

RESOLUTION NO. XX-

RESOLUTION OF THE SHASTA COUNTY BOARD OF SUPERVISORS FINDING THE INTEGRATED WILDLIFE DAMAGE MANAGEMENT (IWDM) PROGRAM EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING A NOTICE OF EXEMPTION.

WHEREAS, the Board of Supervisors reviewed and considered the following contractual agreements, by and through which the County would continue its current and longstanding agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Services, Wildlife Services (Wildlife Services) to implement the IWDM Program for the protection of livestock, crops, property, human health and safety and natural resources in the County: (1) the Cooperative Services Agreement between Shasta County and Wildlife Services (Cooperative Agreement) for July 1, 2016 – June 30, 2021; and (2) the Work and Financial Plan between Shasta County and Wildlife Services, for July 1, 2016 – June 30, 2017 (Work Plan); and

WHEREAS, CEQA requires the Board of Supervisors, as a lead agency under CEQA, to consider the potential environmental effects of any project that is approved by the Board; and

WHEREAS, the Board's approval of the Cooperative Agreement and Work Plan may be considered a "project" under CEQA and the Board must therefore determine what level of CEQA review is appropriate; and

WHEREAS, CEQA Guidelines section 15307 categorically exempts from CEQA any actions by a regulatory agency for the protection of natural resources; and

WHEREAS, CEQA Guidelines section 15308 categorically exempts from CEQA any projects by a regulator agency for the protection of the environment; and

WHEREAS, CEQA Guidelines section 15061(b)(3) exempts projects from CEQA review where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment; and

WHEREAS, categorical exemptions shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines, 15300.2 (c)); and

WHEREAS, the purpose of the IWDM Program is to "protect residents, property, livestock, crops, and natural resources from damage caused by predators and other nuisance wildlife"; and

WHEREAS, the IWDM Program protects natural resources and the environment by protecting forests, protecting threatened and endangered species, protecting wetlands and reducing erosion; and

WHEREAS, the proposed IWDM activities would minimize the loss or risk of loss to natural resources and the environment by responding to all public requests with technical assistance (advice or demonstration) or operational management; and

WHEREAS, the IWDM Program encourages the use of all effective and appropriate legally available techniques and methods, used singly or in combination, to meet the needs of the requestors for resolving wildlife; and

WHEREAS, the resource, species, location, type of damage, and the available biologically sound, cost-efficient and legal damage control methods are analyzed by Wildlife Services personnel prior to use to determine the best action to take to reduce or eliminate a conflict with wildlife; and

WHEREAS, Wildlife Services considers the biology and behavior of the damaging species and other factors before implementing any damage control practices; and

WHEREAS, statewide, the effects of similar IWDM programs on wildlife populations have a low magnitude of impact and are below established sustainable harvest level species managed for harvest by the California Department of Fish & Wildlife (CDFW); and

WHEREAS, under the IWDM Program Wildlife Services personnel would provide technical assistance to resource owners covering a variety of methods that could be used to resolve problems where it is appropriate for the resource owners to resolve the problem themselves; and

WHEREAS, resource owners that are provided operational assistance are encouraged to use additional non-lethal management strategies and sound husbandry practices, when and where appropriate, that could further reduce damage; and

WHEREAS, maintaining viable populations of all native species is of concern to the public and biologists within the state and federal land and wildlife management agencies, including Wildlife Services and the County; and

WHEREAS, CDFW concluded in 2004 that the total number of all target species taken by California Wildlife Services and all other known mortality was within sustainable harvest levels. This conclusion was confirmed in the recently released North District Environmental Assessment (2015); and

WHEREAS, the species subject to wildlife damage control efforts under the Program (coyote, raccoon, striped skunk, spotted skunk, Virginia opossum, bobcat, feral dogs, gray fox, muskrats, black bear, mountain lion and feral swine) are common species that are not listed as threatened, endangered, or fully protected species subject to protection under CEQA; and

WHEREAS, any effects of the IWDM Program are limited to the immediate project area, and cumulatively, do not affect the viability of any population in the state; and

