

ATTACHMENT A RESOLUTION

Before the Board of Supervisors in and for the County of Monterey, State of California

In the matter of:

**United States Department of Agriculture (USDA) Animal and Plant Health Inspection
Service Integrated Wildlife Damage Management (APHIS IWDM) PROGRAM AND
AGREEMENT RENEWAL**

RESOLUTION NO. :

Resolution by the Monterey County Board of
Supervisors:

Certify the Final Environmental Impact
Report; approve the USDA APHIS-WS
IWDM Program and Agreement
Renewal; and approve annual Financial
Plan

The Cooperative Services Agreement between the County and the USDA-APHIS-Wildlife Services for July 1, 2018 through June 30, 2023, the annual Financial Plan for fiscal year 2018-19, and the Final EIR on the project came on for hearing before the Board of Supervisors of the County of Monterey on March 13, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

- FINDING:** **PROJECT**– The US Department of Agriculture (USDA) Animal and Plant Health Inspection Service - Wildlife Services (APHIS-WS) has an existing Integrated Wildlife Damage Management (IWDM) program that it implements throughout California and the rest of the United States. The project is the renewal of a Cooperative Services Agreement (CSA) between the County and the USDA-APHIS-Wildlife Services for a five-year period beginning on or about July 1, 2018, and annual financial plans pursuant to the CSA, to maintain an Integrated Wildlife Damage Management program in Monterey County for another five years.

The IWDM program is intended to protect residents, property, livestock, crops, and natural resources from damage caused by predators and other wildlife. APHIS-WS implements the IWDM program to selectively remove individual animals that are nonnative or cause damage to property, infrastructure, agricultural or livestock commodities, and public health and safety.

The Monterey County Agricultural Commissioner's Office and APHIS-WS have cooperatively conducted wildlife damage management activities in some capacity in the county since as early as 1923. In that time, Monterey County has alternated between participating in a cooperative agreement with APHIS-WS and independently operating its own wildlife damage management program. Since the 1990s, however, APHIS-WS has been providing services to the County under a cost-share agreement, except that the County did not approve a financial plan for 2017-18.

The current five-year Cooperative Services Agreement between the County and APHIS-WS expires June 30, 2018. The renewed five-year Cooperative Services Agreement would authorize 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. As set forth in the current Cooperative Services Agreement, the County would not be involved in any of the wildlife damage management activities. 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. All of the direct control methods that could be used by APHIS WS field specialists under the CSA 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.

Monterey County approved a prior five-year Cooperative Services Agreement in 2013. In April 2016, Monterey County approved the annual plan for fiscal year 2016-17 under the 2013-18 CSA (the fourth year of the existing five-year CSA), finding that the approval of that annual plan was ministerial and hence exempt under the California Environmental Quality Act. Subsequently, in 2016, the Animal Legal Defense Fund, Animal Welfare Institute, Natural Resources Defense Council, Project Coyote/Earth Island Institute, Center for Biological Diversity, Mountain Lion Foundation, and Marlene Attell (a county resident) collectively filed a legal challenge in the Superior Court of California, County of Monterey (Court) to the County's use of the exemption and approval of the annual plan. That litigation is pending.

EVIDENCE: Documents on file in the Agricultural Commissioner's office, located at 1428 Abbott Street, in Salinas, California, and/or the Clerk of the Board of Supervisors, located at 168 West Alisal Street, Salinas California.

2. **FINDING:** **CEQA (EIR)** – The County has prepared an Environmental Impact Report (EIR) on the USDA APHIS-WS IWDM Program and Agreement Renewal. (State Clearinghouse No. 2017031003). The Board finds that the Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA); the Final EIR has been presented to the County of Monterey Board of Supervisors; the Board of Supervisors has reviewed and considered the information contained in the EIR prior to approving the project; and the EIR reflects the County of Monterey's independent judgment and analysis.

