

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE ENVIRONMENTAL ASSESSMENT:
REDUCING MAMMAL DAMAGE IN MISSOURI**

I. INTRODUCTION

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services program (WS) receives and responds to a variety of requests for assistance from individuals, organizations, and agencies experiencing damage and other problems related to wildlife. 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). In July 2006, WS released an Environmental Assessment (EA) "*Reducing mammal Damage in Missouri*". Ordinarily individual WS damage management actions are categorically excluded and do not require an environmental assessment (EA) (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). However, in order to facilitate planning, interagency coordination, and the streamlining of program management, and to clearly communicate with the public the analysis of cumulative impacts from WS's proposed program, an EA on alternatives for managing mammal damage in Missouri was prepared. The EA documented the need for mammal damage management (MDM) in Missouri and assessed potential impacts of various alternatives to respond to damage and risks to human health and safety caused by wild and feral mammals. The EA and supporting documentation are available for review at the USDA-APHIS-WS State Office, 1714 Commerce Court, Suite C, Columbia, Missouri 65202.

The purpose of the proposed program is to reduce damage to property, agriculture, cultural and natural resources, and reduce risks to human health and safety resulting from the activities of wild and feral mammals in Missouri. The EA was prepared in consultation with the Missouri Department of Conservation (MDC) to determine impacts on state wildlife populations and to ensure that the proposed actions are in compliance with relevant laws, regulations, policies, orders and procedures. All WS MDM activities will be conducted consistent with the Endangered Species Act of 1973 as amended including consultation with the United States Department of Interior, Fish and Wildlife Service (USFWS), and all other applicable Federal, State and local laws, regulations and policies.

II. BACKGROUND

The determination of a need for WS assistance with MDM in Missouri is based on mammal damage to agricultural and natural resources, property, and risks to public health and safety. Some of the types of damage that resource owners/managers seek to alleviate include: feral swine damage to crops, pastures, water sources, and wildlife habitat and predation on Threatened and Endangered (T&E) species; white-tailed deer damage to crops and trees, landscaping, vegetable gardens, and strikes with aircraft; livestock predation by coyotes, foxes, bobcats, and feral dogs; predation on hatchery, commercial, and food fish by river otters; property damage from raccoons, skunks, woodchucks, opossums, voles, moles and rats. WS may also receive requests for assistance with surveillance for diseases in wildlife that are transmissible to humans or livestock. Details on the conflicts associated with wild and feral mammals in Missouri are provided in the EA. State agencies in Missouri provide advice and issue permits to control damage but do not provide direct management assistance. Private companies do provide some management services, but they may be too expensive, not geographically available, or not knowledgeable

in a particular damage situation. In addition, some resource owners/managers feel more comfortable with Wildlife Services as the Federal authority in MDM.

Missouri state statute (3CSR10-4.130) authorizes landowners or agents of the landowner to protect property, subject to federal regulations, from migratory birds and any other wildlife except deer, turkey, bear and any endangered species which beyond reasonable doubt is damaging property. With the exceptions noted, depredating wildlife may be captured or killed by shooting or trapping at any time without a permit. Private individuals may obtain permits and/or assistance from the MDC or the USFWS with damage caused by deer, turkey, bear or State and Federally-listed threatened and endangered species. The MDC may also use mammal harvest regulations as a population management tool. Resource owners/managers can make their land available to hunters and trappers as a means of addressing damage problems. The EA only evaluated alternatives for WS involvement in MDM and cannot change Missouri State Statutes and MDC policy permitting private landowners access to lethal and non-lethal alternatives for managing mammal damage. Therefore, a major factor in determining how to analyze potential environmental impacts of WS' involvement in MDM is that such management will likely be conducted by state, local government, or private entities that are not subject to compliance with NEPA, even if WS is not involved. 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. In the absence of a WS program, some individuals experiencing damage may take illegal or unsafe action against the problem species either unintentionally due to lack of training, or deliberately out of frustration of continued damage. In these instances, adverse impacts on the environment may be greater than with a professional WDM program. 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.

III. ISSUES ANALYZED IN THE EA

The following issues were identified as important to the scope of the analysis (40 CFR 1508.25) and each of the proposed alternatives was evaluated relative to its impacts on these issues.

- Effects on target mammal species.
- Effects on other wildlife species, including T&E species.
- Effects on human health and safety.
- Impacts to stakeholders, including aesthetics.
- Humaneness and animal welfare concerns of methods used.

An additional 4 issues were discussed but not addressed in detail for each alternative including:

- Wildlife damage management should not be conducted at taxpayer expense (wildlife damage management should be fee based).
- Mammal damage management should be managed by Nuisance Wildlife Control Agents.
- Appropriateness of preparing an EA instead of an EIS for such a large area.
- Effectiveness of Mammal Damage Management Methods.

