



## **DECISION RECORD**

### **FIELD STUDIES TO ASSESS THE SAFETY OF SYLVATIC PLAGUE VACCINE IN PRAIRIE DOGS AND NON-TARGET ANIMALS**

#### **SELECTED SITES IN ARIZONA, COLORADO, MONTANA, NEW MEXICO, SOUTH DAKOTA TEXAS, UTAH, AND WYOMING**

#### **NATIONAL WILDLIFE HEALTH CENTER, WISCONSIN IMPLEMENTATION DATE – UPON SIGNATURE OF RESPONSIBLE OFFICIAL**

#### **ADOPTION OF ENVIRONMENTAL ASSESSMENT AND ISSUANCE OF FINDING OF NO SIGNIFICANT IMPACT**

This Decision Record documents the decision and rationale for the adoption of the Environmental Assessment dated May 17, 2012 and the selection of the preferred alternative presented in the Environmental Assessment for field studies to assess the safety of sylvatic plague vaccine (SPV) in prairie dogs and non-target animals. The Environmental Assessment documents the environmental analysis the U.S. Geological Survey conducted to evaluate site-specific effects on the human environment that may result from the implementation of this project. Notice of availability for the Finding of No Significant Impact will be published in appropriate local newspapers and posted on [http://www.nwhc.usgs.gov/disease\\_information/sylvatic\\_plague](http://www.nwhc.usgs.gov/disease_information/sylvatic_plague). Contact Information: Eva J. Bryson, Environmental Manager, Denver Branch of Management Services, U.S. Geological Survey, P.O. Box 25046, MS 205, Lakewood, CO 80225, 303-236-9172, ebryson@usgs.gov.

#### **COMPLIANCE WITH MAJOR LAWS PERTINENT TO THE DECISION**

The decision to authorize the proposed actions is in compliance with the National Environmental Policy Act of 1969, as amended (42 USC 4321-4347), the regulations of the Council on Environmental Quality implementing the procedural provisions of the National Environmental Policy Act (40 CFR 1500-1508 and updated guidance), and the Department of the Interior regulations (43 CFR Part 46). It also complies with major laws pertinent to the decision, including the Endangered Species Act of 1973 (16 USC 1531 et seq.), National Historic Preservation Act, as amended (16 USC 470), the Clean Water Act of 1977, as amended (PL 95-217, 33 USC 1251 et seq.), and the Federal Facility Compliance Act of 1992 (PL 102-386).

The proposed project will not make any changes to the sites and will not require any new environmental permits for operations after implementation. The lists of laws and regulations that may influence this project are included in Appendix B of the Environmental Assessment.

## **DECISION**

It is the decision to adopt the Environmental Assessment and authorize the preferred alternative, Proposed Action—Alternative 1, for Phase II of the proposed project. This alternative is described in *Section 4.1: Proposed action (Alternative 1)*, of the Environmental Assessment (page 8).

The selected alternative, Proposed Action—Alternative 1 of the Phase I EA, conducted small, short-term field trials to evaluate the safety of SPV in wild prairie dogs and non-target animals under field conditions at selected sites in Colorado. The Proposed Action provided important information regarding the uptake and safety of SPV in wild prairie dogs and non-target animals. The area of impact for the field studies was limited in size (20-50 acres/site) and had restricted access. Phase II of this project conducts small, short-term field trials to evaluate the efficacy of SPV in wild prairie dogs and non-target animals under field conditions at selected sites in Arizona, Colorado, Montana, New Mexico, South Dakota, Texas, Utah, and Wyoming. As the impacts of Phase II of the efficacy studies have been adequately and comprehensively evaluated in the Phase I EA, the USGS is issuing this FONSI to include the above identified sites.

## **MITIGATION**

Public information announcements informed the public about the efficacy studies and bait distribution activities. Signage will be posted at all study sites describing the study and personnel to call. Restricted access to existing field sites will limit potential human exposure. Humane treatment of animals will be according to Animal Care and Use Committee protocols specific to Arizona, Colorado, Montana, New Mexico, South Dakota, Texas, Utah, and Wyoming and any trapping will have only limited and temporary effects on the species. Traps will be monitored continuously during trapping so non-target small mammals and birds can be immediately released if any are caught. To minimize any impact to unknown historical or cultural resources, all-terrain vehicles will not be used and all work will be conducted on foot.

