

Finding Of No Significant Impact (FONSI)
Inland Avian Predation Management Plan Caspian Tern Depredation Permit
Region 1 Migratory Birds Program
March 2014

The U.S. Fish and Wildlife Service (Service) proposes to issue a depredation permit for the take of Caspian Tern (CATE) eggs under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703–712) (50 C.F.R. § 21.41) as part of implementation of the U.S. Army Corps of Engineers' (Corps) Inland Avian Predation Management Plan (IAPMP). The Service's proposed action to issue this permit for the take of CATE eggs is described and evaluated in the IAPMP Environmental Assessment (EA) (Corps, January 2014), which is incorporated herein by reference. The Corps examined the environmental effects of the IAPMP on many aspects of the human environment in the EA. The Service adopts the IAPMP EA (Corps, January 2014) (43 C.F.R. § 46.320). Our need for the analysis is to address an application received from Corps, Walla Walla District, for the legal take of up to 200 CATE eggs in 2014 as part of implementation of the IAPMP, Alternative D.

The intent of the IAPMP is to reduce avian predation-related loss of federal Endangered Species Act (ESA)-listed juvenile salmonids in the inland Columbia River Basin above Bonneville Dam. The development of the IAPMP is a requirement of the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) 2008 Federal Columbia River Power System (FCRPS) Biological Opinion (BiOp), Reasonable and Prudent Alternative Action 47, as updated in the 2010 Supplemental BiOp (collectively, "FCRPS BiOp"). Research indicated that the greatest potential for increasing juvenile salmonid survival through the reduction in losses to avian predators on the Columbia River plateau (i.e., upstream of Bonneville Dam) would be gained by focusing management efforts on dissuading CATEs from nesting at Goose Island (Bureau of Reclamation managed island at Potholes Reservoir, Grant County, WA) and Crescent Island (Corps retained avian predation management on this island located within the McNary National Wildlife Refuge, Walla Walla County, WA). The effectiveness of CATE dissuasion actions at Goose and Crescent Islands under the IAPMP would be enhanced by adaptive management actions to limit CATEs from forming new colonies and/or expanding existing colonies within the Columbia River Basin. The IAPMP also provides for the development of new nesting habitat to attract CATEs to areas outside the basin.

Before the Service will consider issuance of a Migratory Bird Depredation Permit, the action agency must submit an application that meets the regulatory issuance criteria outlined in 50 C.F.R. § 21.41 and that is compatible with the conservation of the migratory bird species as required by the MBTA. The following must be adequately addressed in the application: 1) description of non-lethal measures taken to control or eliminate the problem, 2) description and extent of damage experienced, 3) proposed actions, and 4) the long-term measures that will be taken to eliminate the problem.

The three alternatives analyzed by the Service, augmenting the Corps' EA with this FONSI (43 C.F.R. § 46.320b) include:

1. No action – The Service would deny the permit application and not issue a permit. We rejected consideration of a separate alternative of not even responding to the permit application (literally taking no action) because it is the expectation of the public, and our policy and legal obligation, to respond to all permit applications in a timely manner (see 5 U.S.C. 706(1) and 50 C.F.R. 13.11(c)). We also rejected consideration of an alternative in which we would issue a “life of project” permit, as this is not currently within the scope of our permitting authority.
2. Issue standard annual depredation permit (Selected Alternative) – The Service would approve and issue an annual depredation permit for 2014, authorizing legal take of a specific number of CATE with associated conditions, as allowed by regulation. This alternative would include provisions to enable the Service and the applicant to work to minimize long-term impacts to CATEs before the permit was issued, during the permitting process, and prior to renewal.
3. Issue depredation permit with additional conditions - The Service would approve and issue an annual depredation permit for 2014, authorizing legal take of a specific number of CATE but with additional conditions that address monitoring, research, habitat creation, and mitigation that might further reduce take. Conditions may be added to all permits the Service issues under 50 CFR 13.21(e).