WHEREAS, when implementing the IWDM Program, Wildlife Services conforms to all federal and applicable state regulations and policies that protect target species; and

WHEREAS, Wildlife Services determined the North District IWDM program, which includes the County of Shasta, would have no effect on any listed fish, invertebrate, marine animal or plant species because it does not affect habitat or does not work in the range of the species; and

WHEREAS, Wildlife Services consulted with both United States Fish and Wildlife Services (USFWS) and CDFW regarding its wildlife management activities, and both USFWS and CDFW concurred with California Wildlife Services' determination that the North District program is not likely to adversely affect federal or state listed threatened and endangered species and that no non-targeted listed threatened or endangered species have been taken by the ongoing District program; and

WHEREAS, the IWDM Program and the performance of wildlife damage management activities by Wildlife Services is subject to environmental review under existing state and federal statutory schemes including the National Environmental Policy Act and the State and Federal Endangered Species Acts and, as such, there is no possibility that the IWDM Program might have a significant effect on the environment; and

WHEREAS, there has been close to three decades of environmental review under existing and state federal statutory schemes, including but not limited to: Draft Environmental Document: Environmental Checklist for Changes to the 1988-89 Hunting and Trapping Regulations. (CDFW 1988); California Department of Fish and [Wildlife] Final Environmental Document 2003 – Wild Pig Hunting (CDFW 2003); Draft Environmental Document, Sections 265, 460-467, and 472-480, Title 14, California Code of Regulations Regarding Furbearing and Nongame Mammal Hunting and Trapping (CDFW 2004); Draft Environmental Document, Sections 365, 366, 367.5, 401, 708 Title 14, California Code of Regulations Regarding Bear Hunting (CDFW 211a); Environmental Assessment: Predator Damage Management for the Protection of Livestock and Property in the California APHIS-WS North District (USDA 1997a); Animal Damage Control Program Final Environment Impact Statement (1997b); Cooperating Agency Review Draft, Environmental Assessment, Mammal Damage Management in the Wildlife Service's Program's North District, California (2013a); Pre-Decisional Environmental Assessment: Feral Swine Damage Management by the California Wildlife Services Program (2014c); and Draft Environmental Impact Statement: Feral Swine Damage Management, and National Approach (2014b); and

WHEREAS, the take of any individual bear, mountain lion, wild turkey, bobcat, beaver, deer, elk or feral swine can only be accomplished if Wildlife Services or the resource or land owner first obtains the appropriate permit from CDFW and complies with the requirements of the CDFW regulations governing these activities, which were adopted based on functional equivalent documents under CEQA, consistent with CDFW's certified regulatory program; and

WHEREAS, 35 other counties throughout the State operate the same or similar program and there is nothing unusual about Shasta County's implementation of the Program;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Shasta:

1. The foregoing recitals are hereby adopted as true and correct.
2. The adoption of the IWDM Program is categorically exempt from CEQA review pursuant to CEQA Guidelines section 15307 as the action of a regulatory agency acting to protect natural resources.
3. The adoption of the IWDM Program is categorically exempt from CEQA review pursuant to CEQA Guidelines section 15308 as the action of a regulatory agency acting to protect the environment.
4. The adoption of the IWDM Program is exempt from CEQA review under the "common sense exemption," set forth in CEQA Guidelines section 15061(b)(3), as

there is no possibility that the Program would have a significant effect on environment.

5. The categorical exemptions applicable to adoption of the IWDM Program are not subject to any applicable exception, including the "unusual circumstances" exception.
6. Each exemption stands as a separate and independent basis for determining that the IWMD Program is exempt from CEQA review.
7. A Notice of Exemption for the IWDM Program may be filed with the County Clerk of Shasta County in conformance with the procedures provided for the filing of such notices in CEQA and the CEQA Guidelines.

BE IT FURTHER RESOLVED that the Shasta County Board of Supervisors.

DULY PASSED AND ADOPTED this _____ day of _____, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy