DECISION NOTICE

and

FINDING OF NO SIGNIFICANT IMPACT

for

FOREST-WIDE INTEGRATED ANIMAL DAMAGE MANAGEMENT

USDA - FOREST SERVICE, REGION 4
DIXIE NATIONAL FOREST

State of Utah:

Garfield, Iron, Kane, Piute,
Wayne, and Washington Counties

Introduction

The Dixie National Forest has completed an environmental analysis of a Proposed Action to authorize an Animal Damage Management Program on the Forest. This Proposed Action was developed in response to a request from Forest livestock permittees through the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control (APHIS-ADC). APHIS-ADC requested that the Forest Service authorize APHIS-ADC to conduct predator control activities on the Dixie National Forest to reduce predation on permittee livestock, primarily domestic sheep.

The Forest-Wide Animal Damage Management Environmental Assessment documents this analysis. In the Environmental Assessment (EA), we evaluated the need for, and the appropriate type of Animal Damage Management program, including lethal predator control that would reduce this predation, and be consistent with National Forest Management direction. A copy of this environmental assessment can be obtained from the Dixie National Forest Supervisor's Office, 82 North 100 East, Cedar City, Utah 84720.

Decision

I have selected Alternative 3 with its mitigating measures as the most appropriate and environmentally sound way to conduct Animal Damage Management on the Dixie National Forest. Alternative 3 provides for a fully integrated approach using both lethal and non-lethal management practices to reduce livestock loss by predators.

The primary emphasis of the Animal Damage Management program will be to reduce predation domestic sheep by coyotes. Lethal control of coyotes will be limited to those sheep and cattle allotmen experiencing losses to predation, with sole exception stated in Mitigation Requirement #1 with regard to aerial hunting. Coyotes are distributed throughout the Dixie National Forest and are the most abundant large predator. Most predator control will center on the coyote because it is the predator responsible for the greatest economic loss to the livestock industry on Dixie National Forest range allotments.

Individual bears and cougars will be controlled when they have been identified by the responsible District Ranger and Utah Division of Wildlife Resources (UDWR) as being habitually responsible for livestock loss. They will also be controlled or live-trapped and relocated if considered by the responsible District Ranger, in consultation with UDWR, to be a threat to public health or safety.

Alternative 3 - The Preferred Alternative

I am strongly encouraging the use of non-lethal management practices to keep livestock losses to within tolerable levels. Lethal control will not be used as a substitute for poor herding and/or husbandry practices on the range. Lethal control will be authorized when the Forest Service determines that the permittee has diligently applied non-lethal practices, that these practices have not been effective, and the potential for continued livestock loss is serious.

Whether lethal control practices are approved and necessary will depend on the tolerance of individual livestock owners to the levels and value of their losses, the costs of control, the effectiveness of non-lethal practices for their particular situation, confirmation of loss by predators, and knowledge regarding historical loss. Consideration of these factors and the decision to use authorized lethal control methods will be the responsibility of the appropriate District Ranger, in consultation with appropriate range resource staff.

Permittees will be notified in writing of the following policy that diligent non-lethal management practices be a prerequisite before lethal predator control will be authorized.

"It is the policy of the Dixie National Forest, as provided in the April 1991 Environmental Assessment and Decision on Animal Damage Management, to encourage the use of non-lethal management practices to keep livestock losses from predators on Forest ranges to within tolerable levels. Lethal control will not be used as a substitute for poor herding and/or husbandry practices.

If you desire to be eligible for lethal predator control, prior to the grazing season, you will annually notify the District Ranger on those non-lethal Animal Damage Management practices you will be using. These practices will be documented in the Annual Grazing Plan of Use for the allotment. Lethal control by Animal and Plant Health Inspection Serivice- Animal Damage Control may be authorized when the Forest Service determines that you have diligently applied non-lethal practices, that these practices have not been effective, and the potential for continued livestock loss is serious".

These determinations of diligent application of non-lethal practices will be the responsibility of the appropriate District Ranger, in consultation with appropriate range resource staff.