IV. ALTERNATIVES ANALYZED IN DETAIL

The following Alternatives were developed to analyze and respond to issues. Three additional alternatives were considered but not analyzed in detail. A detailed discussion of the effects of the Alternatives on the issues is presented in the EA.

Alternative 1 – Technical Assistance Only

This alternative would not allow for WS operational MDM in Missouri. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, corporations, or others could conduct MDM using any legal lethal or non-lethal method available to them.

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, is consistent with guidance from the CEQ (CEQ 1981). In this guidance, the No Action alternative for situations where there is an ongoing management program may be interpreted as "no change" from current management direction or level of management intensity.

WS proposed to continue the current damage management program that responds to mammal damage in Missouri. An Integrated Wildlife Damage Management (IWDM) approach would be implemented to reduce mammal damage to property, agricultural resources, and natural resources, and to reduce mammal impacts on human/public health and safety. Damage management would be conducted on public and private property in Missouri when the resource owner (property owner) or manager requests assistance. The IWDM strategy would encompass the use and recommendation of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, target and non-target species, and the environment. Under this action, WS could provide technical assistance and direct operational damage management, including non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate non-lethal techniques like physical exclusion, habitat modification or harassment would be recommended and utilized to reduce damage. In other situations, mammals would be removed as humanely as possible using shooting, trapping, and registered pesticides and other products. Preference would be given to practical and effective non-lethal methods, but, non-lethal methods may not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of non-lethal and lethal methods, or could include instances where application of lethal methods alone would be the most appropriate strategy. WS' involvement in mammal damage management in Missouri is closely coordinated with the MDC, and WS take of mammals is authorized through permits and/or other authorities granted by the MDC..

Alternative 3: Non-lethal Mammal Damage Management Only by WS

This alternative would restrict WS to using and recommending non-lethal methods to resolve mammal damage problems. Information on lethal MDM methods would still be available to producers and property owners through other sources such as the MDC, USDA Agricultural Extension Service offices, universities, or pest control organizations. Requests for information regarding lethal management approaches would be referred to these entities. Individuals might

choose to implement WS non-lethal recommendations, implement lethal methods or other methods not recommended by WS, contract for WS direct assistance with non-lethal MDM, use contractual services of private businesses, or take no action. Persons receiving WS' non-lethal technical and direct control assistance could still resort to lethal methods that were available to them.

Alternative 4: No Federal WS Mammal Damage Management

This alternative would eliminate WS involvement in MDM in Missouri. WS would not provide direct operational or technical assistance and requesters of WS' assistance would have to conduct their own MDM without WS input. Information on MDM methods would still be available to producers and property owners through other sources such as the MDC, USDA Agricultural Extension Service offices, universities, or pest control organizations. Requests for information would be referred to these entities. Individuals might choose to conduct MDM themselves, use contractual services of private businesses, or take no action.

VI. ENDANGERED SPECIES CONSULTATIONS

As stated in the EA, WS has conducted an informal Section 7 consultation with the USFWS regarding potential risks to federally listed threatened and endangered species. WS determined that the proposed action would either have no effect on or may affect but will not adversely affect federally listed species in Missouri. On September 15, 2006, WS received notice that the USFWS concurred with this determination. Additionally, the USFWS agreed that some of the activities proposed in the EA have the potential for beneficial impacts on Federally-listed species. In particular, feral hog management activities have the potential to protect fen habitats that support the Hine's Emerald Dragonfly.

Wildlife Services has also consulted with the Missouri Department of Conservation regarding potential threats to State-listed species from the proposed action. WS determined that the proposed action would not adversely affect populations of state-listed species and had the potential to beneficially impact some species. On October 13, 2006, WS received notice that the MDC concurs with this determination. WS will comply with MDC requests and recommendations regarding the management of State-listed threatened and endangered species and State species of conservation concern.

V. MONITORING

The Missouri WS program will annually monitor the impacts of its actions relative to each of the issues analyzed in detail in the EA. This evaluation will include reporting the WS take of all target and nontarget species to help ensure there are no adverse impacts on the viability of State native wildlife populations or non-target species including State and Federally listed threatened/endangered species. MDC expertise will be used to assist in determining impacts on state wildlife populations.

VI. PUBLIC INVOLVEMENT

As part of this process, and as required by the CEQ and APHIS-NEPA implementing regulations, an announcement of the availability of the pre-decisional EA for public review and comment was made through "Notices of Availability" (NOA) published in the two major newspapers in Missouri and through direct mailings to parties that have specifically requested to be notified. Twenty-six (26) letters were mailed to organizations, individuals, and public agencies announcing that the EA was available. Three copies of the pre-decisional EA were mailed to interested parties for comment. WS received one request for a copy of the EA for review. WS did not receive any comments on the EA during the 35 day public

comment period or during the interval between the end of the comment period and the selection of a management alternative.

