

Notice of Preparation

Notice of Preparation

To: Responsible, Federal and Trustee Agencies
(Agency)
(Address)

From: California Department of Food and Agriculture
1220 N St., Suite 400
Sacramento, CA 95814

Subject: Notice of Preparation of a Draft Environmental Impact Report

The California Department of Food and Agriculture (CDFA) will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (is is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Dr. Annette Jones at the address shown above. We will need the name for a contact person in your agency.

Project Title: Wildlife Damage Management Program

Project Applicant, if any: N/A

Date September 10, 2020

Signature 

Title State Veterinarian

Telephone (916) 445-0444

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Notice of Preparation of the California Wildlife Damage Management Environmental Impact Report and Environmental Impact Statement

Introduction

The California Department of Food and Agriculture (CDFA) and Wildlife Services (WS-California), a state office within the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), intend to prepare a joint environmental impact report and environmental impact statement (EIR/EIS). This EIR/EIS provides environmental review of current and future wildlife damage management activities in California, including CDFA's proposed Wildlife Damage Management Program (Program) described below. The overall goal of the EIR/EIS is to review and analyze the environmental impacts of current and future wildlife damage management activities in California, including management, abatement, and, where necessary, targeted removal activities. It is anticipated that activities evaluated in the EIR/EIS would be carried out by CDFA, California Counties (Counties), and WS-California. The EIR/EIS will inform decision makers and the general public about the potential impacts of the wildlife damage management activities conducted in California, including but not limited to activities considered under the Program.

The EIR/EIS will be prepared as a "Program EIR" (PEIR) under the California Environmental Quality Act (CEQA). Under Section 15168 of the CEQA Guidelines, a PEIR may be prepared on a series of actions that can be characterized as one large project, including individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. An initial study was not prepared because CDFA determined that an EIR is required for the Program.¹ All applicable environmental topics will be addressed in the EIR/EIS.

The joint EIR/EIS is being prepared by CDFA and WS-California in accordance with the provisions of CEQA and the State CEQA Guidelines, as well as the National Environmental Policy Act (NEPA) and applicable regulations. The CDFA will be the lead agency pursuant to CEQA while the WS-California will be the lead agency pursuant to NEPA. The CDFA and WS-California will consider comments from responsible and trustee agencies, cooperating agencies, property owners, and interested persons and parties regarding the scope and content of the environmental information to be included in the EIR/EIS.

Discretionary Action and Proposed Implementation Activities

The CDFA is mandated to protect California's agricultural industry.² As part of this mandate, CDFA must prevent the introduction and spread of any animals that are dangerous or detrimental to the agricultural industry of the state.³ The CDFA is also authorized to employ hunters and trappers to manage and eradicate harmful predatory animals.⁴

¹ Cal. Code Regs, tit. 14, Div. 6, Ch. 3 ("CEQA Guidelines") § 15063.

² Cal. Food and Agricultural Code § 401.

³ Cal. Food and Agricultural Code §§ 403, 461, 5006.

⁴ Cal. Food and Agricultural Code § 11221.

The CDFA cooperates with Counties, sister state agencies, and/or WS-California to achieve these statutory mandates. California has a “unique system” of County Agricultural Commissioners,⁵ and the Legislature has specified that where CDFA and County Agricultural Commissioners have joint responsibilities, wildlife damage management is performed at the County level by County Agricultural Commissioners while the CDFA primarily serves in an oversight and support capacity by providing data and issuing recommendations and policies.⁶ The CDFA may also undertake rapid response activities to respond to an emergency or high-risk wildlife damage scenario to promptly abate and prevent harm to the agricultural industry, human health and safety, or natural resources.⁷ Counties are authorized to work with CDFA to perform wildlife damage management activities and may work directly with WS-California to conduct these activities without need of CDFA involvement.⁸

The CDFA’s proposed discretionary action is the approval of the Program. After approval, implementation of the Program will involve a proposed array of wildlife damage management activities to be carried out by CDFA, Counties, WS-California, or any combination thereof. See “Discretionary Actions” section below for further details.