- EVIDENCE:**
- a) The County contracted with a consultant in April 2016 to prepare an Initial Study to assess the potential environmental effects of continuing the program. The Initial Study was completed in February 2017. CEQA requires preparation of an environmental impact report if there is substantial evidence in light of the whole record supporting a fair argument that the project may have a significant effect on the environment. The Initial Study indicated that impacts of the project would be less than significant or there would be no impact for the multiple topics included in Appendix G of the CEQA Guidelines. Although the study found no significant environmental effects under CEQA review standards, the Agricultural Commissioner's office decided to prepare an EIR voluntarily, though not mandated by CEQA, as an informational document to assist the Board of Supervisors in its decision-making process.
 - b) The EIR for the USDA APHIS-WS IWDM Program and Agreement Renewal was prepared in accordance with CEQA. The Notice of Preparation for the Draft EIR, which included the February 2017 Initial Study, was published on March 2, 2017 for a 30-day comment period. The Monterey County Agricultural Commissioner's office held a duly noticed public scoping meeting on March 16, 2017. The NOP and comments received on the NOP during the public review period are included in Appendix A of the Draft EIR. .
 - c) The Draft EIR for the project was circulated for public review from August 17, 2017 through October 3, 2017. The Draft EIR was submitted to the State Clearinghouse for distribution to state agencies. A Notice of Availability (NOA) of the Draft EIR was provided to county and local agencies, incorporated cities, and interested individuals. Copies of the Draft EIR were also provided to county libraries. The NOA was published in the *Monterey Herald* and *Monterey Weekly* newspapers.
 - d) Public review of the Draft EIR generated comments from the public and organizations. No federal or state resource agencies submitted comments on the Draft EIR. The Final EIR was released to the public on March 2, 2018. Together, the Draft EIR, the comments of persons and organizations commenting on the Draft EIR, the

responses to the comments, and the 2017 errata to correct minor typographical errors in the Draft EIR constitute the Final Environmental Impact Report (Final EIR) on the project.

- a) On March 2, 2018, pursuant to CEQA Guidelines Section 15088(b), the County notified those relevant public agencies that a Final EIR was available for review.
- b) Because no significant impacts requiring mitigation measures were identified in the EIR, no Mitigation Monitoring and Reporting Plan (MMRP) was required or prepared.
- c) Evidence that has been received and considered includes: the EIR and appendices, staff report that reflects the County's independent judgment, and information and testimony presented during public meetings as applicable. These documents are on file in the Agricultural Commissioner's office, located at 1428 Abbott Street, in Salinas, California, and/or the Clerk of the Board of Supervisors' office, located at 168 West Alisal Street, Salinas, California.
- d) State Fish and Wildlife Fee The project required review by Fish and Wildlife and a fee will be paid once the Notice of Determination is completed.
- e) The Agricultural Commissioner's Office in Monterey County, located at 1428 Abbott Street in Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Final EIR is based.

3. **FINDING:** **ENVIRONMENTAL IMPACTS.** The Board of Supervisors finds that the project would not result in any significant environmental effects or potentially significant environmental effects, and no mitigation measures are required.

- EVIDENCE:**
- a) The County finds that the project's impacts are less than significant or that the project has no impact with respect to the following topics included in Appendix G of the CEQA Guidelines: aesthetics, agricultural resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise, population and housing, public services, recreation, traffic and transportation, tribal cultural resources, and utilities and service systems. In addition, energy impacts were evaluated in accordance with Appendix F of the CEQA Guidelines and were determined to result in no impact.
 - b) Biological Resources. This issue area was the focus of the EIR, given the nature of the program, and based upon the analysis in the Initial Study and comments received during the NOP scoping process. Under the existing agreement with APHIS-WS, and historically, specific mammal and avian species have been targeted for wildlife damage control by lethal methods, referred to as "intentional take." Intentional take may be performed to protect livestock, threatened and endangered species, public health and safety, and property.

