

COUNTY OF MONTEREY
USDA APHIS-WS IWDM PROGRAM
AND AGREEMENT RENEWAL
FINAL ENVIRONMENTAL IMPACT REPORT

State Clearinghouse No. 2017031003

Prepared for:

COUNTY OF MONTEREY
OFFICE OF THE AGRICULTURAL COMMISSIONER
SALINAS, CA 93901

Prepared by:

Michael Baker
INTERNATIONAL

60 GARDEN COURT, SUITE 230
MONTEREY, CA 93940

MARCH 2018

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MICHAEL BAKER INTERNATIONAL
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MONTEREY, CA 93940

MARCH 2018

1.0 INTRODUCTION

1.1	Purpose of this Document	1.0-1
1.2	Project Under Review	1.0-1
1.3	Public Participation and Review Process	1.0-3
1.4	Organization of this Document	1.0-3

2.0 LIST OF AGENCIES AND PERSONS COMMENTING

2.1	List of Commenters	2.0-1
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3.0 COMMENTS AND RESPONSES

3.1	Requirements for Responding to Comments on a Draft EIR	3.0-1
3.2	Responses to Comment Letters	3.0-1

4.0 REVISIONS TO THE DRAFT EIR

4.1	Introduction	4.0-1
4.2	Revisions to the Draft EIR	4.0-1

5.0 REFERENCES

TABLE OF CONTENTS

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1.0 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

This Final Environmental Impact Report (Final EIR) has been prepared for the proposed renewal of Monterey County's five-year cooperative services agreement (CSA) including annual work plans (work and financial plans) required by the five-year CSA with the US Department of Agriculture (USDA) Animal and Plant Health Inspection Services–Wildlife Services (APHIS-WS) for wildlife damage management assistance in the county (USDA APHIS-WS IWDM Program and Agreement Renewal; proposed project [SCH No. 2017031003]).

This Final EIR has been prepared in accordance with the California Environmental Quality Act (CEQA; Public Resources Code Sections 21000–21177). The Final EIR for this project comprises this document, together with the Draft EIR (incorporated by reference in accordance with State CEQA Guidelines Section 15150). The County of Monterey (County) is the lead agency for the proposed project, which is summarized below and presented in greater detail in Section 3.0, Project Description, of the Draft EIR.

This Final EIR contains public comments received on the Draft EIR during the public review period for the proposed project and includes written responses to environmental issues raised in those comments. As required by State CEQA Guidelines Sections 15088 and 15132, the lead agency (in this case, Monterey County) is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. In accordance with State CEQA Guidelines Section 15088(b), the written responses describe the disposition of significant environmental issues raised. Monterey County and its consultants have provided a good faith effort to respond in detail to all significant environmental issues raised by the comments. This Final EIR also contains minor corrections and revisions made to the Draft EIR (see Section 4.0, Revisions to the Draft EIR) initiated by County staff and/or the consultants based on their ongoing review.

The comments and responses that make up the Final EIR, in conjunction with the Draft EIR, as amended by the text changes, constitute the EIR that will be considered for certification by the County of Monterey.

1.2 PROJECT UNDER REVIEW

The current five-year CSA between the County and APHIS-WS expires on June 30, 2018. The proposed project is the renewal of the CSA, including annual work plans (work and financial plan) required by the five-year CSA, for another five years. The renewed contract would fund continuation of the existing APHIS-WS IWDM program in the county. Activities performed under the IWDM program would be implemented by APHIS-WS field specialists in accordance with the regulations, standards, and guidelines of the IWDM program, which are described in Section 2.0, Project Background, of the Draft EIR. Identical to the current CSA, the County would not be materially involved in any of the wildlife damage management activities other than to cost-share the financial portion of the program. Neither APHIS-WS nor Monterey County is proposing any changes to the APHIS-WS IWDM program in Monterey County in conjunction with the County's renewal of the CSA.

The IWDM program (as operated by APHIS-WS and approved by signature of the agreement and work plan) would include the following:

- Assignment of up to four APHIS-WS wildlife specialists trained in wildlife control methods, state and federal regulations, and certified in the safe handling and use of firearms and other control equipment.

1.0 INTRODUCTION

- Up to 4,176 work hours distributed as needed among direct control activities, technical assistance, APHIS-WS required training and administrative tasks, and leave.
- APHIS-WS procurement and maintenance of vehicles, tools, supplies, and other specialized equipment as deemed necessary to accomplish direct control activities.
- APHIS-WS supervision of safe and professional use of approved wildlife damage management tools/equipment, including the use of firearms, deterrent methods/devices (including pyrotechnics), traps, snares, trained dogs, all-terrain vehicles, Environmental Protection Agency and Drug Enforcement Administration approved chemicals (including immobilizing and euthanasia drugs), night vision equipment, and electronic calling devices.
- Data reporting for inclusion in the APHIS-WS Management Information System, which would consist of the number and types of request for assistance, control methods, types of species, whether species causing damage or loss were removed or released, estimated value of loss, and other information used to document and monitor program activities.

Under the renewed contract, APHIS-WS would continue to perform the following activities in Monterey County:

- Offer technical advice/assistance to resource owners on prevention and/or control techniques.
- Inform and educate the interested public on how to prevent and reduce wildlife damage on their own, including APHIS-WS staff-prepared pamphlets and documentation.
- Provide expertise from wildlife specialists trained in wildlife control methods, state and federal regulations, and certified in the safe handling and use of firearms and other control equipment.
- Investigate wildlife damage situations to determine the responsible species and evaluate the site for applicability of prevention and control methods.
- Develop and implement wildlife damage management actions for the protection of agricultural resources, public health and safety, and property.
- Develop and implement wildlife damage management methods and actions targeting invasive species (e.g., wild pigs) that may damage or threaten property, livestock, crops, and/or public safety.
- Respond to incidents where wildlife species are threatening public health and safety (in coordination with the California Department of Fish and Wildlife [CDFW] and local law enforcement) including the use of out-of-county resources and expertise.
- Collect samples for wildlife diseases that may affect agriculture and public safety.
- Provide access to APHIS-WS support staff, including at the National Wildlife Research Center, which conducts research on and develops wildlife damage management methods.

Technical assistance would be provided only at the request of affected resource owners or managers. The majority of services would likely be provided for the protection of livestock and field crops on agricultural lands because that has historically resulted in the most requests for technical assistance. However, technical assistance would also be available for protection of public health and safety (human-animal conflicts) and property. APHIS-WS would not perform any activities funded by the County for the protection of natural resources, such as threatened and endangered species.

All of the direct control methods that could be used by APHIS-WS under its cooperative agreement with the County would be implemented primarily on private land, with a limited amount of work in County-operated parks. Before wildlife damage management is conducted on private land in response to a request for assistance from a property or resource owner, an Agreement for Control must be signed by APHIS-WS and the landowner or representative.

1.3 PUBLIC PARTICIPATION AND REVIEW PROCESS

The County published the Notice of Preparation (NOP) for the Draft EIR on March 2, 2017, for a 30-day comment period ending March 31, 2017. A public scoping meeting was held on March 16, 2017, at the Monterey County Office of the Agricultural Commissioner in Salinas, California. The NOP and comments received on the NOP during the public review period are included in Appendix A of the Draft EIR.

The primary issue of concern raised by the public and agricultural resource organizations during the NOP process is that if the contract is not renewed, the wildlife damage management services provided by APHIS-WS would no longer be available, which could result in agricultural resource and property loss that might not have otherwise occurred. Public and agricultural organization comments generally focused on project merits and did not raise any substantive issues pertaining to the analysis of environmental impacts, but they did request information regarding costs and benefits. Several issues were raised by the Center for Biological Diversity that are germane to the analysis, including the project objectives, how the baseline is determined for evaluating impacts, impacts of lethal controls on wildlife species' populations and biodiversity, and alternatives to lethal control.

The Draft EIR was circulated for public and agency review and comment for 45 days. The review period was August 17, 2017, through October 3, 2017. This Final EIR contains the written comments submitted on the Draft EIR and responses to those comments.

1.4 ORGANIZATION OF THIS DOCUMENT

The Final EIR is organized as follows:

Section 1 – Introduction: This section includes a summary of the project description and the process and requirements for a Final EIR.

Section 2 – List of Agencies and Persons Commenting: This section contains a list of all agencies or persons who submitted comments on the Draft EIR during the public review period.

Section 3 – Comments and Responses: This section contains the comment letters received on the Draft EIR and the corresponding response to each comment. For this Final EIR, comments and responses are grouped by letters from agencies, organizations, and individuals. Because the subject matter of one topic may overlap between letters, responses may refer to one or more responses to review all the information on a given subject. Responses are provided after the

1.0 INTRODUCTION

letter in the order in which the comments appear. Where appropriate, responses are cross-referenced between letters. The responses following each comment letter are intended to supplement, clarify, or amend information in the Draft EIR or refer the commenter to the appropriate place in the document where the requested information can be found. Comments not directly related to environmental issues noted for the record.

Section 4 – Revisions to the Draft EIR: This section contains minor corrections and revisions made to the Draft EIR initiated by County staff and/or the consultants based on their ongoing review.

Section 5 – References: This section provides bibliographic information for cited references.

2.0 LIST OF COMMENTERS

2.0 LIST OF AGENCIES AND PERSONS COMMENTING

2.1 COMMENTER LIST

The following agencies, organizations, and individuals submitted comments on the Draft EIR:

Letter Number	Commenter	Date Submitted
<i>Agencies</i>		
A	Governor's Office of Planning and Research, State Clearinghouse	October 3, 2017
<i>Organizations</i>		
1	California Cattlemen's Association	September 29, 2017
2	Center for Biological Diversity	October 3, 2017
3	Monterey County Cattlemen's Association	September 26, 2017
4	Monterey County Farm Bureau	September 25, 2017
<i>Individuals</i>		
5	Clifton Dorrance (Dorrance Ranches, L.P.)	October 2, 2017
6	Erika Hazen	August 25, 2017
7	Sharan Lanini (Pacific International Marketing)	September 22, 2017
8	Jack Massera	October 2, 2017
9	Joanne Nissen	September 26, 2017
10	Gary Stubblefield	September 28, 2017
11	Scott Violini	October 2, 2017

2.0 LIST OF AGENCIES AND PERSONS COMMENTING

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3.0 COMMENTS AND RESPONSES

3.1 REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires the lead agency to evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the significant environmental issue raised and must provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by a comment, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect will not be considered significant in the absence of substantial evidence supporting such a conclusion.

Several comment letters submitted on the Draft EIR included comments on the need for the proposed project. Those comments are important but do not require detailed responses in this Final EIR because they do not raise environmental issues. Those comments will be before the Monterey County Board of Supervisors during the decision-making process.

3.2 RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Public agency comment letters are coded by letters, and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1: A-1).
- Organizations, Interest groups, and individual comment letters are coded by numbers, and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1: 1-1).

Comments that do not raise environmental issues or relate to the adequacy of the information or analysis in the Draft EIR do not require a response, per CEQA Guidelines Section 15132. Comments that relate exclusively to the merits of the proposed project are so noted.

3.0 COMMENTS AND RESPONSES

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Letter A



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

October 3, 2017

Robert Roach
Monterey County
1428 Abbott Street
Marina, CA 93901

Subject: Monterey County USDA APHIS-WS IWDM Program and Agreement Renewal
SCH#: 2017031003

Dear Robert Roach:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 2, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

A-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Letter A continued

Document Details Report
State Clearinghouse Data Base

SCH# 2017031003
Project Title Monterey County USDA APHIS-WS IWDM Program and Agreement Renewal
Lead Agency Monterey County

Type EIR Draft EIR
Description The Monterey County Agricultural Commissioner's Office and the US Department of Agricultural Animal and Plant Inspection Service - Wildlife Services have cooperatively conducted wildlife damage management activities in some capacity in the county since for several decades, with the IWDM program commencing in the early 1990s. The current 5-year Cooperative Services Agreement between the County and USDA expires June 30, 2018. The proposed project is the renewal of the County's 5 year cooperative agreement, including annual work plans with APHIS-WS. Activities performed under the IWDM program would be implemented by APHIS-WS Field Specialists. Neither APHIS-WS nor Monterey County are proposing any changes to the IWDM Program in conjunction with agreement renewal.

Lead Agency Contact

Name Robert Roach
Agency Monterey County
Phone 831-759-7325 **Fax**
email
Address 1428 Abbott Street
City Marina **State** CA **Zip** 93901

Project Location

County Monterey
City
Region
Lat / Long
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use

Project Issues Biological Resources; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 5; Department of Food and Agriculture; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission

Date Received 08/17/2017 **Start of Review** 08/17/2017 **End of Review** 10/02/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter A: Governor's Office of Planning and Research, State Clearinghouse

Response A-1

This comment states that the County has complied with State Clearinghouse (SCH) review requirements for draft environmental documents, pursuant to CEQA, and no state agency submitted comment letters to the SCH by the close of the comment period.

Letter 1

CALIFORNIA CATTLEMEN'S ASSOCIATION

1221 H STREET - SACRAMENTO, CALIFORNIA - 95814-1910

SERVING THE CATTLE
COMMUNITY SINCE 1917



PHONE: (916) 444-0845
FAX: (916) 444-2194
www.calcattlemen.org

Submitted via email to roachb@co.monterey.ca.us

September 29, 2017

Robert Roach
Assistant Agricultural Commissioner
Monterey County Office of the Agricultural Commissioner
1428 Abbot Street
Salinas, CA 93901

Re: USDA APHIS-WS IWDM Program and Agreement Renewal

Dear Mr. Roach:

The California Cattlemen's Association (CCA) appreciates the opportunity to provide feedback on the Draft Environmental Impact Report (EIR) for the renewal of Monterey County's five-year cooperative services agreement with the USDA APHIS Wildlife Services for wildlife damage management assistance in Monterey County.

CCA represents more than 2,300 members throughout the state of California. In Monterey County, CCA's membership numbers nearly 100, including more than 60 cattle ranchers. Wildlife Services' Integrated Wildlife Damage Management (IWDM) program offers vital services to ranchers and others within Monterey County (and elsewhere throughout California) to alleviate human/wildlife and wildlife/livestock conflicts in a professional manner using non-lethal methods (Technical Assistance) whenever possible. Because of the vital services that Wildlife Services performs for ranchers, and because our members overwhelmingly trust and support Wildlife Services personnel, **CCA supports Wildlife Services' IWDM program, and encourages the proposed renewal of Monterey County's five-year Cooperative Services Agreement with Wildlife Services.**

CCA is aware that Wildlife Services' IWDM program has come under fire within Monterey County from environmental groups and some citizens who would prefer wholly-non-lethal wildlife management. Ranchers routinely implement such non-lethal predator management tools to protect livestock on their ranches at significant personal expense. However, no non-lethal predator control method is completely effective 100% of the time. As a result, some predators become habituated to killing domesticated livestock, and often the only way to stop the losses is to remove that individual animal from the local population. As mentioned above, Wildlife Services responds with non-lethal technical assistance options as the initial approach to resolving wildlife conflicts. Nevertheless, the number and variety of predators present in Monterey County, such as coyotes and mountain lions, pose a significant threat to livestock operations, and the IWDM program provides additional control options when owner-initiated non-lethal methods prove inadequate at preventing chronic depredation from problem predators.

Ranchers' ability to call upon Wildlife Services to provide trained individuals appropriately-equipped to resolve conflicts where predators are killing livestock is a critical tool in the

DAVE DALEY PRESIDENT OROVILLE	ROB VON DER LIETH TREASURER COPPEROPOLIS	BILLY GATLIN EXECUTIVE VICE PRESIDENT HERALD	MIKE WILLIAMS SECOND VICE PRESIDENT ACTON	MIKE MILLER SECOND VICE PRESIDENT MT. HAMILTON
MARK LACEY FIRST VICE PRESIDENT INDEPENDENCE	MIKE SMITH FEEDER COUNCIL CHAIR SELMA		PAT KIRBY SECOND VICE PRESIDENT WILTON	TREVOR FREITAS FEEDER COUNCIL VICECHAIR TIPTON

1-1

Letter 1 continued

continued success of ranching operations in Monterey County and throughout California. In the past twenty years, coyotes and mountain lions have caused more than \$1 million in livestock losses in Monterey County (costing ranchers \$50,000 in 2016 alone)—and that was *with* the services provided by the Wildlife Services IWDN program. Were Monterey County to discontinue or weaken the cooperative services agreement with Wildlife Services, these significant losses would be exacerbated considerably, an economic blow that would reverberate beyond livestock producers and be felt throughout the County.

1-1
cont.

It is important that Monterey County residents have the ability to remove individual animals within a local population which may be causing serious damage to resources or which may pose a human health or safety risk. Additionally, without the IWDN program, the resolution of wildlife conflicts would be left to lesser-trained or untrained residents, with possible negative consequences. For these reasons, CCA urges Monterey County to renew the 5-year cooperative services agreement with Wildlife Services for the IWDN program.

Importantly, **none of the project alternatives would appropriately protect agricultural production in Monterey County**, and could indeed have unintended negative consequences. Under the No Action Alternative, agricultural losses would skyrocket, with economic consequences reverberating throughout the County. Additionally, as mentioned above, without Wildlife Services' trained personnel, wildlife damage management would largely fall to untrained individuals, resulting in *increased* lethal management measures by County residents (as Wildlife Services would not be present to provide Technical Assistance). Additionally, that lethal management would likely be more hazardous for target and non-target wildlife given the lack of training by those undertaking wildlife management under the No Action alternative.

Alternative 2 (Monterey County provides wildlife damage management services) would not be sufficiently protective of agricultural protection because the County does not have the resources or training of Wildlife Services; were Monterey County to implement a program analogous to Wildlife Services' IWDN program, it would put an incredible strain upon the County.

1-2

Alternative 3 (nonlethal assistance only) also would not be sufficiently protective of livestock. No non-lethal predator control method is completely effective 100% of the time, and some predators become habituated to killing domesticated livestock, which can be catastrophic for ranchers who lack lethal predator control options.

Alternative 4 and 5 (reimbursement for depredation loss) suffer from numerous flaws. As noted in the EIR, counties seldom have the financial resources necessary to reimburse the high number of livestock depredations by predators, leaving many ranchers high and dry. Even where compensation does occur, it rarely makes the producer whole for a wide variety of reasons, not least of which is the fact that it is often difficult to *confirm* depredations, meaning compensations are far lower than losses. Finally, ranchers do not ranch so that predators may viciously attack and feed on their livestock; they take pains to humanely care for their animals, and they practice their livelihood to provide nutritious protein for humans.

CCA greatly appreciates the opportunity to comment upon Monterey County's proposed renewal of the Wildlife Services IWDN program within the County. Because the program protects

1-3

Letter 1 continued

agricultural production that is vital to ranchers and the broader County while seeking to minimize impacts to wildlife, CCA **urges Monterey County to renew the cooperative services agreement with Wildlife Services.** | 1-3 cont.

Sincerely,



Kirk Wilbur
Director of Government Affairs

Letter 1: California Cattlemen's Association**Response 1-1**

This comment addresses the merits of the proposed project. The commenter's support for the proposed project and the rationale for the association's support will be before the Monterey County Board of Supervisors during the decision-making process.

Response 1-2

This comment addresses the alternatives analysis, which was presented in Section 5.0, Project Alternatives, of the Draft EIR. The commenter provides additional information about the merits of each alternative, noting that none would appropriately protect agricultural production in the county. The Draft EIR alternatives analysis is not required to evaluate the merits of each alternative, but it does include conclusions regarding the ability of each alternative to avoid or substantially reduce impacts, its feasibility, and the extent to which it could achieve project objectives, consistent with CEQA requirements. With regard to the comment about Alternatives 4 and 5, the County assumes the commenter's reference to numerous flaws is directed to the merits of each alternative, not the analysis in the Draft EIR. The commenter's concerns about the merits of the alternatives will be before the Monterey County Board of Supervisors during the decision-making process.

