



DECISION RECORD

Field Studies to Assess the Safety of Sylvatic Plague Vaccine in Prairie Dogs and Non-Target Animals

This Decision Record documents the decision and rationale for 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. The Environmental Assessment and the Finding of No Significant Impact was issued on May 18, 2012. Notice of availability for the Environmental Assessment and Finding of No Significant Impact will be published in the appropriate local newspapers.

1. 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 site 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.

2. The Decision

It is the decision to authorize the preferred alternative, Proposed Action—Alternative 1, for 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, is to conduct 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 will provide 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 would be limited in size (20-50 acres/site) and have restricted access.

Mitigation

USGS commits to minimization and mitigation of potential impacts to the human environment through the use of public information announcements, restricted access to field sites, and humane treatment of animals according to Colorado Parks and Wildlife Animal Care and Use Committee protocols.

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.'

3. Finding of No Significant Impact

The Environmental Assessment for the proposed 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 an Environmental Assessment and was found to not be a major federal action significantly affecting the quality of the human environment within the meaning of NEPA of 1969. Preparation of an Environmental Impact Statement will not be required.

4. Public Involvement

Public input included requests for input and information early in the project from agencies with potential interest or jurisdiction, and from local organizations with a potential interest in the proposed project. Responses received from Federal and State agencies during the Environmental Assessment analysis did not include any concerns or issues that directly affected the proposed project. Copies of the responses received from the agencies are provided in Appendix B of the Environmental Assessment. A public open house was held February 15, 2012, in Wellington, CO, and February 16, 2012, in Gunnison, CO. No issues or concerns were raised by the public during the public open houses. Records of the Public Open Houses are included in Appendix A of the Environmental Assessment. No additional public or agency comments were made after the Notice of Availability of the Environmental Assessment and Finding of No Significant Impact were published.

5. Rationale for the Decision

The preferred alternative, Proposed Action—Alternative 1 addresses the purpose and need of the project (Environmental Assessment, page 6). The purpose of the proposed action is to assess the safety of the sylvatic plague vaccine in wild prairie dogs and non-target animals after distribution in the field. The preferred alternative will enable collection of data to assess the safety of SPV in the field in a timely manner. Other alternatives that were assessed but not chosen, another time (Alternative 2) and other locations (Alternative 3), would delay collection of data and impact future studies on field efficacy of SPV and its subsequent use as a management tool for conservation of prairie dogs and recovery of the black-footed ferret.

6. Protest and 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



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Administration, Enterprise Information, and
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Date