

Pre-Decisional DRAFT December 21, 2005

**U. S. Fish and Wildlife Service
Environmental Action Statement for Categorical Exclusion**

**Issuance of an ESA Section 10(a)(1)(A) Recovery Permit
to IDAHO DEPARTMENT OF FISH AND GAME
for Implementation of the 1999 Interim Wolf Control Plan in Northern Idaho**

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the following proposed action is categorically excluded from NEPA documentation requirements consistent with 40 CFR 1508.4, 516 DM 2.3A, and 516 DM 2 Appendix 1.

I. PROJECT INFORMATION

A. Proposed Project and Alternatives:

The U.S. Fish and Wildlife Service (Service) proposes to issue a 10(a)(1)(A) Recovery Permit to the Idaho Department of Fish and Game (IDFG) to manage the wolf recovery program in Idaho north of Interstate-90. This action would be an administrative change, shifting primary authority for continued control activities from the Service to IDFG.

If issued, the permit would authorize IDFG to implement the Service's 1999 Interim Wolf Control Plan for Northwestern Montana and the Panhandle of Northern Idaho (Control Plan), take wolves for scientific and recovery purposes, and direct the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (Wildlife Services) to control depredating wolves.

No Action Alternative: Under this alternative, the Service would not issue a recovery permit to IDFG, and would continue to coordinate lethal take of depredating wolves as outlined in the Control Plan.

B. Affected species:

While this action involves gray wolves, which are currently listed as endangered, the species will not be affected by issuance of the permit. This is because IDFG is currently conducting wolf management activities under the direct authority of the Service, and would be conducting the same activities under the indirect authority of the Service through a permit.

Two ESA section 10(j) nonessential experimental population areas have been designated for the gray wolf (*Canis lupus*) in Idaho: the central Idaho Nonessential Experimental

Pre-Decisional DRAFT December 21, 2005

Population Area, and the Yellowstone Nonessential Experimental Population Area (50 CFR 17.84(i)). The gray wolves in the area that would be affected by the proposed recovery permit are outside these nonessential experimental population areas, and continue to be listed as endangered.

C. Project scope:

The proposed permit would address the area of Idaho that is not included in the ESA 10(j) nonessential experimental population area. The proposed permit would be in effect in Idaho for the area north of Interstate 90 (I-90).

D. Project description:

The gray wolf recovery program is currently managed by the Service in Idaho. The State of Idaho has submitted a permit application in accordance with 50 CFR 17.22 requesting authority to enhance the conservation, management, and survival of the wolf population listed as endangered north of I-90 in Idaho. Concurrently, the State of Idaho petitioned the Secretary of the Interior to allow it to also assume management of the 10(j) areas as specified in 50 CFR 17.84(n) through a Memorandum of Agreement.

The permit application requests that the Service authorize IDFG to take wolves in the wild in the course of the following official duties:

1. Harassing or removing (lethally) wolves that habitually depredate on livestock;
2. For scientific purposes;
3. Avoiding conflicts with human activities;
4. Relocating wolves within Idaho to improve wolf survival and recovery prospects;
5. Aiding or euthanizing sick, injured, or orphaned wolves;
6. Salvaging dead specimens for scientific purposes;
7. Aiding in law enforcement investigations involving wolves; and
8. Removing wolves with abnormal physical or behavioral characteristics.

IDFG is already authorized to conduct items 3 through 6 without a permit, per their Idaho Wolf Conservation and Management Plan (approved by the Service in 2002), under 50 CFR 17.21(c)(3) and (5).

The Northern Rocky Mountain Wolf Recovery Plan (USFWS 1987) addressed all of the above-listed actions, and specifically identified that control plans are needed to resolve wolf-livestock conflicts. In 1988, the Interim Wolf Control Plan was developed to enhance the propagation and survival of the gray wolf in Northern Montana. Idaho was added to the Control Plan in 1990. The Control Plan is designed to prevent and reduce

Pre-Decisional DRAFT December 21, 2005

livestock losses by removing the minimum number of wolves necessary to resolve depredations while continuing to recover the species.