Response 1-3

Comment noted.

Letter 2

From: Collette Adkins [<mailto:cadkins@biologicaldiversity.org>]
Sent: Tuesday, October 03, 2017 10:22 AM
To: Roach, Bob Ext.7379 <roachb@co.monterey.ca.us>
Subject: Comments on Draft EIR for APHIS-WS IWDM Program and Agreement

Dear Mr. Roach,

Please see our attached comments on the Draft EIR for APHIS-WS IWDM Program and Agreement. Please see that I attached our comments from the initial study, which I would like to have included in the record for the Draft EIR. Recall that I sent by mail a thumb drive with the cited studies from our comments on the Initial Study. If you'd like me to resend those files for inclusion in the record for the Draft EIR, please let me know.

2-1

Thank you,
Collette Adkins

Collette Adkins
Senior Attorney
Center for Biological Diversity
651-955-3821
cadkins@biologicaldiversity.org

Letter 2 continued



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

Via Email

October 3, 2017

Robert Roach, Assistant Agricultural Commissioner
Monterey County Office of the Agricultural Commissioner
1428 Abbott Street
Salinas, CA 93901
roachb@co.monterey.ca.us

Re: Comments on Draft EIR for APHIS-WS IWDM Program and Agreement Renewal

Dear Mr. Roach:

On behalf of the Center for Biological Diversity, Project Coyote, Animal Welfare Institute, Natural Resources Defense Counsel and Animal Legal Defense Fund, we are writing to provide comments on the Draft Environmental Impact Report (“Draft EIR”) prepared by Monterey County for its APHIS-Wildlife Services Integrated Wildlife Damage Management Program and Agreement Renewal (“the Program”). We appreciate the opportunity to comment on the Initial Study and the fact that some of our feedback was incorporated into the Draft EIR. Instead of repeating discussion from our comments on the Initial Study, we attach those comments to this letter, as our analysis there applies with equal force to the Draft EIR. Please include these comments in the record for the Draft EIR. We further appreciate the County’s choice to prepare an EIR, which is required, given the Program’s potential to significantly impact the environment.

2-2

In finalizing the EIR, we encourage Monterey County to provide a more in-depth analysis of the Program’s impact on rare wildlife in the County. In particular, we would appreciate additional analysis on the potential for impacts to the endangered San Joaquin kit fox. Rather than provide any independent analysis, the Draft EIR merely relies upon a consultation completed by APHIS-Wildlife Services, with the U.S. Fish and Wildlife Service, in 1996. *See* Appendix C of the Draft EIR at C-2. That consultation is outdated, and cannot be used to avoid the duty under the Endangered Species Act to analyze the impacts of this federal Program. *See* 16 U.S.C. § 1536(a)(2).

2-3

The analysis of alternatives in the Draft EIR indicates that the County should adopt Alternatives 3 and 4. We support those alternatives because they do not involve lethal control of wildlife, but still provide operators mechanisms to deal with any human-wildlife conflicts that arise. If the County were to adopt these alternatives, we would do everything in our power to support the County in that decision, including offering expertise in nonlethal management of wildlife conflicts.

2-4

Alaska • Arizona • California • Florida • Minnesota • Nevada • New Mexico • New York • Oregon • Vermont • Washington, DC

Collette Adkins, Senior Attorney • P.O. Box 595 • Circle Pines, MN 55014-0595
Phone: 651-955-3821 • cadkins@biologicaldiversity.org

Letter 2 continued

We appreciate the opportunity to provide comments. Please feel free contact us with any questions or concerns.

Sincerely,



Collette L. Adkins, Senior Attorney
Center for Biological Diversity
Tel.: 651-955-3821
cadkins@biologicaldiversity.org

On behalf of:

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shanneken@aldf.org

Letter 2 continued



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

Via Email

March 30, 2017

Robert Roach, Assistant Agricultural Commissioner
Monterey County Office of the Agricultural Commissioner
1428 Abbott Street
Salinas, CA 93901
roachb@co.monterey.ca.us

Re: Comments on Initial Study for APHIS-WS IWDM Program and Agreement Renewal

Dear Mr. Robert Roach:

On behalf of the Center for Biological Diversity, Project Coyote, Animal Welfare Institute, Natural Resources Defense Counsel and Animal Legal Defense Fund, we are writing to provide comments on the Initial Study prepared by Monterey County for its APHIS-Wildlife Integrated Wildlife Damage Management Program and Agreement Renewal (“the Program”). We appreciate that the County plans to prepare an Environmental Impact Report (“EIR”), and as explained below, we believe that the potential for significant impacts from the Program necessitates preparation of an EIR.

CEQA (Pub. Res. Code § 21000 *et seq.*) is California’s bedrock environmental protection law. The statute “embodies our state’s policy that the long-term protection of the environment shall be the guiding criterion in public decisions.” (*Architectural Heritage Ass’n v. Cnty. of Monterey* (2004) 122 Cal.App.4th 1095, 1100 [citing § 21001(d), other citations omitted].) CEQA’s fundamental purpose is to “provid[e] public agencies and the general public with detailed information about the effects of a proposed project on the environment” (*San Franciscans for Reasonable Growth v. City and Cnty. of San Francisco* (1984) 151 Cal.App.3d 61, 72). It thus “ensur[es] that environmental considerations play a significant role in governmental decision-making.” (*Fullerton Joint Union High Sch. Dist. v. State Bd. of Educ.* (1982) 32 Cal.3d 779, 797 (“*Fullerton*”) [int. quot. omitted]; § 21006 [CEQA is an “integral part of any public agency’s decision making process”].)

2-5

Flawed and Unjustified Objectives of the Wildlife Damage Management Program

The CEQA Guidelines require a “statement of objectives sought by the proposed project,” which helps the agency “develop a reasonable range of alternatives to evaluate in the EIR.” 14 CCR § 15124(b).

2-6

Alaska • Arizona • California • Florida • Minnesota • Nevada • New Mexico • New York • Oregon • Vermont • Washington, DC

Collette Adkins, Senior Attorney • P.O. Box 595 • Circle Pines, MN 55014-0595
Phone: 651-955-3821 • cadkins@biologicaldiversity.org

Letter 2 continued

The Initial Study (p. 2) explains that the Program's goal is to provide assistance in "resolving wildlife damage problems." As explained below, the EIR needs to examine the science showing that predator control is not an effective way to address threats posed by wildlife to livestock, especially given the availability of nonlethal methods and the beneficial roles played by predators in the ecosystem and their control of rodents that may harm field crops. In addition, the EIR should consider the costs of the Program relative to its benefits, including consideration of the economic value of having healthy wildlife populations.

2-7

Predator Control is Ineffective

One of the most fundamental problems with the Initial Study is that the agency fails to adequately justify the need for wildlife damage management, especially its control of predators like coyotes, cougars and bobcats. The Initial Study cites no scientific evidence suggesting that lethal predator control is effective in protecting livestock, even though recent science calls into question the efficacy of predator control.

For example, Treves et al. (2016), a meta-review of 24 studies, showed little or no scientific support for the efficacy of killing predators to protect livestock. The scientists catalogued previous studies according to their adherence to the scientific method and found that half were not conducted with an experimental design that included control (non-manipulated) herds of livestock and other standard scientific safeguards to exclude the effects of bias in sampling, treatment, measurement or reporting. However, they found 12 studies that were conducted according to the scientific method. Among those more credible studies, most of the tests of lethal methods showed either no effect or unexpected *increases* in livestock deaths. Moreover, two studies used sound methods to evaluate nonlethal means of protecting livestock, such as use of guard dogs or fladry (wire draped with nylon flags installed around the perimeter of smaller livestock pastures to deter predators), and both showed these methods to be effective.

2-8

Indeed, the EIR should examine whether lethal control of predators is needed given the wide array of available nonlethal methods. Numerous studies have demonstrated the effectiveness of nonlethal methods to protect livestock from predators (Andelt 1996; Treves and Karanth 2003; Sacks and Neale 2002; Morehouse and Boyce 2011; Shivik et al. 2003; Lance et al. 2010; Stone et al. 2017).

To be sure, numerous scientific studies seriously call into question the efficacy of lethal predator control (Wielgus & Peebles 2014; Berger 2006; Harper et al. 2008; Musiani et al. 2003; Peebles et al. 2013; Teichman et al. 2016). For example, in a study based upon a review of 25 years of livestock depredation data, Wielgus & Peebles (2014) found that with increased wolf persecution, livestock losses increased in the following year (see also Smith et al. 2015; Wallach et al. 2017).

Similarly, recent studies also found that hunting of cougars may increase conflicts with livestock (e.g. Peebles & Wielgus 2013; Teichman et al. 2016). Specifically, cougar hunting destabilizes the social structure of cougars in the wild, disrupting cougars' sex-age structure and tilting cougar populations so that they are comprised of younger males. Younger males are more

Letter 2 continued

likely to engage in livestock depredations than animals in stable, older populations (Peebles et al. 2013; Lambert et al. 2006).

2-8
cont.

The Purported Economic Losses Need More Analysis

To justify the Program, the Initial Study (p.2) points to economic losses exceeding 1.3 million dollars in Monterey County caused by nuisance animals. No further details are provided. The reader does not know if the animals targeted by the Program caused this harm. There is no explanation of how this figure was calculated or how it compares to annual agricultural revenues in the County. It fails to present the APHIS-WS annual budget for Monterey County and what percentage is funded by the County. In addition, the Initial Study ignores numerous other relevant economic factors, such as how predators control rodents that compete with cattle for food, the value of ecosystems services lost, loss of revenue from non-consumptive uses of wildlife (i.e. money spent by eco-tourists and wildlife watchers).

2-9

Such economic analysis should be explored in an EIR. Without this analysis, the public is left without answers to the most basic questions about the cost effectiveness of the Wildlife Damage Management program. For example, will APHIS-WS spend \$1,000 in responding to the loss of a \$100 lamb? That is important information for the public to know in evaluating whether the County's contract renewal makes fiscal sense, and whether there is a true need for the proposed action.

Killing Predators to Benefit Livestock May Increase Rodents

We are also concerned that the Initial Study focuses on the need for predator damage management to protect *livestock* without adequately considering how such predator control affects wildlife damage to *field crops*. Killing predators that feed on rodents, lagomorphs and other animals that damage field crops could have the unintended impact of increasing damage to field crops. The EIR should analyze and explain the relationship between predator control and wildlife impacts to field crops, and discuss the percentage of annual agricultural revenues in the County that come from field crops.

2-10

Moreover, the EIR should consider that coyotes consume jackrabbits and other herbivores, diminishing competition with livestock for native forage. This ultimately enhances the amount of vegetation available for other uses, a benefit that likely outweighs the damages to the livestock industry that is attributed to coyotes, and should be considered in the EIR.

The Program Cannot Be Justified Based on Human Health and Safety

Just as the Initial Study fails to successfully articulate a need for the Program on the basis of actual damages to agriculture, it similarly fails to articulate a need on the basis of threats to human health and safety. Only 34 "Health and Safety Visits" occurred in 2015 (Initial Study, p. 7). Such visits, especially those involving skunks and feral dogs, could readily be handled either by the private sector or by municipal police forces and animal-control departments, or even through public education campaigns. Moreover, attacks on humans from predators such as mountain lions and coyotes are extraordinarily rare (Sweaner and Logan 2009, Mattson et al.

2-11

Letter 2 continued

2011; Herrero et al. 2011). In fact, recent research suggests that mountain lions could indirectly save far more people from death (5 per year) and injury (680 per year) by reducing vehicle collisions with deer (Gilbert et al. 2016).

2-11
cont.

In summary, the Program's objectives are either unreliable or inconsequential. The result is that the very foundation of the Program simply cannot stand.

2-12

The Initial Study Does Not Support a Negative Declaration -- an EIR Is Required

Under CEQA, the agency must decide whether the action may cause a significant effect on the environment and then conduct a review accordingly. (See *Muzzy Ranch Co. v. Solano Cnty. Airport Land Use Com.* (2007) 41 Cal.4th 372, 379-81 [discussing CEQA's process].) Specifically, if the agency determines substantial evidence exists that an aspect of the project may cause a significant effect on the environment, the agency must ensure that a full EIR is prepared on the proposed project. (CEQA Guidelines, § 15063, subd. (b)(1); see also Pub. Resources Code, §§ 21100, 21151; CEQA Guidelines, § 15080 et seq.)

2-13

Here, the County in its Initial Study (p. 14, capitalization in original) concluded that the Program "COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared." We disagree with the County's conclusion, and as explained below, an EIR must be prepared.

The Initial Study Relies on an Improper Baseline Analysis

The Initial Study (p. 3) states that "the continued implementation of the activities by APHIS-WS under the IWDM program would maintain the baseline condition." We disagree that renewal of the Program would maintain the baseline condition without additional impacts. A continuation of the Program could exacerbate impacts from the wildlife killing and thereby change conditions, even if annual killing levels stay roughly the same. For example, the Program's additional killing of rare predators, such as bobcats, which are already experiencing population declines, could create an even bigger threat to the species' viability than the species has previously experienced. Moreover, because the County has never before prepared any environmental review under CEQA for its wildlife damage management program, the County has no idea what the baseline is or how this project and its predecessors are cumulatively impacting the environment.

2-14

Further, wildlife itself must be considered an integral component of the environment. Thus, killing wildlife necessarily changes the condition of any existing environmental baseline. Conducting the same level of killing each year does not mean that the baseline condition is being maintained; it simply means that the baseline condition is being changed the same (or, as described above, potentially an increasingly greater) amount each year.

Potential For Significant Impacts to Aesthetic and Biological Resources

We also disagree with the County's analysis of impacts on aesthetics and biological resources, as reflected in the Environmental Checklist.

2-15

Letter 2 continued

First, the Program's killing activities have the potential to "substantially degrade the existing visual character or quality of the site and its surroundings." CEQA Guidelines App. G § IV. Trapping leaves animals to suffer from stress, distress and pain for hours or even days in traps and snares. Trapped animals fight to get free and sustain injuries or mortalities while captured. Many animals die from dehydration, particularly in summer heat. The Initial Study (p.17) provides that the placement of traps and other devices "would represent a temporary and minor interruption of the existing visual condition." Yet the impacts from the Program's placement of traps and snares -- and the presence of dead and dying animals -- cannot be so easily discounted, as even the risk of encountering such gruesome sights could have long-term and permanent negative impacts on recreational pursuits such as hiking and wildlife watching in the affected areas. As such, the impacts on aesthetics should be fully analyzed in an EIR.

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cont.

Second, the Initial Study should have found a significant impact on biological resources. The State CEQA Guidelines Appendix G defines an impact as "significant" if it would "[h]ave a substantial adverse effect, either directly or through habitat modification, on any species" recognized as having a special status by local, state, or federal laws. CEQA Guidelines App. G § IV. Moreover, the Legislature and the Secretary of Resources have determined that certain kinds of impacts are necessarily significant. "Mandatory findings of significance" are required for the following circumstances: "the project has the potential to... substantially reduce the numbers or restrict the range of an endangered, rare or threatened species." CEQA Guidelines § 15065; *Mira Monte Homeowners Association v. Ventura County* 165 Cal.App.3d 357, 363-364.¹

2-16

According to the U.S. Fish and Wildlife Service, Monterey County is home to 40 federally-listed endangered or threatened species (see attached -- Exh. A). These include the California condor, which feeds on carrion and could be attracted to the baited traps and other devices used by APHIS-WS. Just last year, APHIS-WS in California unintentionally captured a turkey vulture in a foothold trap, which shows that the related condor is also at risk. In addition, the endangered San Joaquin kit fox could be inadvertently caught in traps set for coyotes. Last year in California, two gray foxes -- similar to size to the San Joaquin kit fox -- were killed, as well as 39 captured and released, in snares and traps set by APHIS-WS.

2-17

Overall, just last year, 192 nontarget animals were captured and released and 16 killed in California by APHIS-WS (see attached -- Exh. B). We do not know what fraction of these unintended captures occurred in Monterey County -- the EIR must provide data on nontarget captures in the County. Because of the indiscriminate nature of the methods used, including

¹ The requirement to disclose and analyze impacts to special-status species is founded in CEQA's principles to "[p]revent the elimination of fish and wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities." Pub. Resources Code § 21001(c). It is in this context that the Supreme Court found that a "potential substantial impact to endangered, rare or threatened species is per se significant." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449, citing CEQA Guidelines § 15065(a)(1).

Letter 2 continued

traps, snares, shootings, toxicants and more, the Program has the potential for significant impacts on endangered, rare, threatened or special status species.

2-17
cont.

Beyond impacts to nontargets, many of the species targeted by APHIS-WS play critical roles in ecosystems, and their removals could result in a cascade of unintended consequences. Over 2,200 coyotes have been reported as killed by APHIS-WS in the County from 2006-2015 (Initial Study, p. 9). The loss of top predators in particular is well documented to cause a wide range of unanticipated impacts that are often profound, altering “processes as diverse as the dynamics of disease, wildfire, carbon sequestration, invasive species, and biogeochemical cycles” (Estes et al. 2011; Bergstrom et al. 2013; Bergstrom 2017).

Studies have also found that removal of coyotes harms species diversity. For example, one study determined that Ord’s kangaroo rat became the dominant species in areas without coyotes (Henke and Bryant 1999). As their numbers increased, so did their competitive advantage. This had an overall negative effect on species diversity and richness throughout the ecosystem. For this reason, the presence of coyotes in their native ecosystems is critical to maintaining ecological balance; accordingly, the Program’s targeting of coyotes may disrupt coyote populations and displace other keystone species across the county.

2-18

Furthermore, removing even just one adult predator can disrupt the social structure of the population (e.g. Rutledge et al. 2010). And when mothers are killed, young are left orphaned and frequently die from dehydration, starvation, predation or exposure, which the Initial Study fails to consider in its mortality counts.

Because the Program will directly impact targeted and non-targeted wildlife populations by killing individuals with traps and other devices, the Program has the potential to “interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors.” CEQA Guidelines App. G § IV. While traps and snares do not form a physical barrier, like a road or a wall, they impede movement by killing travelling animals that encounter the devices.

2-19

More Analysis is Needed in an EIR

The Initial Study fails to describe the Program in adequate detail, making it impossible for the public to understand or evaluate the full scope of the action or its impacts. It only provides extremely broad generalizations. It provides that the standard APHIS-WS Decision Model will be used to determine the methods used (Initial Study, p. 5). But the Decision Model is only described in an extraordinarily vague way and no detail whatsoever is given as to how success is evaluated, how often, or what the results have been in the past. It provides no detail on how often APHIS-WS is likely to employ each method. The EIR should include much more site-specific information.

2-20

As a case in point, the Initial Study provides no limits or caps on how much Wildlife Damage Management APHIS-WS can conduct, other than “up to 4,176 work hours” (Initial Study, p. 4). The descriptions of its actions are so vague that APHIS-WS could conceivably increase the number of traps used three-fold and still fit within the vague outlines of its

2-21

Letter 2 continued

description of its action. In the EIR, the County should include some caps on Wildlife Damage Management and its impacts, such as the maximum number of individuals of each species that it may kill with each method.

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cont.**

Inconsistency with the Monterey County General Plan

The Initial Study explains that the Program was “reviewed for consistency with the Monterey County General Plan” (Initial Study, p. 13). Yet, it appears that only the “Land Use and Planning” section was considered. In the EIR, the County should examine whether the Program is consistent with the “Biological (Natural) Resources” section of the Plan. In particular, it appears that the Program is inconsistent with policies promoting conservation of listed species (OS-5.1) and retention of wildlife movement corridors (OS-5.24).

2-22

* * *

We urge you to consider these comments and, recognizing the potential for significant impacts, then begin preparation of an EIR. We appreciate the opportunity to provide comments, and please feel free contact us with any questions or concerns.