The Draft EIR/EIS, for which this Notice of Preparation (NOP) is being issued, will address the following:

- Analyze and, if necessary, guide County Agricultural Commissioners, WS-California, and/or CDFA in modifying wildlife damage management activities to mitigate environmental impacts while implementing the Program, as described below. The proposed wildlife damage management activities will occur throughout California on private and public lands as necessary to achieve CDFA’s mandate to protect the state’s agricultural industry, prevent the introduction and spread of harmful wildlife, and manage harmful predatory animals.
- Development and implementation of a process to provide streamlined CEQA environmental review for County-level wildlife damage management programs, including specific management activities conducted pursuant to a county program (collectively, “later activities”). The streamlined CEQA review process will evaluate and document whether the environmental effects of later activities are covered under the EIR/EIS and which feasible mitigation measures from the EIR/EIS must be incorporated into those later activities. This will include evaluation of whether later activities and impacts of specific wildlife damage activities are “within the scope” of the Program and EIR/EIS. A “within the scope” finding would facilitate the timely approval of later activities in a manner that ensures the incorporation of environmental protections and mitigation measures identified in the EIR/EIS. Where later activities do not qualify for a “within the scope” finding, site-specific mitigated negative declarations or EIRs will be prepared as necessary.

⁵ Cal. Food and Agricultural Code § 2276.5; see *generally* Cal. Food and Agricultural Code, Division 2 (Local Administration) at §§ 2001-2344.

⁶ Cal. Food and Agricultural Code §§ 2276.5, 2281, 5252.

⁷ Cal. Food and Agricultural Code §§ 403, 404.

⁸ Cal. Food and Agricultural Code § 2283.

Program Area

The Program will describe and formalize a framework for management, abatement, and, where necessary, targeted removal of individual wildlife that pose a threat to California's agricultural industry or human health and safety. Activities conducted under the Program are expected to occur across the state and within the various natural, urban, and agricultural environments that provide habitat for the wildlife species and animal communities to be managed under the Program. The Program envisions that specific management activities may be conducted wherever injurious wildlife species or communities are present, which is dictated by various factors such as suitable climatic and ecological conditions and proximity to human development. Therefore, the specific geographic area where each management activity or method may be used will depend on many factors, including, but not limited to, the size and density of wildlife populations; the severity of threats to agriculture, natural lands, and/or urban populations; and potential human health and safety impacts. The EIR/EIS will further define the Program Area for wildlife species to be managed under the Program, as well as for the management activities and methods proposed under the Program.

Program Description

Program Objectives

The objectives of the Program include:

- To inform the implementation of wildlife damage management activities conducted by state and local agencies throughout California.
- To facilitate the preparation of a comprehensive EIR that will analyze wildlife damage management activities undertaken throughout the state and serve as the basis for additional environmental analysis, if any is needed, for wildlife damage management activities undertaken at the County level.
- To provide rapid response to high-risk wildlife damage scenarios wherein prompt abatement is necessary to prevent harm to the agricultural industry, human health and safety, and/or natural resources.
- To provide leadership in addressing the impacts of wildlife on agriculture and increase the health and productivity of California's agricultural and natural resources.
- To maintain the availability of wildlife management materials that are effective and environmentally safe, and to support improvements to current, and the deployment of new, wildlife management materials, technologies, and methods in response to ongoing research.
- To promote broader understanding and awareness about wildlife identification, biology, life history, impacts and management activities through the CEQA/NEPA process.
- To elicit public agency and stakeholder participation in addressing wildlife impacts to agriculture, natural resources, and public health and safety.

- To support the development and implementation of measures to avoid, minimize, and mitigate unintended impacts to California's important natural resources, including watercourses, protected species, and natural habitats, from wildlife management materials, technologies, and methods.
- To build upon existing resources, including WS-California's data reporting system, to create a statewide information management, reporting, and data sharing system for wildlife damage incidents and management activities that would allow a robust evaluation of the efficacy of all non-lethal and lethal management activities to support an integrated and adaptive wildlife damage management approach.

Program Elements

It is anticipated that the Program would encompass five core or functional elements. These elements would comprise the main functions of the Program in furtherance of the Objectives set forth above.

Statewide Wildlife Management Protocols. The CDFA would develop guidelines and recommendations to inform and guide the implementation of wildlife damage management activities conducted by CDFA and local agencies such as County Agricultural Commissioners. The Program will establish an integrated and adaptive wildlife damage management approach that outlines acceptable practices, methodologies, and activities that may be implemented by CDFA and/or local agencies to manage wildlife across the state.

County-Level Activities. The locus of wildlife damage management would continue to be the Counties, reflecting California's "unique system" of County Agricultural Commissioners. Participating Counties would continue to carry out wildlife damage management activities, with the support of WS-California as mutually agreed and would be able to work with and receive support from CDFA if they so desire. Specific county-level activities will be informed by the comprehensive statewide environmental analysis included in the EIR/EIS prepared for the Program.

Rapid Response. The CDFA would step up as appropriate to address high-risk wildlife damage situations calling for rapid response activities. It would do so in coordination and collaboration with the Counties, other state agencies, and WS-California. These activities will be informed by the comprehensive statewide environmental analysis included in the EIR/EIS prepared for the Program.

