Canadensis*), mule deer (*O. hemionus*), and other species in the Family Cervidae) as well as black bear (*Ursus americanus*) which are currently addressed in two independent and previously

completed EAs (USDA 2002, 2003, 2011). This analysis replaces the existing Wisconsin bear and deer EAs.

Wildlife Services was the lead agency in the preparation of the EA. The EA was prepared in consultation with the United States Department of Agriculture, Forest Service, Nicolet / Chequamegon National Forest (USFS); Wisconsin Department of Natural Resources (WDNR); Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Transportation, Bureau of Aeronautics; the Wisconsin Department of Health Services; Bad River Band of Lake Superior Tribe of Chippewa Indians; Red Cliff Band of Lake Superior Tribe of Chippewa Indians and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). The Forest County Potawatomi Community was participating as Cooperating Agency with this EA. The issues and alternatives associated with mammal damage management were initially developed by WS with review by the cooperating and consulting agencies. Cooperating and consulting agencies assisted with the identification of additional issues and alternatives pertinent to managing damage associated with mammals in Wisconsin.

Wildlife Services responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. Wildlife Services is the federal program authorized by Congress and authorized by law to reduce damage caused by wildlife (Act of March 2, 1931, as amended (46 Stat. 1468; 7 U.S.C. 426-426b) 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). 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). 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 chose to prepare an EA to facilitate planning, interagency coordination, and to clearly communicate with the public the analysis of individual and cumulative impacts. In addition, the EA evaluates and determines if there are any potentially significant or cumulative impacts from the proposed and planned damage management program.

The scope of the EA is limited to alternatives for WS involvement in MDM and cannot change WDNR wildlife management policies and regulations. Actions to resolve mammal damage problems, will continue to occur in accordance with various laws and authorities, even if WS is not involved in MDM. This means that the Federal WS program has limited ability to affect the environmental outcome (*status quo*) of MDM in the state, except that the WS program is likely to have lower risks to nontarget species and less impact on wildlife populations than some actions that may be taken by resource owners/managers. Despite the limitation to WS' influence on the environmental *status quo* and associated limit to federal decision-making, this EA process is valuable for informing the public and decision-makers of the substantive environmental issues and alternatives for management of mammal damage and conflicts in Wisconsin.

PUBLIC COMMENTS

The MDM EA and FONSI were made available for comment from September 11 to December 2, 2013. 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. Wildlife Services received comments from one organization. Issues raised in the letter and agency responses to public comments are provided in Appendix B. The comment letter and all other documentation associated with this EA are maintained at the Wildlife Services State Office, 732 Lois Drive, Sun Prairie, WI 53590. This decision document will be made available to the public using the same procedures as for the EA.

MAJOR ISSUES

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

- Effects on target mammal species
- Effects on other wildlife species, including threatened and endangered species
- Effects of damage management methods on human health and safety
- Impacts to stakeholders, including aesthetics
- Humaneness and animal welfare concerns

AFFECTED ENVIRONMENT

Under the Proposed Action, mammal damage management could be conducted on private, Federal, State, tribal¹, county, and municipal lands in Wisconsin with the permission of the appropriate land owner/manager. Most MDM activities would be conducted on private land. Consultation will occur among the WDNR, WS, GLIFWC (if in ceded territory), and the appropriate public land manager if MDM is going to be conducted on public land.

ALTERNATIVES ANALYZED IN DETAIL

Four alternatives were developed to address the issues identified above (see “Major Issues” section). Ten additional alternatives were considered but not analyzed in detail in the EA. 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 EA.

¹ WS’ MDM actions would only be conducted on tribal lands with the Tribes request/consent and only after appropriate documents had been signed by WS and the respective Tribe.

Alternative 1 – Technical Assistance Only

Under this alternative, WS would not conduct any operational mammal damage management in Wisconsin. Wildlife Services would only provide technical assistance (education, site evaluations and loaning equipment) for problem mammals when requested. This alternative would place the immediate burden of operational mammal damage management on the landowners and land management agencies where problems exist. Given budget and staff limitations, the WDNR will likely seek alternatives for authorizing others to conduct mammal 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 - Integrated Mammal Damage Management Program (Proposed Action / No Action)

The No Action alternative is a procedural NEPA requirement (40 CFR 1502.14(d)), and 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 mammal damage management program. Wildlife Services would continue to use an Integrated Wildlife Damage Management approach, including lethal and nonlethal methods, to reduce mammal damage and conflicts in Wisconsin. Wildlife Services would provide technical assistance and encourage resource owners to use non-lethal methods including environmental manipulation, habitat modification, and exclusion. Operational assistance from WS could include wildlife exclusion, animal behavior modification, and relocation. Lethal methods used by WS would include snares, trapping and shooting. Non-lethal methods would be given first consideration, but may not always be implemented based on the damage/nuisance situation.