Sincerely,



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Letter 2 continued

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Letter 2 continued

Federally-listed Species in Monterey County

<u>Group</u>	<u>Common Name</u>	<u>Scientific Name</u>
Amphibians	Santa Cruz long-toed salamander	<i>Ambystoma macrodactylum croceum</i>
Amphibians	California tiger Salamander	<i>Ambystoma californiense</i>
Amphibians	Arroyo (=arroyo southwestern) toad	<i>Anaxyrus californicus</i>
Amphibians	California red-legged frog	<i>Rana draytonii</i>
Birds	California condor	<i>Gymnogyps californianus</i>
Birds	California least tern	<i>Sterna antillarum browni</i>
Birds	California clapper rail	<i>Rallus longirostris obsoletus</i>
Birds	Least Bell's vireo	<i>Vireo bellii pusillus</i>
Birds	Western snowy plover	<i>Charadrius alexandrinus nivosus</i>
Birds	Marbled murrelet	<i>Brachyramphus marmoratus</i>
Birds	Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>
Conifers and Cycads	Gowen cypress	<i>Cupressus goveniana ssp. goveniana</i>
Crustaceans	Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>
Fishes	Tidewater goby	<i>Eucyclogobius newberryi</i>
Flowering Plants	Coastal dunes milk-vetch	<i>Astragalus tener var. titi</i>
Flowering Plants	purple amole	<i>Chlorogalum purpureum</i>
Flowering Plants	Santa Cruz tarplant	<i>Holocarpha macradenia</i>
Flowering Plants	Contra Costa goldfields	<i>Lasthenia conjugens</i>
Flowering Plants	Hickman's potentilla	<i>Potentilla hickmanii</i>
Flowering Plants	Monterey clover	<i>Trifolium trichocalyx</i>
Flowering Plants	Marsh Sandwort	<i>Arenaria paludicola</i>
Flowering Plants	San Benito evening-primrose	<i>Camissonia benitensis</i>
Flowering Plants	Monterey spineflower	<i>Chorizanthe pungens var. pungens</i>
Flowering Plants	Menzies' wallflower	<i>Erysimum menziesii</i>
Flowering Plants	Monterey gilia	<i>Gilia tenuiflora ssp. arenaria</i>
Flowering Plants	Clover lupine	<i>Lupinus tidestromii</i>
Flowering Plants	California jewelflower	<i>Caulanthus californicus</i>
Flowering Plants	Beach layia	<i>Layia carnosa</i>
Flowering Plants	San Joaquin wooly-threads	<i>Monolopia (=Lembertia) congdonii</i>
Flowering Plants	Yadon's piperia	<i>Piperia yadonii</i>
Insects	Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>
Insects	Bay checkerspot butterfly	<i>Euphydryas editha bayensis</i>
Mammals	San Joaquin kit fox	<i>Vulpes macrotis mutica</i>
Mammals	Giant kangaroo rat	<i>Dipodomys ingens</i>
Mammals	Southern sea otter	<i>Enhydra lutris nereis</i>
Reptiles	Blunt-nosed leopard lizard	<i>Gambelia silus</i>
Reptiles	Leatherback sea turtle	<i>Dermochelys coriacea</i>
Reptiles	Leatherback sea turtle	<i>Dermochelys coriacea</i>
Reptiles	Olive ridley sea turtle	<i>Lepidochelys olivacea</i>

Letter 2 continued

Unintentional Takes by APHIS-WS in California in 2016

<u>Species</u>	<u>Method</u>	<u>Killed</u>	<u>Released</u>
Bears, Black	Dog	0	0
Gulls, Heermann's	Firearms	5	0
Bobcats	Snares, Foot/Leg	0	1
Dogs, Feral, Free-Ranging And feral	Snares, Foot/Leg	0	1
Foxes, Gray	Snares, Foot/Leg	0	1
Deer, Black-Tailed	Snares, Neck	4	0
Elk, Wapiti (Wild)	Snares, Neck	1	0
Foxes, Gray	Snares, Neck	1	0
Otters, River	Snares, Neck	1	0
Raccoons	Snares, Neck	1	0
Turkeys, Wild	Snares, Neck	0	1
Otters, River	Traps, Body Grip	1	0
Blackbirds, Tri-Colored	Traps, Cage	0	96
Bobcats	Traps, Cage	0	1
Cats, Feral/Free Ranging	Traps, Cage	0	10
Foxes, Gray	Traps, Cage	0	36
Opossums, Virginia	Traps, Cage	0	10
Rabbits, Cottontails, Desert	Traps, Cage	0	4
Raccoons	Traps, Cage	0	4
Ringtails	Traps, Cage	0	3
Skunks, Striped	Traps, Cage	0	3
Sparrows, Song	Traps, Cage	0	5
Foxes, Gray	Traps, Culvert	0	1
Kingbirds, Western	Traps, Decoy	0	4
Phoebes, Black	Traps, Decoy	0	1
Shrikes, Loggerhead	Traps, Decoy	0	2
Sparrows, Savannah	Traps, E-Z Catch Net	0	2
Bobcats	Traps, Foothold (Padded)	0	2
Foxes, Gray	Traps, Foothold (Padded)	1	2
Rabbits, Cottontail	Traps, Foothold (Padded)	1	0
Vultures, Turkey	Traps, Foothold (Padded)	0	2
TOTAL		16	192

Letter 2 continued

Environmental Management (2014) 53:1039–1042
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Reducing Livestock Effects on Public Lands in the Western United States as the Climate Changes: A Reply to Svejcar et al

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Abstract Svejcar et al. (Environ Manage, 2014) offered several perspectives regarding Beschta et al. (Environ Manage 51:474–491, 2013)—a publication that addressed the interacting ecological effects of climate change and domestic, wild, and feral ungulates on public lands in the western United States (US)—by largely focusing on three livestock grazing issues: (1) legacy versus current day impacts; (2) grazing as a fire reduction tool; and (3) the complexity of grazing. Regarding these issues, we indicate that (1) legacy effects to western ecosystems were indeed significant and contemporary livestock use on public lands generally maintains or exacerbates many of those effects; (2) livestock grazing has been a major factor affecting fire frequency, fire severity, and ecosystem trajectories in the western US for over a century; and (3) the removal or reduction of grazing impacts in these altered ecosystems is the most effective means of initiating ecological recovery.

Svejcar et al. 2014 (see Literature cited).

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Svejcar et al. (Environ Manage, 2014) offer no evidence that livestock use is consistent with the timely recovery of grazing-degraded uplands, riparian areas, or stream systems. We thus conclude that public-land ecosystems can best persist or cope with a changing climate by significantly reducing ungulate grazing and related impacts.

Keywords Ungulates · Livestock grazing · Climate change · Public lands · Biodiversity · Restoration

Beschta et al. (2013) synthesized the ecological effects of climate change and ungulate grazing on western public lands, grounding their recommendations in ecological considerations and federal agency legal authority and obligations. Svejcar et al. (2014) suggest that Beschta et al. (2013) neither “present a balanced synthesis of the scientific literature” nor “reflect the complexities associated with herbivore grazing.” Svejcar et al. (2014) “dispute the notion that eliminating [livestock] grazing will provide a

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Letter 2 continued

1040

Environmental Management (2014) 53:1039–1042

solution to problems created by climate change,” although we made no such claim. Instead, Beschta et al. (2013: p. 474) indicate that removal or reduction of livestock across large areas of public land will reduce a pervasive ecological stress, diminishing cumulative impacts on these ecosystems under climate change. We respond to three livestock grazing issues raised by Svejcar et al. (2014): (1) legacy versus contemporary effects, (2) fuels reduction and fire effects, and (3) grazing complexity and restoration.

Legacy and Contemporary Livestock Use have Caused Combined Effects

Livestock effects began soon after their introduction to semi-arid ecosystems west of the Rockies, which had evolved in an absence of large herds of ungulates (Mack and Thompson 1982). Contemporary grazing impacts (as described in Beschta et al. 2013) compound “legacy” effects, including altered fire regimes; biological soil crust loss, soil loss, and compaction; altered composition, structure, and function of upland, riparian, and stream biological communities; altered streamflow regimes; and reduced food-web support and physical habitat for terrestrial and aquatic biota (Blackburn 1984; Belsky et al. 1999; Kauffman and Pyke 2001; Belnap and Lange 2003; Fleischner 2010). Combined legacy and current grazing effects have left many streams with degraded riparian vegetation, accelerated bank erosion, widened and/or incised stream channels, and altered water quality (increased temperatures and sediment loads). These changes have many negative biological effects, including those on imperiled resident and anadromous fish (NRC 1996, 2002). Because the legacy effects of livestock were significant and extensive, contemporary grazing studies tend to underestimate ecological impacts, as they compare changes within already diminished systems (Fleischner 1994).

While some livestock impacts (e.g., soil loss or channel incision) may not be fully reversible in short timeframes, recovery of native plant communities and soil functions, which underpin terrestrial ecosystems, often occurs when the causes of degradation are removed or reduced. Despite changes in public land grazing practices over time, evidence indicates that contemporary livestock use thwarts ecological recovery. Cessation of livestock grazing can result in recovery of soil properties (Kauffman et al. 2004), riparian vegetation (Hough-Snee et al. 2013 and Fig. 1), and channel morphology (Herbst et al. 2012 and Fig. 1), relative to areas that continue to be grazed.

Riparian and stream ecosystems (Belsky et al. 1999; NRC 2002) and aspen (*Populus tremuloides*) communities (Seager et al. 2013) are biologically diverse and especially susceptible to the effects of livestock use. For

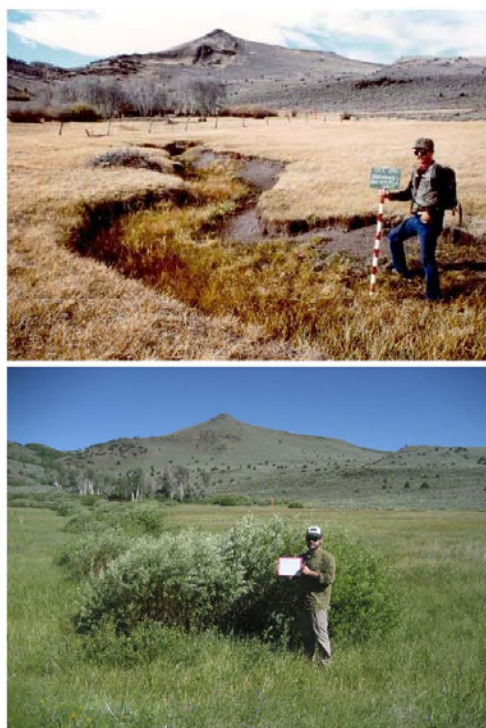


Fig. 1 A photopoint demonstrating vegetation and stream channel change following removal of livestock in the Northern Great Basin (Bamhardi Meadows, Hart Mountain National Antelope Refuge, Oregon). *Upper photo* was taken October, 1990 after approximately one century of livestock grazing during which livestock use was managed by the US Fish and Wildlife Service from 1940 to 1990. *Lower photo* was taken August, 2013 following 22 years of rest from livestock grazing. In this ecosystem, the reestablishment of willows (*Salix* spp.) and other wetland obligate species, as well as increased aspen recruitment, has occurred. Previously eroding stream banks have stabilized and stream channels narrowed, since the removal of livestock on the refuge. Photo credits: (*upper*) Bill Pyle and (*lower*) Schyler Reis

example, recent studies in Wyoming (Hessl and Graumlich 2002), Nevada (Kay 2003), Montana (Kimble 2007), Oregon (Seager 2010), and Utah (Kay 2011) point to high levels of livestock herbivory over many decades, sometimes in combination with wild ungulate impacts, as a major factor inhibiting aspen growth from seedling/sprouts into saplings and trees. These long-term effects hamper the ability of this tree species to persist in many western ecosystems. Livestock grazing also has widespread effects on the frequency and distribution of native grasses, forbs, and shrubs, and native wildlife species dependent upon those plants [e.g., sage-grouse (*Centrocercus urophasianus*); Manier et al. 2013].

Letter 2 continued

Environmental Management (2014) 53:1039–1042

1041

Livestock Grazing is Not a Viable Tool for Reducing Fuels and Wildfire Effects

Livestock grazing in western US landscapes altered natural fire regimes by decreasing the frequency of low-severity fires beginning in the early 1900s (Swetnam and Betancourt 1998), making large areas prone to invasion by woody species and, in turn, more susceptible to high-severity fires (Chambers and Pellant 2008). Furthermore, cheatgrass (*Bromus tectorum*), an annual exotic, spreads rapidly throughout the Intermountain West as a result of livestock movement and overgrazing (Mack 1986), contributing to more frequent burning. Cheatgrass dominates nearly 70,000 km² in the Great Basin and is a component on an additional 250,000 km² (Diamond et al. 2012). Reisner et al. (2013) found that livestock grazing increases cheatgrass dominance in sagebrush steppe, livestock grazing is not likely a viable tool for reducing cheatgrass dominance because it promotes cheatgrass invasion, and reduced grazing may be one of the most effective means of conserving and restoring imperiled sagebrush ecosystems.

Although Livestock Grazing has Complex Ecological Consequences, Large-Scale Reductions in Grazing Effects are Likely to Reduce Cumulative Ecosystem Degradation

Recognizing the complexity of grazing issues was central to the synthesis and recommendations included in Beschta et al. (2013). Our analyses provided an integrative view of that complexity: we discussed three classes of ungulates (domestic, feral, wild), drawing examples from diverse vegetation types (shrub steppe, desert, conifer forest), and ecological attributes (such as water quality, hydrology, riparian areas, soils, hydrology, and biodiversity). Nevertheless, compelling reasons exist to single out livestock as a cause of ecological harm to native plant communities, terrestrial and aquatic habitats, and watershed processes (Belsky et al. 1999; Kauffman and Pyke 2001; Belnap and Lange 2003; NRC 2002). Livestock use is a principal cause of desertification in arid and semi-arid landscapes (Swetnam and Betancourt 1998; Belnap and Lange 2003; Fleischner 2010). It has the most extensive land-use footprint on western public lands (Beschta et al. 2013), and it continues at major public expense (Vincent 2012). Livestock production also contributes directly and indirectly to greenhouse gases, raising increasing concern about its climate effects (Ripple et al. 2014). The cessation or removal of factors that cause degradation or prevent recovery is the most effective and robust approach to ecological restoration (Kauffman et al. 1997). Unlike many stressors, livestock use is subject to human control.

Svejcar et al. (2014) assert that position statements by the American Fisheries Society (Armour et al. 1991) and the Wildlife Society (2010) “do not advocate removing livestock from western rangelands.” These position statements, however, as well as those of the Society for Conservation Biology (Fleischner et al. 1994), conclude that public-land grazing impacts need to be dramatically reduced to allow recovery of degraded ecosystems—an explicit recommendation of Beschta et al. (2013). Moreover, these position statements were developed without consideration of climate change effects.

Livestock use of public lands in the West remains a major stressor with effects of increasing concern under the overarching stressor of climate change. Its removal or reduction is an ecologically efficient and unambiguous approach for restoring resilience to large areas of these lands (see synthesis in Beschta et al. 2013). Because livestock grazing has diminished biodiversity and degraded ecosystems, the burden of proof for maintaining the grazing status quo is on Svejcar et al. (2014). But they offer no evidence that livestock use is compatible with the recovery of livestock-degraded uplands, riparian areas, or stream systems, or with retention of native species in arid and semi-arid ecosystems. Absent such evidence, and in the context of a changing climate, the only rational, effective, and direct alternative for ecologically restoring many western public lands is to reduce the effects of their most prominent stressor—livestock.

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Letter 2 continued

1042

Environmental Management (2014) 53:1039–1042

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Letter 2: Center for Biological Diversity**Response 2-1**

The County published the Notice of Preparation (NOP) for the Draft EIR on March 2, 2017, for a 30-day comment period ending March 31, 2017. An Initial Study checklist was attached to the NOP. The commenter requests that the organization's comments on the Initial Study, which were made in response to the NOP, be included in the record for the Draft EIR. The commenter also requested that the cited studies (totaling approximately 400 pages) the organization provided separately as attachments to its Initial Study comments in electronic form only also be included in the record.

The Initial Study comment letter submitted by the Center for Biological Diversity dated March 30, 2017, in response to the NOP was included in Appendix A in the Draft EIR (Appendix A pdf pages 59 through 74¹). The cited studies were also included in their entirety in Appendix A (Appendix A pdf pages 75 through 471).

Response 2-2

The County appreciates the Center for Biological Diversity's recognition that an EIR was prepared and that the organization's comments on the Initial Study were considered in the preparation of the Draft EIR. Table A-1 on page A-1-1 in Appendix A (pdf page 55) summarized the organization's comments on the Initial Study and where the topics raised in the comments on the Initial Study were evaluated in the Draft EIR.

As demonstrated in Responses 2-3 through 2-22, below, all of the topics discussed in the organization's comments on the Initial Study were considered and addressed in the analysis in the Draft EIR. Information on some of the topics raised by the commenter was provided in the Draft EIR to aid the decision-making process, even though a particular comment did not concern the potential for environmental impact (e.g., cost-benefit analysis). All information relevant to the environmental analysis itself was evaluated, as appropriate, consistent with CEQA requirements.

Response 2-3

For purposes of this response, the County assumes the commenter is referring to threatened and endangered wildlife species, as there are no federal or state agencies that refer to such species as "rare wildlife." The County also assumes the commenter is referring to Table C-1 (USDA APHIS-WS Agency Consultation Results for Threatened and Endangered Species) in Draft EIR Appendix C because Table C-2 is a list of rare plants occurring in Monterey County.

San Joaquin kit fox is included on the list of threatened and endangered species potentially occurring in Monterey County, as indicated in Table 4.1-1 on page 4.1-3 in the Draft EIR and in Table C-1 in Appendix C. A search of the California Natural Diversity Database shows numerous recorded occurrences of the species in Monterey County, primarily in the southern half of the county. The most recent reported occurrence was in 2016. A number of occurrences were reported on federal lands.

¹ Appendix A of the Draft EIR was made available on the Monterey County Office of the Agricultural Commissioner website at <https://www.co.monterey.ca.us/Home/ShowDocument?id=42125>.

3.0 COMMENTS AND RESPONSES

Impacts of the proposed project on listed species, which includes San Joaquin kit fox, were analyzed in Impact 4.1.2 on page 4.1-38 in Section 4.1, Biological Resources, in the Draft EIR. Special efforts are made to avoid jeopardizing threatened and endangered species, and the APHIS-WS consults with the USFWS and CDFW when any APHIS-WS program activities may affect animals protected under the federal Endangered Species Act so that restrictions or mitigation measures are applied by APHIS-WS personnel when necessary to minimize the potential for unintentional take. During the 20-year baseline for the Draft EIR (1997–2016), no listed species have been killed in Monterey County (Draft EIR page 4.1-21).

As stated on page 3.0-8 in Section 3.0, Project Description, in the Draft EIR, neither APHIS-WS nor the County are proposing any changes to the APHIS-WS IWDM program operations in the county in conjunction with renewal of the cooperative agreement. Because methods are in place to avoid unintentional take, no changes to the APHIS-WS activities are proposed, and the County would not be materially involved in activities that could affect listed species, it is reasonable to conclude there would be no significant effects on listed species, including San Joaquin kit fox, as a result of continuing the program in the county under a renewed agreement.

There has only been one instance of APHIS-WS intentional take of San Joaquin kit fox in the last 28 years in California. This occurred in 1990 on federal land at Camp Roberts in San Luis Obispo County. APHIS-WS received the request for assistance from EG&G Energy Measurements, a private company performing military-related research at Camp Roberts. It was suspected that the animal was a carrier of the rabies virus. APHIS-WS consulted with and received a letter of concurrence from USFWS to euthanize the animal (White 1990). The removal of the animal is reported in APHIS-WS take data for 1990. This information has been provided in the interest of full disclosure and does not affect the analysis or conclusions in the Draft EIR regarding threatened and endangered species.