Information Processing and Adaptive Management. The CDFA would coordinate with WS-California to collect data on wildlife damage management activities conducted throughout the state in order to evaluate the efficacy of those activities and consider changes to the Program as appropriate to increase the efficacy of those activities. The CDFA and WS-California would coordinate with the Counties and state agencies in this process, which would occur at regular intervals. The CDFA, WS-California, and other entities may also use this data sharing process to consider changes in damage management materials and methods to improve management of injurious wildlife in the

state, both in terms of its efficacy and unintended impacts on natural resources and the environment.

The Program includes the creation of a Wildlife Management Advisory Committee. This Committee will have no regulatory or prescriptive authority but will meet periodically to review the efficacy of wildlife management activities conducted under the Program framework and consider new wildlife damage threats and management methods. The Committee may recommend changes to the Program and wildlife management activities to the Secretary, WS-California, and County Agricultural Commissioners.

Program Education and CEQA Support. The CEQA process for the Program would promote broader understanding and awareness about wildlife identification, biology, life history, impacts and management activities. CDFA will undertake additional CEQA review as needed to support future discrete wildlife damage management actions or activities undertaken by CDFA or the Counties, including for wildlife damage management materials and methods identified through the information sharing and adaptive management processes.

Discretionary Actions

CDFA Actions

The CDFA is mandated to protect the state's agricultural industry, prevent the introduction and spread of injurious wildlife, and manage harmful predatory animals.⁹ To meet this requirement, CDFA conducts a variety of activities – some of which have not been previously addressed by CEQA documents. The EIR/EIS will ensure comprehensive environmental review is completed before CDFA undertakes the following discretionary actions:

- Approval of the proposed Program.
- Authorization of existing wildlife damage prevention and management actions.
- Execution of cooperative agreements with state, local, and federal agencies for the purpose of managing or removing injurious wildlife, including harmful predatory animals.
- Issuance of instructions and recommendations to local agencies regarding the best-known means or methods for managing or removing injurious wildlife and procedures or methods to prevent future harm.¹⁰
- Undertaking the management or removal of injurious wildlife in the event a local agency has failed or neglected to use all reasonable means to manage or remove any injurious wildlife.¹¹

⁹ See footnotes 2 through 4 above.

¹⁰ FAC §§ 461, 5252, 2281

¹¹ FAC § 5254.

- Adoption of any regulations that are reasonably necessary to prevent the introduction and spread of injurious wildlife.¹²
- Employment of hunters and trappers to manage or remove coyotes and other harmful predatory animals and to remove or trap bears which are damaging livestock, agricultural crops, or standing timber.¹³
- Execution of a memorandum of understanding with the California Department of Fish and Wildlife prior to the implementation of any coyote management program to manage coyotes of public lands.¹⁴

WS-California Actions

WS-California provides federal leadership in managing problems caused by wildlife and solving problems that occur when human activity and wildlife are in conflict. WS-California strives to develop and use wildlife damage management strategies that are biologically sound, environmentally safe, and socially acceptable. In doing so, WS-California seeks to reduce damage caused by wildlife, reduce wildlife mortality, and continuously improve and modify wildlife damage management strategies. The EIR/EIS will provide comprehensive environmental review to inform WS-California decision on the following discretionary actions:

- Authorization and implementation of wildlife damage management actions.
- Execution of cooperative agreements with federal, state, and local agencies and private landowners for the purpose of managing wildlife conflicts and damage to agriculture, property, natural resources, and human health and safety.

CEQA Process

Scope of CEQA/NEPA Coverage

To the extent the impacts of the actions and activities described above are addressed in this EIR/EIS, no additional CEQA or NEPA compliance would be necessary. In providing CEQA/NEPA coverage for the range of discretionary actions taken in relation to the Program, the EIR/EIS supports the goal of providing a framework for tiered CEQA analysis. If the impacts of later actions or activities have not been disclosed or adequately evaluated in this EIR/EIS, a tiered CEQA document could be prepared pursuant to CEQA and the CEQA Guidelines. The lead agency for such later activities must comply with CEQA's public participation requirements when preparing the tiered document.

Issues for Detailed Consideration in the Analysis

This NOP presents general information on the Program, the scoping and overall CEQA/NEPA process, and the environmental issues to be addressed in the EIR/EIS. The CDFA has prepared this NOP pursuant to CEQA Guidelines Section 15082. In developing and evaluating reasonable alternatives to the Program, the EIR/EIS will identify alternatives that would feasibly attain the basic objectives of the Program but would avoid or substantially lessen any of the potentially

¹² FAC §§ 403, 407.