Coyotes, bobcats, mountain lions, feral swine, raccoons, and striped skunks are the primary mammal species for which APHIS-WS provided the most technical assistance over the last 20 years, and some are also the mammal species with the highest number of take on regular basis. The EIR focused on take data for each of the six species listed above and information about species characteristics and population were provided under the “Target Mammal Species Characteristics and Population Estimates”. This data was used to assess any potential impacts to various species that may be affected by the program. Of note is the requirement for a depredation permit issued by the California Department of Fish and Wildlife (CDFW) under California Fish and Game Code Sections 4800-4809 to take mountain lion, bobcat, and feral swine.

The impact analysis in the EIR was completed in the context of evaluating potential impacts on target species populations resulting from take via lethal methods, and historical technical assistance data, combined with 20-year baseline take data. The EIR based the analysis of impacts on the assumption that if County renews its CSA agreement with APHIS-WS for wildlife damage management, the maximum number of hours and scope would remain substantially the same as previous years.

Historically, as illustrated by the data in the EIR, the total number of target mammal species removals has varied annually. In the last five years, there has been an overall decrease in the total number taken each year. The number of target animals that would be removed by lethal methods as a result of continuing the program would be a function of the number of requests and decisions made by APHIS-WS staff in the field using the APHIS-WS decision model. The EIR analysis was based on the assumption that a similar level of take would occur during the five-year CSA, with the potential that some years may experience greater take than others, depending on the resource being protected and the type and number of species causing problems, but the take would generally be within the historic range because no changes to the program are proposed.

The EIR also addressed potential impacts to non-target species. Few, if any, nontarget effects would be expected to result from the project. Historically, the number of nontarget species take has been very small and thus would not create an impact rising to the level of significance needing mitigation.

An overview of the six target species’ analysis in the EIR is described below.

Coyotes. The most common animal removed was the coyote, which is an unprotected nongame animal and may be taken year-round for any reason. CDFW does not require depredation permits or hunting licenses for coyotes. Averaged over the 20-year baseline period, take

in Monterey County under the APHIS-WS IWDM program is approximately 4.3 percent of the county low estimate population for the 1997–2016 time period. For the highest historic take (725 individuals) during that same period, the percentage of the county low population estimate is 10 percent. Relative to the statewide low population estimate, the coyote take in the county is 0.07 percent for the 20-year average and 0.2 percent for the highest take. These values are substantially lower than 60 percent threshold needed to maintain population viability. This suggests that the APHIS-WS activities under its existing CSA with the county under baseline conditions have not had a substantial adverse effect on coyote population in the county to date. No changes to the APHIS-WS activities are proposed that would result in a substantial increase in coyote take. For these reasons, there would be little, if any, change in coyote take compared to baseline conditions. Because the proposed project would not reduce the number or restrict the range of coyote, thereby causing the species or community to drop below self-sustaining levels under existing plus project conditions, the impact was determined to be less than significant.

Bobcats. 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. The county average is less than three individuals per year, or less than 0.1 percent of the county low population estimate. Bobcat take in Monterey County over the 20-year period, on average, accounts for approximately 3.8 percent of statewide take. CDFW has established a sustainable harvest level for bobcats at 20 percent of the adult low population, which is approximately 14,400 bobcats per year. Bobcat take in the county is well below the sustainable harvest level. However, even if the number of requests for wildlife damage management resulting in bobcat take were to increase to the highest take in the 20-year baseline period (19 individuals), this still would not be substantial because it would be well under CDFW's harvest threshold. Because the proposed project would not reduce the number or restrict the range of bobcat, thereby causing the species or community to drop below self-sustaining levels compared to baseline conditions, the EIR determined that the impact would be less than significant.

Mountain Lions. Between 1997 and 2016, a total of 32 mountain lions were removed under the APHIS-WS IWDM program in the county. In some years, no mountain lions were taken. The county average was less than two individuals per year. Mountain lions may only be taken with a depredation permit, which is issued by CDFW if the loss or damage is confirmed by CDFW staff to have been caused by mountain lions. Under California Fish and Game Code Section 4802, CDFW is required to issue, upon request, depredation permits to individuals reporting livestock loss or damage caused by mountain lions. The permit is issued to the party experiencing loss or damage (the "permittee"). APHIS-WS may act on the permittee's behalf to

remove the animal. CDFW does not have a numerical threshold (number of individuals or percentage) for take. CDFW has not established a sustainable take level for mountain lion, and manages the species for conservation. Because CDFW manages the species via depredation permits, and take is on the order of 1 percent of the population, the proposed renewal would not reduce the number or restrict the range of mountain lion, thereby causing the species or community to drop below self-sustaining levels compared to baseline, and impacts would not be significant.