Four alternatives were analyzed in the Corps’ EA:

1. Alternative A - No action.
2. Alternative B- Passive hazing (habitat modification) to dissuade CATE nesting on Goose and Crescent Islands including: adaptive management actions to limit CATEs from forming new colonies and/or expanding existing colonies within the Columbia River Basin; development of new nesting improvement to existing CATE habitat (called "habitat enhancement") to attract CATEs to areas outside the basin; and, a phased approach due to the uncertainty associated with how CATEs would respond to passive hazing.
3. Alternative C - Passive hazing (Alternative B) combined with active hazing to prevent CATEs from nesting on Goose and Crescent Islands.
4. Alternative D (Corps’ Preferred Alternative) - Passive and active CATE hazing (Alternative C) combined with limited CATE egg removal in support of non-lethal measures.

Internal Scoping and Public Involvement

The Corps’ draft Finding of No Significant Impact and IAPMP EA were made available to the interested public and federal, state and local agencies for a review and comment from October 30, 2013 through December 2, 2013. Responses were prepared for all public comments received.

The comments and responses are in Appendix C of the EA and are available at <http://www.nww.usace.army.mil/Missions/Projects/InlandAvianPredationManagementPlan.aspx>.

Impact Analysis

The analysis of the alternatives in the Corps' EA (Corps 2014, pp. 109-155) considered direct, indirect, and cumulative effects of the four alternatives on the CATE population and other species. Also considered were the direct, indirect, and cumulative effects of the four alternatives on other aspects of the human environment which include biological and physical environments, the socioeconomic environment, and cultural resources. The Corps found that any of the alternatives would have no significant impact on the CATE Pacific regional population (western metapopulation in Corps' EA). Their preferred alternative, Alternative D, would be expected to reduce the number of CATEs nesting in the inland Columbia River Basin. CATEs displaced from Goose and Crescent Islands would have a high potential to find new nesting areas outside the basin due to their migratory life history traits and known tendency to travel long distances. There would likely be a redistribution of CATE from the inland Columbia River Basin Islands to other suitable nesting areas in the Pacific population region (Alaska to Southern California). Therefore, it is anticipated that the Corps' proposed action, which includes the ability to take 200 CATE annually, would have no significant impact on the CATE Pacific regional population. The Service evaluates the removal of 200 CATE eggs in 2014, as an impact of 0.43 percent at the Pacific population level (with an egg equivalency of 50% of an individual: $200 \text{ eggs} \times 0.50$ divided by the breeding population of 11,660 pairs equates to 0.43 percent). The egg removal is in support of a larger project and therefore the Service's action of authorizing 200 eggs to be removed is considered with other past, current and foreseeable future cumulative effects (Corps 2014, pp. 144-155). In the Corps' analysis of the risk of the project to CATEs, they considered the available information on the number and status of CATE breeding colonies within the CATE Pacific population region, and on terns within the inland Columbia River Basin. Alternative D identifies one or more habitat enhancement sites outside the basin for development as part of Phase 2.

The Corps determined that some minor negative effects might occur on gulls if successful nesting is precluded. Gulls also breed on Goose and Crescent Islands and at many of the other islands in the Columbia Basin that CATEs use or have used historically (at-risk islands). Due to the variable habitat requirements of gulls, and to the abundance of adequate habitat throughout the Columbia River Basin, no significant impacts to gulls are anticipated. Similarly, there may be small, negative temporal impacts to other bird species located at Goose and Crescent Islands and at the at-risk islands. Habitat modifications at Goose and Crescent Islands, and at the at-risk islands, would typically be performed outside of the nesting season in a manner such that no significant negative impacts to other bird species would occur.

The Corps determined Alternative D would have positive effects on federally ESA-listed fish species, especially populations of Upper Columbia River steelhead and Chinook salmon, as well as Snake River steelhead and sockeye salmon, which are impacted by CATE populations nesting on Goose and Crescent Islands. Actions associated with Alternative D may have minor negative effects to non-ESA-listed salmonids and other fish. Due to dispersal of a relatively small number

of CATEs across a wide geographic area, no significant impact to non-ESA-listed salmonids or other fish species would occur.

The Corps determined there may be minor effects to mammals, vegetation, and soils located at Goose and Crescent Islands and the at-risk islands from actions associated with Alternative D. These effects are expected to be minor and of a short duration such that no significant impacts to these resources would occur.

