



DECISION NOTICE

POWDER RIVER COUNTY COYOTE PREDATION CONTROL

April 14, 2023

ACTION

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

With this action, FWP hereby adopts the Draft Environmental Assessment as final, without modification, and approves Alternative 2, the proposed action.

AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT

According to the applicable requirements of the Montana Environmental Policy Act or MEPA and its implementing rules and regulations, before a proposed action can be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA)*.

Based on these factors, FWP determined a Standard Environment Assessment or Draft EA constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of public comment received.

PUBLIC PARTICIPATION PROCESS

The Draft EA was made available for public review and comment from March 10, 2023, to April 8, 2023. A legal Notice was published in the Powder River Examiner and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received three comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

Mule deer surveys in portion on FWP's Administrative Region 7 in southeastern Montana have observed a decline in total numbers as well as a reduction in recruitment rates during the spring of 2021 and again in the spring of 2022. This corresponds with severe drought conditions in the areas. Drought conditions have negative impacts on forage quality and quantity and habitat conditions, which impact mule deer survival rates. Drought conditions also impact other wildlife populations and could reduce other prey resources for coyotes that may result in additional cause-specific mortality of mule deer by coyotes. In efforts to increase mule deer population levels FWP has reduced antlerless mule deer hunting opportunity the previous two hunting seasons.

When mule deer populations drop well below their carrying capacity on the landscape and recruitment rates are at low levels then cause-specific mortality events can become additive and are no longer compensatory. Most mortality events in an ungulate population occur in the younger age classes, particularly in fawns after parturition or during winter months.

FWP proposed to provide Powder River County with \$26,400 to assist with their predator control efforts specific to coyotes from April 15, 2023, to June 15, 2023, to align with mule deer parturition in the area. The coyote control efforts would be conducted at a finite spatial scale that is recommended by the literature with the intent to provide an area that could positively impact mule deer fawn survival rates in the areas where low recruitment rates have been observed.

PURPOSE AND NEED

Mule deer populations in portions of FWP's Administrative Region 7 in southeast Montana are well below long-term averages as monitored by the spring surveillance flights in 2021 and 2022. This is not surprising given recent years' impactful weather that has variously included summer drought and extreme winter cold and snow. Coyotes in these same areas, while not formally surveyed, are believed to be at high levels. This relative scarcity and abundance of mule deer and coyotes, respectively, enhances potential for predation by coyotes to negatively impact mule deer survival and recruitment. Limiting the number of coyotes located in the affected area during spring fawning season could lessen potential mule deer fawn mortality via predation. Previous monitoring efforts by FWP have identified positive short-term local prey population responses to targeted coyote removal. In this context, FWP intends to partner with Powder River County and their predator board to intensify targeted aerial and ground control efforts to reduce coyote numbers just prior to and during fawning in areas identified by FWP as having low mule deer numbers, recruitment, or both. In removing coyotes, the intended result would be positive mule

deer population and recruitment response, albeit short-term and subordinate to the long-term and uncontrollable influences of weather.

ALTERNATIVES ANALYZED

Alternative 1: No Action

Under the No Action alternative, FWP would not contract with Powder River County for increased targeted coyote removal in areas where mule deer populations are currently low in abundance and recruitment. The existing coyote population would continue to potentially suppress mule deer numbers below what the landscape can support, and the affected mule deer population growth could be limited.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would provide \$26,400 to Powder River County and their Predator Board to assist with their predator control efforts specific to coyotes from April 15, 2023, to June 15, 2023. The proposed activity would allow the county to use the funds to temporarily increase aerial shooting of coyotes utilizing fixed-wing aircraft and trapping efforts to reduce the coyote population at a spatially finite scale during peak mule deer parturition to potentially have a positive impact on the mule deer population and fawning rates, albeit short-term and subordinate to the long-term and uncontrollable influences of weather.

PUBLIC COMMENT AND FWP RESPONSE

FWP received three substantive public comments on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. The following provides the public comments received and FWP response(s).

Comment 1: Is this open to all counties?

FWP response: The proposed action is occurring in Carter and Powder River counties due to extremely low total mule deer numbers and recruitment levels observed during the 2021 and 2022 spring surveys as a result of the drought conditions.

Comment 2: As a resident of Powder River County who sees first hand the results of predation by coyotes on both livestock and wildlife, especially the young, I fully support FWP efforts to provide funding to the Powder River County Predator Program. In fact, in the future, it would be my hope to see greater financial participation by FWP. I believe their help could be very beneficial. Funding could be tied to the number of hunting license issued in a said area. Undoubtedly, this could greatly impact the viability of deer and other game animal populations in our state.

FWP Response: The proposed activity is only for this year based on the low overall mule deer numbers and their associated recruitment rates with the intended result to positively improve their numbers in the short-term. Predator control programs as proposed have shown to potentially have a short-term impact and is subordinate to the long-term and uncontrollable influences of weather and habitat.

Comment 3: Brett, as a sheep producer in both Powder River and Carter counties, I am most definitely in favor of the increase in coyote hunting by both aerial gunning and trapping. It's a win win for both the wildlife and livestock producers.

FWP Response: Thank you for your comment.

DECISION NOTICE SUMMARY

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Schmitz", with a stylized flourish at the end.

Brad Schmitz
Region Supervisor – Region 7
Montana Fish, Wildlife & Parks