

CHAPTER 1

PURPOSE OF AND NEED FOR ACTION

1.1 Introduction

This chapter discusses the purpose and need for action; background on the U.S. Fish and Wildlife Service (Service or “we”) and Canadian Wildlife Service (CWS); the planning process, which includes scoping of issues and identification of alternatives; and the legal basis for the action.

This document has been developed to ensure that our proposed management action is in compliance with NEPA. Furthermore, this process will ensure that proposed actions do not adversely affect listed species and their critical habitats under the Endangered Species Act, as well as non-listed species covered under the Migratory Bird Treaty Act.

1.2 Purpose of Action

This document describes various alternatives for the purpose of reducing and stabilizing specific populations of light geese in North America. The term “light geese” refers collectively to three taxa of geese that have light coloration: greater snow geese, Ross’s geese, and lesser snow geese. This document addresses concerns under the National Environmental Policy Act of 1969 (NEPA). The NEPA regulations direct Federal agencies to use the NEPA process, as a decision-making tool, as early as possible in any planning process (40 CFR 1501).

1.3 Need for Action

There is a need to reduce and stabilize the size of several populations of light geese that have become injurious, via their feeding actions, to habitats on their breeding, migration, and/or wintering grounds. In addition, there is a need to reduce certain light goose populations to alleviate light goose damage to agricultural crops. Furthermore, there is a need to conduct population control that is cost-effective for wildlife agencies.

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Lesser snow and Ross's geese are known carriers of the bacterium that causes the deadly disease avian cholera. Cholera outbreaks are often associated with high densities of birds and the disease affects nearly 100 species of birds, some of which are listed as threatened or endangered. There is a need to reduce certain light goose populations to reduce the likelihood of future cholera outbreaks.

The Stakeholder's Committee on Arctic Nesting Geese (1998) has stated that geese killed for management purposes should be killed as humanely as possible and utilized as food wherever feasible. The Arctic Goose Habitat Working Group has stated that light geese are a valuable natural resource, as game animals and as food, and that the Working Group does not support any management alternatives that advocated slaughter and destruction of birds followed by their being wasted in landfills or some similar fate (Batt 1997). Therefore, there is a need to reduce light goose populations with alternatives that are as humane as possible and that do not constitute a waste of the goose resource.

1.4 Background

1.4.1 Background Relevant to Need for Proposed Action

Various light goose populations in North America have experienced rapid population growth, and have reached levels such that they are damaging habitats on their Arctic and subarctic breeding areas (Abraham and Jefferies 1997, Alisauskas 1998, Jano et al. 1998, Didiuk et al. 2001). Habitat degradation in arctic and sub-arctic areas may be irreversible, and has negatively impacted light goose populations and other bird populations dependent on such habitats (Gratto-Trevor 1994, Rockwell 1999, Rockwell et al. 1997). Natural marsh habitats on some migration and wintering areas have been impacted by light geese (Giroux and Bedard 1987, Giroux et al. 1998, Widjeskog 1977, Smith and Odum 1981, Young 1985). In addition, goose damage to agricultural crops has become a problem (Bedard and Lapointe 1991, Filion et al. 1998, Giroux et al. 1998, Delaware Div. of Fish and Wildlife 2000).

There is increasing evidence that lesser snow and Ross's geese act as reservoirs for the bacterium that causes avian cholera (Friend 1999, Samuel et al. 1997, Samuel et al. 1999a). Over 100 species of waterbirds and raptors are susceptible to avian cholera (Botzler 1991). The threat of avian cholera to endangered and threatened bird species is continually increasing because of increasing numbers of outbreaks and the expanding geographic distribution of the disease (Friend 1999). This threat likely will increase as light goose populations expand (Samuel et al. 2001). The above issues are described in more detail in Chapter 3 Affected Environment.

1.4.2 U.S. Fish and Wildlife Service

We are the primary Federal agency responsible for conserving, protecting, and enhancing the Nation's fish and wildlife resources and their habitats. Our mission is to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the American people. Responsibilities are shared with other Federal, State, tribal, and local entities; however, we have specific responsibilities for endangered species, migratory birds, inter-jurisdictional fish, and certain marine mammals, as well as for lands and waters that we administer for the management and protection of these resources.

1.4.3 Canadian Wildlife Service

The mandate of Environment Canada, of which the CWS is part, is to preserve and enhance the quality of the natural environment, including water, air and soil quality; conserve Canada's renewable resources, including migratory birds and other non-domestic flora and fauna; conserve and protect Canada's water resources; carry out meteorology; enforce the rules made by the Canada - United States International Joint Commission relating to boundary waters; and coordinate environmental policies and programs for the federal government. The CWS handles wildlife matters that are the responsibility of the Federal government. These include protection and management of migratory birds, nationally significant habitat and endangered species, as well as work on other wildlife issues of national and international importance. In addition, CWS does research in many fields of wildlife biology.

1.4.4 Other Environmental Assessments and Rulemakings

In January 1999, we published a Final Environmental Assessment (EA) that examined several management alternatives for addressing problems associated with large populations of light geese. The preferred management alternative identified in the EA was to authorize additional methods of take of light geese, and implement a conservation order for the reduction of overabundant light geese.

On February 16, 1999, we published 2 separate rules in the *Federal Register (FR)* that 1) authorized additional methods of take of light geese (lesser snow geese and Ross's geese) in the Central and Mississippi Flyways (64 *FR* 7507); and 2) created a conservation order for the reduction of the light goose population in the central portion of North America (64 *FR* 7517). At the same time, we announced our intent to initiate preparation of an Environmental Impact Statement (EIS) beginning in 2000 that would consider the effects on the human environment of a range of long-term resolutions for the light goose population problem.

