

Department of the Interior
U.S. Fish and Wildlife Service
Pacific Southwest Region, Sacramento, California

Finding of No Significant Impact

Related to the Final Environmental Assessment for
the San Nicolas Island Seabird Restoration Project

This Finding of No Significant Impact (FONSI) documents the decision of the U.S. Fish and Wildlife Service (Service) to implement the Proposed Action (Preferred Alternative) as set forth in Chapter 3 of the *Final Environmental Assessment (Final EA) for the Restoration of San Nicolas Island's Seabirds and Protection of Native Fauna by Removing Feral Cats*, issued March 2009. The purpose of the Proposed Action is to restore seabird populations and protect other native fauna on San Nicolas Island, including federally and state listed threatened species, by removing feral cats. San Nicolas Island serves as important breeding habitat for the western gull (*Larus occidentalis*) and Brandt's cormorant (*Phalacrocorax penicillatus*), and is home to the endemic San Nicolas Island fox (*Urocyon littoralis dickeyi*), federally threatened western snowy plover (*Charadrius alexandrinus nivosus*) and island night lizard (*Xantusia riversiana*). The removal of this non-native predator is an important step in restoring the ecosystem of San Nicolas Island.

This project is funded by the Montrose Trustee Council as part of the Montrose Settlements Restoration Program (MSRP). The Montrose Trustee Council is composed of representatives from the Service, National Park Service, National Oceanic and Atmospheric Administration (NOAA), California Department of Fish and Game, California State Lands, and California Department of Parks and Recreation. The U.S. Department of the Navy (Navy), which owns San Nicolas Island, is a cooperating agency for the EA (40 CFR §1501.6 and 1508.5).

Documents reviewed in the preparation of this FONSI were the: 1) *Final Environmental Assessment for the Restoration of San Nicolas Island's Seabirds and Protection of Native Fauna by Removing Feral Cats*, issued March 2009, 2) public comments received during May and June 2008, 3) the *Environmental Assessment for the Restoration of San Nicolas Island's Seabirds and Protection of Native Fauna by Eradicating Feral Cats*, issued May 2008, 4) reports and scientific literature, 5) the MSRP Final Restoration Plan/Programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR), issued October 2005, and 6) the Service's Administrative Record for the project. The Final EA contains modifications from the May 2008 EA in response to public comments. These documents are incorporated by reference, as described in 40 CFR § 1508.13.

Proposed Action

The Proposed Action is modeled after other successful efforts to remove feral cats from islands. The Service and Navy propose to restore and protect native species and their habitat on San Nicolas Island by removing feral cats. Under the Proposed Action, feral cats will be removed from San Nicolas Island using a combination of techniques, including live trapping (both padded

leg-hold and cage traps), hunting with specialized tracking dogs, and spotlight hunting. An adaptive management approach will be used, which involves careful monitoring of the effectiveness of each method to be humane and maximize efficiency and to reduce potential environmental impacts.

The Proposed Action is comprised of the following elements:

Live Trapping

Padded leg-hold live trapping is an effective technique for capturing feral cats on San Nicolas Island and will be the primary method used as part of the Proposed Action. Locations for placing padded leg-hold live traps will be determined using a variety of methods. Padded leg-hold live traps require experienced personnel to select trap placement locations and to correctly set the traps.

In response to public comment, cage trapping has been incorporated into the Proposed Action. Although cage traps are not as effective as padded leg-hold traps for capturing feral cats on San Nicolas Island, these types of traps serve as another tool in the adaptive management approach to this project and will be used as appropriate.

All traps will be checked at least daily, either visually or electronically using a telemetry monitoring system. When a trap is sprung, a switch will trigger the transmitter to send an identification (ID) code indicating the status of the trap. The unique ID code of each transmitter will identify each trap, the location of which will have been recorded by a Global Positioning System. This system will allow field technicians to quickly respond to traps that have been sprung.

Transfer of Cats to Mainland

Based on public comment on the May 2008 EA, the Service and Navy engaged in discussions with animal welfare organizations, including The Humane Society of the United States (HSUS) and Best Friends Animal Society. As a result of those discussions, a collaborative Pilot Program with HSUS took place on San Nicolas Island during November 2008 – January 2009. The Pilot Program consisted of testing cage traps on the island and transferring seven captured cats to HSUS-selected and Service-approved facilities on the mainland for long-term care.