Feral Swine. In Monterey County between 1997 and 2016, a total of 400 feral swine were removed under the APHIS-WS IWDM program, for an average of approximately 20 per year. A depredation permit is required, but California Fish and Game Code Section 4181.1 provides that 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. The permit holder is required to report take to CDFW. Sport hunters may also take feral pig.

The number of requests for assistance resulting in the need for feral swine removal is expected to continue in the county at levels equal to or greater historic levels. Feral swine are highly prolific and not managed for species protection. Ongoing take would not cause the species or community to drop below self-sustaining levels under existing plus project conditions, and the impact would be less than significant. While correcting habitat damage caused by feral swine is not an objective of IWDM, nor is the County or APHIS-WS the agencies responsible for such activities, removal of feral swine may provide a benefit to sensitive habitat and protected species.

Raccoons. In Monterey County between 1997 and 2016, a total of 88 raccoons were removed under the APHIS-WS IWDM program, for an average of approximately 5 per year. Raccoon take in Monterey County over the 20-year period, on average, accounts for less than approximately 0.2 percent of statewide take. CDFW reports the sustainable harvest level for raccoon is 49 percent. Raccoon take in the county is well below the harvest level. The proposed project would not reduce the number or restrict the range of raccoon, thereby causing the species or community to drop below self-sustaining levels compared to baseline conditions, the impact would be less than significant.

Striped Skunk. In Monterey County between 1997 and 2016, a total of 50 striped skunks were removed under the APHIS-WS IWDM program, for an average of less than three per year. Striped skunk take in Monterey County over the 20-year period, on average, accounts for less than approximately 0.06 percent of statewide take. Averaged over the 20-year period, take in Monterey County under the

APHIS-WS IWDM program is less than 1 percent of the county low estimate population for the period 1997 to 2016. The CDFW has not identified a harvest threshold for striped skunk. Because the proposed project would not reduce the number or restrict the range of striped skunk, thereby causing the species or community to drop below self-sustaining levels compared to baseline conditions, the EIR determined that the impact would be less than significant.

- c) Other mammals. Historically, take of other small mammals has been limited and infrequent. Most bird take has been performed for natural resources protection or through separate contracts with private parties and not funded by the county's CSA with APHIS-WS. The EIR assumed that minimal take would continue to occur, and it would be similar to historical levels. APHIS-WS uses nonlethal deterrent methods such as pyrotechnics, although this is uncommon and primarily focused on bird damage to crops. Therefore, there is the potential APHIS-WS could use nonlethal deterrent methods such as pyrotechnics for bird control in the county. However, such use would be determined on a case-by-case basis by the field specialist to ensure that nests and eggs of special-status avian species and birds protected under the Migratory Bird Treaty Act (MBTA) would not be affected.

Additionally, the proposed project would not result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS; nor would it reduce the number or restrict the range of an endangered, rare, or threatened plant or animal species, thereby causing the protected species to drop below self-sustaining levels compared to baseline conditions.

The wildlife damage management activities targeting specific animals under the renewed agreement would not reduce species populations to levels that would not be self-sustaining or reduce biodiversity, nor eliminate or reduce migration corridors. The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites compared to baseline conditions.