Non-lethal management practices that livestock permittees will be encouraged and permitted to practice with sheep are:

(1) Use of guard dogs.

(2) Have the herder camp with the band.

(3) Change bedgrounds daily.

(4) Dispose of dead sheep at least one-half mile away from the grazing band.

(5) Use more than one herder with the band.

(6) Use more and better quality sheep or herd dogs.

(7) Use experienced herders familiar with the allotment.

(8) Where practical, avoid areas on the allotment where predation has been historically high.

With cattle permittees, there is only one non-lethal practice that appears to be practical and should be encouraged. It is:

(1) Avoid calving on the Forest.

Lethal management control practices that will be permitted outside wilderness areas are:

(1) M-44-sodium-cyanide ejector device.

(2) Leghold traps and snares.

(3) Hunting by calling and shooting from the ground.

(4) Aerial hunting of only coyotes during the winter months.

(5) Denning.

(6) Use of chase or hunting dogs.

APHIS-ADC is the agency authorized to conduct lethal predator control on the Forest. Control activities will be conducted as provided in the EA, and the Memoranda of Understanding between APHIS-ADC and the Forest Service dated April 5, 1990 and September 13, 1988.

Aerial hunting by APHIS-ADC will be the only lethal method authorized for use as a preventive practice outside of the grazing season. Its use will be authorized to reduce the offending coyote population during winter months only. Aerial hunting will only be authorized if predator control efforts during the preceeding grazing season have not been successful. The Forest Service and APHIS-ADC will monitor sheep loss during the grazing season. Evidence for the need will be reported loss and verification of sheep loss by APHIS-ADC or Forest Service Officers at the end of the grazing season. The Forest Service and APHIS-ADC must be in agreement that during the grazing season use of other control methods did not stop or substantially reduce losses before aerial hunting is approved.

Wilderness

The Ashdown Gorge Wilderness Area is the only wilderness area in the Forest which has sheep allotments. Within the Ashdown Gorge Wilderness Area, the Forest can only recommend what predator control activities it determines are appropriate. Specific approval for control action in Wilderness is made by the Regional Forester. This alternative restricts lethal control methods in Wilderness to: Traps and snares, calling an shooting on the ground, and chase or hunting dogs. Control methods of aerial hunting and using M-44 devices will not be recommended for use in Dixie National Forest Wilderness. The Forest will request pre-approval of predator control methods when lethal control is requested by permittees and the responsible Forest Officer determines that losses have become intolerable.

If the offending animal is a bear or cougar, control would be initiated by APHIS-ADC under the terms of their agreement with UDWR. If a bear or cougar kills, a pattern of depredation behavior on livestock will be established prior to control action being taken.

Lethal control measures will be specific to the offending animal or local offending population. This decision recognizes that with coyotes, it is extremely difficult and almost impossible in some areas to have control specific to the offending animal. To reduce chances of taking innocent members of offending populations (as much as possible), lethal coyote control measures will be restricted to areas where depredation is occurring or where depredation is predicted based on historical loss in the area.

Specific approval for the use of the M-44 device is granted by the Regional Forester. Pre-approval will be requested only when the following condition exists: the M-44 device may be used on "trap wise" coyotes when livestock owners and APHIS-ADC feel traditional control methods are not working and the potential for substantial loss is serious.

Mitigation Requirements:

1. Aerial hunting will only be used in the winter months to take coyotes and will be coordinated by APHIS-ADC, the Forest Service, and UDWR. There will be no aerial hunting permitted if wintering big game animals or people are encountered. Aerial hunting will only be permitte within sheep allotment boundaries with one permitted exception; while in pursuit, if a coyote

leaves the allotment, it then is permissible for APHIS-ADC to cross over the allotment boundary and take the animal.

2. All EPA restrictions, as listed in the ADC manual, concerning the use of M-44's will be followed. (See Appendix D of the EA)

3. Traps and snares will be placed so that captured animals will not be visible and are 1/4 mile away from any designated system trail or other area of concentrated public use.