The Control Plan has served as guidance for control of problem wolves in northwestern Montana for 17 years, and has been in place for northern Idaho for 15 years. During that time, the wolf population in those states has continued to expand, and is part of a metapopulation that has achieved biological recovery objectives. As described in the Advance Notice of Proposed Rulemaking for Removing the Western Distinct Population Segment of Gray Wolf from the List of Endangered and Threatened Wildlife (68 FR 15879), we have adopted the definition of wolf population viability and recovery developed in the 1994 Environmental Impact Statement (EIS) for the reintroduction of gray wolves to Yellowstone National Park and central Idaho (Service 1994). That definition is: "Thirty breeding pairs of wolves (defined as an adult male and an adult female that raise at least 2 pups until December 31 of the year of their birth), comprising some +300 individuals in a metapopulation with some genetic exchange between subpopulations, for three successive years." At the end of 2004, estimates of wolf numbers were 452 wolves in the Central Idaho Recovery Area, 324 in the Greater Yellowstone Recovery Area, and 59 in the Northwest Montana Recovery Area (which includes northern Idaho) - a total of 835 wolves. Of approximately 110 packs (groups of 2 or more wolves), 66 packs met the EIS definition of a breeding pair. This made 2004, the 5th year in which 30 or more breeding pairs were documented within the recovery areas (USFWS et al. 2005).

If issued, this permit would authorize IDFG to coordinate limited lethal take of depredating wolves, in Idaho north of I-90, as outlined in the Control Plan. This authority is currently held by the Service. Continued implementation of the Control Plan is expected to lend to overall conservation of the gray wolf by removing wolves that kill livestock, and would thereby continue to promote social tolerance and reduce the likelihood that private individuals would indiscriminately and illegally kill perceived problem wolves. Documentation of this analysis is included here by reference to the **date**, Findings Memorandum from Susan Martin, Upper Columbia Field Supervisor, to Patrick Sousa, Chief, Endangered Species, written in response to receipt of the permit application.

II. PROJECT EFFECTS

A. Are the effects of the project less than significant to the rangewide population of federally listed, proposed, or candidate species or other wildlife and their habitats affected by the project?

Yes, the effects of this action will not change the current management of gray wolves in northern Idaho. In addition, lethal take of wolves currently is less than significant to the populations of wolves in the Northern Rocky Mountain Recovery Area.

Control will continue to be selective for problem wolves that depredate livestock. The number of wolves killed is not expected to affect overall wolf populations or related resources. The Control Plan has been in place in Idaho since 1990, and no wolves have been taken in the proposed permit area in Idaho during that period. However, the upward trend in wolf numbers in Idaho indicates that future management efforts may include non-lethal harassment and lethal take.

Lethal control of depredating wolves would continue to be limited by the conditions of the Control Plan, including:

- The evidence at the scene shall be examined and agency officials shall have determined that the depredation was likely caused by a gray wolf;
- Depredation is likely to be repeated at the site;
- Livestock were legally present at that site;
- Non-lethal techniques will be employed when possible, likely to be effective, and appropriate;
- Taking of a wolf shall be done in a humane manner; and
- No young of the year wolves shall be taken prior to October 1.

The Service expects that the effects of continued implementation of the Control Plan in Idaho north of I-90 would be no greater than that experienced since 1990. If the wolf pack currently occupying the area of Idaho north of I-90 started depredating livestock, implementation of the Control Plan would have a negligible effect on the overall population in the Northwest Montana Recovery Area, or the Northern Rocky Mountain meta-population. The Northwest Montana Recovery Area wolf population has grown from about 14 wolves in 1998, to a high of 108 wolves in 2002, and 59 wolves in 2004, with 6 packs meeting the Service's definition of a breeding pair (Rocky Mountain Wolf Recovery Annual Reports, 1999, 2002, 2004). The carrying capacity of this recovery area has likely been met; the number of wolves has fluctuated around 100 since the mid-1990s, and habitat appears to be saturated with resident wolf packs. The Control Plan specifies that the disposition of a depredating (problem) wolf will be based on its sex, age, reproductive status, and the number of breeding pairs in the recovery area. The Control Plan guidelines for wolf control actions emphasize non-lethal control, and

Pre-Decisional DRAFT December 21, 2005

minimizing wolf mortality, particularly for females. These guidelines are intended to allow for a healthy overall population and for the persistence of the species. Therefore, the lethal control of wolves in response to livestock depredation would result in negligible effects to the Northwest Montana Recovery Area population and the recovery of the species.