VII. AGENCY AUTHORITIES

United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services. Under various acts of Congress, the Secretary of Agriculture is authorized to carry out wildlife control programs necessary to protect the Nation's agricultural and other resources. Among these are the Act of March 2, 1931, 46 Stat. 1468-69, 7 U.S.C. ' ' 426-426b, as amended and Public Law No. 100-202, ' 101(k), 101 Stat. 1329-331, 7 U.S.C. ' 426c. Under the Act of March 2, 1931 and 7 U.S.C. ' 426c, the Secretary of Agriculture may carry out these wildlife control programs alone, or may 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. The Secretary has delegated the authority under both these Acts to APHIS. Within that agency, the authority resides with the Wildlife Services (WS) program.

Missouri Department of Conservation. The MDC under the direction of a Governor-appointed Conservation Commission is charged by the Legislature with the management of the State's wildlife. The MDC has the responsibility to manage all protected and classified wildlife in Missouri, except migratory birds and federally listed T/E species. The legal authorities of the Conservation Commission and the MDC are established in the Wildlife Code of Missouri. The Conservation Commission mission statement helps clarify and interpret the role of MDC in managing natural resources in Missouri. This statement is listed in the Missouri Wildlife Code Section 40(a).

Missouri Department of Agriculture (MDA). The MDA is authorized by RSMO 261.090 to cooperate with "other agencies of the state government dealing with the production, handling and marketing of farm products in the interest of economy, harmony and efficient service and may also cooperate with the USDA and its sub-departments and with other states or organizations that have common agricultural problems with those of the State of Missouri.

Missouri Department of Health (MDH). The MDH is authorized under RSMO192.020 to safeguard the health of the people in the State of Missouri and all its subdivisions. It shall study the causes and prevention of diseases and designate which diseases are infectious, contagious, communicable, or dangerous, and shall enforce adequate orders, findings, rules and regulations to prevent the spread of such diseases within the State of Missouri. Under RSMO192.110 and the Department of Health regulations, the Public Health Veterinarian shall take cognizance of any contagious diseases which may be prevalent among domestic animals of the state and which may be communicable or transferred to human beings. The State Public Health Veterinarian shall ascertain the nature and cause of such conditions and shall have the power and duty to administer all laws and orders and findings, to quarantine, prevent or to control the spread of such diseases.

VIII. DECISION and RATIONALE

I have carefully reviewed the EA and the input resulting from the EA review process. I believe the issues identified in the EA are best addressed by selecting Alternative 2, *Integrated Mammal Damage Management Program (Proposed Action/No Action)*, and applying the associated standard operating procedures and monitoring measures discussed in Chapter 3 of the EA. Alternative 2 provides the best range of damage management methods considered practical and effective, best addresses the issues identified in the EA and provides safeguards for public safety, and accomplishes WS' Congressionally directed role in protecting the Nation's agricultural and other resources including meeting its obligations

to the MDC, and cooperating counties and residents of Missouri. WS policies and social considerations, including humane issues, will be considered while conducting MDM. 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 (WS Directive 2.101). I have also adopted the EA as final because WS did not receive any comments from public that would change the analysis.

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 necessary or prepared. This determination is based on the following factors:

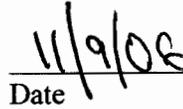
1. Mammal damage management, as conducted in Missouri is not regional or national in scope.
2. The proposed action will not have an impact on unique characteristics of the areas such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.
3. The proposed action will not significantly affect public health and safety. No accidents associated with WS mammal damage management are known to have occurred in Missouri.
4. 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.
5. Standard Operating Procedures adopted as part of the proposed action lessen risks to the public and prevent adverse effects on the human environment and reduce uncertainty and risks.
6. The proposed action does not establish a precedent for future actions with significant effects. This action would not set precedence for additional WS damage management that may be implemented or planned in Missouri.
7. 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.
8. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the area.
9. Mammal 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, nor will it cause a loss or destruction of significant scientific, cultural, or historical resources.
10. An evaluation of the proposed action and its effects on State and Federally listed 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. Consultations with the USFWS and the MDC have taken place and their input was used to develop Standard Operating Procedures for the proposed action.

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

For additional information regarding this decision, please contact Ed Hartin, State Director, APHIS, WS, 1714 Commerce Court, Suite C, Columbia MO 65202, or by phone @ 573-449-3033.



Robert L Hudson
Acting Regional Director, USDA-APHIS-WS
Raleigh, North Carolina



Date

Literature Cited

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

Slate, D. A., R. Owens, G. Connolly, and G. Simmons. 1992. Decision making for wildlife damage management. Transactions of the North American Wildlife and Natural Resources Conference 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.

WS Directive 2.101. Selecting Wildlife Damage Management Methods.