4. Warning signs will be posted by APHIS-ADC on main access roads and/or trails leading into areas where lethal control actions would be taking place. All signs will be removed at the end of the control period.

5. APHIS-ADC will notify District Rangers of all requests for predator control along with their recommendations for control.

6. Lethal predator control will only be permitted on sheep and cattle allotments experiencing predation, with the exception noted for aerial hunting in Mitigation Requirement #1. Bear and cougar lethal control will be permitted on all allotments as a corrective control measure, in consultation with UDWR. The District Ranger can terminate control activity at any time on their District when they feel sufficient need exists.

7. Lethal predator control on Forest areas closed to grazing, will normally be only for public safety purposes. If control is needed to respond to other resource situations, it will be considered on a case-by-case basis by the Dixie National Forest Wildlife Branch Chief in cooperation with UDWR and APHIS-ADC (with appropriate NEPA compliance).

Monitoring Requirements:

1. APHIS-ADC will file an annual report, 90 days after close of the grazing season with the Forest Supervisor's Office on reported and confirmed livestock losses and the number of predators controlled.

2. The Dixie National Forest Wildlife Branch Chief and UDWR will cooperate in monitoring the number of black bears and cougars taken. If the viability of the local population becomes a concern, the Forest Service and UDWR will take cooperative actions to provide for their viability by protecting or improving habitat, limiting sport hunting, and modifying those activities which appear to most affect viability.

3. Immediately upon control of offending cougar or bear, a Damage Report will be completed by APHIS-ADC and copies submitted to UDWR, District Rangers, and the Forest Supervisor's Office.

4. APHIS-ADC, UDWR, and Forest Service representatives will meet each year to develop an annual predator control work plan. This control plan will conform to the Forest-wide decision, to be made based on this document that authorizes predator control.

Forest Plan Amendment:

This alternative will require an amendment to the FLRMP approved September 2, 1986 by Regional Forester, J. S. Tixier.

The complete text of the LRMP amendment is included as an attachment to this Decision.

Public Involvement

Public involvement and disclosure of this project began in September 1989 with news releases and direct mailing of notification to interested publics. Most recent have been direct mailing, news releases, in January 1991 and public meetings February 7, 1991 at Cedar City, Utah; March 21, 1991 at Salt Lake City, Utah; and April 8, 1991 at Las Vegas, Nevada. Hundreds of written responses were received by mail and several hundred people participated at the public meetings.

Six major issues were identified from the scoping process and by the interdisciplinary team. These issues were used to develop the alternatives and are documented in the EA. Evaluation criteria were also established to analyze the environmental impacts of each alternative.

Alternatives Considered

Five alternatives were evaluated in detail. In responding to the issues, control activities were varied in the alternatives to demonstrate effects on livestock losses, wildlife, the public, and the environment. Four other alternatives were considered, but not analyzed in detail.

For a more complete description of these alternatives refer to Chapter II of the EA. The alternatives are:

Alternative 1 - The No Action Alternative.: No Forest-wide integrated ADM program would be implemente This is the current situation which only provides for trapping, denning, and aerial hunting on sheep and ca allotments which are experiencing predator losses.

Alternative 2: No APHIS-ADC lethal predator control to reduce livestock losses would be authorized except where necessary to preserve public safety.

Alternative 3- The Selected Alternative: An integrated approach to Animal Damage Management, using a full range of lethal and non-lethal methods on sheep and cattle allotments which are experiencing predator losses. Aerial hunting and M-44's would not be permitted in the Ashdown Gorge Wilderness area.

Alternative 4: An integrated approach, but eliminates aerial hunting and the M-44 devices as approved methods. This alternative permits the same non-lethal and lethal practices as Alternative 3, except it does not permit aerial hunting and use of M-44's as lethal control practices on the Forest.

Alternative 5: An integrated approach, but eliminates the use of the M-44 device as an approved method. This alternative permits all methods of lethal control by APHIS-ADC and non-lethal ADM practices by livestock permittees, except use of M-44's, on sheep and cattle allotments which are experiencing predator losses. Aerial hunting would not be permitted in the Ashdown Gorge Wilderness area.

Reasons For The Decision

I have made the decision which I believe is responsive to livestock permittees in keeping predator loss to within tolerable levels in grazing Dixie National Forest ranges, while providing for other Forest resource values and uses in an environmentally sound manner. A similar program has been in effect for the last 15 years w no adverse environmental affects.

Livestock permittees are a legitimate user of the National Forest and they should be afforded an opportunity to protect their property. Authorizing the killing of a living creature is never a pleasant decision; however, I believe I have made the decision that best addresses the purpose and need, and the direction of the Forest LRMP, while preserving other resource values.

Compliance with the Forest Plan, Other Laws, and Regulations

Alternative 3 is in compliance with the Dixie National Forest Land and Resource Management Plan (FLRMP), as amended by this decision. Forest Management Direction, Goal Number 22 states, "Maintain an effective predator control program in cooperation with the U.S. Fish and Wildlife Service and State agencies." This decision and the terms of the attached Plan Amendment satisfy this goal.

Alternative 3 complies with the National Forest Management Act of 1976 in preserving the diversity of plant and animal communities (EA--Chap IV, Issue 1).

Alternative 3 complies with the Endangered Species Act in protecting threatened and endangered species (EA--Chap. III, F. TE&S Species). No flood plains or wetlands will be affected as defined in Executive Orders 11988 and 11990.

FINDING OF NO SIGNIFICANT IMPACT

I have determined that this action is not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based upon the following factors:

1. Beneficial and adverse effects are not likely to be significant. (EA--Chap. IV; Chap. II, Table II-2)

2. Public health and safety are minimally affected by the proposed action. Predator control has been occurring on the Forest since it was established with no known injury to humans. (EA--Chap. IV, Issue 6 discussion of effects)

3. There are no areas with unique geographic characteristics such as historic or cultural resources, parklands, prime farmlands, wild and scenic rivers, or ecological critical areas that are significantly affected. (EA--Chap. IV)

4. The effects on the quality of the human environment are not likely to be highly controversial. (EA--Chap. IV)

5. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. (EA--Chap. IV)

6. These actions do not set a precedent for other projects that may be implemented to meet the goals and objectives of the FLRMP.

7. There are no known significant cumulative effects between this project and other projects implemented or planned in the area. (EA--Chap. IV, Cumulative Effects Analysis by issue)

8. There are no known historic or cultural resources affected. (EA--Chap. III, H. Cultural Resources)

9. All known endangered, threatened or sensitive species will be protected. A Biological Evaluation has been done on the effects on threatened, endangered, and sensitive species of bald eagle,

peregrine falcon, and Utah prairie dog. The determination has been made that the Animal Damage Management program will have no effect on the recovery of these species. (EA--Appendix B - Biological Evaluation; Chap. III, F. TE&S Species)

10. The actions do not threaten a violation of Federal, State, or local laws or requirements imposed for the protection of the environment. (EA--Chap. I, E. Current Laws and Agreements; Decision Notice)

Implementation and Administrative Review

The decision is subject to administrative review in accordance with 36 CFR 217. Any appeal of this decision must include the information required in 36 CFR 217.9, (Content of Notice of Appeal), including the reasons for the appeal. Two (2) copies of the Notice of Appeal must be filed with the Regional Forester, Intermountain Region, 324 25th Street, Ogden, Utah 84401 within 45 days from the date of publication in the "Daily Spectrum", St George, Utah.

This decision may be implemented no sooner than 45 calendar days after publication in the "Daily Spectrum".

Hugh C. Thompson
HUGH C. THOMPSON
Forest Supervisor

April 25, 1991
Date

FOREST PLAN AMENDMENT

AMENDMENT NUMBER ONE

Land and Resource Management Plan

for the

Dixie National Forest

April 25, 1991

The current wording of "General Direction" in the Land and Resource Management Plan for Animal Damage Management that will be changed is (Section IV, page 36):

1. Manage animal damage in cooperation with the Utah Division of Wildlife Resources (Utah DWR), the Fish and Wildlife Service and other appropriate agencies, and cooperators to prevent or reduce damage to other resources and direct control toward preventing damage or removing only the offending animals.