With regard to the comment concerning federal consultation, as stated on page 4.1-3 in the Draft EIR, for each species listed in Table 4.1-1, which includes San Joaquin kit fox, APHIS-WS has previously consulted with federal agencies as to whether its wildlife damage management actions would have an adverse effect on a threatened or endangered species. As indicated in Table C-1 in Appendix C, the USFWS determined APHIS-WS activities would have no effect on San Joaquin kit fox. The commenter is correct that a consultation with USFWS was completed in 1996. However, there have been additional consultations with USFWS since that time (2007, 2014, 2015, and 2016). The APHIS-WS requests for consultation are submitted when new information becomes available. Such information typically concerns methods that could result in unintentional take.

USFWS issued concurrences in 2007, 2014, and 2015 indicating that APHIS-WS activities were not likely to adversely affect certain listed species. San Joaquin kit fox is one of numerous species identified in the 2007 letter. In a response to a request from the APHIS-WS California State Director in 2016, USFWS confirmed that the previous concurrences (2007, 2014, and 2015) remain in effect and re-initiation of consultation is not required (Fris 2016). A copy of the correspondence is included in Section 5.0, References, of this Final EIR for completeness. San Joaquin kit fox (among other species) was one of four species specifically addressed in the 2014 consultation. The San Joaquin kit fox consultation addressed *potential* use of snares on federal lands to trap target animals, which could result in take. However, APHIS-WS does not currently and will not use that type of snare in the known range of San Joaquin kit fox. No changes are proposed as part of the contract renewal that would authorize the use of the type of snare that could inadvertently capture a San Joaquin kit fox. As such, the potential for the proposed project to result in take of San Joaquin kit fox is low to nonexistent and would not be a significant impact requiring analysis.

As demonstrated in the 2016 concurrence letter from USFWS included in this Final EIR and evidence provided in the Draft EIR, there have been no changes in circumstances since 1996 that would require new assessments be performed to determine impacts on listed species that would require APHIS-WS consultation with USFWS. Therefore, the analysis does not rely on outdated information. The information provided in the 2007, 2014, 2015, and 2016 concurrence letters is not significant new information. Further, because Monterey County would not be implementing the APHIS-WS activities, it would not initiate consultation with a federal agency. For these reasons, no additional analysis is necessary regarding San Joaquin kit fox for purposes of the proposed project.

Response 2-4

The commenter suggests that Alternative 3 (Monterey County Provides Technical Assistance but No Lethal Control Methods Used) and Alternative 4 (Monterey County Cost-Share and Loss Indemnity Program for Nonlethal Control Methods for Agricultural Resources Protection Only) be adopted, based on the analysis presented in Section 5.0, Project Alternatives, in the Draft EIR. This suggestion reflects the opinion of the commenter only, as the Draft EIR does not include any statements recommending that the County adopt Alternative 3 or Alternative 4. The Monterey County Board of Supervisors is the decision-making body that will determine whether to select one of the alternatives analyzed in the Draft EIR.

Response 2-5

A Draft EIR was prepared for the APHIS-WS IWDMM program and agreement renewal and was publicly circulated from August 17, 2017, to October 3, 2017. This Final EIR, in combination with the Draft EIR, comprises the EIR for the proposed project. The Draft EIR concluded, based on substantial evidence, the proposed project would not result in significant impacts on biological resources. As stated in Response 2-2, the County considered all of the information provided in comments on the Initial Study submitted by the commenter, as well as the comment specifically directed to threatened and endangered species in response to the Draft EIR (Response 2-3). The Draft EIR has adequately disclosed and evaluated potential impacts on biological resources in full compliance with CEQA, and no significant impacts were identified.

Response 2-6

A list of project objectives, as required under CEQA Guidelines Section 15124(b), was presented in subsection 3.4, Project Objectives, on page 3.0-7 in Section 3.0, Project Description, in the Draft EIR. Eight objectives were identified. These objectives were used to develop the reasonable range of alternatives, which are described and evaluated in Section 5.0, Project Alternatives, in the Draft EIR.

Response 2-7

Please see Response 2-8 regarding nonlethal methods of control and Response 2-9 regarding economic considerations and cost/benefit analysis.

Response 2-8

This comment is directed to the merits of the APHIS-WS IWDMM program activities, and more specifically to the efficacy of lethal controls for wildlife damage management. CEQA does not require that an EIR analyze the merits of a proposed project or to advocate for a particular approach to accomplishing project objectives. However, the Draft EIR did present information

3.0 COMMENTS AND RESPONSES

about the efficacy of nonlethal methods. This information was developed and presented in conjunction with the Draft EIR's alternatives analysis in Section 5.0, Project Alternatives.

As stated on page 5.0-1 in Section 5.0, Project Alternatives, the County received comments during the NOP review period that alternatives to lethal control should be evaluated in the Draft EIR. To be responsive to these concerns and to aid the decision-making process, the Draft EIR included an evaluation of three alternatives that would be limited to nonlethal methods only. The Draft EIR included data and information concerning the use of nonlethal methods for predator loss prevention as background information for the analysis of the nonlethal control methods alternatives. This information was presented on pages 5.0-9 and 5.0-10 in the Draft EIR.

As stated in the first full paragraph on page 5.0-10, the County reviewed numerous studies, including ones not cited by the commenter, and provided a summary of those studies, along with citations to all studies referenced. As stated on page 5.0-10, successful use of nonlethal methods in minimizing or reducing losses would be the result of a combination of many site-specific variables, which cannot be predicted with any accuracy, based on available information. Most studies were controlled studies (e.g., penned animals and a single predator of interest). A strategy that works in one location may not be suitable for another. The applicability to grazing cattle and sheep on tens of thousands of acres where there are many predators, such as in Monterey County, is less clear. The County is not aware of any published, peer-reviewed scientific studies specific to Monterey County regarding the efficacy of nonlethal control methods for livestock protection.

As further stated on page 5.0-10, given the number of variables, it would be speculative to draw any conclusion whether the exclusive use of nonlethal methods would, in fact, result in fewer predators being removed than by lethal methods. Other questions remain: Could the exclusive use of nonlethal methods affect population dynamics and distribution of target species, affect nontarget species, or species diversity in a particular habitat; or could the use of a specific method (e.g., fencing) endanger other wildlife through entanglement or by blocking migratory wildlife corridors? The results of ongoing studies, such as at the UC Division of Agriculture and Natural Resources Hopland Research and Extension Center in Mendocino County, County-funded livestock protection programs such as in Marin County, and anecdotal reporting from producers and wildlife managers about practical application of nonlethal methods, will help to further inform this topic.

Response 2-9

This comment is generally directed to the merits of the APHIS-WS program and its activities in Monterey County, and more specifically to the costs and benefits of the services provided by APHIS-WS in the county.

Although not required for purposes of evaluating the environmental impacts on wildlife services of renewing the CSA with APHIS-WS, the Draft EIR included information about the following in Section 2.0, Project Background, specific to Monterey County: the dollar amount of damages due to wildlife and the percentage to each predator (Table 2.0-1, page 2.0-10); APHIS-WS confirmed damages by resource type (Tables 2.0-2 and 2.0-3 on pages 2.0-11 and 2.0-12, with narrative explanation on page 2.0-9); and budget information about the County's cost-share agreement with APHIS-WS (page 2.0-14). Table B-2 in Appendix B of the Draft EIR summarized information about crop and livestock production in Monterey County for the period 1997–2016 as reported in the Agricultural Commissioner's Office annual reports. The Draft EIR (pages 2.0-16 and 2.0-18) presented information about the challenges of performing a cost/benefit analysis, noting that such an analysis is not required under CEQA.

The above-referenced information presented in the Draft EIR was provided for disclosure purposes and to inform the decision-making process. It does not affect the analysis of environmental impacts of the proposed project, nor is it required to analyze the proposed project's environmental impacts on wildlife species.

Response 2-10

The Initial Study did not focus on the need for predator damage management to protect livestock, as suggested in the comment. The Initial Study was prepared in accordance with CEQA to determine whether renewal of the CSA would result in significant environmental impacts and whether an EIR should be prepared. It is not the purpose of environmental review under CEQA to justify or advocate for a project.

The following response to specific issues raised in this comment is provided for disclosure purposes and to inform the decision-making process. It references material contained in the Draft EIR, which does not affect the analysis of environmental impacts of the proposed project, nor is it required to analyze the proposed project's environmental impacts on wildlife species.

The Draft EIR included information on damages to field crops caused by wildlife in Table 2.0-2 (Monterey Confirmed Damage Caused by Mammals and Other Non-Avian Species 1997–2016) and Table 2.0-3 (Monterey County Confirmed Damage Cause by Avian Species 1997–2016) on pages 2.0-11 and 2.0-12, respectively. Table 2.0-4 (Confirmed Coyote Damage by Resource Category 1997–2016) is on page 2.0-13. As noted in the first full paragraph on page 2.0-9, not all damage is associated with livestock loss. A considerable amount of damages is caused by avian species. Table B-2 in Appendix B of the Draft EIR summarized information about crop production in Monterey County for the period 1997–2016 as reported in the Agricultural Commissioner's Office annual reports.

This comment also generally addresses the concepts of mesopredator release, and more specifically as it pertains to coyote populations. The conditions described by the commenter (how removing coyotes for livestock protection could affect forage) were considered in the Draft EIR. As stated on page 4.1-34, the County acknowledges that some researchers and wildlife protection organizations believe that removing coyotes (particularly in large numbers) would result in a mesopredator release effect: smaller mammals would increase in number because they would be less vulnerable to coyote predation. These smaller mammals such as raccoon and fox would prey on yet smaller wildlife such as birds and their eggs, rodents, reptiles, and amphibians, resulting in increased loss of those species' populations. Increased abundance of smaller, primarily herbivore mammals such as rabbits and hares would also increase vegetation removal, which can result in widespread effects.

As stated on page 4.1-35 in the Draft EIR, mesopredator release and related effects on biodiversity remain the subject of debate and opinion. There are no studies or data to date that are specific to Monterey County, and the conditions evaluated in published studies to date are not readily transferable to how wildlife damage management is conducted on land in the county. After having thoroughly reviewed and considered available information, the County finds that a significance conclusion regarding mesopredator release and biodiversity impacts related to coyote take is too speculative for evaluation (CEQA Guidelines Section 15145). As such, the analysis requested by the commenter would not yield any meaningful information that would affect the outcome of the analysis.

Please see also Response 2-18.

3.0 COMMENTS AND RESPONSES

Response 2-11

This comment is generally directed to the merits of the APHIS-WS program and its activities in Monterey County concerning public health and safety. A list of project objectives, as required under CEQA Guidelines Section 15124(b) was presented in subsection 3.4, Project Objectives, on page 3.0-7 in Section 3.0, Project Description, in the Draft EIR. Among the eight objectives, Objective 8 specifically addresses public safety. Although the Draft EIR is not required to justify the need for APHIS-WS activities in Monterey County, the Draft EIR presented information on the types of human health and safety incidents resulting in damages for which APHIS-WS provided some type of assistance. This information is presented in Table 2.0-2 (Monterey County Confirmed Damage Caused by Mammals and Other Non-Avian Species 1997–2016) and Table 2.0-3 (Monterey County Confirmed Damage Caused by Avian Species 1997–2016) on pages 2.0-11 and 2.0-12, respectively. The information included in the Draft EIR, as well as this response, is provided for disclosure purposes and to inform the decision-making process.

The Draft EIR disclosed general information about mountain lion and coyote attacks on humans. While attacks by mountain lions are rare and infrequent (Draft EIR page 4.1-12), coyote attacks have become an increasing concern, particularly in Southern California (Draft EIR page 4.1-9). The number and frequency of occurrence of mountain lion and coyote attacks does not require analysis in the Draft EIR because the purpose of the Draft EIR is to identify the environmental impacts of the proposed project, not to ascertain how certain species might be managed for public safety.

The Draft EIR (page 5.0-16 in Section 5.0, Project Alternatives) noted that it has been suggested that wildlife control could be provided at the local level by animal control personnel. The Monterey County Health Department provides assistance regarding domestic pets, licensing, temporary shelter, feral cats, animal cruelty, complaints, animals, and deceased animals on roadways. Monterey County Animal Services, which is part of the Health Department, does not provide assistance for wildlife (which includes small animals such as feral dogs, raccoons, and skunks) but encourages residents and property owners to contact the Society for the Prevention of Cruelty to Animals Wildlife Center (<http://www.spcamc.org/wildlife/found-wildlife-in-need>) or CDFW for issues involving wildlife.

Human health and safety is not just limited to incidents involving wildlife attacks on humans, and the number of health and safety visits is unrelated to the potential for damage. This category of service also includes response to incidents where wildlife is a vector for disease that can affect humans. For example, see the first full paragraph on page 2.0-15 in Section 2.0, Project Background, which describes food contamination from avian species, and Table 2.0-3 on page 2.0-12 (Monterey County Confirmed Damage Caused by Avian Species 1997–2016), which summarizes damages associated with human health and safety. Wildlife such as wild pigs and deer that intrude into agricultural fields can also pose a human health risk from animal feces.

Response 2-12

This comment expresses an opinion about the merits of the APHIS-WS program, in general. It does not pertain to the analysis of environmental impacts.

Response 2-13

Although the Initial Study found no significant impacts requiring mitigation and a “negative declaration” would have been appropriate under CEQA, as indicated on page 14 in the Initial

Study, the County, in its discretion, decided to prepare an EIR (Draft EIR page 1.0-1). Please see also Response 2-5.

Response 2-14

The Draft EIR developed and analyzed a comprehensive 20-year baseline against which to evaluate the impacts of implementing the proposed project on biological resources. The approach and rationale for the 20-year baseline was explained on page 4.0-1 in subsection 4.2 under the Environmental Baseline subheading in Section 4.0, Introduction to the Analysis, in the Draft EIR. An analysis of baseline conditions and the extent to which APHIS-WS activities under its cost-share agreement with the County may have affected target wildlife species' populations that have historically been affected the most was presented in Section 4.1, Biological Resources, in the Draft EIR on pages 4.1-6 through 4.1-18, beginning with the Take Data for Targeted Wildlife Species subheading. Species population estimates and take data were provided, including graphical representations of take data in Monterey County relative to statewide take. Data analysis was provided in Tables C-3 through C-8 in Appendix C to support the analysis of baseline conditions. The Draft EIR concluded that IWDM activities under the cost-share agreement in Monterey County have not had an adverse impact on species populations over the baseline period. In fact, as illustrated by the data, take has remained relatively constant over the years, or, in the case of coyote, there has been a steady decrease in take.

With regard to bobcat, it is not a protected species (or "rare predator," as stated by the commenter). Bobcat is regulated by CDFW as a game species, and a depredation permit issued by CDFW is required to take bobcat. The depredation permit would be issued to the owner of the resource being damaged (the "permittee"), which may be either a private party (e.g., a rancher) or a public entity (e.g., a city in the case of city-managed land). The permittee may request assistance from APHIS-WS. CDFW has established a harvest limit and regulates bobcat populations through these processes. Potential effects on bobcat under baseline conditions were evaluated in the Draft EIR in Impact 4.1.1 (pages 4.1-13 through 4.1-15) to allow comparison to effects with the project. The level of take in the county and statewide under baseline conditions is well under the CDFW allowable take (Draft EIR page 4.1-14). The commenter did not provide any data or evidence regarding bobcat populations that contradicts the information presented in the Draft EIR or its conclusions regarding bobcat population sustainability. Renewal of the cost-share agreement with APHIS-WS would not result in increased take compared to baseline conditions that would adversely affect bobcat populations because no changes are proposed that would affect how the APHIS-WS activities are performed in the county (Impact 4.1.1, page 4.1-36).

Response 2-15

As stated on page 3.0-10 in the Draft EIR under the Public Safety subheading, all of the direct control methods that could be used by APHIS-WS under its cooperative agreement with the County would be implemented primarily on private land, with a limited amount of work on state and/or federal lands, consistent with historic practices. APHIS-WS's work on federal lands is limited to areas with private grazing leases and/or where public access is not allowed (for example, work was performed in 2011 and 2012 in Fort Hunter Liggett). APHIS-WS would not perform work in national parks and forests in the county that would be funded under the CSA, where there may be publicly accessible trails and wildlife viewing areas. A minimal amount of work, if any, would be performed on state or county public lands. If traps are used, WS Directive 2.450 requires that appropriate warning signs be posted on commonly used public access points to areas where traps or snares are in use. Signs must be routinely checked by APHIS-WS field specialists to ensure they are present, obvious, and readable. Appropriate notification signs must

3.0 COMMENTS AND RESPONSES

be posted within the direct line of sight of mountain lion foot-snare device sets. Capture devices must be set where they would minimize the public's view of captured animals. In California, pursuant to Fish and Game Code Section 465.5, traps must be checked at least once daily, and each time traps are checked, all trapped animals must be removed.

As such, it would be highly unlikely for the general public and recreationists to encounter a trapped, dead, or injured animal that could be an unpleasant sight because APHIS-WS performs little, if any work, on publicly accessible lands in Monterey County under the existing cost-share agreement, and no changes to the agreement are proposed that would result in increased activities on public land. The commenter's disagreement with the Initial Study's less than significant conclusion regarding aesthetics (subsection VI.1, Aesthetics, page 17) is noted. However, for the reasons described above and in the Draft EIR, an evaluation of the potential for unpleasant sights, as recommended by the commenter, would be speculative and would not be reasonably foreseeable in Monterey County under continuation of the CSA. As such, the proposed project would have a less than significant impact on aesthetics, and an analysis of potential impacts is not required in the Draft EIR (CEQA Guidelines Section 15064 et seq.).

Response 2-16

The Draft EIR concluded, based on substantial evidence, the proposed project would not result in significant impacts on biological resources. The Draft EIR has adequately disclosed and evaluated potential impacts on biological resources in full compliance with CEQA, and no significant impacts were identified. Please see also Response 2-5.

Response 2-17

The comment refers to Exhibit B of its comment letter, which contains the names of 39 federally listed wildlife and plant species, of which 22 are fish and wildlife species, and 17 are plants. See Table 4.1-1 (Federal and State Threatened and Endangered Wildlife Species Potentially Occurring in Monterey County) on page 4.1-3 in the Draft EIR. This list was compiled from the USFWS Information, Planning, and Conservation (IPaC) System. A list of special-status plants was included in Appendix C-2 of the Draft EIR.

The Draft EIR included data on nontarget, non-intentional species take in Monterey County for the 20-year baseline period. These data are summarized in Table 4.1-6 (Monterey County Nontarget Nonintentional Killed and Freed/Released 1997–2016) on page 4.1-24. As explained on page 4.1-21, with few exceptions, the captured animals were freed. Over the 20-period, a total of nine animals were killed. Thirty-eight were freed or released. Relative to the 2016 statewide data provided by the commenter, as shown in Table 4.1-6, none of the take was in Monterey County. A nontarget, unintentional species is only killed if the animal is injured and it is determined by the APHIS-WS field specialist that the animal would not likely survive if released. No federal- or state-listed threatened or endangered species were captured or killed during the 20-year period. In 2002, a falcon, which is a bird of prey and is a protected species, was caught in a neck snare but it was released.

Impacts of the proposed project on federally listed threatened and endangered species were analyzed in Impact 4.1.2 on page 4.1-38 in Section 4.1, Biological Resources, in the Draft EIR. As stated in the analysis on page 4.1-38, APHIS-WS is not allowed to implement activities that would intentionally result in take of a listed species. Special efforts are made to avoid jeopardizing threatened and endangered species, and the agency consults with the USFWS and CDFW when any APHIS-WS program activities may affect animals protected under the federal Endangered Species Act so that restrictions or mitigation measures are applied by APHIS-WS personnel when

necessary. As stated on page 3.0-8 in Section 3.0, Project Description, in the Draft EIR, neither APHIS-WS nor the County is proposing any changes to the APHIS-WS IWD program operations in the county in conjunction with renewal of the cooperative agreement. Because intentional take of listed species is not allowed, no changes to the APHIS-WS activities are proposed, and the County would not be materially involved in activities that could affect listed species, it is reasonable to conclude there would be no significant effects on federally listed threatened and endangered species as a result of continuing the program in the county under a renewed agreement.