Alternative 3 – Non-lethal MDM Only by WS

Under this alternative, WS would not conduct any lethal operational mammal damage management. Wildlife Services would encourage resource owners to use non-lethal methods which could include environmental manipulation, habitat modification, and exclusion. WS would only provide technical assistance or conduct trap and relocation activities for problem mammals when requested. Captured mammals would be relocated to suitable areas in accordance with applicable regulations and policies and consultations between WS, the WDNR, USFS and Tribes as appropriate. Landowners and land management agencies would be responsible for lethal mammal management.

Alternative 4 - No Federal MDM in Wisconsin

If this alternative is selected, WS would not provide any assistance with mammal damage and conflict management in Wisconsin. All requests for MDM would be referred to the WDNR or WI Tribes as appropriate.

CONSISTENCY

Wildlife damage management activities conducted in Wisconsin are consistent with Work Plans, Memorandum of Understanding (MOU) and policies of WS, WI Tribes, WDNR, Department of Agriculture, Trade, and Consumer Protection (DATCP), United States Fish and Wildlife Service (USFWS), and USFS. In addition, WS has completed an ESA Section 7 Consultation with the USFWS for MDM activities (letter from USFWS dated September 18, 2013). WS has also consulted with the WDNR regarding risks to state-listed threatened and endangered species (letter from WDNR dated November 12, 2013). Wildlife Services has also consulted with the State's Coastal Zone Management Program (Wisconsin Coastal Management Program letter, December 6, 2013).

MONITORING

The Wisconsin WS program gives the WDNR data on the take of various mammal species and non-target animals to help ensure the cumulative impact of WS actions do not adversely impact the viability of state mammal populations or non-target species populations. Wildlife Services is also a contributing member of various WDNR science advisory committees. Wildlife Services monitors program activities to determine if the analyses and determinations in the EA adequately address current and anticipated future program activities.

DECISION AND FINDING OF NO SIGNIFICANT IMPACT

I have carefully reviewed the EA prepared for this proposal and the input from GLIFWC, Wisconsin Tribes, various State agencies and the public. I believe that the issues identified in the EA are best addressed by selecting Alternative 2 – Implement an Integrated Mammal Damage Management Program (Proposed Action / No Action) and applying the associated Standard Operating Procedures discussed in Chapter 3 of the EA. Alternative 2 is selected because (1) it best enables the WS to provide prompt, professional assistance with specific mammal conflicts and will help maintain local public tolerance; (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. WS decision to adhere to the Standard Operating Procedures and limits to activities proposed in the EA and annual monitoring insures that environmental impacts including WS take of specific mammal species and impacts on their populations, risks to non-target species, impacts on public and pet health and safety, humaneness of methods to be used and sociological issues will remain as described in the EA.

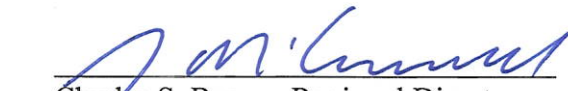
The analysis indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this

conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Wisconsin mammal damage management as proposed in the EA is not regional or national in scope.
2. Analysis of the cumulative impacts for this or other anticipated actions within the State and other Mid-west states indicates that the proposed action would not threaten the continued existence of populations of specific species listed in the MDM EA. Based on State data, the various populations are large enough and healthy enough that even while the proposed action and all other mortality factors have adverse effects on individuals, and may temporarily reduce local wildlife populations, they are not likely to adversely impact the viability of state populations.
3. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS' MDM methods were determined to be low in a formal risk assessment (USDA 1997 Revised, Appendix P).
4. 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 laws and regulations will further ensure that the agencies' activities do not harm the environment.
5. The effects on the quality of the human environment are not highly controversial. Although there is opposition to MDM proposed in the preferred alternative, this action is not highly controversial in terms of size, nature, or effect. Public controversy over mammal damage management has been acknowledged and addressed in the EA.
6. Based on the analysis documented in the EA 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.
7. The proposed action would not establish a precedent for any future action with significant effects. Authorization for mammal damage management activities would be issued by the WDNR and would have to be reviewed and renewed annually. Any similar and appropriate authorizations involving mammal conflict management which could be issued by the tribes would be subject to similar review.
8. 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.