- d) The cumulative impact of the project on biological resources is less than significant. The cumulative impact analysis evaluated the combined effects of the proposed project with other projects that would have the potential to cause related effects on wildlife species, which comprises growth and development under the Monterey County General Plan, trapping by licensed trappers, hunting that requires a permit or license from CDFW, other APHIS-WS activities in the county that are not funded by the county, and APHIS-WS services districtwide and statewide. Activities such as poaching or killing wildlife without required permits or licenses from CDFW and

which may also be a violation of Monterey County Code Section 8.42.014 do not require analysis in an EIR and, as such, are not included in the cumulative analysis. As described in the DEIR (Impact 4.1.7), the renewal of the APHIS-WS IWDM program would not make a cumulatively considerable contribution to cumulative impacts on wildlife resources. Taken together, the impacts, both individual and cumulative, of the proposed CSA renewal are not significant and require no mitigation, based on the evidence in the EIR and the administrative record as a whole.

The proposed project would not contribute to the significant and unavoidable biological resources impacts identified in the General Plan EIR because it would not involve land development or habitat modification. The EIR cumulative take for the six species evaluated in detail in the EIR (coyote, mountain lion, bobcat, feral swine, raccoon, and striped skunk) was estimated through a review of hunting and trapping data, depredation permit data, estimates developed by CDFW for determining cumulative effects of its hunting and trapping regulations (harvest), review of estimates developed by APHIS-WS for its activities at the district level and statewide, and applying a factor of 33 percent additional take to account for take by private parties and all other known sources of mortality. For coyote, cumulative take (county plus state) would be 15 percent, which is substantially below the CDFW threshold for population sustainability. The County's contribution to that would be 2.9 percent, which is not cumulatively considerable. Mountain lion and bobcat population would continue to be regulated through CDFW's depredation permit process, and given low levels of removals, the County's contribution would not be cumulatively considerable. Feral swine is a nonnative, invasive species that is being managed at the federal and state level to stabilize and reduce the population in an effort to control damage caused by the animal. As such, cumulative impacts are inconsequential. Cumulative take of raccoon and striped skunks is negligible.

4. **FINDING: ALTERNATIVES TO THE PROPOSED PROJECT** – Specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR.

The EIR evaluated a reasonable range of alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. Beyond the CEQA-required no project alternative, the CEQA Guidelines establish that several factors need to be considered in determining the range of alternatives to be analyzed in an EIR and the level of analytical detail that should be provided for each alternative. These factors include (1) the nature of the significant impacts of the proposed project; (2) the ability of alternatives to avoid or lessen the significant impacts associated with the project; (3) the ability of the alternatives to achieve the objectives of the project; and (4) the feasibility of the alternatives.

The Draft EIR identified the following objectives of the proposed project:

- 1) Provide an administrative mechanism for the private citizens and property owners in Monterey County to continue to request assistance for wildlife damage management services.
- 2) Facilitate access to on-site educational services (e.g., informational materials, advice, and demonstrations) regarding wildlife damage management specific to conditions in Monterey County.
- 3) Implement an integrated approach to wildlife damage management that allows qualified professionals to consider the range of options available for wildlife damage management that take into account the species responsible, magnitude of the problem, environmental conditions, legal restrictions such as listed species and permitting, and other considerations to formulate and implement appropriate strategies for the situation.
- 4) Have a process through which professionals who specialize in wildlife damage management can continue to provide technical assistance to resource owners about the variety of nonlethal methods that can be used to resolve problems (e.g., animal husbandry practices, guard animals, fencing, hazing) and where it is appropriate for resource owners to resolve the problem themselves.
- 5) Ensure that methods and techniques for lethal control to handle wildlife damage situations that may be difficult or dangerous for the public to use are implemented by professionals who are specially trained in such methods and who provide those services in a legal manner that is protective of human health and the environment.
- 6) Provide a transparent process for monitoring and documenting wildlife damage management activities to ensure accurate reporting of the types of wildlife damage and number of wildlife species removed by lethal methods, and to help assess the impacts of wildlife damage and associated wildlife damage management activities in the county.
- 7) Continue to provide wildlife damage management at similar funding levels and ensure County funds for wildlife damage management are used in a fiscally sound manner.
- 8) Ensure that processes remain in place for the protection of public safety.