The Corps determined positive socioeconomic impacts are expected, especially with regard to commercial, recreational and tribal fisheries, due to decreased salmonid consumption by CATEs and anticipated increased returns of adult salmon.

The Corps determined that Alternative D would have no effect on ESA-listed wildlife or plants, floodplain/water elevation, water quality, greenhouse gas emissions, cultural resources, or the built environment.

The Corps consulted with the Service and NMFS regarding affects to ESA-listed salmonids. The Corps determined that Alternative D may affect, but is not likely to adversely affect, bull trout and bull trout-designated critical habitat. The Corps received concurrence from the Service on that determination on January 6, 2014. NMFS concluded that Alternative D would be covered under the existing FCRPS BiOp, as updated, and no further consultation would be necessary.

The Corps determined that actions proposed for Goose and Crescent Islands and possible active dissuasion at other islands throughout the inland Columbia Basin would not have any impacts on historic/cultural resources. Proposals to develop out-of-basin habitat, or to conduct dissuasion activities other than active dissuasion at any of the at-risk islands may have impacts to cultural resources, and any decisions made regarding these activities would be subject to additional reviews under Section 106 of the National Historic Preservation Act. The Corps prepared an archaeological report for the proposed project with a "no historic properties affected" determination and forwarded it to the Washington Department of Archaeology and Historic Preservation (DAHP), the Oregon State Historic Preservation Office (SHPO), and area Tribes in September 2013. The Corps received concurrence from the Washington DAHP on October 30, 2013, which covers dissuasion actions at Goose and Crescent islands in Washington, and from Oregon SHPO on January 16, 2014 which covers potential dissuasion actions on at-risk islands in Oregon. If necessary, separate consultation would be completed, by the Corps, for proposed actions on the at-risk islands and habitat enhancement sites, once they are identified, prior to implementation.

Determination

The Service has determined that the Corps' analysis of Alternative D, with their submitted depredation permit application, meets our permitting criteria and supports our decision to issue a standard annual depredation permit for the legal take of 200 CATE eggs, in 2014. Permit issuance with additional conditions was not selected since monitoring, research, and habitat creation that might further reduce take are already addressed in the Corps' EA and IAPMP.

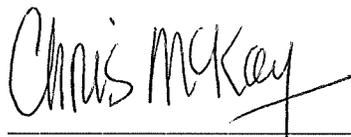
Since depredation permits are considered for issuance on an annual basis, the Corp's EA and this FONSI will be referenced as future permit applications for the IAPMP are considered. If conditions change, this FONSI will be augmented with any additional analysis per 43 C.F.R § 46.320(b). Alternative D was selected as the preferred alternative by the Corps because it best meets their purpose and need. It provides the most comprehensive set of actions for CATE management with the highest probability of successful dissuasion at Goose and Crescent Islands, which would result in the largest reduction in avian predation losses of ESA-listed salmonids. The habitat modifications, combined with active hazing, would provide a high probability of success, while limited egg take would provide a contingency for unforeseen events. The Corps determined Alternative D would also minimize impacts to CATEs, species of concern, and other resources. The Service determined that issuance of a depredation permit for 200 CATE eggs as part of implementation of the IAPMP does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, an EIS is not required. The Corps' Final Environmental Assessment for the Inland Avian Predation Management is available online at <http://www.nww.usace.army.mil/Missions/Projects/InlandAvianPredationManagementPlan.aspx>.

Public Notice

An electronic copy of this FONSI has been posted on the Service's Region 1 website: <http://www.fws.gov/pacific/migratorybirds/nepa.html>. Notice was provided to members of the Inland Avian Predation Work Group and the list of commenters for the Corps' Draft Inland Avian Predation Management Plan Environmental Assessment.

References

Corps 2014. Inland Avian Predation Management Plan Environmental Assessment. U.S. Army Corps of Engineers, Walla Walla District. <http://www.nww.usace.army.mil/Missions/Projects/InlandAvianPredationManagementPlan.aspx>



Assistant Regional Director,
Migratory Birds and State Programs

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Date