## **MONITORING**

Careful monitoring of prairie dog and other small mammal populations on the field sites will be performed. Abundance measurements will be undertaken before and after application of SPV to assess decreases in abundance or survival due to SPV. Live-trapping of animals will permit sample collection, health inspections, and bait uptake comparisons between the pre/post-treatment and control plots.

## **RATIONALE FOR THE DECISION**

The preferred alternative, Proposed Action—Alternative 1 of the Phase I EA addressed the purpose and need of the project (Environmental Assessment, page 6). The purpose of the Proposed Action in Phase I of this project was to assess the safety of the sylvatic plague vaccine in wild prairie dogs and non-target animals after distribution in the field. The selected sites were located in one state, Colorado. The preferred alternative enabled collection of data to assess the safety of SPV in the field in a timely manner. Phase II of this project conducts small, short-term field trials to evaluate the efficacy of SPV in wild prairie dogs and non-target animals under field conditions in larger

prairie dog habitats throughout the additional states. The proposed areas of impact are limited in size with restricted access.

### **FINDING OF NO SIGNIFICANT IMPACT**

The Environmental Assessment dated May 17, 2012, for the completed field studies to assess the safety of sylvatic plague vaccine in prairie dogs and non-target animals resulted in a Finding of No Significant Impact (FONSI). The proposed action was analyzed in the Environmental Assessment. Based on this analysis, this action will not have a significant effect on the quality of the human environment within the meaning of NEPA of 1969. Therefore, an Environmental Impact Statement for the field studies to assess the efficacy of sylvatic plague vaccine is not required. The USGS adopts the NWHC NEPA EA dated May 17, 2012, and selects the proposed action because it best meets the purpose and need to assess the efficacy of sylvatic plague in prairie dogs and non-target animals.

### **PUBLIC INVOLVEMENT**

The USGS consulted with the following organizations in the adoption of the EA:

- Arizona Fish and Game Department
- Bureau of Land Management
- Colorado Parks and Wildlife
- Lower Brule Sioux Tribe
- National Park Service
- Navajo Nation
- U.S. Department of Agriculture
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- Utah Division of Wildlife Resources
- Wyoming Game and Fish Department

The USGS posted notices in local newspapers and on community bulletin boards announcing the field efficacy trials. These notices provided a 21-day opportunity for public review and comment on the proposed project. No comments or requests for a public hearing were received by the USGS, other federal and state agencies, or tribal nations. The Final EA and FONSI were placed on the public website of the National Wildlife Health Center at [http://www.nwhc.usgs.gov/disease\\_information/sylvatic\\_plague/](http://www.nwhc.usgs.gov/disease_information/sylvatic_plague/)

### **ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES**

The decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a “legally cognizable interest” to which there is a substantial likelihood the action authorized in this decision would cause injury, and who have established themselves as a “party of the case” (43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the Interior Board of Land Appeals by close of

business not more than 30 days after the date of service. Only signed, hard copies of a notice of appeal will be accepted.

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed from is in error. The appeal must clearly and concisely state which portion of element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

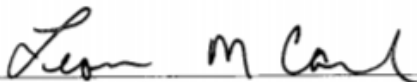
According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

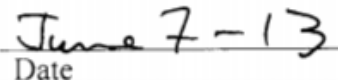
A copy of the notice of appeal, any statement of reasons, and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior no later than 15 days after filing the document with the authorized officer.

The Board will review any petition for a stay and may grant or deny the stay. If the Board takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the USGS decision will remain in full force and effect until the Board makes a final ruling on the case.

**RESPONSIBLE OFFICIAL**



Leon M. Carl  
Regional Director, Midwest Region  
USGS NEPA Responsible Official  
United States Geological Survey



Date