NOTE: Would also need to include the results of the Service's Biological Opinion on the proposed issuance of this permit and discuss if other listed, proposed, or candidate species and their habitats would be affected by the permit if issued.

B. Are the effects of the project minor or negligible to other environmental values or resources (e.g., air quality, geology and soils, water quality and quantity, socio-economic needs, cultural resources, recreation, visual resources)?

Yes, the effects of this action will be negligible to other resources. No effects are anticipated beyond those described in the Environmental Assessment that was prepared by the Service for the 1988 Interim Control Plan; or in the 1999 Environmental Action Statement prepared by the Service when the Control Plan was subsequently modified in 1999. The rapid recovery of wolves to current population numbers indicates that these assessments, and the actions that followed, have had the expected positive results.

C. Would the impacts of this project, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects result, over time, in cumulative effects to significant environmental values or resources?

No, the impacts of this action, cumulatively and over time, will have no greater effects to environmental values or resources than previously authorized or analyzed. No other similarly situated project is reasonably foreseeable to occur in Idaho. IDFG, the Service, and USDA Wildlife Services as directed by IDFG or the Service, are the only entities authorized to take wolves outside of the 10(j) areas.

III. CATEGORICAL EXCLUSION

A. Exclusion Category

516 DM 8.5.A(1), 8.5.B(1), and 8.5.C(1): This activity would have no significant individual or cumulative effect on the quality of the human environment, and no extraordinary circumstances exist that would require an environmental assessment or an environmental impact statement. IDFG would be implementing the Control Plan in the same way that the Service has been since the Control Plan was adopted. Therefore, no additional impacts to environmental values or resources are foreseen beyond those analyzed previously. This action is an administrative change, rather than a substantive or environmental change, and the implementation and effects are unchanged.

B. Categorical Exclusion – Extraordinary Circumstances

516 DM 2, Appendix 2: This action does not trigger any of the following exceptions to actions that can be categorically excluded from further analysis:

- 2.1. Have significant impacts on public health or safety.
- 2.2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
- 2.3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.
- 2.8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
- 2.9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
- 2.12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

IV. PERMIT APPROVALS

Stakeholder Involvement: Potential issuance of a 10(a)(1)(A) recovery permit to IDFG for gray wolf management has been discussed with IDFG, Wildlife Services, the State of Idaho's Office of Species Conservation, the Service's Regional Gray Wolf Recovery Coordinator, and wolf management experts within all of the above agencies. In addition, a Federal Register Notice was published on **date**, providing a 30-day public comment period.

Region 1 Endangered and Threatened Species Permit Handbook, Part IX.b.4.: Intra-Service section 7 consultation (a biological opinion) is required for issuing a federal permit.

50 CFR 17.22: Notice in the Federal Register and a 30-day comment period is required for permits.

V. PUBLIC INVOLVEMENT/INTERAGENCY COORDINATION

The public will be provided a minimum of 30 days to provide comments in conjunction with the *Federal Register* Notice announcing receipt of the permit application. In addition, public comment was provided on the Northern Rocky Mountain Plan (Service 1987) and the 1998 Evaluation and Modification to the 1988 Interim Wolf Control Plan (April 23, 1998).

VI. SUPPORTING DOCUMENTS

Northern Rocky Mountain Wolf Recovery Plan, 8/3/1987.

Environmental Assessment, Interim Wolf Control Plan for Montana and Wyoming, May 1988.

Environmental Action Statement on the Modified Interim Wolf Control Plan for Northwestern Montana and the Northern Panhandle of Idaho, September 1999.

Interim Wolf Control Plan for Northwestern Montana and the Panhandle of Northern Idaho, September 1999.

Evaluation and Recommended Modifications of the Interim Control Plan, July 1999.

Biological Opinion on the Proposed Issuance of a permit to the Idaho Department Fish and Game for wolves in the area north of I-90, **date**.

Pre-Decisional DRAFT December 21, 2005

Findings Memorandum from Susan Martin, Upper Columbia Field Supervisor, to Patrick Sousa, Chief, Endangered Species, **date**.

Project Leader

Date

Pre-decisional Draft