As stated on page 4.1-3, for each species listed in Table 4.1-1 (which includes California condor and San Joaquin kit fox, two species specifically mentioned in the comment), APHIS-WS previously determined through consultation with federal and state agencies whether its wildlife damage management actions would have an adverse effect on a federal or state threatened or endangered species. Table C-1 in Draft EIR Appendix C identifies the results of those consultations. The results of those consultations indicate that APHIS-WS activities were not likely to affect certain listed species, which included California condor and San Joaquin kit fox. In 2016, in response to a request from APHIS-WS staff, the USFWS confirmed that the previous concurrences remain in effect and re-initiation of consultation is not required. Please see also Response 2-3.

Response 2-18

This comment addresses the potential for the proposed project to result in the loss of “top predators” that are important in ecosystems and the potential unintended consequences of the removals. Although not specifically stated, the commenter is referring to two concepts: mesopredator release and trophic cascade. There are proponents and critics of both theories. An overview of the concepts of mesopredator release and trophic cascade was presented on page 4.1-33 in the Draft EIR, which noted there is ongoing debate by scientists and public interest and opinion on these topics.

The Draft EIR thoroughly evaluated the potential for the CSA renewal to result in mesopredator release and/or trophic cascade, particularly as it relates to coyote (the example provided in the comment). This analysis was presented in Impact 4.1.1 on pages 4.1-33 through 4.1-35. As noted in the Draft EIR, more recently, there has been increased interest in how coyote populations are managed in the United States and the potential for mesopredator release. The Draft EIR (page 4.1-34) also noted there are differing opinions whether coyote is a top (apex or keystone) predator or a mesopredator. As stated on page 4.1-33 in the Draft EIR, apex predators in California are generally thought to be mountain lion, bear, and wolf.

All of the articles cited by the commenter pertaining to this comment (five articles) were reviewed in preparing the Draft EIR’s analysis on this topic in Impact 4.1.1, along with other articles on this subject not cited by the commenter. All articles used in the analyses were cited, with complete bibliographic information presented in Section 7.0, References, in the Draft EIR. Based on this review, as stated on page 4.1-34 in the Draft EIR, there is yet no widely accepted consensus about mesopredator release and trophic cascade, and there is a general consensus that additional research is needed, particularly as it relates to coyote.

As stated on page 4.1-35 in the Draft EIR, mesopredator release and trophic cascade and related effects on species biodiversity remain the subject of debate and opinion. There are no studies or data to date that are specific to Monterey County, and the conditions evaluated in published studies to date are not readily transferable to how APHIS-WS wildlife damage management is conducted on land in the county. Under the IWD program CSA with the

3.0 COMMENTS AND RESPONSES

County, as with other cooperative agreements, APHIS-WS targets specific individuals causing damage and only responds to requests for assistance from resource owners. Under the CSA, APHIS-WS does not target a particular species, nor does it provide for large-scale removals to increase game species. In the case of coyote, the percentage of removals historically is small relative to county and statewide low population estimates and has been decreasing (Figures 4.1-1 and 4.1-2 on page 4.1-10). No substantial change in coyote take is anticipated compared to existing (baseline) conditions because no changes are proposed that would affect how the APHIS-WS activities are performed in the county. It may be surmised that given the low level of coyote take that would likely occur under the renewed agreement, the potential for adverse effects on biodiversity would be unlikely, even if the number of requests for wildlife damage management resulting in coyote take were to reach historic levels (i.e., more than double) (Draft EIR page 4.1-32). After having thoroughly reviewed and considered available information, the County finds that a significance conclusion regarding mesopredator release and biodiversity impacts related to coyote take is too speculative for evaluation. No impact determination is made, as provided for under CEQA Guidelines Section 15145 (Draft EIR page 4.1-35).

With regard to the comment regarding adult mortality and its effects on young, the topic in the article cited by the commenter is eastern wolf packs, which is not relevant to the proposed project. Some amount of mortality is to be expected in wildlife species. In the case of coyote, as stated on page 4.1-9 in the Draft EIR, numerous scientific publications, studies, and other literature have documented that coyotes are highly prolific and able to rebound rapidly from reductions in population from an area following localized damage management and sport hunting.

Response 2-19

Impact 4.1.4 on pages 4.1-39 and 4.1-40 in the Draft EIR evaluated potential impacts on wildlife movement and corridors. Capture methods would involve the use of traps, snares, or cages, as described in Direct Control Methods in Appendix B, and these devices would be used to target a specific animal in a specific location. They are used sparingly and are not placed or grouped in a manner that would be so wide as to physically impede wildlife movement. The proposed project would not involve land development that would create barriers to wildlife movement (Draft EIR page 4.1-39). As explained in detail in Impact 4.1.1, continued take by APHIS-WS under the CSA renewal would not result in a loss in any species population such that their population would fall below self-sustaining levels. APHIS-WS does not target fish species or perform activities in habitat supporting fish species. The only targeted mammal species evaluated in the Draft EIR that exhibits migratory behavior is the mountain lion, a species that generally has a fixed range and migrates seasonally in response to prey movements, following migrating herds of mule deer.

Mountain lion is a specially protected mammal under California Fish and Game Code Section 4800. It is not a threatened or endangered species. Mountain lion may only be taken with a depredation permit issued by CDFW to the private party (the "permittee") that has experienced loss or damage by mountain lion. CDFW is required under California Fish and Game Code Section 4802 et seq. to issue the permit. The permittee may, in turn, contract with a local trapper for assistance, or the permittee may seek assistance directly from APHIS-WS via the County's agreement with APHIS-WS. The permittee is required to report to CDFW upon the permit's expiration (no take) or fulfillment (take). The permit would not be issued to APHIS-WS. The description of depredation permits on page 4.1-27 in the Draft EIR is correct, but page 4.1-13 and elsewhere in the Draft EIR have been revised to clarify this process (see Section 4.0, Revisions to the Draft EIR). This correction to the text of the Draft EIR does not affect the analysis or conclusions regarding mountain lion.

The Draft EIR provided data regarding the number of mountain lions killed by APHIS-WS in the county over the 20-year baseline period on pages 4.1-12 and 4.1-13. APHIS-WS has killed 32 mountain lions in Monterey County over the 20-year baseline (page 4.1-13), but the number removed relative to county and state estimated populations is small (approximately 1 percent). Figure 4.1-3 on page 4.1-13 compares county take to statewide take over the 20-year baseline period. The Draft EIR evaluated potential impacts on the mountain lion population if the agreement is renewed in Impact 4.1.1 on pages 4.1-35 and 4.1-36. Under the renewed agreement, as has occurred under the existing agreement, APHIS-WS would only target an individual mountain lion for potential take if it is confirmed by APHIS-WS that it is the animal causing loss or damage. APHIS-WS would not target the entire population or migration corridor.

Response 2-20

Section 2.0, Project Background, in the Draft EIR describes the APHIS-WS decision model (pages 2.0-4 and 2.0-5) and references specific WS directives from the WS Policy Manual. Relevant WS directives that were used to support the description of existing conditions and the impact analysis were cited in the Draft EIR (see USDA 2017f in Section 7.0, References, page 7.0-6). In 2014, the US Office of the Inspector General completed an audit of APHIS-WS IWDM practices in California, among other states. The results of the audit were summarized on pages 2.0-4 and 2.0-5 in the Draft EIR. Evaluating the success of implementing the Decision Model (sixth item in Figure 2.0-1 on page 2.0-4), as requested by the commenter, is not within the County's purview because the County does not maintain the records on APHIS-WS activities. Moreover, such an evaluation is not required for purposes of CEQA and the Draft EIR.

Information about the types of services APHIS-WS has provided in Monterey County is presented in subsection 2.5 Monterey County Information, on pages 2.0-8 through 2.0-18 in the Draft EIR. This information was provided for disclosure purposes. Table 2.0-6 (Number of APHIS-WS Hours by Technical Assistance Project Category) on page 2.0-18 in the Draft EIR shows the number of hours spent on various APHIS-WS activities in Monterey County. Over the last 10 years, the "direct control category" has accounted for 75 percent of staff activity. Direct control methods include responding to requests, investigating incidents, and providing advice to resource owners as well as the use of lethal controls. With regard to the latter, APHIS-WS data regarding the types of methods used were included in Appendix C in the Draft EIR in the APHIS-WS Take Data subsection.

Response 2-21

As stated on page 2.0-14 in Section 2.0, Project Background, in the Draft EIR, the previous five-year agreement and the current five-year agreement and their respective annual work plans cap the number of hours to be spent by APHIS-WS personnel. Previous work and financial plans used the term "24 staff months" for one year (which would be equivalent to 4,160 hours), while more current (and the proposed) work and financial plans set the cap at approximately 4,176 hours. That is, the number of hours funded under the work and financial plan has remained the same for several years. Table 2.0-6 on page 2.0-18 in the Draft EIR shows the number of hours spent on direct control activities relative to the total take. As indicated by the data, there is not a direct correlation between the number of wildlife species taken for agricultural resources, public health and safety, and property protection and the number of hours spent by APHIS-WS personnel on direct control activities (Draft EIR page 2.0-15).

Under the renewed agreement, APHIS-WS would continue to provide the same services. As with the current five-year agreement, the number of target wildlife species removed would be a function of the number of requests for assistance by resource owners and application of the decision model by APHIS-WS field personnel. The number of APHIS-WS personnel hours and

3.0 COMMENTS AND RESPONSES

funding for services are also limited under the CSA, as explained in Section 2.0, Project Background. In order for there to be a threefold increase in the number of traps used by APHIS-WS that, presumably, would result in greater take, as implied in the comment, the CSA would need to be modified and additional cost-share funding would need to be approved, which is not proposed or planned.

Based on the project-level and cumulative analysis presented in the Draft EIR (Impacts 4.1.1 through 4.1.7 [cumulative]), there is no substantial evidence that continuation of the CSA would reduce the number or restrict the range of a biotic community, thereby causing the species or community to drop below self-sustaining levels such that caps on the number of individual species that could be taken by APHIS-WS would be required.

Response 2-22

In its comments on the Initial Study, the commenter requested the Draft EIR examine whether the proposed project is consistent with the “Biological (Natural) Resources” section of the General Plan. The Draft EIR included an analysis of the project’s consistency with Monterey County General Plan policies intended to project biological resources. Those policies are contained in the Conservation/Open Space Element of the General Plan. The evaluation was provided in Impact 4.1.5 on pages 4.1-40 through 4.1-41 in Section 4.1, Biological Resources. Table C-10 in Appendix C of the Draft EIR included a policy-by-policy analysis. While some of these policies address species and habitat, many of them concern growth under the General Plan and land development associated with that growth, which are not applicable to the CSA renewal. For completeness, however, all policies were evaluated. No inconsistencies were identified.

With regard to the specific policies referenced by the commenter, Policy OS-5.1 provides direction for developing information about critical habitat in the county. Critical habitat has been designated by the US Fish and Wildlife Service for several wildlife and plant species in the county, which is described in the Environmental Setting subsection. The IWDM activities performed by APHIS-WS under the agreement renewal would not adversely affect critical habitat (see Impact 4.1.2). Renewal of the agreement for County-funded APHIS-WS IWDM program services would not conflict with this policy (Appendix C Table C-10, page C-10-2). Consistency with Policy OS-5.24 was evaluated on page C-10-10 in Appendix C. This policy concerns approval of discretionary projects to retain wildlife movement corridors. Although this policy is primarily directed at land development projects, the Draft EIR evaluated the potential physical impacts of implementing the project on wildlife movement and corridors in Impact 4.1.4 on pages 4.1-39 and 4.1-40 in the Draft EIR. The methods to capture or trap animals are used sparingly and not placed or grouped in a manner that would be so wide as to physically impede wildlife movement (Draft EIR page 4.1-39). The proposed project would not conflict with this policy.

The Monterey County General Plan also includes land use plans under its Local Coastal Program (LCP): Big Sur Coast, Carmel Area, Del Monte Forest Area, and North County (which includes Moss Landing Community Plan). Each of these LCP plans contains policies addressing environmentally sensitive habitat areas and freshwater and marine resources. The renewal of the County’s agreement with APHIS-WS for wildlife damage management would not involve physical development or alteration of habitat that could affect resources. APHIS-WS does not modify habitat or create conditions (e.g., runoff) that could affect marine or freshwater resources. Therefore, the proposed project would not conflict with relevant LCP policies.

Response 2-23

The comment letter lists 33 references on the attached list of cited studies; however, not all of the cited studies were referenced in the Initial Study comments (of the 33 citations, 26 were cited). Nonetheless, all articles were reviewed as part of preparation of the Draft EIR, as stated in Table A-1 on page A-1-1 in Appendix A (pdf page 55). In fact, information from 11 of the cited articles was also used and referenced in the Draft EIR, along with numerous others not cited by the commenter or included in the commenter's list. Those references are listed in Section 7.0, References, in the Draft EIR.

The commenter followed up with a separate email to the County on October 3, 2017, providing an electronic version of a cited study (Beschta et al. 2014) that the commenter stated had not been attached to the organization's March 30, 2017, Initial Study comments. This is a journal article that appeared in the cited references list, with a hyperlink to the article. The article was available via the hyperlink, downloaded, and included in the compilation of all the attached articles. The Beschta et al. 2014 article is on page 104 in the Draft EIR Appendix A pdf.² While the format of the article provided by the commenter on October 3 differs visually from the one the organization included as part of its Initial Study comments, it is the same article. It is also noted that although the article appears on the list of cited studies, it was not specifically referenced in the organization's Initial Study comments themselves. It is included as part of the record in this Final EIR for completeness.

² Appendix A of the Draft EIR was made available on the Monterey County Office of the Agricultural Commissioner website at <https://www.co.monterey.ca.us/Home/ShowDocument?id=42125>.

Letter 3

Monterey County Cattlemen's Association
P.O. Box 306
Soledad Ca 93960

September 27, 2017

Mr. Robert Roach
Assistant Agricultural Commissioner
Monterey County Agricultural Commissioner's Office
1428 Abbott St.
Salinas, CA 93901

VIA: Email to roachb@co.monterey.ca.us

RE: USDA-APHIS-WS IWDM Program ad Agreement Renewal
(State Clearinghouse No. 2017031003)

Dear Mr. Roach:

Monterey County Cattlemen' Association (MCCA) represents family beef cattle operations and other individuals who support the interest of viable cattle production in Monterey County. MCCA supports all of Agriculture and its contribution to the economic well-being of the County.

The USDA -APHIS Wildlife Services Program is an important resource utilized by producers as a management tool in the raising of their Cattle and making sure they get to market. We support the conclusion in the draft environmental impact report of "less than significant" impact to our natural resources, and fully support the continuation of the program, including the five year renewals.

Cattle are the number one prey of coyotes, especially during the fall calving season. Baby calves are unable to protect themselves and their mothers are sometimes unsuccessful at fending off the unwanted visitors, generally the end result is death of the calf and economic losses to the producer.

Cattle producers and landowners have used Wildlife Services as an effective tool to manage problematic predators and achieve a natural balance in Monterey County.

3-1

DRAFT ENVIRONMENTAL IMPACT REPORT COMMENTS

Mitigation Measures

As noted at the end of Section 4.1, MCCA agrees that no mitigation measures should be required on landowners or ranchers for population reduction through Wildlife Services or by private parties.

3-2

Letter 3 continued

2.0 Project Background

As stated in subsection 2.2 Agriculture- Livestock predators in this case Coyotes kill, injure and harass livestock resulting in economic losses to producers. Please refer to Table 2.0-1 1997-2016. \$791,198 losses in income due to confirmed coyote damage over a 20 year period.

3-2
cont.

Food Safety Concerns

Monterey County Agriculture Production number one priority is Food Safety. Predators and other mammals, feral pigs, are and have been the cause for compromise of these guidelines to protect Human Health. Wildlife Services has played a role in gathering of information for scientific studies to determine the pathogens carried by some of these mammals.

Conclusion

Wildlife Services plays an important role in Monterey County Agriculture from row crops to cattle production. We urge you to continue with the certification of the environmental impact report and entering into a new contract with Wildlife Services.

Livestock producers need to know that their elected officials and County Agents are going to support the need for predator control when depredations occur.

Thank you for the opportunity to provide comment and support for the program.

3-3

Sincerely,

Scott Violini
Environment and Water Quality Committee Chairman
Monterey County Cattlemen's Association

3.0 COMMENTS AND RESPONSES

Letter 3: Monterey County Cattlemen's Association

Response 3-1

This comment addresses the merits of the proposed project. The commenter's support for the proposed project and certification of the EIR will be before the Monterey County Board of Supervisors during the decision-making process.

Response 3-2

The commenter agrees that no mitigation measures should be required. The comment also notes information presented in Table 2.0-1 in the Draft EIR that summarizes wildlife damage loss information.

Response 3-3

Please see Response 3-1.



**FARM BUREAU
MONTEREY**

Letter 4

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September 25, 2017

Mr. Robert Roach
Assistant Agricultural Commissioner
Monterey County Agricultural Commissioner's Office
1428 Abbott St.
Salinas, CA 93901

VIA: Email to roachb@co.monterey.ca.us

RE: USDA- APHIS-WS IWDM Program and Agreement Renewal
(State Clearinghouse No. 2017031003)

Dear Mr. Roach:

Monterey County Farm Bureau represents family farmers and ranchers in the interest of protecting and promoting agriculture throughout our County. We strive to improve the ability of those engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of our local resources.

The USDA – APHIS Wildlife Services Program has been an integral part of environmental management for both farmers and ranchers in Monterey County for decades. We fully support the continuation of this program, its renewal consistently within each five-year time frame, and support the conclusion reached in the draft environmental impact report of 'less than significant' impact to our local natural resources.

Predator control is an integral part to ranching operations in Monterey County, as it is in all other areas of our state and country. Overpopulation of specific predators hurt and annoy grazing animals and hinder use of grazing lands when predator kills occur in specific areas repeatedly. One only has to look at what is occurring in Northeastern Washington State with cattle depredations inflicted by invading wolf packs where predator controls are extremely difficult due to excessive regulatory controls of these packs.

The Wildlife Services Program has provided an effective tool for Monterey County ranchers in partnership with USDA – APHIS to ensure that a balance is achieved between predator populations and domestic grazing animals.

4-1



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Letter 4 continued

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Further, control of wild animals is critical to food safety procedures for crops grown in the Salinas Valley and other areas of our County. Wildlife incursions into fields cause losses that cannot be recovered, especially at time of harvest. With new rules for food safety being implemented as part of the Food Safety Modernization Act, including water quality standards, the importance of maintaining a balance between wildlife and possible field incursions is paramount.

**4-1
cont.**

DRAFT ENVIRONMENTAL IMPACT REPORT COMMENTS

Wildlife Corridors

Section 4.1 discusses wildlife corridors in general terms. While we agree that corridors are critical to linkages between habitat areas, in reality these corridors are not strictly adhered to and often are far more expansive than just lines on a map. For areas of intensive agricultural production, such as the floor of the Salinas Valley, wildlife corridors are often the production fields where crops are produced. This means that wildlife incursions occur regularly, with associated crop damage and food safety violations. While corridors make for nice lines on maps, we caution that wildlife do not strictly follow those lines when crossing from one habitat area to another.