9. 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 Section 1.8.2.3).
10. The USFWS has determined that the proposed program would have no effect on or is not likely to adversely affect 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 (letter from USFWS dated September 18, 2013) and a consultation with the USFWS regarding the impacts of statewide WS program activities, including possible MDM activities on lynx (letter from USFWS dated August 23, 2006). In addition, WS and the WDNR have determined that the proposed program will not adversely affect any State-listed threatened or endangered species (letter from WDNR dated November 12, 2013).
11. The proposed action will be in compliance with all applicable federal, state, and local laws.

Therefore, it is my decision to implement the proposed action (Alternative 2) as described in the Final EA. Copies of the Final EA are available upon request from the Wisconsin Wildlife Services State Office, 732 Lois Drive, Sun Prairie WI 53590, (608) 837-2727, on the WS website at: http://www.aphis.usda.gov/wildlife_damage/nepa.shtml.


Charles S. Brown, Regional Director
USDA-APHIS-WS, Eastern Region

12/23/13
Date

APPENDIX A LITERATURE CITED

- CEQ (Council on Environmental Quality). 1981. Forty most asked questions concerning CEQ's NEPA regulations. (40 CFR 1500-1508) Federal Register 46(55):18026-18038.40 quest
- Schmidt, R. H. 1989. Vertebrate pest control and animal welfare. Vertebrate Pest Control and Management Materials, ASTM STP 1055, American Society for Materials and Testing, Philadelphia, PA 6:63-68.
- Slate, D.A., R. Owens, G. Connely, and G. Simmons. 1992. Decision making for wildlife damage management. Trans. N.A. Wildl. And Nat. Res. Conf. 57:51-62.
- The Wildlife Society. 1992. Conservation policies of the Wildlife Society: A stand on issues important to wildlife conservation. The Wildlife Society, Bethesda, MD. 24 pp.
- United States Department of Agriculture (USDA). 1997 Revised. Animal Damage Control Program: Final Environmental Impact Statement. United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, Operational Support Staff, 4700 River Road Unit 87, Riverdale, MD 20737-1234.

APPENDIX B RESPONSES TO COMMENTS

This Appendix contains issues raised by the public during the comment period for the 2013 Wisconsin mammal damage management EA and the WS response to each of the issues. Wildlife Services received one comment letter regarding the EA. Issues raised in the letter are numbered and are written in bold text. The WS response follows each comment and is written in standard text.

1. The EA needs to address the ethical reasons to eliminate all lethal and invasive MDM methods from the perspective and experiences of the animals which may be impacted by WS.

Commenters have asserted that individual animals have interests and points of view equivalent of those of humans and that the ethics of managing species with these perceptions should be considered. This perspective is consistent with the tenants of the animal rights philosophy. The animal rights philosophy asserts that all animals, humans and nonhumans, are morally equal. Under this philosophy, use of animals, e.g. for research, food and fiber production, recreational uses such as hunting and trapping, zoological displays and animal damage management, etc. should not be conducted or considered acceptable unless that same action is ethically acceptable when applied to humans (Schmidt 1989; EA Section 2.2.4).

Similar to the animal rights philosophy, the animal welfare philosophy seeks to minimize pain, stress and distress experienced by animals as a result of human. However, the animal welfare philosophy does not promote equal rights for humans and nonhumans. Advocates of this philosophy are not necessarily opposed to utilitarian uses of wildlife but they are concerned with avoiding all unnecessary forms of animal suffering. However, the definition of what constitutes unnecessary is highly subjective (Schmidt 1989) and results in a wide range of interpretations. In general, only a small portion of the U.S. population adheres to the animal rights philosophy, but most individuals are concerned about animal welfare.

Wildlife Services agrees that individual animal experiences matter. Decision makers and wildlife management professionals strive to minimize animal welfare impacts on wildlife because they deeply care about animals and minimizing suffering and have committed their careers to the wellbeing of wildlife populations. The impact on individual animal welfare is one of the factors reviewed by decision-makers when balancing the need to solve a problem while also minimizing the impact on animals' lives and people with affectionate bonds for these animals. Within the context of the EA, impacts on animal welfare are considered in the review of humaneness of the alternatives (EA Section 4.1.5).