EVIDENCE: a) The analysis in the Draft and Final EIR provides substantial evidence that the renewal of the agreement with APHIS-WS would not result in significant impacts on federal or state special-status species or species of special concern in California, interfere substantially with wildlife movement or established wildlife corridors, substantially reduce animal populations to levels that would not be sustainable compared to baseline conditions, or result in a contribution to cumulative impacts that would be cumulatively considerable. Because no significant impacts are identified, analysis of a reasonable range of alternatives that would reduce or avoid significant impacts,

other than the CEQA-required no project alternative, is not required by CEQA, and the County is not required to make findings under CEQA Guidelines section 15091(a)(3) regarding infeasibility of alternatives. However, during the NOP public scoping process, the County received comments that alternatives to lethal control should be evaluated in the Draft EIR. Accordingly, the EIR evaluated a range of alternatives, and this resolution provides evidence and explanation as for finding that each of the alternatives to the project is infeasible.

- b) Because the decision to be made by the County is whether to approve an agreement for wildlife damage management services that the County would fund but would not directly provide, there are five “no project” alternatives, which are independently evaluated. This is a departure from a typical EIR alternatives analysis that considers only one no project alternative. However, this approach is a function of the nature of the project: to approve or not approve an agreement with APHIS-WS for wildlife damage management comprising technical assistance and direct control measures that could result in removing animals by lethal means. To be responsive to comments received during scoping and to aid the decision-making process, the Draft EIR evaluated five alternatives to the proposed project: (1) the County does not renew the contract and takes no further action to provide wildlife damage management services in the county (No Project/No Action); (2) the County does not renew the agreement with APHIS-WS but provides the entire range of services itself (including lethal methods); (3) the County does not renew the agreement and provides the services itself, but would not use lethal methods; (4) the County does not renew the agreement, and would implement a cost-share reimbursement program that requires resource owners to use nonlethal methods; and (5) the County does not renew the agreement, and develops and implements an indemnity program for agricultural resources and property damage.

Thus, for each of four other “no project” alternatives, the Draft EIR analysis describes what could be reasonably expected to occur in the foreseeable future and the practical result of non-approval if the County does not renew the agreement with APHIS-WS. This approach is consistent with CEQA Guidelines Section 15126.6. For ease of reference, only the name of the alternative is used (without reference to “no project”).

- c) Alternative 1: The proposed project under consideration is renewal of the County’s existing contract with APHIS-WS. Under this alternative, Monterey County would not renew its agreement with APHIS-WS for wildlife damage management services, and consequently APHIS-WS would not provide County-funded technical assistance of any kind (including direct control lethal and/or nonlethal methods) to the county, its residents, or resource owners. APHIS-WS may conduct wildlife damage management in the county for

threatened and endangered species protection, but no County funds would be used for this purpose. The County also would not provide any wildlife damage management services.

If the contract with APHIS-WS is not renewed, and the County does not provide any services similar to those provided by APHIS-WS, it is reasonably expected that wildlife causing damage or loss will be killed either by individual resource or property owners or by private parties hired by those individuals. Compared to the proposed project, this alternative has the potential to result in additional take of certain target species, particularly coyote, and it is unknown whether additional take of other species could occur that would be more or less than that of the proposed project. In addition, under this alternative, the services provided by APHIS-WS, e.g., investigating and responding to requests for assistance, recommending nonlethal control methods to resource owners to resolve problems, (and where appropriate, for resource owners to resolve the problem themselves) would not occur, and the County would also not provide such services. Therefore, there is no substantial evidence that this alternative would avoid or substantially reduce the less than significant biological resources impacts of the proposed project. This alternative is infeasible because it would not achieve the project objectives.