The HSUS has indicated their interest in a continued partnership with the Service and Navy. Consequently, healthy feral cats that can be safely removed from a trap site may be transferred to the custody of a Service-approved animal welfare organization, such as HSUS. These cats must be kept for the remainder of their lives in humane conditions in Service-approved facilities that prevent the cats from escaping or threatening wildlife on the mainland. Based upon the outcomes of the Pilot Program, the Service will also consider adoption of some adult feral cats during the Proposed Action as a potential option. To prevent harm to wildlife on the mainland, the USFWS will only transfer cats from San Nicolas Island to shelter, fostering, or adoption facilities that require a contractual agreement from potential fostering individuals or adopters to keep cats indoors at all times.

Young kittens captured on San Nicolas that are healthy and likely to be adoptable may be considered for transfer to a Service-approved animal welfare organization or transported to an appropriate location such as the Ventura County Animal Shelter.

If a feral cat is unhealthy or seriously injured, or if the Service determines that suitable mainland facilities are not available for the feral cats, then the cat will be humanely euthanized on-island according to guidelines established by the American Veterinary Medical Association.

Hunting with Tracking Dogs

The use of specialized tracking dogs is an important component of the Proposed Action. These dogs will be trained to focus exclusively on feral cats and completely disregard other species including the island fox. Dogs will be trained to find feral cats by following ground and/or wind-borne scents and will not be allowed to attack the feral cats. The dog handler will shoot the feral cat when a clear, fatal shot can be delivered. In some instances, feral cats may be deep in holes. If this occurs, a live trap will be set at the entrance to the hole. Dogs will undergo strict quarantine procedures to ensure that potential impacts to the island fox from the introduction of disease or parasites are avoided.

Spotlight Hunting

Spotlight hunting may be of limited use on San Nicolas Island due to the high density of island foxes causing false alarms that require further investigation. Because distinguishing a feral cat from an island fox in some circumstances can be difficult, a shot will be fired only when the shooter is 100 percent certain of the identification of the target. Spotlight hunting may prove to be an important technique in special circumstances, but will most often be combined with the use of tracking dogs.

Mitigation Measures

Measures to mitigate and/or minimize adverse effects have been incorporated into the Proposed Action. A full summary of these measures can be found in Chapter 3 of the Final EA. Several of these measures include:

- 1) There will be no permanent loss of habitat as a result of this project.
- 2) Technicians, hunters, and tracking dogs will maintain a minimum 300-ft buffer from marine mammals hauled out on the island, a 500-ft buffer from roosting seabirds and shorebirds, and a 1,000-ft buffer from nesting seabirds and shorebirds.
- 3) The use of live traps will be restricted during the island fox breeding season to minimize potential effects.
- 4) Traps will be modified to reduce the risk of injury to both island foxes and feral cats.

- 5) A state-of-the-art trap telemetry monitoring system will be used that provides immediate notification when a trap is sprung. Traps will be monitored continuously by the monitoring system.
- 6) Foxes requiring care will be held in a clinical facility on-island and given all necessary treatment until they are released.
- 7) New temporary trails will be routed outside of prime habitat areas for the island night lizard.
- 8) Non-toxic ammunitions will be used on San Nicolas Island.

Project Monitoring

Monitoring of feral cats, island foxes, and seabirds will be conducted before, during, and after the removal phase. Trapping will occur throughout the removal phase and aid in the confirmation of complete removal. As part of the adaptive management approach, population indices will be derived from trapping rates and other detection methods and will be used by managers throughout the project to gauge effectiveness of methods and progress towards the goal of complete removal of feral cats from the island. Additional monitoring throughout the project will be conducted to ensure that any negative environmental effects are avoided or minimized.

Alternatives Analyzed

The Service analyzed a number of alternatives to the Proposed Action in the Final EA. These include:

Alternative 1. No Action

Under the No Action alternative, the current intermittent feral cat control efforts will continue, but a comprehensive removal strategy will not be implemented. As funding allows, the Navy will conduct intermittent feral cat control efforts in accordance with the Invasive Species Executive Order (E.O. 13122) and general recommendations in the Integrated Natural Resource Management Plan (INRMP) for San Nicolas Island. Feral cats, however, will continue to reproduce, prey on seabirds and other native wildlife, including federally and state threatened species, and compete with the state threatened island fox. The negative impacts of feral cats on native fauna will continue on San Nicolas Island.

Alternative 2. Live Trapping Only

Under this alternative, feral cats will be removed from San Nicolas Island using padded leg-hold live traps and cage traps exclusively. This alternative works well under dry conditions; however, rainfall tends to compromise the effectiveness of traps and lures, thereby reducing capture rates. Because its utility is subject to weather conditions, exclusive use of this alternative could increase the number of months required to remove all of the feral cats from the island. Increasing the time to complete the project will give the feral cats more time to reproduce. In

addition, some cats are expected to be trap-shy and not enter the traps, which would further increase the time to complete the project.