One key factor to consider when evaluating the ethics of MDM alternatives in Wisconsin is that other entities can also conduct the activities proposed by WS. Consequently, the actions which the commenter finds objectionable would likely still occur even if WS were to choose an alternative does not allow WS use of lethal methods an "invasive" nonlethal methods. These entities may or may not have the training and experience needed to use MDM methods as

effectively or humanely as possible. Consequently, from the perspective of the animals, there is unlikely to be much difference among alternatives, save that there may be higher risk of adverse impacts caused by inadequately trained individuals under alternatives where WS' role is limited.

2. The EA fails to provide enough specific empirical information on risks to human health and safety to warrant action. The “rare” instances of risk to human health and safety do not warrant MDM and associated adverse impacts on individual animals.

We believe the information in the EA adequately explains the need for assistance with risks to human health and safety from mammals in Wisconsin. Table 1.1 of the EA indicates that over the period of 2007-2012, Wisconsin WS received an average of 958 requests for technical assistance (information and education) regarding risks to human health and safety involving mammals per year. Many of these requests were addressed by providing information to help requestors assess the potential health and safety risks (or lack thereof) and guidance on ways to address risks. Technical assistance may include guidance on actions such as use of bear-proof trash containers, not leaving pet food outdoors, excluding animals from homes, and management of habitat near buildings to reduce animal attractants.

The fact that a damage problem is not common does not preclude it from having a substantial impact on the individual(s) experiencing the problem, nor does it preclude the individual from seeking to address the issue. Additionally, in many situations, the goal of the land manager or managing agency is to prevent the problem from occurring in the first place. For example, the goal of airport wildlife hazard management programs is to prevent strikes from happening. Consequently, if airports are successful in addressing hazards, the record of strikes will be low and will not reflect the actual need for action. We believe it is unrealistic and inappropriate to contend that airport hazard reduction practices should not be initiated until after a serious accident has occurred. Similarly, as noted in EA Section 1.2.1 it is the goal of public health agencies to prevent individuals from contracting illnesses. A key component of this effort is surveillance for disease, so that the agencies can provide medical professionals and the public with appropriate guidance on protective measures and symptoms to watch for if warranted. Therefore, we believe it is information on the consequences of the illness for individuals affected that is the relevant factor for determining need for action, not the frequency of occurrence. Details on the consequences of several zoonotic diseases are provided in the EA Section 1.2.1.

3. Empirical data on agricultural and other losses caused by MDM are not sufficiently accurate or specific to warrant MDM. Losses also need to be put in perspective of other causes of mortality/damage.

The EA Section 1.2.2 provides the best available information on Wisconsin agriculture losses to wildlife damage. It also provides extensive information on Wisconsin WS' commitment to helping producers implement nonlethal strategies to reduce or prevent agricultural damage.

Agricultural damage is not spread evenly across the landscape. Many producers may go without any damage or have negligible damage, but for others, damage can be severe (USDA 1997 Revised, pages 101-102). Comparisons of statewide loss estimates to total agricultural production do not provide an accurate representation of the experiences of the individuals

experiencing agricultural damage. Farmers work to reduce agricultural losses to a variety of factors including disease, weather, and wildlife. The fact that other types of damage and loss occurs does not preclude producers from seeking to reduce losses to wildlife damage.

4. An EIS is needed to address cumulative impacts on mammals from management actions in adjacent states.

The commenter points out that when the cumulative analysis of a proposed action indicates that the cumulative impact on the environment (which results from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions) will be significant, then an EIS is required to analyze that significant cumulative impact. The EA provides a thorough analysis which is adequate to determine that, for reasons presented in the FONSI, the effects of the program are not significant and therefore do not trigger the need to prepare an EIS. Cumulative impacts of all past, present, and reasonably foreseeable future actions are considered in all NEPA analysis and are not the exclusive requirement of an EIS.