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On March 2, 1999, several private groups filed a motion for a preliminary injunction against the light goose regulations we published the previous month. Although the Federal judge refused to issue an injunction, he did indicate a likelihood the plaintiffs might succeed on their argument that we should have prepared an EIS prior to authorizing new light goose regulations. In order to avoid further litigation, and because we had earlier indicated we would initiate preparation of an EIS in 2000, we withdrew the regulations on June 17, 1999 (64 FR 32778), and began preparation of the EIS. Subsequently, the light goose regulations were re-instated when the Arctic Tundra Habitat Emergency Conservation Act (P.L. 106-108) was signed into law on November 29, 1999.

1.5 Scoping and Public Involvement

1.5.1 Summary of Scoping Efforts

Scoping is the initial stage of the EIS process used to design the extent and influence of a management proposal. On May 13, 1999 (64 FR 26268), we published a Notice of Intent to prepare an EIS on light goose management (Appendix 1). The public notice opened a 60-day comment period and solicited public participation in the scoping process to identify issues, alternatives, and impacts that we should address in the EIS. On August 30, 1999 (64 FR 7332), we published a Notice of Meetings that identified the date and location of nine public scoping meetings throughout the U.S. (Appendix 2). The Notice of Meetings opened another comment period that lasted 84 days. Scoping meetings provided an additional opportunity for public comment on the issues, alternatives, and impacts to be addressed in the EIS.

The Notice of Intent was mailed to a standard mailing list that the Division of Migratory Bird Management uses for its *FR* notices. In addition, we sent copies of the notice to all individuals, organizations, and agencies that submitted public comments during our 1998-1999 EA process. The Notice of Meetings was mailed to the same entities, as well as individuals, organizations, and agencies that submitted comments in response to the Notice of Intent published on May 13, 1999.

As part of our consultation with the Canadian government, CWS agreed to distribute French and English versions of our Notice of Intent to potentially affected groups in Canada. The CWS distribution list contained approximately 600 individuals, and national or provincial organizations that have indicated an interest in waterfowl management in Canada. The distribution list included wildlife management boards and councils that oversee wildlife programs affecting First Nations people in Canada.

1.5.2 Issues and Concerns Identified During Scoping

Comments from the scoping process covered a range of issues and concerns, but were divided into 2 basic categories. A total of 332 comments were received, of which 278 (84%) agreed that light goose population levels present a problem and that active management should be pursued. The second group of comments (9% of respondents) questioned whether widespread habitat degradation has actually occurred and/or that light goose population levels are unprecedented. The second group of comments also indicated that no management actions should be taken against light geese, and that natural processes should be allowed to rectify any perceived habitat and/or population problems. A summary of issues and concerns identified during scoping is presented in Table 1.1. Management alternatives that were identified in public comments but not included for analysis in the EIS are reviewed in Chapter 2.

Table 1.1. General categories of issues and concerns identified during the light goose EIS scoping process.

Issue or concern identified	Portion of draft EIS that addresses issue or concern
Documentation of light goose population growth	Chapter 3, Sections 3.1.5 – 3.1.8
Impacts on light geese	Chapter 4, Section 4.2
Documentation of habitat degradation	Chapter 3, Section 3.2
Impacts on habitat	Chapter 4, Section 4.3
Impacts on other species	Chapter 3, Section 3.3; Chapter 4, Section 4.4
Impacts on socio-economics	Chapter 3, Section 3.5; Chapter 4, Section 4.5

1.6 Policy, Authority, and Legal Compliance

The Service regulates the taking of migratory birds under the four bilateral migratory bird treaties the United States entered into with Great Britain (for Canada), Mexico, Japan, and Russia. Regulations allowing the take of migratory birds are authorized by the Migratory Bird Treaty Act (16 U.S.C. Sec's. 703 - 711), and the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. Sec. 712). The Acts authorize and direct the Secretary of the Interior to allow hunting, taking, killing, etc. of migratory birds subject to the provisions of, and in order to carry out the purposes of, the four migratory bird treaties.

The 1916 treaty with Great Britain was amended in 1999 by the governments of Canada and the U.S. Article II of the amended U.S.-Canada migratory bird treaty (Treaty) states that, in order to ensure the long-term conservation of migratory birds, migratory bird populations shall be managed in accord with conservation principles that include (among others): to manage migratory birds internationally; to sustain

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healthy migratory bird populations for harvesting needs; and to provide for and protect habitat necessary for the conservation of migratory birds.

Article III of the Treaty states that the governments should meet regularly to review progress in implementing the Treaty. The review shall address issues important to the conservation of migratory birds, including the status of migratory bird populations, the status of important migratory bird habitats, and the effectiveness of management and regulatory systems. The governments agree to work cooperatively to resolve identified problems in a manner consistent with the principles of the Treaty and, if the need arises, to conclude special arrangements to conserve and protect species of concern.

Article IV of the Treaty states that each government shall use its authority to take appropriate measures to preserve and enhance the environment of migratory birds. In particular, the governments shall, within their constitutional authority, seek means to prevent damage to such birds and their environments and pursue cooperative arrangements to conserve habitats essential to migratory bird populations.

Article VII of the Treaty authorizes permitting the take, kill, etc., of migratory birds that, under extraordinary conditions, become seriously injurious to agricultural or other interests.

This EIS and planning process is in compliance with NEPA, which requires Federal agencies to consider all environmental factors related to their proposed actions. An EIS is an explanation/declaration of the consequences, both favorable and unfavorable, of a particular action that is contemplated by a Federal agency.