2. Allow trapping, denning, or aerial gunning under the following conditions:

   A. Methods and locations are specified in the Forest Animal Control Plan.

   B. Aerial gunning is done by an authorized individual.

The following section will replace the current "General Direction" (Section IV, page 36):

MANAGEMENT PRESCRIPTION
NAGEMENT ACTIVITIES

dlife and Fish Cooperation with
h Other Agencies (C12)

GENERAL DIRECTION

1. Manage animal damage in cooperation with the Utah Division of Wildlife Resources (Utah DWR), the Animal and Plant Plant Health Inspection Service - Animal Damage Control (APHIS-ADC), other appropriate agencies, and cooperators to prevent or reduce damage to permitted livestock and Forest wildlife and vegetation resources, and for public safety purposes by taking offending animal or local offending populations.

2. Provide for a fully integrated approach to Animal Damage Management by using both lethal and non-lethal management practices to reduce livestock loss by predators.

a. Lethal control practices are: M-44 sodium-cyanide ejector device, leg-hold traps and snares, hunting by calling and shooting from the ground, and aerial hunting, denning, and using chase or hunting dogs.

b. Non-lethal management practices that will be permitted are: use of guard dogs, have the herder camp with the band, change bedgrounds daily, dispose of dead sheep at least one-half mile away from the grazing band, use more than one herder, use more and better quality sheep or herd dogs, use experienced herders familiar with the allotment, avoid areas on the allotment where predation has been historically high, and avoid calving on the Forest.

STANDARDS AND GUIDELINES

1. Aerial hunting will only be used in the winter months to take coyotes and will be coordinated by APHIS-ADC, the Forest Service, and UDWR. There will be no aerial hunting permitted if wintering big game animals or people are encountered. Aerial hunting will only be permitted within sheep allotment boundaries with on permitted exception. While in pursuit a coyote leaves the allotment, it then is permissible for APHIS-ADC to cross over the allotment boundary and take the animal.

2. All EPA restrictions, as listed in the ADC manual, concerning the use of M-44's will be followed.

3. APHIS-ADC, UDWR, and Forest Service representatives will meet each year to develop an annual predator control work plan. This control plan will tier to the Forest-wide decision, to be made based on this document that authorizes predator control.

4. Lethal predator control on Forest areas closed to grazing will normally be only for public safety purposes. If control is needed to respond to other resource situations, it will be considered on a case-by-case basis with appropriate NEPA compliance.

5. Traps and snares will be placed so that captured animals will not be visible from any designated system trail or other area of concentrated public use.

6. Warning signs will be posted by APHIS-ADC on main access roads and/or trails leading into areas where lethal control actions would be taking place. All signs will be removed at the end of the control period.

7. APHIS-ADC will file an annual report 90 days after the close of the grazing season with the Forest Supervisor's Office on reported and confirmed livestock losses and the number of predators controlled.

8. APHIS-ADC will notify District Rangers of all requests for predator control along with their recommendations for control.

9. Lethal predator control will only be permitted on sheep and cattle allotments experiencing predation, with the exception noted for aerial hunting in S&G #1. Bear and cougar lethal control will be permitted on all allotments as a corrective control measure, in consultation with UDWR. The District Ranger can terminate control activity at any time on their District when they feel sufficient need exists.

10. Immediately upon control of offending cougar or bear, a Damage Report will be completed by APHIS-ADC and copies submitted to UDWR, District Rangers, and the Forest Supervisor's Office.

11. The Forest Service and UDWR will cooperate in monitoring the number of black bears and cougars taken. If the viability of the local population becomes

a concern, the Forest Service and UDWR will take cooperative actions to provide for their viability by protecting or improving habitat, limiting sport hunting, and modifying those activities which appear to most affect viability.