Cumulative impacts on mammals addressed in this EA are considered on the scale to which they are managed (i.e., the state). Consideration of impacts of wildlife management in adjacent states would only be relevant if movement of animals across state lines was of sufficient frequency and magnitude that animals moving across state lines comprised the majority of the population or that immigration of animals among states was necessary to sustain limited populations. Most of the mammal species addressed in this EA are not sufficiently mobile for there to be large-scale movements across state lines. There is no information to indicate that management actions in adjacent states would jeopardize these species to the extent that immigration to or from Wisconsin would be necessary to sustain healthy wildlife populations.

5. An EIS is needed because the proposed action may have significant impacts on local wildlife populations.

The primary purpose for preparing a NEPA document is to inform and provide the federal agency decision maker and the public with an environmental review and analysis of any potential environmental impacts associated with the proposed federal agency action so the agency may make an informed decision. The EA was prepared to determine if the proposed action would have significant effects on the quality of the human environment would be significant. Scale of analysis is consistent with planning and management by the WDNR, the agency with responsibility for management of healthy, sustainable native wildlife populations in the state. The EA acknowledges that some local reductions in populations may occur, but that due to immigration and reproduction by remaining animals in the population, these reductions are expected to be short-term and will not have a significant impact on the viability of target species populations in the state.

Planning for the reduction of wildlife damage must be viewed as conceptually similar to other agencies' actions whose missions are to stop or prevent adverse consequences from future events for which the actual sites and locations could be anywhere in a defined geographic area. Examples of such agencies and programs include fire and police departments or emergency response organizations. Some of the sites where predation or threats of predation could occur

can be predicted and are included in the EA to the degree that it is useful, but all specific locations or times where such damage will occur cannot be predicted. We have determined that preparation of this EA to address predator damage management statewide in Wisconsin is appropriate and consistent with lead and cooperating agency mandates and management guidelines. The NEPA document is reviewed regularly to determine if WS actions and impacts are consistent with the findings in the EA. If a determination is made that the action would have a significant impact on the quality of the human environment, then an EIS may be prepared in compliance with NEPA. In terms of considering cumulative impacts, one EA covering the entire state may provide a better analysis of cumulative impacts than multiple EAs covering smaller zones within the state. Section 1.4.4 further explains why the EA adequately addresses site specific issues and effects.

6. The EA cannot effectively assess impacts and determine if there is a significant impact without setting limits on take. EA does not provide a detailed analysis of population impacts.

The EA does set limits on take for all species except captive cervids. The maximum anticipated take levels provided for the target species summarized in Table 4-1 is the maximum take which could occur without additional analysis and review pursuant to the NEPA. Maximum potential take for each species is analyzed in context of available information on population size, range and population trend (Section 4.1.1.2). Where data are available, proposed take is also considered in context of hunter harvest for an analysis of cumulative impacts on the species. Wildlife Services' take is conducted under the authorization of the WDNR, and all take is reported to the WDNR to help ensure that WS' actions do not have a cumulative adverse impact on native wildlife populations in the state. We believe the level of analysis in the EA is commensurate to the magnitude and impacts of the proposed action.

Captive cervids do not contribute to or count as part of Wisconsin native free-ranging wildlife populations. The WDNR or WDATCP periodically contacts WS to request assistance in killing captive cervids for disease monitoring and management, law enforcement purposes, or human health and safety reasons. Captive cervid damage management would only be conducted with written authorization from the resource owner and/or WDNR or WDACTCP. Removal of captive cervids would not have a negative impact on the native deer population or affect regular hunting opportunities except that, for projects conducted for disease management, it could reduce the risk of disease transmission to free-ranging wildlife.

7. EA needs an alternative which emphasizes non-invasive non-lethal MDM and emphasizes education to alter human behavior to reduce human-wildlife encounters.

The NEPA requires that agencies consider a reasonable range of alternatives (CEQ 1981). Alternative 3 Non-lethal Mammal Damage Management Only restricts WS to using only nonlethal methods when providing information, training, equipment loans or operation assistance for wildlife damage management. Alternative 1, Technical Assistance Only, consists of WS providing advice, education, and equipment loans but no operational assistance to entities requesting assistance with wildlife damage. This comment appears to be requesting an alternative in which WS provides technical and operational assistance with a restricted set of

nonlethal alternatives. The proposed alternative and its impacts would be intermediate to Alternatives 3 and 1 and could be selected by managers based on the information already existing in the EA. It is our determination, that analysis of the proposed alternative would not provide sufficient new information to warrant development as an alternative addressed in detail.