- d) Alternative 2: Under this alternative, Monterey County would not renew its agreement with APHIS-WS. Instead, the County would provide wildlife damage management services that would have otherwise been directed to APHIS-WS. Since these services would be provided under the direction of the County, to implement this alternative, the County would need to have qualified staff and/or enter into subcontracts with qualified professionals to provide the services formerly delivered by APHIS-WS field specialists. As with the existing agreement, the funded services would be used for addressing agricultural losses, public health and safety, and property damage, and would include direct control (nonlethal and lethal methods). Wildlife damage management to protect threatened and endangered species or California species of special concern would not be performed, identical to the existing agreement. The less than significant biological resources impacts would be the same as those identified for the existing program, and it would not avoid or substantially reduce any of the proposed project's less than significant impacts. While project objectives would be met, it would not be economically feasible to implement such a program given the cost-sharing currently being implemented under the existing IWDM program. The Board of Supervisors has approved a certain level of funding for the cost-share program. The County does not have staff with similar qualifications as APHIS-WS field specialists and their supervisors. In order for the County to assume responsibility for wildlife damage management, it would either have to hire qualified specialists who already have the appropriate training and experience,

train its own staff, or subcontract the work to similarly qualified persons. The level of expertise provided by APHIS-WS is necessary to ensure that control methods are biologically sound, environmentally safe, and legal. A private or commercial trapper or hunter would not have this expertise.

Given the additional funding that would be needed to hire and train new personnel and acquire vehicles, equipment, and materials, along with having to fully fund the cost of services rather than a cost-share, this alternative is deemed infeasible because the County would not be able to provide the same level of expertise and scope of services as APHIS-WS without burdening the County with additional costs. Beyond its practical and economic infeasibility, it is also considered infeasible because it would not avoid or substantially reduce any of the less than significant biological resources impacts.

- e) Alternative 3: In this alternative, the County would not have an agreement with APHIS-WS. The County would offer technical assistance in the form of responding to requests for information and/or advice via telephone and field visits (including making recommendations to resource owners about nonlethal methods for loss/damage control), informational materials, and educational programs and demonstrations. To implement this alternative, the County would need to have qualified staff and/or enter into subcontracts with qualified professionals for these services. The funded services would be used to address agricultural losses, public health and safety, and property damage. No lethal control methods would be used for wildlife damage management.

If no lethal methods are used, then the numbers of damage-causing wildlife removed under a County-operated program would decrease to zero. This would reduce the magnitude of the less than significant impacts because the County would not be contributing to the removals and associated species population impacts.

However, it is reasonable to assume that absent lethal controls implemented by the County, some residents and property owners would independently pursue other measures to reduce losses, some of which would involve lethal methods.

Under this alternative, County-funded professionals would be able to provide recommendations about nonlethal controls. However, the decision whether to use new or additional nonlethal methods would be at the discretion of the resource owner, not the County. There are no regulations that require resource owners to monitor the effectiveness of nonlethal controls and report their observations. As such, it cannot be ascertained whether controls would deter wildlife species to levels where a particular species would no longer pose a problem that ultimately would result in the animal's removal by lethal means. It is unknown whether additional take of target or other

species could occur that would be more or less than that of the proposed project because the actions of private parties cannot be predicted with any certainty. This alternative may be feasible economically and relatively easy to implement because it would be similar in scope to integrated pest management assistance provided by the County. Similar to Alternative 2, however, the County would likely have to train or hire additional staff to provide technical assistance services specific to the types of wildlife damage situations beyond those typically encountered in integrated pest management. The cost associated with additional staffing would be similar to the County's cost-share funding for the existing program, if not higher. In addition, most of the requests for APHIS-WS technical assistance is from livestock ranchers who graze animals on open range. It is the County's experience that sometimes lethal methods are necessary to control aggressive wildlife predation in open range situations or when public safety is at risk. Because this alternative would cost the same if not more than the existing program and would not provide an effective means for addressing livestock losses, this alternative is deemed infeasible.

- f) Alternative 4: Under Alternative 4, Monterey County would establish a cost-share program funded and administered by the County to help producers implement their own nonlethal control methods such as guard animals (e.g., dogs, llamas), electric fencing, scare devices, and herd shepherding to protect livestock and crops. The County would reimburse livestock producers for losses, provided the producers use nonlethal methods to help minimize losses and losses are verified. This alternative would not provide for property protection. It would include methods that could benefit crop producers as well. This alternative could be used in combination with Alternatives 2 or 3.

