

Service and APHIS. As noted in the response to comments, section 31.1b(2) of Forest Service Handbook 1909.15 (57 FR 43180, Sept. 18, 1992) excludes from documentation in an environmental assessment or impact statement "rules, regulations, or policies to establish Servicewide administrative procedures, program processes, or instructions." Accordingly, the agency's assessment is that this policy falls within this category of action and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement. This decision is further documented in a Decision Memo available from the Forest Service through the Wildlife Program Leader whose address is provided as a contact for further information at the beginning of this notice.

Controlling Paperwork Burden on the Public

This policy will not result in additional paperwork. Therefore, the review provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) and implementing regulations at 5 CFR Part 1320 do not apply.

Regulatory Impact

This policy has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is a significant policy.

Dated: April 5, 1995.

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Associate Chief.

FSM 2600—Wildlife, Fish, and Sensitive Plant Habitat Management

Chapter 2650—Animal Damage Management

(Note: The Forest Service organizes its directive system by alpha-numeric codes and subject headings. Only those sections of the Forest Service Manual that are the subject of this notice are set out here. The audience for this direction is Forest Service employees charged with coordinating with the Animal and Plant Health Inspection Service—Animal Damage Control Unit on animal damage management activities on National Forest System lands.)

The Forest Service and Animal and Plant Health Inspection Service (APHIS)—Animal Damage Control program along with the states, cooperate under the Animal Damage Control Act of 1931, as amended, to manage animal damage on National Forest System lands. These activities include actions to provide wildlife damage management through direct control, as well as technical assistance to achieve desired management objectives. APHIS carries

out animal damage management activities on National Forest System lands, mostly to minimize livestock losses from predation by coyotes, black bears, and other predators. The Forest Service conducts activities to control animal damage caused by small mammals and other animals to National Forest System resources, such as timber stands and roads.

2650.1—Authority. In addition to the authorities listed in FSM 2601, the following authorities govern animal damage management activities on National Forest System lands:

1. *The Animal Damage Control Act of March 2, 1931*, as amended, (7 U.S.C. 426–426c) authorizes the Secretary of Agriculture to provide animal damage management services, to maintain technical expertise for evaluating and recommending animal damage management techniques, and to perform animal damage research. The Secretary has delegated this authority to the Animal and Plant Health Inspection Service (APHIS) and the Animal Damage Control program in APHIS is specifically responsible for ADM activities.

2. *The Federal Insecticide, Fungicide, and Rodenticide Act* limits the use of pesticides to those that are properly registered in accordance with federal and state requirements for animal damage management and that conform to policies on pesticide-use management and coordination (FSM 2150). (61 stat. 63, as amended; 7 U.S.C. 136 (note), 136, 136b, 136i–m, 136p)

3. *Executive Order 12342, January 24, 1982*, permits the use of chemical toxicants registered by the Environmental Protection Agency for predator damage control on federal lands.

4. *Department of Agriculture Regulation (DR) 9500–4 (FSM 2601.2)* requires Department of Agriculture programs to include measures to alleviate damage by plant and animal pests; develop new techniques and methodologies through management and research programs to limit damage to agriculture or forestry production; and apply integrated pest management practices, where feasible, in carrying out these responsibilities.

5. *A Memorandum of Understanding (MOU) between APHIS and the Forest Service, June 18, 1993*, outlines the cooperative approach to animal damage management on National Forest System lands. Both agencies have a joint responsibility for limiting damage caused by wildlife. In this MOU, APHIS and state agencies are recognized as having the authority and expertise to conduct predator control on National

Forest System lands, to determine livestock losses, and to determine methodology for animal damage management. Under the MOU, APHIS is named the lead agency in preparing environmental documentation for predator control and other animal damage management activities initiated by APHIS on National Forest System lands.

Also, under the MOU, the Forest Service agrees to:

a. Cooperate to ensure that the animal damage management plans developed by APHIS will provide for protection of National Forest System resources and;

b. Cooperate with APHIS in the development of work plans to ensure consistency with forest land and resource management plans. See FSM 1543.14 for the full text of the MOU.

2650.2—Objective. The objective of animal damage management activities is to protect National Forest System resources, to protect activities taking place on National Forest System lands, and to reduce threats to human health and safety.

2650.3—Policy. National Forest System resources must be adequately protected during animal damage management activities authorized by the states and conducted by the states or Animal and Plant Health Inspection Service (APHIS)—Animal Damage Control program. This policy in no way defines or limits the authority of States to regulate the taking of predators according to State and other applicable Federal laws.

When the Forest Service conducts animal damage management activities, such as controlling small mammal populations on plantations, the agency must comply fully with state and federal laws. In carrying out animal damage management activities, Forest Service employees shall—

1. Rely upon APHIS or the state agencies to provide the expertise and conduct predator control on National Forest System lands, to determine livestock losses, and to determine methodology for animal damage management.

2. Conduct non-predator animal damage management, such as controlling small mammal populations on plantations, and necessary environmental analysis and disclosure on National Forest System lands consistent with forest plans.

3. Coordinate with the Bureau of Land Management (BLM) and other federal and state agencies to improve effectiveness of control program activities conducted on National Forest System and other public lands.