8. Education needs to be discussed in alternatives analysis.

Education, i.e., technical assistance, is a key component of all alternatives except Alternative 4 – No Federal WS Mammal Damage Management. Impacts of WS technical assistance are included in discussions of the alternatives, and are most clearly articulated for Alternative 1, in which WS would only provide education and loans of equipment.

9. Discussion of impacts on proposed action on T&E species lacks detail. EA must be resubmitted for public review because USFWS opinions regarding impacts on T&E species were not available for public review.

The EA Section 4.1.2.2 contains the same reasoning for WS' determinations regarding the impacts of the proposed action as were provided to the USFWS. The USFWS concurred with the impact determinations presented in the EA. A copy of the USFWS response letter is attached for reference. However, because the EA presented a summary of information on risks to T&E species from the proposed action that was presented to the USFWS and the USFWS concurred with WS' determination, there have been no substantive changes in the impact determination presented in the EA. Consequently the comment period for the EA will not be resubmitted for public review at this time.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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September 18, 2013

Mr. Jason Suckow
U.S.D.A. Wildlife Services
732 Lois Drive
Sun Prairie, Wisconsin 53590-1100

re: Informal Consultation
USDA, APHIS - Wildlife Services
Wisconsin State Program

Dear Mr. Suckow:

The U.S. Fish and Wildlife Service (Service) has received your letter dated August 26, 2013, requesting our concurrence on your determination of effects on the subject project. Our comments follow.

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), conducts wildlife damage management throughout Wisconsin. Wildlife Services utilizes a Mammal Damage Management (MDM) strategy to provide technical assistance recommendations and operational damage management, in response to requests from the public regarding problem wildlife. Some of the methods of wildlife damage control utilized by Wildlife Services have the potential to result in adverse effects to several federally endangered species including Canada lynx (*Lynx canadaensis*), Whooping Crane (*Grus americanus*), Piping Plover (*Charadrius melodus*), Higgin's eye pearly mussel (*Lampsilis higginsii*), winged mapleleaf (*Quadrula fragosa*), sheepnose mussel (*Plethobasus cyphus*), spectaclecase (*Cumberlandia monodonta*), and snuffbox mussel (*Epioblasma triquetra*). Enclosed with your August 26, 2013 letter was your assessment of the potential for adverse effects to these species.

As indicated in a previous response by the Service for an informal consultation on wildlife damage management activities in Wisconsin, dated August 23, 2006, the methods utilized by Wildlife Services which could result in incidental capture, injury or death of the Canada lynx include cage traps, dogs, foot-hold traps, foot snares, neck snares, quick-kill traps, and shooting. We continue to agree that at the locations and under the conditions which each of these methods is deployed, the potential for adverse effects to Canada lynx are believed to be low. The low likelihood of occurrence of the species in the action area, the fact that wildlife damage control activities are not generally conducted in habitats utilized by lynx, and the targeted control

methods utilized by Wildlife Services makes the likelihood of an incidental capture an unlikely occurrence, and therefore discountable.

We appreciate WS efforts to control predators, if requested, at Piping Plover nest sites. As the letter from WS indicates, a consultation would be necessary prior to initiating work in order to implement recommendations for the protection of plovers. Previous consultations will serve as a guide for this management activity. We trust that WS will contact the Service in the event that consultation is needed.

Given that the use of frightening devices to control mammalian predators around Whooping Cranes would be very rare, we agree that this management action may affect but is unlikely to adversely affect Whooping Cranes. If frightening devices were to be used around breeding cranes, consultation with the Service would be necessary as indicated in the environmental analysis.

Aquatic habitats may be impacted by the proposed MDM project, but management actions are unlikely to alter aquatic habitats and their constituent mussel species, including Higgin's eye pearly mussel, winged mapleleaf, sheepnose mussel, spectaclecase, and snuffbox mussel. We agree that removing invasive species such as feral swine has the potential to benefit mussel species and their habitat long term.

Therefore, based upon a review of the information provided in your letter, we concur with your determination that the MDM project, as proposed, may affect, but is not likely to adversely affect the Canada lynx, Piping Plover, Whooping Crane, Higgin's eye pearly mussel, winged mapleleaf, sheepnose mussel, spectaclecase, and snuffbox mussel.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Mr. Peter J. Fasbender at (920) 866-1725.

Sincerely,

Betsy M. Galbraith
for

Peter Fasbender
Field Supervisor