

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
REDUCING BIRD DAMAGE THROUGH AN
INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM
IN THE
STATE OF ILLINOIS**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife in Illinois. WS cooperates with land and wildlife management agencies to reduce wildlife damage effectively and efficiently according to applicable federal, State and local laws and Memorandums of Understanding (MOUs) between WS and other agencies. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions are categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment from WS planned and proposed program would occur, and to facilitate planning, interagency coordination, and the streamlining of program management, and to clearly communicate with the public the analysis of cumulative impacts an environmental assessment (EA) was prepared. The EA documents the need for bird damage management to protect human health and safety, aviation, agricultural crops, turf, livestock feed, livestock, livestock health, property, threatened and endangered species, and other wildlife, and aquaculture in the State of Illinois and assessed potential impacts of various alternatives for responding to damage problems. The pre-decisional EA released by WS in January 2002 documented the need for bird damage management in Illinois and assessed potential impacts of various alternatives for responding to the request for assistance. Comments from the public involvement process were reviewed for substantial issues and alternatives which were considered in developing this decision. The EA is tiered to the programmatic Environmental Impact Statement (EIS) for the Wildlife Services Program¹ (USDA 1997).

The scope and purpose of this EA is to address and evaluate the potential impact to the human environment from WS bird damage management to protect human health and safety, aviation, agricultural crops, turf, livestock feed, livestock, livestock health, property, threatened and endangered species, and other wildlife, and aquaculture in the State of Illinois. Damage problems can occur throughout the State, resulting in requests for WS assistance. Under the proposed action, bird damage management could be conducted on private or public lands in Illinois. During Fiscal Year (FY) 99 through FY01, WS entered into 26, 27 and 45, respectively, Agreements for Control to conduct bird damage management in Illinois to protect human health and safety, aviation, agricultural crops, turf, livestock feed, livestock, livestock health, property, threatened and endangered species, and other wildlife, and aquaculture. The duration of at least half of these control projects each year last only a day or two, typically dealing with isolated instances of threats to public safety.

WS proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on all land classes in Illinois that would include lethal and nonlethal direct control and technical assistance to reduce damage to human health and safety, aviation, agricultural crops, turf, livestock feed, livestock, livestock health, property, threatened and endangered species, and other wildlife, and aquaculture in the State of Illinois caused by various

¹ USDA (U.S. Department of Agriculture), Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC). 1997 (revised). Animal Damage Control Program, Final Environmental Impact Statement. Anim. Plant Health Inspection Serv., Anim. Damage Control, Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737. Volume 1, 2 & 3.

bird species. These species include, but are not necessarily limited to, the following: European starlings (*Sturnus vulgaris*), blackbirds and meadowlarks (family Emberizidae), feral pigeons or rock doves (*Columba livia*), American crows (*Corvus brachyrhynchos*), English or house sparrows (*Passer domesticus*), American robins (*Turdus migratorius*), killdeer (*Charadrius vociferus*), mourning doves (*Zenaida macroura*), swallows (family Hirundinidae), woodpeckers (family Picidae), geese and swans (family Anatidae), ducks (family Anatidae, subfamily Anatinae), larks (family Alaudidae), coots (*Fulica americana*), gulls (*Larus spp.*), herons (family Ardeidae), and raptors (hawks, owls, and vultures; families Falconidea, Accipitridea, Titonidea, Strigidea, and Cathartidea). Direct control assistance will only take place after a request for services has been received and where permission has been granted by the landowner or land manager. Based on the analysis in the EA, I have determined that there will not be a significant impact, individually or cumulatively, on the quality of the human environment from implementing the proposed action, and that the action does not constitute a major federal action significantly affecting the quality of the human environment.

Public Involvement

The pre-decisional EA was released to the public for a 41-day comment period with a legal notice being placed in three newspapers (Chicago Tribune [Chicago, IL], The State Journal-Register [Springfield, IL] and Southern Illinoisan [Carbondale, IL]) encompassing the affected area and was mailed directly to agencies, organizations and individuals with probable interest in the proposed program. All comments were analyzed to identify substantial new issues, alternatives, or to redirect the program. Three comment letters were received by WS within the 41-day comment period. All three letters were from interested parties providing their support of the proposed program. All letters are maintained in the administrative file located at the Illinois WS State Office, 2869 Via Verde Drive, Springfield, IL 62703-4325.

Monitoring

The Illinois WS program will review the EA each year to ensure that it and the analysis are sufficient. This EA would remain valid until Illinois WS and other appropriate agencies determine that new needs for action, changed conditions or new alternatives having different environmental effects must be analyzed. At that time, this analysis and document would be supplemented pursuant to NEPA.