¹³ FAC §§ 11221, 11261, 11262.

¹⁴ FAC §§ 11281, 11283.

significant effects of the Program. During this process, CDFA and WS-California will also evaluate other issues of public concern identified as important for understanding the impacts of Program activities.

The primary purpose of the EIR/EIS is to analyze and disclose the direct and reasonably foreseeable indirect environmental impacts of wildlife damage management activities in California, including activities to be conducted under the proposed Program. The Draft EIR/EIS, as informed by public and agency input during the scoping period, will analyze and disclose the potentially significant environmental impacts associated with the Program and, where any such impacts are significant, will disclose and evaluate potentially feasible mitigation measures and alternatives that substantially lessen or avoid such effects.

Below is a preliminary list of potential environmental issues to be addressed in detail in the EIR/EIS. The analysis in the Draft EIR/EIS will determine whether these impacts could reasonably occur, whether such direct or reasonably foreseeable indirect impacts are significant based on identified thresholds of significance, and whether such impacts can be avoided or substantially lessened by potentially feasible mitigation measures and alternatives. Certain issues may be removed from detailed consideration in the EIR/EIS in the event further analysis shows those issues are not potentially significant.

- Aesthetics (Scenic Resources)/Visual Resources
- Agricultural Resources/Forestry Resources (Agricultural Economics, Rangeland)
- Air Quality, Greenhouse Gas Emissions, and Energy (Global Climate Change)
- Biological Resources
- Cultural Resources
- Environmental Justice
- Environmental Toxicology/Human Health Risk Assessment
- Tribal Cultural Resources (Concerns of Native American Tribes)
- Geology/Soils and Paleontological Resources
- Hazards and Hazardous Materials
- Hydrology
- Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Socioeconomics
- Transportation
- Utilities/Service Systems
- Wildfire
- Cumulative Impacts
- Significant and Irreversible Impacts
- Growth-Inducing Impacts
- Unavoidable Adverse Effects

Scoping Meetings

In order for the public and agencies to have an opportunity to ask questions and submit comments on the scope of the EIR/EIS, several virtual public scoping meetings will be held during the NOP and Notice of Intent (NOI) review periods. Because the Program is a project of statewide significance, a scoping meeting is required and two (2) scoping meetings are planned. The scoping meetings will be held to solicit input from the public and interested public agencies regarding the nature and scope of environmental impacts to be addressed in the draft EIR/EIS.

Due to public health and safety concerns and current local and state orders concerning COVID-19, these scoping meetings are anticipated to be held virtually. Each meeting is expected to be approximately 3 hours.

The dates and times of the virtual public scoping meetings are:

- October 13, 2020 at 5:30-8:30 PM PST.
- October 27, 2020 at 5:30-8:30 PM PST.

Once the Draft EIR/EIS is completed, it will undergo public review for 60 days. Written and oral comments received in response to the Draft EIR/EIS will be addressed in a Response to Comments document which, together with the Draft EIR/EIS, will constitute the final EIR/EIS. The Final EIR/EIS, in turn, will inform the CDFA's exercise of discretion as a lead agency under CEQA in deciding whether or how to approve the Program.

Submittal of Scoping Comments

This NOP is being circulated to local, state, and federal agencies, and to interested organizations and individuals who may wish to review and comment on the Program at this stage in the process. In addition, CDFA and WS-California have created a website where individuals can access Program documents and keep informed of the overall progress and upcoming scheduled events. Interested persons are encouraged to visit the Program website at: www.CaliforniaWDM.org.

Written comments concerning the scope and content of this EIR/EIS are welcome. Your response to and input regarding the scope of the EIR/EIS should be sent at the earliest possible date, but not later than **November 10, 2020**.

Please submit comments via the following methods:

- By emailing comments to: info@CaliforniaWDM.org
- By visiting the following website: www.CaliforniaWDM.org
- By participating in the virtual scoping meetings on October 13th and 27th. Additional details on how to participate can be found at www.CaliforniaWDM.org.
- By mailing written comments to:

California WDM
2121 Broadway
P.O. Box 188797
Sacramento, CA 95818

After the comment period closes, CDFA and WS-California will review and consider all comments received during the comment period and any other relevant information in the development of the EIR/EIS. All comments received will be available for public review as required and allowed by law. Upon completion of the Draft EIR/EIS, a notice announcing its availability and an opportunity to comment will be published in the Federal Register, the State Clearinghouse, and County clerk offices.