ENVIRONMENTAL ASSESSMENT DECISION NOTICE
for the
CITY OF HELENA DEER REDUCTION PROGRAM

Montana Fish, Wildlife & Parks
Region 3, Bozeman
July 2008

Preface

In 2007, the City of Helen presented their Urban Deer Management Plan to the Montana Fish, Wildlife & Parks' Commission for approval so that the plan could be initiated. The Commission's approval was required because of legislation passed in 2003. House Bill 249 (7-31-4110 MCA) was enacted to allow local governments, in cooperation with Montana Fish, Wildlife, and Parks (FWP), to develop and implement local programs in an attempt to better manage urban wildlife for public health and safety issues.

The plan included findings that confirmed the predominate urban wildlife issue within the City's limits was an overpopulation of mule deer that were habituated to an urban environment. The plan proposed an initial removal of 350 deer in an effort to stop or reduce the population's rate of growth. The target deer population density for the City was recommended to be 25 deer per square mile based upon anticipated reproduction and mortality rates. Currently, the deer density is estimated at about 33 deer/square mile.

The FWP Commission deliberated on the City's deer reduction plan at three separate meetings. In November 2007, the Commission approved the City's request to implement a deer reduction plan targeting a limited number of animals within the city limits. Since this was a very contentious topic in Helena and was a new role for the City and FWP, the FWP Commission agreed to allow the City to remove up to 50 deer during the period August 15, 2008 through March 31, 2009 as a pilot project.

Proposed Action

Montana Fish, Wildlife & Parks (FWP) is proposing to approve the City of Helena's urban deer reduction plan.

Public Process and Comments

The FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on May 7, 2008.

Public comments on the proposed action were taken for 30 days (through June 9, 2008). Legal notices were printed in the *Helena Independent Record*, and the EA was also posted on the FWP webpage: http://fwp.mt.gov//publicnotices/.

A total of 55 written comments were received, and of those 30 respondents were in support of reducing the number of mule deer living within the City of Helena, 13 respondents were opposed to it, and 12 respondents did not clearly declare their support or opposition to the proposed action. Of the comments received, none spoke directly to the issue at hand, that is, FWP's decision to approve the implementation of the City's deer reduction plan or not.

Below is a summary of the comments received and FWP responses to the feedback:

1) Number of deer to be removed
   Eighteen comments received were directly related to the number of deer to be removed during the pilot project. Fourteen respondents felt that removing 50 deer was not enough to make a significant reduction of the population and thought removal of more than 50 deer would be necessary to accomplish the goals of the plan. Four comments believed the City's original proposal to remove 350 deer was a more appropriate amount in order to effect the total deer population.
   FWP response: Based upon the public's response to the City of Helena's urban deer management, the feedback the Commission received when the City's plan was reviewed, and that this was the first such urban wildlife management plan presented to FWP, the Commission felt the prudent decision was to approve a pilot program to ensure the methods applied by the City were sound and publicly tolerated before approving any additional removal amounts.

2) Public safety
   Seventeen comments were received pertaining to public safety, in particular vehicle accidents and the threat aggressive deer pose to children.
   FWP response: Members of FWP's Enforcement Division are aware of the public safety issues caused by deer interacting with local residents and worked with City officials to help develop their deer management plan. With the implementation of this pilot project, both the City of Helena officials and FWP will gain an understanding if the lethal reduction methods used are the best for the further reduction of the mule deer population within the City limits. One anticipated benefit of any future reduction of the deer density within the city limit would be a reduction in the number of vehicle accidents and human-deer conflicts.

3) <u>Property damage</u>
Fourteen comments were directly related to the damage urban deer do to private and public landscaping within Helena. Some respondents spoke of the high cost they incur year after year to replace damaged plants. Many of those noting this impact also commented on the number of deer to be removed or should be removed.
FWP response: State statute excludes damage to personal property as a consideration during the decision-making process. If the deer reduction pilot project is successful and its methods are found to be the best suited for use in additional reductions in deer density in Helena, it is anticipated an incidental benefit of those efforts would be the reduction in damage to landscaping within the city.

4) <u>Method of removal</u>
A variety of feedback was received under this category. Five respondents expressed their desire for FWP and City to use non-lethal methods to control deer population, such as sterilization or relocation. On the other end of the spectrum, one person suggested public hunting should be allowed to remove the deer.
FWP response: Based upon information used by the City for their deer management plan, the trap/relocation alternative was not the preferred option because it can be very stressful to the animal and often results in high mortality rates in the relocated deer. Additionally, this methodology was found to be labor intensive, have a high cost, and poses a risk for disease and problem transfer into the wild.

Although the City explored sterilization as a possible method to control the mule deer population, the City found that the costs of such a treatment was prohibitive at this time and that the effectiveness of the method in a free-ranging wildlife population was questionable. The City may explore this option at a future time.

Outside of an approved plan, public hunting is prohibited within the city limits by state statute (87-3-305 MCA). However, the City's Urban Deer Management Plan did investigate the option of allowing limited public hunting in designated areas. The City may consider this alternative at a later date.

5) <u>Impact of urban growth on wildlife habitat</u>
Eight respondents felt the growth of the city into wildlife habitats contributed to the increased number of deer moving into residential areas.
FWP response: The City of Helena's plan recognizes methods in which the City can work proactively through zoning, policies, and public education to measure and incorporate wildlife habitat and corridor considerations in growth decisions. Growth beyond the city limits is outside the City's jurisdiction. Considerations of deer and habitat relative to development in outlying areas is within the County's authority.

