



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



August 16, 2019

Governor's Office of Planning & Research

Ignacio Gonzalez  
Mendocino County  
860 North Bush Street  
Fort Bragg, CA 95437

**AUG 16 2019**

**STATE CLEARINGHOUSE**

**Subject: Review of the Draft Environmental Impact Report for the Integrated Wildlife Damage Management Program, Mendocino County**

Dear Mr. Gonzalez:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Report (DEIR) dated June 2019, that describes the potential impacts of the Mendocino (County) above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq.

**Project Description**

The proposed project is approval of the Integrated Wildlife Damage Management (IWDM) Program to protect agricultural and livestock commodities, human health and safety, natural resources, and property in the County from wildlife damage. The Project would be implemented under contract with the United States Department of Agriculture Animal and Plant Health Inspection Service - Wildlife Services. A Non-Lethal Program Alternative and Variation to the Non-Lethal Program Alternative have been evaluated at an equal-level within the EIR.

**Project Background**

The Department has the following comments and recommendations as they pertain to the project background.

Under CEQA guidelines (§15063) and Public Resources Code (§ 21080.3), the Lead Agency is required to consult with all trustee agencies as soon as the, "Lead Agency has determined that an initial study will be required for the Project...to obtain the recommendations of those agencies as to whether an EIR or Negative Declaration should be prepared". To date, there has been no input from the Department, State Parks, university wildlife and biology programs or input from any Department/United

States Fish and Wildlife Service (USFWS)/United States Forest service (USFS) wardens and law enforcement in the Notice of Preparation. Information from such agencies/persons/specialists is needed even if it needs to be solicited.

The DEIR would benefit from reference to the County, USFS, USFWS, or the Department's Wildlife Management Plan that would serve as a baseline for species that are potentially affected by actions proposed herein. Such documents would serve as a basis for future wildlife damage management actions that could be updated annually species-by-species in relation to species-specific distributions, habitat use, population trends, and overall impact by actions proposed herein and in reference to annual fluctuation in agricultural and livestock commodity use. Such a document would allow assessment and justification for the overall effectiveness of management actions proposed herein and in direct and documented proportion to existing predator populations within the County.

Fish and Game Code section 4802 referenced on page 225 of the DEIR is misleading. This section contains a two-paragraph description of the depredation permit process in California. The description is contradicting. There are nine species in California that require a depredation permit to be issued by the Department; Elk, deer, mountain lion, black bear, beaver, bobcat, wild pig, wild turkey, and gray squirrel. Permits are indeed required to respond to damage, however, predators may be taken immediately by the land or resource owner if they are in the act of attacking livestock or pets or causing property damage. Wild pigs have additional allowances through Fish and Game Code section 4181.1 deemed the "Immediate Take" or "Encounter law" by many. The regulation allows land/resource owners to immediately take wild pigs when damaging or threatening to damage land and property. The Department suggests that the County work closely with the Department on the language for this section to make it more transparent in the FEIR.

The Department disagrees with the DEIR's proposed improvement measures in the biological resources category for the IWDM program alternative. The DEIR has proposed to potentially add conditions including a stepped response over time to a Department-issued depredation permit. The Department, as the regulatory agency charged with managing California's wildlife population and implementing Fish and Game Code sections 4181 and 4181.1, issues depredation permits to land and resource owners. In general, local counties have limited roles or authorities in the issuance of depredation permits and no ability to add language or conditions as a part of this process. The DEIR should not propose improvement measures within the analysis that it has no authority to enact. As such, the stepped depredation response improvement measure should not be included in the Final EIR (FEIR).

### **Biological Resources**

The Department has the following comments and recommendations as they pertain to biological resources.

A county-wide monitoring effort should be part of the FEIR and the process over the long-term. There are plenty of examples including Green Diamond Forest Products biological/environmental capability and approach to such an effort.

#### Black Bear

Regarding black bear populations in the County, section 4.2-32 the DEIR states that Wildlife Services-CA took an annual take of 26 bears from 1997 to 2017. Black bears can withstand 10 percent mortality/year and maintain population status. Thus >253-337 animals would have to be killed per year in this county to impact population status. The Department recommends assessing the statistics in the FEIR

#### Mountain Lion

With regard to ecology and historic range, in section 4.2-32, mountain lions have been expanding their range to fill in these areas of historic occupancy. Given that lions are expanding their habitat, conflicts obviously aren't substantial enough to limit population growth and expansion. The Department recommends the FEIR incorporate feedback from wildlife agencies in South Dakota, North Dakota, Nebraska, Oklahoma, and Missouri for evidence of continued population expansion (and establishment) in these more eastern states.

The Department suggests the FEIR incorporate scientific evidence regarding the suggestion of separate subspecies of mountain lions (Culver, et al. 2000, Hornocker and Negri. 2010). Culver et al. (2000) and Hornocker and Negri (2010) both recognize only one subspecies of mountain lion in North America. The DEIR is vague in the statement that mountain lions are widespread but uncommon. Additionally, this statement is not supported as mountain lions are more common when compared to other species in California (e.g., Sierra Nevada red fox) but less common than others (e.g., black bears).