4-2

Feral Swine

This species has caused numerous issues for farms in the Salinas Valley and has sparked numerous attempts to control populations that grow exponentially each year. When undeveloped areas run short of vegetation for food supplies and water, feral swine tend to come down out of the hills and prey on fields where crops (i.e. food sources) are readily available. Damage from these feral swine also include rooting, soil compaction, and wallowing in field areas, not just consumption of the crops themselves (Section 4.1, Biological Resources). Without adequate control of feral swine this damage will continue, and exposes crops to numerous pathogens that these animals spread through their feces. We support the continued issuance of depredation permits for feral swine, issued immediately, when ‘...the animal is damaging or destroying, or threatening to immediately damage or destroy, land or property, or the landowner, agent, or employee “encounters” damage or threat.’¹

4-3

Take by Private Parties

We concur with the finding that reduction of coyote numbers ‘would be below the estimated number of young animals produced each year and would not have a significant impact on the coyote population in California...’² To keep a balance on population reductions of coyotes and other mammal species, the approval of the Wildlife Services program would prevent ‘open season’ by landowners, farmers, and ranchers

4-4

¹ Draft Environmental Impact Report, page 4.1-27, Depredation Permits.

² Draft Environmental Impact Report, page 4.1-45, Take by Private Parties.



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Letter 4 continued

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who feel there is no organized control of these predators. It is important to note that the Wildlife Services Program offers up a measure of balance and reliability for landowners, farmers, and ranchers when it comes to coyotes and other mammal species that require no reporting for reductions in population.

**4-4
cont.**

Mitigation Measures

As noted at the end of Section 4.1 Biological Resources, we agree that no mitigation measures are required or should be imposed on landowners, farmers, and ranchers for mammal population reductions either through the Wildlife Services Program or by private parties.

4-5

Food Safety Concerns

As discussed in the opening paragraphs of this comment letter, food safety measures rely on sufficient, adequate, and reliable controls of predator and other mammal species. Wild animals can carry human pathogens into production fields in their feces and spread contamination throughout any field they move through. Intensive measures are in place to maintain adequate food safety for crops grown in Salinas Valley fields, as there is no desire to repeat the impacts of the e-coli incursions that occurred in leafy greens a decade ago. The risks, and liability, are too great from animal incursions with these dangerous pathogens.

Animals are the part of any environment, including farm fields, and we realize that complete exclusion cannot be possible. Limiting access to production fields reduces the risks of pathogens such as Salmonella, e-coli O157:H7, and *Champylobacter jejuni*, all that can be found in mammal species that may have incursions into field. Adequate controls are needed to ensure that infected wild animals do not harm humans through the food supply chain.

4-6

Water quality is at risk from animal feces that may contaminate irrigation supplies used during crop production; this could lead to cross contamination of multiple crops. Large number of animals and fowl, such as herds of deer or feral swine or flocks of geese, present the biggest risks to water quality simply by the amount of feces they deposit in and around farm fields. While the implementation of the Food Safety Modernization Act on a federal level mandates a lot of the food safety measures already in place here, additional requirements for water quality applied to crops will tighten the amounts of trace elements that can be found in irrigation water. Simply, without proper and adequate controls of wild animals and their possible incursions into and around production fields, this water quality standard will be unachievable for many farming operations.



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Letter 4 continued

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CONCLUSION

We urge moving forward with certification of the environmental impact report and securing a new contract with Wildlife Services. This is an important program to all of production agriculture in Monterey County, from cattle and ranching operations to field crop producers.

We support the finding in the draft environmental report of 'less than significant impact' on local environmental resources.

Salinas Valley remains a working environment producing the food supplies that feeds our nation; without adequate protections from wildlife incursions into production fields there is great risk for contamination of our food supply.

Ranchers need to have assurances that predators will be monitored and controlled when depredations occur, protecting their rangelands for their herds.

Thank you for the opportunity to provide comment and support for this program.

Sincerely,



Norman C. Groot
Executive Director

cc: Kari Fisher, Associate Counsel, California Farm Bureau Federation
Devon Jones, Executive Director, Mendocino County Farm Bureau

4-7



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Letter 4: Monterey County Farm Bureau**Response 4-1**

This comment addresses the merits of the proposed project. The commenter's support for the proposed project will be before the Monterey County Board of Supervisors during the decision-making process.

Response 4-2

This comment provides additional information about wildlife corridors, noting that corridors may be more expansive or irregular than delineated on a map (or as described in the General Plan). As an example, the commenter notes that on the floor of the Salinas Valley where intensive agricultural production occurs, wildlife incursions happen regularly, even though it is not a delineated wildlife corridor. As a result, there are associated crop damage and food safety concerns. This information supplements the Draft EIR's description of wildlife corridors on page 4.1-22 in Section 4.1, Biological Resources, but it does not affect the conclusions of the analysis in Impact 4.1.4 (Draft EIR pages 4.1-39 and 4.1-40), which concludes that impacts on wildlife corridors would be less than significant.

Response 4-3

This comment provides information about damage caused by feral swine. The Draft EIR (e.g., page 2.0-2, Table 2.0-1 on page 2.0-10, and page 4.1-15) includes general information about feral swine damage. The Draft EIR included such information as background and for informational purposes, and the descriptions presented in the Draft EIR are consistent with the information presented in the first part of this comment. The second part of the comment addresses the merits of the proposed project with respect to feral swine control and will be before the Monterey County Board of Supervisors during the decision-making process.

Response 4-4

The commenter expresses agreement with the Draft EIR's conclusion that the proposed project would not result in a significant impact on the coyote population (Draft EIR Impact 4.1.1 page 4.1-37). The comment also provides reasons for the organization's support for the proposed project.

Response 4-5

The commenter agrees that no mitigation measures should be required.

Response 4-6

This comment addresses food safety concerns associated with the human health risks from animal incursions into fields, contaminated irrigation water, and cross-contamination, and the need for reliable mammal controls to reduce risks.

Response 4-7

This comment expresses support for the Draft EIR's conclusions, and the commenter's interpretation of the less than significant conclusions is noted. As a point of clarification, the Draft EIR does not include any statements indicating that the proposed project would result in "less

3.0 COMMENTS AND RESPONSES

than significant impact' on local environmental resources." The analysis in the Draft EIR focused on impacts on biological resources, and impacts were evaluated against significance thresholds that consider how common wildlife and protected species populations could be affected. The Draft EIR concluded all biological resources impacts would be less than significant. For the species evaluated in detail in the Draft EIR, information was presented about their habitat requirements and where they are generally found in the county, but they were not categorized using such terms as "local" or other descriptors suggesting a limited range.

The commenter's support for the proposed project and recommendation that the EIR be certified by the County will be before the Monterey County Board of Supervisors during the decision-making process.



Letter 5

DORRANCE RANCHES, L.P.

October 2, 2017

Robert Roach
Assistant Agricultural Commissioner
1428 Abbott Street
Salinas, CA 93901
roachb@co.monterey.ca.us

Mr. Roach:

Our family has owned and operated a cattle ranch located in Monterey County since the mid-1940s. Wildlife damage is a reality for us, whether it be damage to infrastructure caused by invasive species, or livestock casualties resulting from predators. We have utilized the services provided by the Integrated Wildlife Damage Management (IWDM) program on multiple occasions and believe that it is an extremely valuable resource to landowners. We believe that the program has:

- Assisted us in identifying practices that facilitate wildlife damage;
- Allowed us to safely and responsibly target individual problem animals or groups when it is not feasible to modify practices, or when modification does not prevent wildlife damage; and
- Prevented us from focusing our efforts on general population control of species suspected of causing the damage, as allowed by California Law.

5-1

Based on our personal experiences with the IWDM program, our constant informal monitoring and evaluation of wildlife populations on our property, and the information contained within the document, we support the conclusions of the Draft Environmental Impact Report prepared for the County of Monterey, which finds that the program causes less than significant harm to local natural resources.

Sincerely,

Clifton Dorrance, on behalf of
Dorrance Ranches, L.P.

18500 Corral Del Cielo
Salinas, CA 93908
831-484-1048
dorranceranches@gmail.com

3.0 COMMENTS AND RESPONSES

Letter 5: Clifton Dorrance (Dorrance Farms, L.P.)

Response 5-1

The commenter addresses the merits of the proposed project.

As a point of clarification, the Draft EIR does not include any statements indicating that the proposed project would result in “less than significant harm to local natural resources.” The Draft EIR evaluated impacts on wildlife species and concluded that biological resources impacts would be less than significant. Please see also Response 4-7.

The commenter’s support for the proposed project and the Draft EIR’s conclusions will be before the Monterey County Board of Supervisors during the decision-making process.

Letter 6

From: Erika Hazen [<mailto:eahazen@hotmail.com>]
Sent: Friday, August 25, 2017 7:53 AM
To: AgComm <agcomm@co.monterey.ca.us>
Subject: Draft EIR comments Wildlife Control

As a long time Monterey County livestock and property owner, I do not believe the Draft EIR as submitted recently to the county concerning wildlife control is adequate.

Controlling target animals such as coyotes (*Canis latrans*), mountain lions (*Puma concolor*), opossums (*Didelphis virginiana*), skunks (*Mephitidae* ssp.), raccoons (*Procyon lotor*), and feral swine (*Sus* ssp.) so that local residents can live within the areas previously considered wildlands is an ecologically unstable methodology.

Peer-reviewed research shows that such reckless slaughter of animals—particularly predators—results in broad ecological destruction and loss of biodiversity. The program's controversial and indiscriminate killing methods have come under increased scrutiny from scientists, the public, and government officials. These cruel tactics in interacting with the animal residents of our area are unacceptable.

The Draft EIR does not take into account long-term effects of this interference with natural control of predators. I do not support this interference in my county.

Erika Hazen

Carmel Valley

6-1

3.0 COMMENTS AND RESPONSES

Letter 6: Erika Hazen

Response 6-1

The Draft EIR for the proposed project was prepared under the direction of the Monterey County Agricultural Commissioner's Office and was published by the County as the lead agency under CEQA.

Draft EIR Section 2.0, Project Background, explains the APHIS-WS IWDM program operation in the county under the existing cost-share agreement, and Section 3.0, Project Description, explains how it would operate if the proposed project is approved. Neither APHIS-WS nor Monterey County are proposing any changes to the existing APHIS-WS IWDM program in Monterey County in conjunction with the County's renewal of the cooperative agreement with APHIS-WS. Under the proposed project, as with the existing contract, services would continue to be provided solely by APHIS-WS personnel and only at the request of the resource owner. Monterey County would not decide whether a resource owner should receive assistance, and whether or if specific wildlife species should be controlled, nor would the County be materially involved in conducting any of the IWDM technical assistance efforts or measures to control wildlife damage other than to cost-share the financial portion of the program.

The Draft EIR fully complies with CEQA and adequately evaluated impacts on wildlife species. Section 4.1, Introduction to the Analysis, provided an overview as to how baseline conditions are established for purposes of evaluating environmental impacts, with specific wildlife species data and analysis in Section 4.1, Biological Resources. Impacts 4.1.1, 4.1.2, and 4.1.7 in Section 4.1 evaluated potential impacts on common wildlife species, threatened and endangered species, and cumulative impacts on species, respectively. For each impact, the Draft EIR provided substantial evidence that the proposed project would not have an adverse environmental impact on wildlife species populations compared to existing conditions. Potential impacts on ecosystems and biodiversity were evaluated on pages 4.1-33 through 4.1-35 in the Draft EIR. Please see Response 2-10 and Response 2-18.

The commenter did not provide any technical data or analysis that contradicts the conclusions of the Draft EIR or its adequacy in analyzing impacts on wildlife resources. The commenter's reasons for opposing the proposed project are noted and will be before the Monterey County Board of Supervisors during the decision-making process.

Letter 7



9/22/2017

To: Eric Lauritzen, Monterey Co. Ag Commissioner

From: Sharan Lanini, Director of Food Safety PIM, PPO, Dynasty Farms

Re: USDA APHIS-WS IWDM Program & Agreement Renewal (State Clearinghouse No. 2017031003)

This is to endorse the renewal of the USDA APHIS-WS IWDM Program in Monterey County. Pacific International Marketing and our associated companies strongly urge the renewal of this important program in Monterey County.

The PIM Food Safety Program is contingent upon utilizing Best Management Practices including: control of wild animals, maintaining food safe water quality and many other food safety considerations which are mandated in the FSMA Produce Rule, Leafy Greens Marketing Agreement and our own Food Safety Program to assure our products meet the most rigorous food safety standards.

We support the need for an equitable approach to balancing control of wildlife in accordance with the rigorous food safety requirements of the FSMA Produce Rule, industry best practices, such as the LGMA Metrics and maintaining public safety. This is why continuing to have APHIS WS program offer technical advice and assistance to our growers on prevention and control techniques, while educating the public; is a critical ongoing need of the entire agricultural industry in the county.

Our Agricultural industry is a vital contributor to the overall economy of Monterey County and continuing to provide the services of the USDA-APHIS WS IWDM program, is a critical component to help keep our industry and the citizens of Monterey County safe and our agricultural businesses thriving.

Sincerely

Sharan Lanini, Director of Food Safety

831-676-2205

7-1

3.0 COMMENTS AND RESPONSES

Letter 7: Sharan Lanini (Pacific International Marketing)

Response 7-1

This comment addresses the merits of the proposed project. The commenter's support for the proposed project will be before the Monterey County Board of Supervisors during the decision-making process.

Letter 8

JACK MASSERA
PO Box 1426
SALINAS, CALIFORNIA 93902

Bob Roach
Assistant Agricultural Commissioner of Monterey County
1428 Abbott Street
Salinas, CA 93902

October 2, 2017

Re: USDA Wildlife Services Program and Agreement Renewal EIR

Dear Bob,

I have raised sheep in Monterey County for almost 70 years. We have coyotes in our area and they have killed small lambs. While my losses have not been catastrophic to date and I have not used the services of a USDA-Aphis Wildlife Services trapper, I know of farmers who have. The Wildlife Service Program personnel are an excellent resource for livestock producers and have helped farmers in Monterey County to save their operations with specialized expertise and tools. At any time, rogue coyotes in my area (Prunedale) could attack my flock and continue to do so until the sheep are all dead or the coyotes are stopped. In this case, we would require specialized resources and assistance in order to stop losses. This resource is critical for livestock producers.

8-1

I reviewed the Draft Environmental Impact Report (DEIR) of the proposed project and **am in favor of this DEIR and the conclusion of "less than significant harm to local natural resources."** I believe that Monterey County should renew its contract with the USDA-Aphis Wildlife Services when the current contract expires in 2018. The DEIR satisfies the California Environmental Quality Act (CEQA) requirements.

Thank you for the opportunity to review the DEIR and for the work that the Monterey County Agricultural Commission does to help livestock producers with this important issue. Should you have any questions for me, I can be reached at 831-663-5537.

Sincerely,
Jack Massera

3.0 COMMENTS AND RESPONSES

Letter 8: Jack Massera

Response 8-1

This comment addresses the merits of the proposed project.

As a point of clarification, the Draft EIR does not include any statements indicating that the proposed project would result in “less than significant harm to local natural resources.” The Draft EIR evaluated impacts on wildlife species and concluded that biological resources impacts would be less than significant. Please see also Response 4-7.

The commenter’s support for the proposed project and agreement with the Draft EIR’s conclusions will be before the Monterey County Board of Supervisors during the decision-making process.

Letter 9

Joanne Nissen
Route 1 Box 99
Soledad, CA, 93960
September 26, 2017

Robert Roach, Assistant Agricultural Commissioner
1428 Abbott Street
Salinas, CA 93901

Re: USDA Wildlife Services Program and Agreement Renewal EIR

Dear Assistant Commissioner Roach,

After reviewing the Draft Environmental Impact Report (DEIR) and studying the project description and the potential environmental effects of the proposed project, I feel the DEIR has satisfied the California Environmental Quality Act (CEQA) requirements and Monterey County should renew its contract with the USDA-Aphis Wildlife Services when the current contract expires on June 30, 2018.

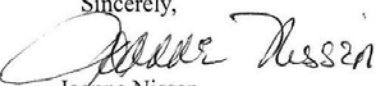
It was quite distressing to read the article in the *Salinas Californian* on August 18, 2017 how Wildlife Services is slaughtering millions of wild animals annually. Such misleading information, especially from folks not living in our area, let alone the state of CA, glosses over the fact that Wildlife Services may very well have saved their lives with work controlling wild birds at airports. The Wildlife Services program solely or assisting CA Fish and Wildlife have removed bears from Salinas and the Monterey Peninsula, captured mountain lions who have taken up residence under house decks, etc.

As a livestock producer in Monterey County, I have needed the services of the USDA Wildlife Services during a very challenging time of constant coyote harassment and killing members of my sheep flock. After over 20 years of no problems with coyotes, sturdy fences, guard llamas and electrified perimeter fences, I began to lose animals. Eventually, I lost 25% of my flock, mostly adult sheep.....years of genetics.....gone! Several of the remaining ewes aborted pregnancies, rebred, but the scheduled lambing was a shambles thus affecting my traditional sale days.

The professionals working for the Wildlife services program have extensive training, well educated, dedicated and conscientious folks. With a variety of tools, they helped my flock back on the road of recovery.

I support this DEIR and the conclusion of "less than significant harm to local natural resources." I look forward to the Monterey County Agricultural Commissioner renewing the contract on July 1, 2018 with the US Department of Agriculture Animal and Plant Health Inspection Service-Wildlife Services.

Thank you for your kind attention.

Sincerely,

Joanne Nissen

9-1

3.0 COMMENTS AND RESPONSES

Letter 9: Joanne Nissen

Response 9-1

The commenter is of the opinion that the Draft EIR has satisfied CEQA requirements and addresses the merits of the proposed project. The commenter's support for the proposed project will be before the Monterey County Board of Supervisors during the decision-making process. As a point of clarification, the Draft EIR does not include any statements indicating that the proposed project would result in "less than significant harm to local natural resources." The Draft EIR evaluated impacts on wildlife species and concluded that biological resources impacts would be less than significant. Please see also Response 4-7.

Letter 10

September 28, 2017

Mr. Roach,

I live on Crazy Horse Cyn. I raise miniature cattle and sheep. I also have a lama to help protect my lambs. I have lost lambs to coyotes in the past. The local county trapper was able to trap the coyote. I have not had a problem since then. That was 5 years ago. Now, I'm seeing coyotes at least once a week. My lama is trying to be a protector, but I have to keep my sheep in a small area for the lama to help. I use to see foxes on my property. For the past 2 years, a fox would have her kittens under my barn floor. However, I have not see a fox for 2 years.

10-1

I am writing to encourage you to please keep the Wildlife Service Program for integrated wildlife in Monterey County.

Sincerely

Gary Stubblefield

3.0 COMMENTS AND RESPONSES

Letter 10: Gary Stubblefield

Response 10-1

This comment addresses the merits of the proposed project. The commenter's support for the proposed project will be before the Monterey County Board of Supervisors during the decision-making process.

Letter 11

Scott Violini
559 Corral de Tierra Rd.
Salinas Ca 93908

October 2, 2017
Mr. Robert Roach
Assistant Agricultural Commissioner
Monterey County Agricultural Commissioner's Office
1428 Abbott St.
Salinas, CA 93901

VIA: Email to roachb@co.monterey.ca.us

RE: USDA-APHIS-WS IWDM Program ad Agreement Renewal
(State Clearinghouse No. 2017031003)

Dear Mr. Roach:

I am a 4th generation beef cattle producer in Monterey County. Our families' income solely relies on income received by marketing live beef cattle at the time of sale. We contribute to the economy of Monterey County and the support the USDA-APHS-WS IWDM Program and Renewal Agreement.

After reading the entire document it is clear that the Wildlife services program has no significant impact on the environment in Monterey County.

To require mitigation to landowners for the use of these services would be another economic burden on them. Coyotes and feral hogs cause significant economic and environmental losses already. Feral Hogs create erosion and water quality problems as well as contribute to the Food Safety of Monterey County Agriculture.

Livestock producers need to know that their elected officials and County Agents are going to support the need for predator control when depredations occur.

Thank you for the opportunity to provide comment and support for the program.