Alternative 3. Spotlight Hunting and Limited Live Trapping

Under this alternative, feral cats will be removed from San Nicolas Island primarily by use of spotlight hunting and secondarily by use of padded leg-hold live trapping and cage traps. Spotlight hunting can be an effective technique to reduce feral cat numbers locally but is generally not a viable tool for extensive use in larger scale removal efforts.

Alternative 4. Hunting with Tracking Dogs and Limited Live Trapping

Under this alternative, feral cats will be removed from San Nicolas Island primarily through the use of hunting with tracking dogs and secondarily by padded leg-hold live trapping and cage traps. Hunting with tracking dogs can greatly increase the effectiveness of spotlight hunting, especially when feral cats are wary of other methods or they occur at low densities. In combination with limited but strategic leg-hold live trapping and cage traps, hunting with tracking dogs may be an effective method. However, this alternative was not selected because it will not be as effective as the adaptive approach of the Proposed Action.

A number of alternatives were considered and dismissed with rationale in the Final EA. These include the use of trap-and-transport only, poison, disease, kill traps, immunocontraception, and trap-neuter-release. Refer to Chapter 4 of the EA for more detailed information about each alternative and to Chapter 6 for specific information on the anticipated environmental consequences of each alternative.

Effects and Finding of No Significant Impact

In evaluating the alternatives and selecting the Service's Proposed Action alternative, the following criteria were considered: (1) consistency with agency guidelines and policies; (2) extent to which it meets the Service's Purpose and Need of the project; and (3) extent to which it responds to and/or helps to resolve and minimize the environmental issues raised during the public review process. The Proposed Action was selected over the other alternatives because it best meets the criteria in these three categories.

1) Agency Guidelines: The Proposed Action is consistent with the Service's statutes regulations, and Presidential Orders. The Montrose Trustee Council, which includes the Service, identified this project as a priority action in their MSRP Final Restoration Plan/EIS/EIR. This selection was based on injury to several seabird species from past releases of DDT off the coast of southern California and is consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9607).

The Service is directed by the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended, to conserve ecosystems upon which threatened and endangered species depend. In addition, the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, not including 742 d-1, 70 Stat. 119), as amended, gives general guidance that the Secretary of Interior take steps "required for the development, management, advancement, conservation, and protection of fish

and wildlife resources". Presidential Executive Order 13112 on Invasive Species (February 3, 1999) also states that federal agencies shall "provide for restoration of native species and habitat conditions in ecosystems that have been invaded." This project also fulfills goals and recommendations for invasive species removal in the recovery plans for the western snowy plover (Service 2007), island night lizard (Service 2006), and Seabird Conservation Plan for the Pacific Region (Service 2005).

The Proposed Action is also consistent with the Migratory Bird Treaty Act which prohibits the unlawful taking, killing, and possession of migratory birds (16 U.S.C. §703). The Proposed Action does not include releasing the cats unconfined on the mainland where they could impact migratory birds. The Proposed Action is also consistent with the Navy's guidelines for management of natural resources. The Integrated Natural Resource Management Plan for San Nicolas Island identifies the continued control/elimination of feral cats as a recommended activity to protect the island night lizard, western snowy plover, resident and migratory birds, endemic deer mouse, and island fox.

The Proposed Action best meets the Service's agency guidelines because it allows for an adaptive management approach in achieving complete removal of the feral cats in an efficient manner while minimizing potential adverse effects of the project.

2) Purpose and Need: The purpose of the project is to restore and protect the San Nicolas Island ecosystem, including native seabirds, the island fox, and the island night lizard. The Proposed Action has a high probability of achieving the purpose of the project, while avoiding and minimizing potential impacts to natural resources. Alternative 1 (No Action) was inconsistent with the project purpose since it did not address the ongoing ecological impacts caused by the feral cats. Alternatives 2-4 and the Proposed Action share many features. Although Alternatives 2-4 meet the purpose of the project, they are less comprehensive, adaptive, and effective than the Proposed Action.

3) Responsiveness to Environmental Issues Raised During Public Review: In response to public comment on the May 2008 EA, the Service and Navy initiated a Pilot Program with HSUS on San Nicolas Island during November 2008 - January 2009. As part of this program, HSUS agreed to take custody of any captured cats and provide long-term care for them on the mainland.