The DEIR states that mountain lions are absent from the Central Valley and xeric regions of the state. The Department recommends the FEIR incorporate recent work by McClanahan et al. (2017) which demonstrates that mountain lions are present and reproducing within the Sacramento Valley (a part of the Central Valley). Further, Dellinger et al. (In press) demonstrates that mountain lions are present year-round in the Mojave National Preserve and also reproducing. McClanahan et al. (2017) documents mountain lion occurrence and reproduction in the Sacramento Valley of California.

In section 4.2 pg. 33, the DEIR suggests the Allen et al (2015) study detected relatively few mountain lions despite an abundance of deer and attributed the low numbers in part to illegal hunting. Allen et al. (2015) cited poaching as one of two likely causes of low mountain lion density on the Mendocino National Forest; however, there is no scientific data referenced to support this assertion. Through communication with the author, the Department understands the concern about poaching resulted from informal conversations with hunters and landowners in the area who acknowledged poaching illegally in the forest. The author believes poaching behavior is less common outside of

the national forest, which has a lack of enforcement, including Department wardens, compared to the rest of the county. Thus, the study had no direct evidence of poaching. Further, the DEIR states that "*trophy males may be a more attractive target for poachers, human-caused mortality may be higher for male than female cougars in Mendocino County.*" The Department asserts that most hunters cannot adequately sex a mountain lion much less determine if it's a 'trophy' or not. Research from Washington State determined only 50 percent of houndsman were accurate in sexing an animal when in a tree (Beausoleil et al. 2015).

With regards to the description of the Mendocino National Forest. Though it's called the Mendocino National Forest, the forest encompasses multiple counties which comprise the highest elevations in the area. These higher elevation areas were found to be less suitable mountain lion habitat than adjacent lower elevations in remaining parts of the County. Thus, these 'few cougars' likely represent an area where density is at the lower end of the spectrum found in other areas of the county (Dellinger et al. In Press). Further, Allen et al. (2015) did not conduct any density estimation for their study but evaluated foraging ecology, spatial ecology, and provisioning of carrion to mesopredators. Thus, the number of animals collared in the study should not be used as a density estimate (Dellinger et al. In Press).

The DEIR uses information from the Mountain Lion Foundation that reports a cougar population density of 1.7 animals per 38.6 square miles of habitat, based on peer-reviewed studies from around the United States. The Department affirms that the Mountain Lion Foundation is not a research group but rather an advocacy group. Thus, it would not be appropriate to cite them for supporting ecological statements. Recent research suggests mountain lion densities are fairly stable across wide variety in habitat types across the western United States at 1.7 adults per 100 km<sup>2</sup> (Beausoleil et al. 2013). Work by Dellinger et al. (In Review) approximates 7,003 km<sup>2</sup> of suitable mountain lion habitat exists in the County, resulting in approximately 119 adults mountain lions (Allen et al. (2015), Beausoleil et al. 2013).

Further, Dellinger et al. (In prep) suggests there is enough suitable habitat throughout this area to support an effective population size  $\geq 50$  animals. Additionally, it has been shown that mountain lions can withstand approximately 14 percent mortality rates/year and still maintain population status (Beausoleil et al. 2013). It is likely that depredation is the largest source of mortality for mountain lions in this area; however, the population status is stable to increasing.

In review of the conclusion for special-status species that may be vulnerable to proposed program activities, the DEIR states the County mountain lion population is unique. The Department disagrees with the conclusion and, based on recent studies suggests, there is adequate habitat, genetics are diverse based on lab results, and there are enough animals such that depredation isn't affecting the population Dellinger et al (In Review).

Coyote

The Department is concerned with the lack of data for coyote population dynamics for this same period and recommends additional research and data to support a population analysis. What are the trends in the coyote population and expected future populations trends in sheep? How can you really demonstrate that control is working or not if there is no assessment of coyote populations? Is control of predators based on predator populations trends or on loss of sheep overall (i.e., 2 percent)? Coyotes can withstand ~25-30 percent mortality so unless >1500-8100 animals are killed per year the population is likely stable.

Data provided herein are too few in sample size to talk about any trends or future projections, particularly without information on the populations sizes of coyotes. What are the statistically significant trends? Moreover, it is not possible to determine such trends with estimates based on communications with ranchers. Fixing these issues of trends and data that can be used for such purposes should be a major section of this document and it is not. There are no population trend data for any of the focal species listed here. Thus, overall monitoring effectiveness in terms of implementing actions to remove depredating animals is not in synchrony with populations trends for purpose and need.

Wildlife Movement Corridors

As this project will impact a large area of habitat that lies in between other development, the Department recommends completing a Wildlife Movement Study to evaluate potential impacts to wildlife movement from the proposed project or proposed project alternatives.

If you have any questions, please contact Shawn Fresz, Senior Environmental Scientist, at (707) 445-7850, or by e-mail at [Shawn.Fresz@wildlife.ca.gov](mailto:Shawn.Fresz@wildlife.ca.gov).

Sincerely,

*Signed for  
Tina Bartlett*  
*J*  
*Jeffrey Stoddard*  
**Tina Bartlett**  
Regional Manager

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