Sincerely,

Scott Violini
Beef Producer

11-1

3.0 COMMENTS AND RESPONSES

Letter 11: Scott Violini

Response 11-1

This comment addresses the merits of the proposed project. The commenter's support for the proposed project and agreement with the less than significant conclusions of the Draft EIR will be before the Monterey County Board of Supervisors during the decision-making process.

Response 11-2

Draft EIR Section 2.0, Project Background, includes information about agricultural losses due to coyote and feral swine, which is consistent with the general information in this comment. As a point of clarification regarding the commenter's opinion that mitigation would be an economic burden on landowners, the Draft EIR did not include any mitigation measures because no significant impacts requiring mitigation were identified.

4.0 REVISIONS TO THE DRAFT EIR

4.1 INTRODUCTION

This section presents minor corrections and revisions made to the Draft EIR initiated by County staff and/or the consultants based on their ongoing review. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. New text is indicated in underline, and text to be deleted is reflected by a strikethrough unless otherwise noted in the introduction preceding the text change. Text changes are presented in the page order in which they appear in the Draft EIR.

4.2 REVISIONS TO THE DRAFT EIR

SECTION 4.1 (BIOLOGICAL RESOURCES)

Page 4.1-13, top of page, is revised as follows:

...Mountain lions may only be taken with a depredation permit. ~~CDFW issues the permit if the loss or damage is confirmed by CDFW staff to have been caused by mountain lions. The permit may be issued to an agency, jurisdiction, or a private party. As established in California Fish and Game Code Section 4802 et seq., CDFW is required, upon request, to issue depredation permits to individuals reporting livestock loss or damage caused by mountain lions, if the loss or damage is confirmed by CDFW staff to have been caused by mountain lion.~~ CDFW does not have a numerical threshold (number of individuals or percentage) for take.

Page 4.1-14, third sentence in the first paragraph under the "Take Data" subheading for bobcat, is revised as follows:

In Monterey County between 1997 and 2016, a total of 48 bobcats were removed under the APHIS-WS IWDM program. In some years, no bobcats were taken. ~~Statewide, over 1,200 bobcats were taken. The county average is less than three individuals per year, or less than 2 percent and the 20 year average statewide is approximately 63 per year (Table C-5 in Appendix C). Figure 4.1-4 shows the number of bobcats depredated in Monterey County compared to statewide take under the APHIS-WS program...~~

Page 4.1-26, under the "California Wildlife Protection Act" subheading, is revised as follows:

The California Wildlife Protection Act of 1990 establishes that mountain lions are a specially protected mammal in California, and that it is unlawful to possess, transport, import, or sell any mountain lion or part or product thereof (including taxidermy mounts). No person may sell or possess any mountain lion, part, or product thereof, unless that person is in possession of a valid, nontransferable permit issued by CDFW. ~~APHIS-WS is required to obtain a depredation permit from CDFW in order to take a mountain lion. The permit is issued to the party experiencing loss or damage. It is not issued to APHIS-WS.~~

Page 4.1-27, under the "Depredation Permits" subheading, is revised as follows:

Under FGC Section 4802, CDFW is required to issue, upon request, depredation permits to individuals reporting livestock loss or damage caused by mountain lions, if the loss or damage is confirmed by CDFW staff to have been caused by mountain lions. The permittee is required to report to CDFW upon the permit's expiration (no take) or fulfillment (take). ~~Depredation by APHIS-WS personnel requires a depredation permit from~~

4.0 REVISIONS TO THE DRAFT EIR

~~CDFW. The permit is issued to the party experiencing loss or damage. It is not issued to APHIS-WS. Upon request from the permittee, APHIS-WS may act on the permittee's behalf to remove the animal. After commercial and recreational bobcat trapping in the state was banned in November 2015, depredation permits were not required for bobcat, but they are required now. Unlike mountain lion, CDFW has discretion in the issuance of a depredation permit for bobcat. The depredation permit is issued to the owner of the resource being damaged, which may either be private party (e.g., a rancher) or a public entity (e.g. city-managed land). The permit is not issued to APHIS-WS, but APHIS-WS may act on the permittee's behalf to remove the animal. FGC Section 4181.1 provides that feral swine take may be implemented immediately by the permit holder when the animal is damaging or destroying, or threatening to immediately damage or destroy, land or property, or the landowner, agent, or employee "encounters" damage or threat.~~

Page 4.1-35, first paragraph under the "Mountain Lion" subheading, is revised as follows:

~~Mountain lions may only be taken with a depredation permit. CDFW issues the permit if the loss or damage is confirmed by CDFW staff to have been caused by mountain lions. The permit may be issued to an agency, jurisdiction, or a private party. As established in California Fish and Game Code Section 4802 et seq., CDFW is required, upon request, to issue depredation permits to individuals reporting livestock loss or damage caused by mountain lions, if the loss or damage is confirmed by CDFW staff to have been caused by mountain lion. CDFW has not established a sustainable harvest level for mountain lion and manages the species for conservation.~~

Page 4.1-40, first full paragraph, is revised as follows:

~~The only targeted mammal species evaluated in this Draft EIR that exhibits migratory behavior is the mountain lion, a species that generally has a fixed range and migrates seasonally in response to prey movements, following migrating herds of mule deer. APHIS-WS would only target a mountain lion for potential take if it is confirmed by APHIS-WS that it is the animal causing loss or damage in response to a request from the depredation permit holder (permittee). It would not target the entire migration corridor. A depredation permit is required from CDFW to take mountain lion, so the number of mountain lions that may be removed is substantially limited and would remain similar to the low levels of take in the county, as shown in Figure 4.1-3 (see also Table C-4 in Appendix C). As such, there is no compelling evidence the IWDM activities performed under the County's agreement with APHIS-WS would substantially or adversely affect mountain lion migratory patterns.~~

Page 4.1-48, first sentence under the "Mountain Lion" subheading, is revised as follows:

~~Cumulative mountain lion impacts would only be the result of CDFW issuance of depredation permits, which may be issued to agencies such as APHIS-WS or private parties. Permits are not issued to APHIS-WS. Upon request from the permittee, APHIS-WS may act on the permittee's behalf to remove the animal. Averaged over a 20-year period...~~

APPENDIX C

Table C-4 (Mountain Lion Take and Population Estimates) in Appendix C is revised to correct a typographical error in the second data entry row in "County Population Estimate" box on the

upper right-hand side of page C-4-1. The density factor should be "individuals per 100 square miles" not "individuals per square mile." This minor typographical error does not affect the calculation for the total population estimate and therefore does not affect the analysis or the Draft EIR conclusions.

Table C-5 (Bobcat Take and Population Estimates) in Appendix C is revised to correct a typographical and calculation error in the last two data entry rows in the "County APHIS Baseline Take" box on the lower right side of page C-5-1. The recalculation results in a lower value than shown in the Draft EIR and does not change the conclusions of the analysis.

The revised tables are provided on the following pages.

4.0 REVISIONS TO THE DRAFT EIR

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TABLE C-4
MOUNTAIN LION TAKE AND POPULATION ESTIMATES

Annual Take Under Monterey County and APHIS-WS Cooperative Agreement		
Year	Monterey County ¹	California ²
1997	1	71
1998	1	91
1999	1	102
2000	1	139
2001	0	121
2002	1	104
2003	1	110
2004	0	133
2005	1	120
2006	1	115
2007	5	136
2008	1	123
2009	6	103
2010	2	108
2011	1	104
2012	1	77
2013	0	59
2014	6	78
2015	0	80
2016	2	74
TOTAL	32	2,048.0
AVE/YR	2	102.4
County % of state take (20-year average)		1.6%

County Population Estimate		
Suitable county land area (square miles) ³	2,632	
Density (individuals per 100 square miles)	5 (low)	7 (high)
CDFW estimate total adults	132 (low)	184 (high)
Mountain Lion Foundation density (individuals/100 square miles)	4.4 (low)	
Mountain Lion Foundation estimate total adults	116	
County lowest population estimate	116	

State Population Estimate	
State lowest population estimate (Mountain Lion Foundation)	3,100

County APHIS Baseline Take	
Average annual take over 20-year period	1.6
% average take per year of County low population estimate	1.4%
% average take per year of state low population estimate	0.05%
% 20-year total take of state lowest population estimate	1.0%

Notes:

1. County take from: USDA (2017a)
2. Statewide take from: USDA (2017b)
3. See Table B-1 in Appendix B in this Draft EIR

C-4-1

4.0 REVISIONS TO THE DRAFT EIR

**TABLE C-5
BOBCAT TAKE AND POPULATION ESTIMATES**

Annual Take Under Monterey County and APHIS-WS Cooperative Agreement		
Year	Monterey County ¹	California ²
1997	19	77
1998	11	99
1999	4	113
2000	0	99
2001	0	72
2002	0	71
2003	0	63
2004	0	67
2005	1	52
2006	0	54
2007	0	61
2008	0	83
2009	0	74
2010	2	59
2011	0	54
2012	6	62
2013	2	35
2014	3	28
2015	0	15
2016	0	18
TOTAL	48	1,256
AVE/YR	2.4	62.8
County % of state take (20-year average)		
3.8%		

County Population Estimate	
Suitable county land area (square miles) ³	2,632
Density (individuals per square mile) ⁴	0.55 (low) 0.58 (high)
Sex ratio	0.5
Female breeding success	0.53
Litter size	2.7
Total adults	1,448 (low) 1,527 (high)
Breeding females	724 (low) 763 (high)
Young at den	1,036 (low) 1,092 (high)
County population before natural mortality (adults + young)	2,483 (low) 2,619 (high)

State Population Estimate	
State low population estimate ⁵	120,441

County APHIS Baseline Take	
Average annual take over 20-year period	2.4
% average take per year of County low population estimate	0.1%
% average take per year of state low population estimate	0.002%
% highest historic take (725 19) of County low population estimate	2.5% 0.8%
% highest historic take (725 19 individuals) of state low population estimate	0.04% 0.02%

Notes:

1. County take from: USDA (2017a)
2. Statewide take from: USDA (2017b)
3. See Table B-1 in Appendix B in this Draft EIR
4. Population dynamics from: CDFG (2004) Appendix 3 (Bobcat Population Model)
5. From: CDFG (2004) Appendix 3 (Bobcat Population Model)

C-5-1

5.0 REFERENCES

The following letters referenced in this Final EIR are included in this section.

- Fris, Michael. 2016. Assistant Regional Director, United States Department of the Interior, Fish and Wildlife Service. Letter to Dennis Orthmeyer, State Director, California Office, US Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, regarding the validity of informal consultations regarding integrated wildlife damage management activities in California. June 14. [Letters dated 2007, 2014, and 2015 referenced in this 2016 letter are also provided.]
- White, Wayne S. 1990. Field Supervisor, US Fish and Wildlife Service. Subject: Euthanization of a San Joaquin Kit Fox Possibly Infected with Rabies at Camp Roberts, San Luis Obispo County, California. Letter to Ron Thompson, State Director, US Department of Agriculture, Animal Damage Control. March 15.

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9102 02 1107

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, California 95825



IN REPLY REFER TO:
FWS/RA/AES

JUN 14 2016

Dennis Orthmeyer
State Director, California Office
Animal and Plant Health Inspection Service, Wildlife Services
U.S. Department of Agriculture
3419A Arden Way
Sacramento, California 95825

Dear Mr. Orthmeyer:

This is in response to your April 29, 2016 request (received by our office on May 11, 2016) for confirmation of the validity of informal consultations regarding integrated wildlife damage management activities in California to protect livestock, property, human health and safety, and natural resources.

We previously concurred with your determination that these activities were not likely to adversely affect certain listed species. The rationales for our concurrences are contained in our letters dated May 8, 2007, April 15, 2014, and December 25, 2015. We acknowledge and appreciate your confirmation that no adverse effects, including incidental take, of federally-listed species has been detected or is otherwise known to have occurred in the course of implementation of the program since these consultations were completed. You have determined that, besides for the gray wolf (see below), there is no new information that would change the effects determinations that were the subject of these previous consultations. We are not aware of any new information that would suggest effects that were not previously considered; therefore, we confirm that our concurrences remain in effect and reinitiation of consultation is not necessary at this time.

Regarding the gray wolf, we look forward to working with you to understand if and how the recent range expansion might factor into your effects determination and our previous concurrence. As discussed at our April 27, 2016 meeting, we recommend that you analyze how or if your activities may affect juvenile wolves.

If you have any questions, please contact Jana Affonso of my staff at (916) 414-6593 or jana_affonso@fws.gov.

Sincerely,


Assistant Regional Director
Ecological Services

cc:
Field Supervisor, Klamath Falls Fish and Wildlife Office
Field Supervisor, Yreka Fish and Wildlife Office
Field Supervisor, Arcata Fish and Wildlife Office



United States Department of the Interior

FISH AND WILDLIFE SERVICE

California/Nevada Operations Office
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825



In Reply Refer to:
CNO-ES

MAY 08 2007

Craig Coolahan
State Director
Animal and Plant Health Inspection Service
Wildlife Services
California State Office
3419 A, Arden Way
Sacramento, CA 95825

Re: Amended Biological Assessment for APHIS-WS activities to protect livestock, property, human health and safety, and natural resources in the State of California

Dear Mr. Coolahan:

Thank you for applying the recent changes and conditions to your program's proposed action in the document entitled: "BIOLOGICAL ASSESSMENT; USDA Animal and Plant Health Inspection Service, California Wildlife Services Program; Part II; Integrated Wildlife Damage Management To Protect Livestock, Property, Human Health and Safety, and Natural Resources in the State of California". As indicated in your letter of February 7, 2007, this biological assessment (dated February 7, 2007) replaces "Part II" of the original (July 8, 2004) version.

This letter serves to designate you and your approved staff as agents of the Service for the purpose of harassing brown pelicans that constitute a demonstrable threat to aviation safety at United States Navy facilities in San Diego County. Authority for this action is provided under 50 CFR 17.21 and is effective upon signature of this letter. Pursuant to 50 CFR 17.21(c)(3)(iv) any employee or agent of the Service, who is designated by his agency for such purposes, may take endangered wildlife without a permit if such action is necessary to remove specimens which constitute a demonstrable but non-immediate threat to human safety. This agent status is conditional upon full compliance with the terms outlined and included in your assessment (Pages 60-61).

In accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and implementing regulations (50 CFR 17.21), this letter also represents a partial response to your original request for formal consultation and/or concurrence with findings under section 7 of the Endangered Species Act and addresses only those activities identified in the assessment dated February 7, 2007.

TAKE PRIDE
IN AMERICA 

We concur with the determinations in your Biological Assessment that the types of activities (employed with the described avoidance and minimization measures) as described will either have no effect or will not adversely affect the following identified endangered or threatened species. No further consultation pursuant to the Endangered Species Act of 1973 is required with the Service for these particular activities (on these particular species), unless new information reveals effects of the proposed action not considered herein.

1. Short-tailed albatross (*Phoebastria (=Diomedea) albatrus*)
2. Coastal California gnatcatcher (*Poliophtila californica californica*)
3. San Clemente loggerhead shrike (*Lanius ludovicianus mearnsi*)
4. San Clemente sage sparrow (*Amphispiza belli clementeae*)
5. Peninsular bighorn sheep (*Ovis canadensis*)
6. Sierra Nevada bighorn sheep (*Ovis canadensis californiana*)
7. Point Arena mountain beaver (*Aplodontia rufa nigra*)
8. San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*)
9. San Joaquin kit fox (*Vulpes macrotis mutica*)
10. Tipton kangaroo rat (*Dipodomys nitratoideus nitratoideus*)
11. Stephen's kangaroo rat (*Dipodomys stephensi* (incl. *D. cascus*))
12. Buena Vista Lake shrew (*Sorex ornatus relictus*)
13. Fresno kangaroo rat (*Dipodomys nitratoideus exilis*)
14. Giant kangaroo rat (*Dipodomys ingens*)
15. Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)
16. Pacific pocket mouse (*Perognathus longimembris pacificus*)
17. California red-legged frog (*Rana aurora draytonii*)
18. California tiger salamander (*Ambystoma californiense*)
19. Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*)
20. Alameda whipsnake (=striped racer) (*Masticophis lateralis euryxanthus*)
21. Blunt-nosed leopard lizard (*Gambelia silus*)
22. Coachella Valley fringe-toed lizard (*Uma inornata*)
23. Giant garter snake (*Thamnophis gigas*)
24. Island night lizard (*Xantusia riverstana*)
25. San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)
26. Tidewater goby (*Eucyclogobius newberryi*)
27. Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*)
28. Conservancy fairy shrimp (*Branchinecta conservatio*)
29. Longhorn fairy shrimp (*Branchinecta longiantenna*)
30. Vernal pool fairy shrimp (*Branchinecta lynchi*)
31. San Diego fairy shrimp (*Branchinecta sandiegonensis*)
32. Riverside fairy shrimp (*Streptocephalus woottoni*)
33. Armargosa vole (*Microtus californicus scirpensis*)
34. Inyo California towhee (*Pipilo crissalis eremophilus*)

We also concur with the determinations for the following species, but wish to clarify that an "active coyote den" is defined as having met the observance standard as described on Page 65: "...meaning coyotes must be positively observed (by sight or sound) by qualified personnel at the time of or immediately prior to treatment":

- 35. **Arroyo (=arroyo southwestern) toad** (*Bufo californicus* (=microscaphus))
- 36. **Desert slender salamander** (*Batrachoseps aridus*)
- 37. **Mountain yellow-legged frog** (*Rana muscosa*)

We also concur that these actions are not likely to adversely affect the **riparian (San Joaquin Valley) woodrat** (*Neotoma fuscipes riparia*) as long as repellent devices are limited to audio repellents (no pyrotechnics) and are not employed directly in riparian areas.

We also concur that the proposed actions are not likely to adversely affect the **riparian brush rabbit** (*Sylvilagus bachmani riparius*), but did not find the map attached to the assessment as indicated. The range map is attached for your use in implementing the avoidance measures as described in your assessment.

We also concur that proposed activities are not likely to adversely affect the **San Francisco garter snake** (*Thamnophis sirtalis tetrataenia*), but would like to clarify that while the application "observation standard" is essential to this determination, it is not part of the 1992 BO "reasonable and prudent measure" as referenced in your document on Page 72.

We would like to thank you for your patience and flexibility throughout this process. We look forward to working with you to revisit "Part I" of your original Biological Assessment regarding APHIS-WS activities to benefit threatened and endangered species. Please contact Vicki Campbell, Deputy Division Chief of our Section 7, Habitat Conservation and Contaminants Division at 916-414-6464 for the formal phase of this consultation.

Sincerely,



Paul Henson
Assistant Manager, Ecological Services

Attachment

cc:

Ventura Fish and Wildlife Office
Sacramento Fish and Wildlife Office
Carlsbad Fish and Wildlife Office



In Response Reply To:
FWS/R8/AFS/08E00000-2014-I-0011

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, California 95825



APR 15 2014

Dennis Orthmeyer
State Director, California Office
Animal and Plant Health Inspection Service, Wildlife Services
U.S. Department of Agriculture
3419A Arden Way
Sacramento, California 95825

Subject: Informal consultation on USDA APHIS California Wildlife Services Program
Part II

Dear Mr. Orthmeyer:

On May 15, 2012, we received your letter requesting initiation of informal consultation on the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) California Wildlife Services (WS) Program Part II, in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). Part II of your program addresses integrated wildlife damage management to protect livestock, property, human health and safety, and natural resources. You determined that the proposed actions are not likely to adversely affect the federally endangered California condor (*Gymnogyps californianus*, condor) and gray wolf (*Canis lupus*, wolf), or the federally threatened desert tortoise (*Gopherus agassizii*, tortoise) and requested our concurrence with that determination. You have also determined that the proposed program is likely to adversely affect the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF), and have separately requested formal consultation to address adverse effects to the SJKF. Effects to SJKF will be addressed in a biological opinion which will be transmitted separately.