As an outcome of the Pilot Program, the Proposed Action has been modified as follows: 1) the use of cage traps are incorporated as appropriate, and 2) healthy cats that are live trapped (either by padded leg-hold traps or cage traps) may be made available to a Service-approved animal welfare organization, including HSUS, for transfer to the mainland to be permanently housed in a secure facility or indoor location.

Effects to the Human Environment

Utilizing best management practices will minimize impacts to the environment during implementation of the Proposed Action. The nature of the Proposed Action and the mitigation measures that will be included (summarized above and described in detail in the Final EA),

hereby incorporated by reference, will ensure that no significant environmental impacts to the human environment will occur from the Service's Proposed Action.

The Service completed an internal section 7 consultation under the Endangered Species Act of 1973, as amended. This consultation concluded that the Proposed Action will not adversely affect listed species on San Nicolas Island. A copy of this consultation is included in Appendix 2 of the Final EA. Marine mammals will not be affected by the proposed project; therefore, consultation with NOAA was unnecessary.

The Service's Proposed Action is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988. The Navy and the Service also analyzed the potential impacts of the project on the coastal zone and determined that the effect on coastal resources (e.g., seabirds) is purely beneficial. The California Coastal Commission concurred in May 2008 with this assessment.

Consultation with archaeologists in the State Historic Preservation Office (SHPO) has been completed by the Navy. The Navy received concurrence from SHPO in July 2008 that the Proposed Action will not adversely affect historic properties. A copy of this consultation is included in Appendix 4 of the Final EA.

Public Review

The Montrose Trustee Council prepared a programmatic EIS/EIR in 2005 that involved the San Nicolas Island Seabird Restoration Project and other natural resource restoration actions. As part of this process, a draft EIS/EIR was released for a 45-day comment period in April 2005. During that time, a series of public meetings were held to accept comments on the draft document. Although many comments were received from the public on the EIS/EIR, no comments in opposition to this project were received.

Tiering off the programmatic EIS/EIR, an EA was then prepared. On May 15, 2008, letters were sent to local representatives, including Congresswoman Lois Capps, Congressman Elton Gallegly, Senator Dianne Feinstein, and Senator Barbara Boxer, informing them of the upcoming release of the EA.

On May 19, 2008, the EA was posted on the MSRP website and the Service's Region 8 website. A press release announcing the release of the EA was issued on May 19, 2008, and was sent to local media, including the Los Angeles Times, Ventura County Star, Orange County Register, and Daily Breeze (Torrance). The press release was also distributed electronically to approximately 600 parties on the Montrose mailing list as well as interested organizations. Copies of the EA were sent on May 19, 2008, to the Oxnard Main Library, Santa Barbara Central Library, and Ventura County Avenue Library.

On June 4, 2008, a public open house regarding the project was held at the Ventura City Hall, Ventura, California. Representatives from the Service, Navy, and Montrose Trustee Council were available to answer questions from the public regarding the project. The public also had an opportunity to submit comments during the open house.

On June 17, 2008, the 30-day public comment period closed. The Service received 5,788 comments from individuals, conservation groups, and other organizations in response to the EA. Out of the 5,788 comments, a total of 1,465 unique comments were received. The remaining 4,323 comments were generic electronic form letter submissions that all contained identical statements regarding the proposed project. A summary of the comments and the Service's response is incorporated into the Final EA in Appendix 1.

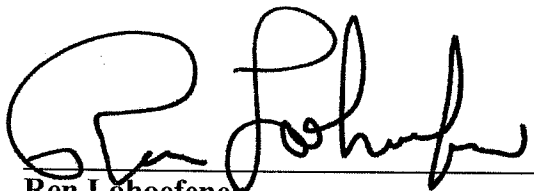
As a result of public comment, the Service and Navy engaged in discussions with animal welfare organizations. As a result of those discussions, a collaborative Pilot Program with HSUS was undertaken on San Nicolas Island during November 2008 - January 2009. The Proposed Action has been modified in response to the Pilot Program by incorporating the use of cage traps and providing animal welfare organizations, including HSUS, the opportunity to take permanent custody of any healthy trapped cats rather than euthanize them on the island.

The Final EA is available to interested parties at www.montroserestoration.gov.

Conclusion:

In summary, as documented in the Final EA, implementation of the San Nicolas Island Seabird Restoration Project is not expected to result in significant impacts to physical and biological resources. This project as described is not expected to result in significant impacts to the human environment.

Therefore, it is my determination that the Proposed Action 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 Environmental Impact Statement is not required and the Proposed Action may be implemented.



Ren Lohofener

Regional Director, Pacific Southwest Region

March 25, 2009

Date