6) <u>Donation of meat</u>
Six people expressed support of the donation of the deer meat to Food Share. Three comments asked if the meat was going to be tested to ensure it was fit for consumption. Their concern was the use of pesticides and fertilizer by homeowners and the deer then

eating those landscaping/gardens. Finally, one person asked which party was paying for the processing the meat.
FWP response: Through contact with other agencies and professional contacts, FWP learned other areas have utilized urban deer meat for consumption with no issues of contamination from landscaping chemicals arising.

Food Share will be covering the cost of processing the meat. They consider it a fair arrangement since the price of processing the meat will be less than buying meat through a commercial source.

7) Frustration with the lack of action
Five commentors voiced their frustration about the lack of action of either the City or FWP's part in not controlling the deer population within the city limits.
FWP response: Any urban wildlife management activity must be initiated by the local government. The City of Helena embarked on its plan in 2005, and the City worked through a deliberate process that included researching existing urban wildlife plans, inventorying Helena's deer population density and distribution, and engaging wildlife biologists, local officials, and general public to evaluate the options available for reducing the deer density within the City. Once the City finalized their plan, they presented it to the FWP Commission. FWP's authority in the implementation of any wildlife management activity is limited to either approving (with or without adjustment) or not approving a local government's plan. Although the process may have appeared slow to some, it was completed in a systematic and deliberate method to ensure it was inclusive to all interested parties and informed decisions were made for its implementation and success. It is also the first time a municipality has acted under 7-31-4110 MCA.

8) Plan poorly conceived
Five comments asserted that the plan was ill conceived and would not decrease the over population of deer within the city.
FWP response: As noted previously, the City applied a sound and deliberate approach in identifying the problem, possible solutions to the problem, which methodology would work for Helena, and how to implement the chosen methods to meet the City's final objectives.

The purpose of the pilot project is not to reduce the deer population to the City's goal of 25 deer per square mile, but to learn if the chosen methodology of capture and dispatch is the best means for future reduction efforts. This pilot effort is the first step toward meeting their deer density goal.

In addition to the physical removal of a portion of the deer population, the City of Helena's plan includes the following management actions: 1) conduct public outreach and education and 2) to review zoning ordinances and applicable laws.

9) Expand target area where the implementation will take place
Four respondents requested the area to be initially targeted in the effort be expanded.

FWP response: Again, the intent of this pilot project is to explore methodology to better understand how and where deer control may occur.

10) <u>Program costs</u>
A variety of questions were submitted centering upon where the funds were going to come from and whether or not it was worth the cost to remove deer, how the costs of responding to nuisance deer compared to the pilot program's costs, and if the method of removal was decided solely on expense.
FWP response: Based on the information presented to FWP's Commission by the City of Helena, the proposed action will cost approximately $30,000 with funding support from the City's general fund. Additionally, considerable City and FWP staff time has already gone into developing the plan. Some staff time will be required for the implementation as well. As already noted in comments #1-3, there are those living in Helena who are concerned about the large population of deer and the threats they present to residents and private property. The City feels the issue of human-wildlife conflicts is an important one and accordingly prepared their management plan.

The benefits of implementing the pilot project will likely not be immediately visible to the public. However, as additional deer population efforts are made, the public is expected to see a return on the City's investment. Such benefits would be a decrease in the number of nuisance deer and vehicle accident calls FWP wardens and the City of Helena Police receive annually, fewer aggressive deer complaints, and fewer cultivated landscapes impacted by resident deer.

The decision by the City to implement a lethal program versus another method came after the costs, benefits, and challenges of other alternatives were weighed to identify which would best fit the City's needs, objectives, budgets, and public inputs. The other alternatives (i.e. sterilization) considered were not eliminated from future consideration by the City.

11) <u>General deer welfare issues</u>
Single comments were received focused on issues arising if there was a hard winter and large die off, and if new fawns would survive if the does were killed in the pilot project.
FWP response: The reduction in deer density within Helena is likely to reduce the chance of a large die off if stressful weather conditions should arise because, if successful, fewer deer will reside within the city.

Addressing the second comment, fawns born in spring are largely self-sufficient by late August. The taking of does in late August or early September is consistent with FWP's archery hunting seasons.

12) <u>Questions about information in the assessment</u>
a. A comment inquiring about whether a cultural/historical assessment had been conducted in the capture sites.
FWP response: The City's plan, as it was presented to the FWP Commission, is expected to require very limited ground disturbance activities which would only include the need

to temporarily secure the lower portion of a clover trap to the ground. At the time of drafting of the environmental assessment, the City's had not specified the locations of the capture sites. It is unknown if the sites selected would have culturally or historically sensitive areas within them, but it would be the responsibility of the City to consult with the State Historic Preservation Office if the program might impact culturally or historically sensitive areas.

b. A comment concerning how many recreation areas would be affected and if the areas would be visible to onlookers.

FWP response: The locations where the clover traps will be set are at the discretion of the City and it is unknown if the traps will be visible to the public. Only a general area was specified for the pilot project. Signage or other deterrents may be used to limit the public access to trap areas to maintain the presence of deer in the area, ensure trap effectiveness, and provide for public safety.

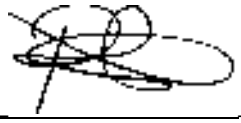
Final Environmental Assessment

There are no modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment, public comment, and the need to meet the terms of 7-31-4110 MCA for responsible management of urban wildlife by local governments, it is my decision to approve the proposed action for implementation of the City of Helena's deer reduction pilot project.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



_____ 7/25/2008

Patrick J. Flowers Date
Region 3 Supervisor
Montana Fish, Wildlife & Parks