Our analysis is based on information provided in the *Biological Assessment, USDA Animal and Plant Health Inspection Service, California Wildlife Services Program Part II: Integrated Wildlife Damage Management to Protect Livestock, Property, Human Health and Safety, and Natural Resources* (BA), dated May 9, 2012; additional information about your program from an earlier version of the BA dated February 7, 2007; and correspondence, notes and information compiled during the course of our consultation on the subject project. This letter supplements our concurrence on this program dated May 8, 2007, which did not include the California condor, gray wolf, or the desert tortoise. This information and other references cited in this letter constitute the best available scientific information on the status and biology of the species considered.

Proposed Action

The APHIS-WS program provides assistance to protect livestock, crops, human health and safety and property from wildlife damage. Assistance may include direct control of problem species causing damage. APHIS-WS's control actions are targeted at coyotes, black bears, mountain lions, bobcats, red fox, gray fox, beavers, muskrats, raccoons, striped and spotted skunks, opossums, weasels, badgers, marmots, feral pigs, feral dogs, feral cats, ravens, blackbirds, crows, starlings, gulls, raptors, pigeons, waterfowl, and other species that cause damage.

APHIS-WS uses the following wildlife damage management techniques in the State of California:

- a. Nonlethal methods: exclusion, harassment (pyrotechnics, propane cannons, vehicle harassment, spotlighting harassment, effegies, dog harassment, bioacoustics), soft catch leghold and foothold traps, cage traps, leg snares, alpha-chloralose, raptor traps, trail and decoy dogs
- b. Lethal non-chemical methods: shooting, neck snares, conibear traps, aerial shooting, nest and egg removal
- c. Lethal chemical methods: DRC-1339 avicide, gas cartridge, sodium pentobarbital, CO², and the M-44 device¹.

California Condor

APHIS-WS has determined that the use of M-44 devices, shooting (both ground-based and aerial), and the use of leg-hold traps and snares may affect, but are not likely to adversely affect the condor in California. We provide our concurrence based on the following reasoning:

- M-44 devices are only authorized for use on Tribal lands in California. Since there are minimal Tribal lands within the current range of the condor in California² and there is only a limited potential for a condor to activate an M-44 device, we have determined that the potential for condors to be adversely affected by APHIS-WS current use of the M-44 device in California is discountable.
- Shooting activities will be compliant with State restrictions on the use of lead shot and ammunition, which will avoid the potential for condors to ingest lead. Any animals that are shot with lead ammunition will be disposed of to a place inaccessible to condors³. Use of aircraft during control activities involving shooting will ensure that aircraft follow

¹ M-44 devices are not currently authorized for use in California except on Tribal lands. Our analysis only addresses use of the M-44 device on Tribal lands and does not address a more widespread potential future use in California.

² In the future, if condors are released onto tribal lands, further coordination may be necessary to address any potential effects.

³ California Assembly Bill No. 711 was passed in October 2013 and bans the use of lead ammunition for hunting wildlife. Implementation will be phased in to be complete no later than June 30, 2019.

standard operation procedures that will avoid airstrikes of condors. Therefore, shooting activities are unlikely to adversely affect condors.

- Padded leghold traps will be used primarily in urban areas for the protection of health and human safety. These traps will not be baited with a carcass which could attract condors. It is extremely unlikely that a condor will come into contact with one of these traps; therefore, any effects are discountable.
- Snares are used to ensnare target animals around the neck. Every attempt will be made to set neck snares along fence lines. However, if a snare is used away from a fence, it will not be set in association with a carcass. During past use of snares, no condor has been captured in an APHIS-WS snare. We do not anticipate that condors will become ensnared in these devices because no carcass which could attract condors will be used. Therefore, the risk of a condor being ensnared is discountable.

Desert Tortoise

APHIS-WS has determined that the use of vehicles in association with control efforts, neck snares, cage traps, and collarum devices snares may affect, but are not likely to adversely affect, the desert tortoise in California. We provide our concurrence based on the following reasoning:

- APHIS-WS vehicles will follow measures to completely avoid potential injury or mortality of tortoise related to vehicle activities. Therefore, vehicle activities are unlikely to adversely affect tortoise.
- Neck snares will primarily be used during periods when tortoise are typically inactive, will be set at a height where tortoise are unlikely to be ensnared, and will be used very infrequently in tortoise habitat. During past use of snares in tortoise habitat, no tortoise has been captured in an APHIS-WS snare. Therefore, we do not anticipate that tortoises will be caught in snares or the use of snares will otherwise adversely affect tortoise.
- Cage traps are likely to be used very infrequently in tortoise habitat and it is unlikely that tortoise would be attracted to or enter into a cage trap. If tortoise do occasionally wander into an open trap, it is unlikely that tortoise would trigger the trip mechanism due to the lighter weight of tortoise relative to the target species. During past use of cage traps in tortoise habitat, no tortoise has been captured in an APHIS-WS cage trap. Therefore, we do not anticipate that tortoises will be caught in cage traps or the use of cage traps will otherwise adversely affect tortoise.
- Because tortoises are not likely to be attracted to collarum devices or activate the mechanism that triggers these devices, it is unlikely that tortoise would be captured within collarum devices. Therefore, we do not anticipate that tortoises will be caught in collarum devices or the use of collarum devices will otherwise adversely affect tortoise.

Gray Wolf

APHIS-WS has determined that the use of gas cartridges, leghold traps, neck and foot snares, beaver traps, and shooting may affect, but are not likely to adversely affect, the gray wolf in California. We provide our concurrence based on the following reasoning:

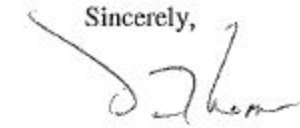
- Confirmation of wolf presence is to be made or corroborated by the U.S. Fish and Wildlife Service (Service) and/or the California Department of Fish and Wildlife (CDFW). APHIS-WS personnel will participate in interagency wolf monitoring programs and will keep its specialists apprised of the status of wolves in California and provide them with the locations of confirmed wolf presence.
- With the passage of Proposition 4 in 1998, all steel jawed leg-hold traps were banned for use in the state of California. Therefore, APHIS-WS will not use these types of traps in California, eliminating this threat to the gray wolf.
- When the presence of a wolf is confirmed by the Service or CDFW, APHIS-WS will rely on information on the wolf's location from one or both agencies, or other agencies and tribes as they may be involved with wolf monitoring in order to take measures to preclude injuring or killing a wolf while conducting predator management operations. The following measures will be used for the activities that may affect wolves in areas occupied by gray wolves:
 - All #3 Soft-Catch traps, which are used in public safety and for the protection of endangered species (primarily Sierra Nevada bighorn sheep, which occurs outside the current range of the gray wolf) will be staked solidly, so that an adult wolf would be expected to pull free from these traps. If soil conditions were such that there was some question about whether the stake might be pulled out of the ground by an adult wolf, then an extended chain with drag will be attached to the trap.
 - Breakaway neck and foot snares can be used in areas known to be occupied by gray wolves. These types of snares are not expected to injure or harm the gray wolves. Non-breakaway neck snares will not be used in areas known to be occupied by gray wolves unless wolves are the target species. While there is no proposal at this time to target wolves, potentially, APHIS-WS may be requested to assist with live or lethal wolf capture for the purposes of fitting radio collars, relocating a wolf, or managing livestock or human safety threats. Wolves would not be targeted without further consultation with the Service.
 - Conibear traps and non-breakaway snares set for beaver shall be set underwater in areas known to be occupied by federally protected gray wolves. We do not expect that gray wolves will come into contact with these devices because they will be underwater.
 - The Service's Pacific Southwest Regional Office and CDFW shall be notified as soon as possible of the finding of any dead or injured gray wolf according to the 2012 coordination plan. Cause of death, injury, or illness, if known, also shall be conveyed to those offices.

Mr. Dennis Orthmeyer

5

Thank you for the efforts by you and your staff to work with the Service on this consultation. If you have additional questions or concerns, feel free to contact Jana Affonso of my staff at 916-414-6593.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Fris", written over a horizontal line.

For: Michael Fris
Assistant Regional Director



In Response Reply To:
081 00000 2016-1-0001

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, California 95825



DEC 15 2015

Dennis Orthmeyer
State Director, California Office
Animal and Plant Health Inspection Service, Wildlife Services
U.S. Department of Agriculture
3419A Arden Way
Sacramento, California 95825

Subject: Informal consultation on USDA APHIS California Wildlife Services Program
Part II for yellow-billed cuckoo

Dear Mr. Orthmeyer:

On May 29, 2015, we received your draft letter requesting initiation of informal consultation on the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) California Wildlife Services (WS) Program Part II, in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). Part II of your program addresses integrated wildlife damage management to protect livestock, property, human health and safety, and natural resources. You determined that the proposed actions are not likely to adversely affect the federally threatened yellow-billed cuckoo (*Coccyzus americanus*; cuckoo) and requested our concurrence with that determination.

Our analysis is based on information provided in the *Amendment To Biological Assessment, USDA Animal and Plant Health Inspection Service, California Wildlife Services Program Part II: Integrated Wildlife Damage Management to Protect Livestock, Property, Human Health and Safety, and Natural Resources in the State of California* (BA), revised September 30, 2015; additional information about your program during a meeting on September 1, 2015; and correspondence, notes and information compiled during the course of our consultation on the subject project. This letter supplements our previous concurrences on this program dated May 8, 2007 and April 14, 2014.

Proposed Action

The APHIS-WS program consists of responding to requests for assistance to protect livestock, crops, human health and safety, and property from wildlife damage on localized tracts of private and public land.

Assistance by APHIS-WS includes providing technical assistance, conducting investigations to identify the species responsible for the damage, and resolving wildlife damage situations through conducting management/operational actions on a temporary basis.

Technical assistance includes advice, recommendations, information, and materials provided by APHIS-WS employees for others to use in managing wildlife damage problems. APHIS-WS normally does not implement these methods but recommends them to producers and property owners or managers. The Service has determined that providing this type of technical assistance does not constitute a federal action subject to section 7 of the Act because APHIS-WS is not authorizing, funding, or carrying out any activities that may affect listed species or critical habitat. Therefore, this technical assistance is not considered further in this document.

Management actions conducted by APHIS-WS are targeted at coyotes, black bears, mountain lions, bobcats, red fox, gray fox, beavers, muskrats, raccoons, striped and spotted skunks, opossums, weasels, badgers, marmots, feral pigs, feral dogs, feral cats, ravens, blackbirds, crows, starlings, gulls, raptors, pigeons, waterfowl, and other species that cause damage. Management control actions conducted by APHIS-WS also include the prevention of bird strike hazards to aircraft throughout the State of California. APHIS-WS uses the following wildlife damage management techniques in California:

- a. Nonlethal methods: exclusion, harassment (mist nets, decoy traps, cage and corral traps, propane exploders, pyrotechnics, vehicle harassment, spotlighting harassment, effigies, dog harassment, bioacoustics), soft catch leghold and foothold traps, cage traps, leg snares, alpha-chloralose, raptor traps, trail and decoy dogs.
- b. Lethal non-chemical methods: aerial shooting, ground shooting, neck snares, conibear traps, aerial shooting, nest and egg removal
- c. Lethal chemical methods: DRC-1339 avicide, gas cartridge, sodium pentobarbital, CO₂, and the M-44 device¹.

The goal of APHIS-WS management control actions is to reduce or eliminate further damage. None of the proposed activities will result in habitat modification. Previously, the range of operational wildlife damage management activities conducted by APHIS-WS was on less than 3.1 to 10.3 percent of the area of lands under which APHIS-WS had cooperative agreements. APHIS-WS does not anticipate substantial changes (either increase or decrease) in the amount of acreage where activities are conducted.

All management control actions and techniques used by APHIS-WS throughout the State of California are being considered in this consultation. The primary potential for impacts on cuckoo are associated with accidental injury or death due to implementation of operational

¹ M-44 devices are not currently authorized for use in California except on Tribal lands. Our analysis only addresses use of the M-44 device on Tribal lands and does not address a more widespread potential future use in California.

management control actions. Only a limited amount of wildlife damage management activities are conducted by APHIS-WS in known cuckoo breeding areas.

Yellow-billed cuckoo

APHIS-WS has determined that the use of mist nets, decoy traps, cage and corral traps, aerial shooting, ground shooting, propane exploders, pyrotechnics, other scare devices, trained dogs, and site access may affect, but are not likely to adversely affect, the cuckoo in California. A short description of each of these activities is provided below.

- **Mist nets:** Mist nets are commonly used for capturing small-sized birds but can be used to capture larger birds, such as ducks and smaller raptors. Mist nets are rarely used by APHIS-WS and primarily used indoors for the capture of invasive species for the protection of public health and safety. It is unlikely that mist nets will be used where cuckoo occur.
- **Decoy traps:** Live decoy birds of the same species that are being targeted are usually placed in the trap with sufficient food and water and shelter to assure their survival. Perches are configured in the trap to allow birds to roost above the ground and in a more natural position. Active decoy traps are monitored daily to remove and euthanize excess birds and to replenish bait and water. Decoy traps are checked daily which would allow for the release of any non-target animals. Decoy traps will not be used in contiguous riparian habitat covering 50 or more acres in occupied habitat to avoid any take of cuckoo.
- **Cage and Corral Traps:** The most common traps used in the current program are cage traps used to capture animals alive and are often used where many lethal tools would be too hazardous. They are most often used in the urban environment for raccoon, skunk and opossum. Corral traps and drive-traps are often used for feral swine. APHIS-WS uses traps on an as-needed basis and sets the traps to avoid resource damage within areas of sensitive biological, cultural, or watershed resources. APHIS-WS adheres to all Federal, State and local laws and rules set forth in cooperative MOUs with land management agencies when using traps.
- **Aerial shooting:** Aerial shooting is primarily used for the protection of livestock from coyote depredation. Shotguns are the primary firearm used for aerial shooting to remove target predators and are only effective in open areas where brush and trees do not limit visibility. Thus, the presence of vegetation precludes aerial hunting as a technique in contiguous riparian habitat. In addition, aerial shooting is target selective, therefore such activity poses no direct threat of injury to cuckoo. Also, aerial shooting generally occurs during the winter and early spring months prior to arrival of migrating cuckoo, further limiting their exposure to WS aerial operations. Since riparian habitat precludes aerial hunting, flights over riparian areas are infrequent.
- **Ground shooting:** Ground shooting is used in conjunction with calling, stalking, and night vision and is used for the removal of individual offending animals that cause damage. Such activities may occur in areas that may be occupied by cuckoo. However, shooting would have no direct lethal effect on cuckoo because positive target species identification is made before an animal is removed. APHIS-WS use of ground shooting

has been and is expected to continue to be target selective, and would not pose a lethal risk to yellow-billed cuckoo. Gunshot noise disturbance is expected to be minimal since APHIS-WS uses suppressed firearms which produce insignificant sound reports.

- **Propane exploders:** Propane exploders are used by APHIS-WS on a limited basis; mostly at airports for the protection of public health and safety. The use of propane exploders outside airport environments is rare and localized. Propane exploders pose no direct physical threat to cuckoo. Sound disturbance from propane cannons is expected to be masked by the greater frequency and duration of aircraft noise.
- **Pyrotechnics:** Pyrotechnics are primarily used by APHIS-WS at airports and on a limited geographical basis outside of airport environments for the protection of public health and safety. The use of pyrotechnics outside airport environments is rare and localized. Pyrotechnics may pose a fire danger in vegetated areas and would not be used in contiguous riparian habitat. APHIS-WS use of pyrotechnics poses no direct physical threat to cuckoo.
- **Other scare devices:** Other scare devices include the following: alarm or distress calls, predator effigies, raptor models, and drones. These devices are primarily used by APHIS-WS on a limited basis at airports for the protection of public health and safety and pose no direct physical or lethal threat to cuckoo. Their use is extremely localized outside airport environments. Some scaring devices can produce both visual and audible effects that may be observed and/or heard from a distance. Disturbance from sound reports of these scare devices are infrequent of short duration. Any use outside airport environments would not be in contiguous riparian habitat.
- **Trained dogs:** Trained dogs may be used to track or decoy predators, primarily mountain lions or bears. It is unlikely that bears would co-occur with yellow-billed cuckoo. Although this method could be used where mountain lions and yellow-billed cuckoo co-occur, the use of trained dogs would be infrequent, particularly during the nesting season when yellow-billed cuckoos are the most sensitive to noise and physical disturbance. Most nests occur at least six feet off the ground, which minimizes the chances of physical disturbance of a nest by a dog traversing through the habitat.
- **Site Access:** Site access by APHIS-WS includes the potential to use 4-wheel drive vehicles, ATVs, motorcycles, snow machines, aircraft or horses in occupied cuckoo habitat primarily in agricultural areas at the request of cooperators. Site access would be limited to existing roads and trails, as much as feasible, and cross country vehicle travel is prohibited in wilderness areas, wilderness study areas, and other special management areas. Agriculture areas are frequented by farmers and equipment, where vehicle travel is not uncommon. APHIS-WS activity in these areas would not be substantially more disruptive than the agricultural activity in the area.

We provide our concurrence based on the following reasoning: 1) APHIS-WS conducts few wildlife damage management activities in known cuckoo breeding areas, and does not conduct activities in Glenn or Tehama counties where much of the remaining yellow-billed cuckoo habitat occurs in California; 2) most activities would not occur within contiguous riparian habitat covering 50 or more acres, and some activities are further restricted to all contiguous riparian habitat; 3) due to the timing of cuckoo migration, some APHIS-WS activities do not occur when cuckoos are present; 4) most APHIS-WS activities are of short duration; 5) APHIS-WS

personnel's need to access riparian areas during nesting season is minimal; 6) several APHIS-WS activities occur on airport property where cuckoo breeding is not known to occur; 7) all APHIS-WS site access activities would be in compliance with all Federal, State and local laws, as well as in compliance with the terms and conditions set forth in APHIS-WS MOUs with land management agencies, and in other agreements with land owners; and 9) none of the proposed activities will result in habitat modification.

Thank you for the efforts by you and your staff to work with the Service on this consultation. If you have additional questions or concerns, feel free to contact Jana Affonso of my staff at 916-414-6593.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Fris".

Michael Fris
Assistant Regional Director



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Fish and Wildlife Enhancement
Sacramento Field Office
2800 Cottage Way, Room E-1823
Sacramento, California 95825-184

In Reply Refer To:
1-1-90-I-513

March 15, 1990

Mr. Ron Thompson, State Director
U.S. Department of Agriculture
Animal Damage Control
2800 Cottage Way, Room E-1831
Sacramento, California 95825

FILE COPY

Subject: Euthanization of a San Joaquin Kit Fox Possibly Infected With Rabies at Camp Roberts, San Luis Obispo County, California


Dear Mr. Thompson:

This letter confirms that Animal Damage Control (ADC) acted with the knowledge and concurrence of the U.S. Fish and Wildlife Service when Mr. Randy Parker, ADC agent for northern San Luis Obispo County, euthanized an adult male San Joaquin kit fox, a federally endangered species, by rifle shot at Camp Roberts, San Luis Obispo County, California, on February 22, 1990. This action was taken because the animal had been exposed to and was a suspected carrier of the rabies virus.

The euthanization of this animal was conducted in accordance with CFR § 17.21(c)(3) and 17.21(c)(3)(iv), which state, "Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to...[r]emove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area."

I have enclosed a full report of this incident prepared by Bill Lehman of my staff. If you have questions or further information about this matter, please contact Mr. Lehman at (916) 978-4866 or FTS 460-4866. Thank you for your concern for endangered species.

Sincerely,


Wayne White
Field Supervisor

Mr. Ron Thompson

2

cc: Mr. Ron Schlorff, California Department of Fish and Game, 1516 Ninth
Street, Sacramento, California 95814
Mr. Scott Pearson, Senior Resident Agent, U.S. Fish and Wildlife Service,
Division of Law Enforcement, 2800 Cottage Way, Room E-1924,
Sacramento, California 95825
Dr. Tom O'Farrell, EG&G Energy Measurements, Inc., 611 Avenue H, Boulder
City, Nevada 89005