This alternative is infeasible because it would not function in Monterey County. The nature of agricultural practices in Monterey County is much different than that used in other counties, where such a program has been implemented. For example, the husbandry practices in Marin County, where a cost-share program was implemented, are fenced and contiguous in nature, whereas in Monterey County, these types of practices occur on open rangeland where most non-lethal control methods, such as enclosures and guard animals, would not work.

Even with a cost-share reimbursement program, livestock loss, property damage, and human-animal conflicts would still occur in the county. There will still be situations when agricultural and property damage or loss occurs, but neither APHIS-WS nor the County would provide assistance in situations when removing the problem animal by lethal means may be the only solution.

Similar to Alternative 3, the County would likely have to

train or hire additional staff to provide technical assistance services specific to the types of wildlife damage situations beyond those typically encountered in integrated pest management. However, there are also several constraints. In order for this type of program to be developed and implemented, it would also require personnel to perform site visits to ensure nonlethal controls are in place, investigate and validate all losses, and determine and administer appropriate compensation, which would require funding. Depending on staffing and funding, it may not be possible to assess and confirm losses in a timely manner for all requests, and as a result some losses may not be verified and would not be compensated. There would no longer be a cost-share agreement with APHIS-WS, so the County would be responsible for funding services in their entirety. Therefore, it is likely the costs of this alternative would be at least similar to existing expenditures, if not more.

- g) Alternative 5: Under this alternative, the County would reimburse resource owners for agricultural or property losses instead of funding services by APHIS-WS or the County for technical assistance. Neither APHIS-WS nor the County would provide advice or guidance, and there would be no use of lethal methods by APHIS-WS or the County.

There is no indemnity program administered by Monterey County for use within the county. A number of factors could affect the efficacy of such a program, were one to be developed. It would require personnel to investigate and validate all losses and to determine and administer appropriate compensation, which would require funding. Depending on staffing and funding, it may not be possible to assess and confirm losses in a timely manner for all requests, and as a result some losses may not be verified and would not be compensated. Similar to the federal program, compensation would most likely be below full market value. An indemnification approach has the potential to be a disincentive to livestock and property owners to limit damages through the use of nonlethal controls such as improving animal husbandry practices, use of exclusion fencing, and guard animals. It would be within the County's discretion whether to develop and implement an indemnification program. However, this alternative would not avoid or substantially reduce the less than significant biological resources impacts of the proposed project and would not achieve most of the project objectives. The cost implications of this alternative are substantial. As such, this alternative is deemed infeasible.

- 5. **FINDING:** **BOARD OF SUPERVISORS MEETING:** The Board of Supervisors considered the Final EIR, the Cooperative Services Agreement for July 1, 2018 through June 30, 2023, and the Financial Plan for July 1, 2018 through June 30, 2019 at a meeting of the Board on March 13, 2018, at which meeting any and all interested persons had the opportunity to be heard.

DECISION

NOW, THEREFORE, based on the above findings and evidence and the administrative record as a whole, the Board of Supervisors does hereby:

1. Certify that the foregoing recitals and findings are true and correct;
2. Certify that the Final Environmental Impact Report on the USDA APHIS-WS IWDM Program and Agreement Renewal (State Clearinghouse No. 2017031003) has been completed in compliance with CEQA, that the Final EIR was presented to the Board of Supervisors, that the Board of Supervisors reviewed and considered the information contained in the Final EIR before taking action on the project, and that the Final EIR reflects the County of Monterey's independent judgment and analysis;
3. Approve and authorize the Agricultural Commissioner to execute the Cooperative Services Agreement between the County and United States Department of Agriculture -- Animal and Plant Health Inspection Service--Wildlife Services for the term of July 1, 2018 through June 30, 2023 (Agreement No. 18-73-06-5243-RA); and
4. Approve and authorize the Agricultural Commissioner to execute the annual Monterey County Financial Plan pursuant to the Cooperative Services Agreement for an amount not to exceed \$158,312 for July 1, 2018 through June 30, 2019.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this ____ day of _____, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Sally Kidalov, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book _____ for the meeting on March 13, 2018.

Date:

File Number:

Sally Kidalov, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy