

August 2004

Decision and Finding of No Significant Impact

Predator Damage Management in Nevada

I. Introduction

The United States Department of Agriculture, Animal and Plant Health Inspection Service, Nevada Animal Damage Control Program (NADCP) prepared an Environmental Assessment (EA) and issued a Decision and Finding of No Significant Impact (FONSI) on July 15, 1999, on potential impacts of a proposed program and alternatives to manage predator damage in the State of Nevada. On February 26, 2004, NADCP completed an amendment to the 1999 EA which it issued to the public for its review and comment. A final amendment was completed which reflects changes and additions based on input received during the public involvement process. A summary of the public comments on the 2004 pre-decision amendment is contained in Appendix B of the 2004 final amendment.

II. Need for Action

The amendment to the EA was prepared in response to an increase in the number of requests for assistance since the 1999 EA was completed. Most notably, requests for assistance or complaints about damage by common ravens (*Corvus corax*) more than tripled between fiscal years 1998 and 2002. The amendment to the EA evaluated ways by which predator damage management could be carried out to address the increase in requests for assistance. It includes a new alternative for addressing requests for assistance with damage caused by ravens; it assessed potential impacts of the program on California condors and gray wolves; it evaluates impacts of two new Special Local Need (SLN) pesticide labels for the avicide DRC-1339, and the amendment provided an update of data in the 1999 EA. The purpose of the selected action is to protect Nevada's livestock, agricultural resources, property, natural resources and human health and safety from predator damage.

III. Alternatives

The amendment alters some of the alternatives that were presented in the 1999 EA. Alternative 5 was selected as the current program in the Decision and FONSI for the 1999 EA. Alternative 1 from the 1999 EA is no longer applicable because predator damage management has been conducted under Alternative 5 since 1999. Therefore, Alternative 5 in the 1999 EA is now Alternative 1: the "No Action" (ongoing program) Alternative in the amendment. Alternative 6, Expanded Federal predator damage management Program, from the 1999 EA was not analyzed in the amendment (See amendment Section 3.1). A new alternative: Integrated Predator Damage Management with Intensive Raven Management (Alternative 5) was presented in the amendment.

Alternative 1. The Proposed Action and Current Program (Alternative 5 as described in the 1999 EA. The proposed action alternative has primarily changed in the amendment to

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include two new SLN pesticide labels for DRC-1339 to address increased raven damage complaints. The new labels include an allowance for controlling raven damage to power poles, landfills, nut orchards and eggs and/or young of State or Federally listed endangered species or other species designated to be in need of special protection. The proposed action would depend in part on the issuance of a Migratory Bird Depredation Permit by the United States Fish and Wildlife Service which would allow for an increase in raven take of up to a maximum of 3,000 ravens in the State of Nevada.

Alternative 2. The No Federal NADCP. Alternative 2 would consist of no Federal involvement by NADCP in Nevada. Under this alternative, wildlife damage conflicts would likely be addressed by the Nevada Department of Wildlife (NDOW), private resource owners and managers, private contractors, or other government agencies. DRC-1339 is only available to Federal NADCP personnel and would not be available under this alternative. Therefore, this alternative has not changed from that described in the 1999 EA.

Alternative 3. Non-lethal Management Only. The non-lethal strategies allowed under this alternative have not changed since the 1999 EA.

Alternative 4. Non-lethal Required before Lethal Control. This alternative did not change from the 1999 EA, other than the addition of the SLN labels discussed under the Proposed Action. The new labels, like all other lethal methods discussed under the Proposed Action, could be used if non-lethal methods were used and found to be ineffective. Like the proposed action, fully implementing this alternative would depend in part on the issuance of a Migratory Bird Depredation Permit by the United States Fish and Wildlife Service which would allow for an increase in raven take up to a maximum of 3,000 ravens in the State of Nevada.

Alternative 5. Integrated Predator Damage Management with Intensive Raven Damage Management. This is a new alternative that was not considered in the 1999 EA. This alternative is identical to Alternative 1, the Proposed Action, except that efforts to manage damage associated with ravens would be increased, and the number of ravens taken could be substantially higher than under the Proposed Action. This alternative would allow for the take of up to 6,000 ravens, and would be dependant on a Migratory Bird Depredation Permit from the U.S. Fish and Wildlife Service.

IV. Issues

The nine environmental issues that were identified as important to the analysis of alternatives in the 1999 EA were considered in the 2004 amendment, and all of them were evaluated under Alternative 5, the Integrated Predator Damage Management with Intensive Raven Management Alternative. Four of the issues did not substantially change the analysis from the 1999 EA. The five that were reconsidered in the amendment were:

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- Effects on Target Predator Species Populations
- Effects on Non-target Species Populations, Including Threatened and Endangered Species
- Effects on Recreation (hunting and non-consumptive uses)
- Impacts on Public Safety and the Environment (e.g., effects of toxicants and hazardous materials)
- Effectiveness of the NADCP

V. Decision and Rationale

The alternative courses of action (Alternatives) were developed with input from the lead and cooperating agencies and the public, and were analyzed in the 1999 EA and 2004 amendment relative to against the issues noted above. A summary of the impacts and the reasons for selecting or not selecting the alternatives is discussed.

Alternative 1. Proposed Action

I herein adopt the Proposed Action, Alternative 1, because it would implement an integrated predator damage management program that would provide the greatest flexibility to managers thereby making it the most effective of the currently available alternatives. Alternative 5 may be more effective, but that alternative is not available at this time for reasons discussed under the decision rational relative to Alternative 5. The proposed action was found to have a low impact on recreation and would not affect special management areas. Public health and safety would be benefited and would not be likely to be adversely affected.

We used the best available scientific information to determine that the Proposed Action Alternative would not contribute to a significant effect on the target species populations or the environment. The raven population effects analysis received special emphasis due to the increased level of proposed raven take, and the availability of a new population estimate provided by the USFWS. The amendment concluded that the proposed action would not adversely affect the raven population in Nevada. The analysis of impacts on threatened and endangered species included the findings of an Endangered Species Act consultation and Biological Opinion (2003) conducted with the USFWS on the NADCP. The USFWS determined through the consultation process that the proposed activities would either have no effect or have no significant effect on Federally listed species in Nevada. While NADCP determined that desert tortoise protection activities in the proposed action might negatively affect the desert tortoise (in the process of providing an overall benefit), the USFWS determined that the NADCP actions were not likely to jeopardize the continued existence of the threatened Mojave population of the desert tortoise. Because of recent sightings of gray wolves in Nevada, and because there has been some concern that California condors from a reintroduced, experimental population

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in Arizona may wander into Nevada, the 2003 informal consultation also discussed the potential for effects on these species and found that the NADCP was not likely to affect these species.

Alternative 2. No Federal NADCP Predator Damage Management

Lack of Federal involvement in predator damage management would prevent access to DRC-1339, the primary tool used by NADCP to address predation problems with ravens. Therefore, this alternative would likely be less effective in reducing damage by ravens than Alternative 1. It is likely that at least some assistance with predator damage management would be provided by NDOW and the Nevada Department of Agriculture in the absence of Federal involvement in the NADCP. Depending upon the assistance available predator damage management may not be conducted by individuals with the same training or access to current research and methods as NADCP. This could result in greater risks to the environment than with Alternative 1. If for some reason, professional predator damage management assistance is eliminated as a result of selecting this alternative it is probable that some resource owners/managers would try to use predator damage management methods in an unsafe and improper manner, such as the illegal use of pesticides.

Alternative 3. Non-lethal Management Only Alternative

Although Federal employees of NADCP would not use lethal techniques for predator damage management it is likely that this service will continue to be available through NDOW, the Nevada Department of Agriculture or some other private or government entity. As with Alternative 2, DRC-1339 would not be available for raven damage management. Efficacy and impacts of this Alternative are likely to be similar to Alternative 2.

Alternative 4. Non-lethal Required Before Lethal Control Alternative.

Ultimately, this alternative would allow the same techniques as Alternative 1. The difference between this alternative and Alternative 1 is that non-lethal techniques would be tried first even if the professional judgement of the NADCP specialist indicates that the use of a lethal technique may be the best way to resolve the problem. In these instances, additional damage may occur when non-lethal methods are tried first but prove to be ineffective.

Alternative 5. Integrated Predator Damage Management with Intensive Raven Damage Management.

The environmental effects of this alternative would be the similar to those of Alternative

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1, with the most notable exception being the potential to remove of up to 6000 ravens per year, with an expected decline in requests after a few years. With applied monitoring (adaptive management) as discussed in the EA, this alternative would not be expected to threaten the raven population. This alternative would be expected to provide a greater benefit to species affected by raven predation such as the desert tortoise, and increased benefits to public safety due to increased work at landfills. This alternative would be the most effective of the alternatives in reducing raven damages, but was not selected because NADCP has not been requested to provide this level of assistance. In addition, we feel that findings from ongoing research (research and monitoring as described in the EA) would help the decision maker to more fully understand the potential effects of this level of take on the raven population in Nevada.

VI. Public Involvement

Public input and data in the 1999 EA were used to select a program of Integrated Wildlife Damage Management to address conflicts with predators in Nevada in a FONSI issued July 15, 1999. In March, 2004 a pre-decision amendment to the EA was issued to the public for a 30-day comment period, and notices were mailed to all people who expressed an interest in the 1999 EA. Notices of availability for public review were published in the Elko Daily Free Press on March 16, 23, and 30, The Las Vegas Review-Journal and the Las Vegas Sun on March 15, 29, and 30, the Nevada Appeal on March 15, 16, and 17, the Reno Gazette Journal on March 17, 18, and 19, and the Ely Daily Times on March 16, 23 and 30. Three letters were received which provided comments on the 2004 pre-decision amendment. We have carefully considered the public comments and have made revisions which are reflected in the August 2004 final amendment. A summary of public comments and responses on the 2004 pre-decision amendment can be found in the final amendment in Appendix B.

This Decision Notice and FONSI is being mailed to all people who have expressed interest in the amendment process. In addition, a notice of this Decision and FONSI will be published in the newspapers identified above.

Decision

Based on a review of the 1999 EA and FONSI, and the 2004 final amendment to the EA, I have decided to select the Proposed Action as described in the amendment, and to issue a new Decision and FONSI.

VII. Finding of No Significant Impact

A careful review of the 1999 EA and 2004 final amendment indicates that there will not be a significant impact on the quality of the human environment as a result of this proposal. I agree with this conclusion, and therefore, determine that an Environmental Impact Statement (EIS) will not be prepared. This determination is based on consideration of the following factors:

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1. The proposed activities may occur in localized areas at or around specific isolated resources to be protected. The proposed activities are not national or regional in scope.
2. The proposed activities will not significantly affect public health and safety. No members of the public have been injured by NADCP operations. The program is designed in part to protect human health and safety. The methods used to control predation incorporate restrictions and protocol to protect the public.
3. The proposed activities will not have an impact on unique characteristics of the geographic area such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas. The nature of the methods proposed for alleviating damages are not likely to permanently affect the physical environment
4. The effects of the proposed action on the quality of the human environment are not highly controversial. Although some people are opposed to some aspects of predator damage management, the methods and impacts are not controversial among experts.
5. The possible effects of the proposed activities on the quality of the human environment are not highly uncertain and do not involve unique or unknown risks.
6. The proposed activities do not establish a precedent for actions with future significant effects or represent a decision in principle about a future consideration.
7. There are no significant cumulative effects identified by this assessment. All predator removal will be coordinated with NDOW or the USFWS, and will stay within management guidelines established for each species. The effect on the raven population in Nevada is expected to be low to moderate, and the proposed action would not contribute to a decline in the regional population trend. The impacts on all other predator species when combined with other known sources of mortality are expected to have a low to negligible impact.
8. The proposed activities will 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. Predator damage management in general, does not have the potential to significantly affect historic properties. Some visual impacts may occur in recreation areas where the public may be able to view signs or other management devices, however, the impacts would be minor and temporary.

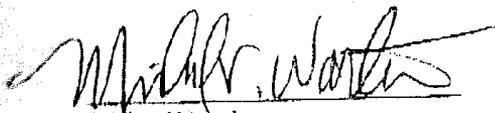
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9. The proposed activities will fully comply with the Endangered Species Act of 1973, as amended. The USFWS concluded from a March 2003 informal consultation, that the NADCP was not likely to adversely affect federally listed species. A Biological Opinion was issued at the same time which concluded that the NADCP was not likely to jeopardize the continued existence of the threatened Mojave population of the desert tortoise, and the bald eagle. NADCP herein agrees to adopt all reasonable and prudent measures, and terms and conditions in the USFWS consultations designed to minimize harm to threatened and endangered species. A National consultation between APHIS-WS and USFWS is underway. NADCP will incorporate any relevant Reasonable and Prudent Alternatives, Reasonable and Prudent Measures, and Terms and Conditions from the National consultation into standard operating procedures for predator damage management in Nevada.
10. There are no irreversible or irretrievable resource commitments identified by this assessment, except for a minor consumption of fossil fuels for routine operations.
11. The proposed activities will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. NADCP is authorized under Federal and Nevada law to remove predators that threaten or damage livestock, property, human health and safety, agriculture, and natural resources.

For additional information concerning this decision, please contact:

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Approved by:



Mike Worthen
Western Region Director
APHIS-Wildlife Services

8/30/04
Date