Impacts to Federally Listed Threatened and Endangered Species

No adverse effects on federally classified T&E species are expected. WS has consulted with the USFWS under Section 7 of the Endangered Species Act (ESA) concerning potential impacts of WDM methods on T&E species and has obtained a Biological Opinion (B.O.). For the full context of the B.O., see Appendix F of the ADC FEIS (USDA 1997, Appendix F). Furthermore, Illinois WS has determined no effect on those T&E species not included in the 1992 B.O. and that the use of alpha-chloralose by WS employees or persons under their direct supervision will have no effect on any federally listed T&E species in Illinois.

Major Issues

Several major issues were contained in the scope of this EA. These issues were consolidated into the following five primary issues to be considered in detail:

- Effects on wildlife, including target, nontarget and T&E species
- Effects on human health and safety
- Effects on socio-economics of the human environment
- Humaneness and animal welfare concerns of methods used by WS

Alternatives Analyzed in Detail

Four potential Alternatives were developed to address the issues identified above. A detailed discussion of the anticipated effects of the Alternatives on the issues are contained in the EA. The following summary provides a brief description of each Alternative and its anticipated impacts.

Alternative 1 - Continue the Current Federal BDM Program (Proposed Action/No Action). The No Action Alternative is a procedural NEPA requirement (40 CFR 1502), is a viable and reasonable alternative that could be selected, and serves as a baseline for comparison with the other alternatives. The No Action alternative, as defined here, is consistent with the Council on Environmental Quality's (CEQ's) definition.

The proposed action is to continue the current portion of the WS program in Illinois that responds to requests for BDM to protect human health and safety, aviation, agricultural crops, turf, livestock feed, livestock, livestock health, property, threatened and endangered species, other wildlife, other natural resources, and aquaculture in the State of Illinois. A major component of the current program consists of an Integrated Wildlife Damage Management (IWDM) approach to address human health and safety threats and property damage associated with large concentrations of birds at roosts and other sites at both public and private facilities in the State. The program would also operate to reduce or minimize the loss of livestock feed and the risk of bird-related livestock health problems presented by European starlings and blackbirds at requesting dairies and feedlots, and to meet requests to minimize damage or the risk of damage to agriculture, other wildlife species, or other resources caused by birds. To meet these goals WS would have the objective of responding to all requests for assistance with, at a minimum, technical assistance or self-help advice, or, where appropriate and when cooperative or congressional funding is available, direct damage management assistance in which professional WS Specialists or Wildlife Biologists conduct damage management actions based upon the principals of the WS Decision Model (Slate et al. 1992). An IWDM approach would continue to be implemented which would allow use of any legal technique or method, used singly or in combination, to meet requester needs for resolving conflicts with birds. Agricultural producers and others requesting assistance would be provided with information regarding the use of effective nonlethal and lethal techniques. Lethal methods used by WS would include shooting, trapping, nest and/or egg destruction, DRC-1339 (Starlicide®), Avitrol®, or euthanasia following live capture by trapping, hand capture, nets, or use of the tranquilizer alpha-chloralose (A-C). Nonlethal methods used by WS may include pruning or thinning of trees, porcupine wire deterrents, wire barriers and deterrents, the tranquilizer A-C, live-capture by cages, nets, net guns, hand nets, drop nets, rocket nets, followed by translocation of captured birds, chemical repellents (e.g., methyl and di-methyl anthranilate, or anthraquinone), and harassment. In many situations, the implementation of nonlethal methods such as exclusion-type barriers would be the responsibility of the requester which means that, in those situations, WS' only function would be to implement lethal methods if determined to be necessary. BDM by WS would be allowed in the State, when requested, on private property or public facilities where a need has been documented, upon completion of an *Agreement for Control or Cooperative Service Agreement*. All management actions would comply with appropriate Federal, State, and local laws. Appendix B of the EA provides a more detailed description of the methods that could be used under the proposed action.

Alternative 2 - Nonlethal BDM Only by WS. This Alternative would require WS to use nonlethal methods only to resolve bird damage problems. Persons receiving technical assistance could still resort to lethal methods that were available to them. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Appendix B of the EA describes a number of nonlethal methods available for use by WS under this Alternative.

Alternative 3 - Technical Assistance Only. This Alternative would not allow for WS operational BDM in

Illinois. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, or others could conduct BDM using traps, shooting, Avitrol®, or any nonlethal method that is legal. Avitrol® could only be used by State certified pesticide applicators. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Appendix B of the EA describes a number of methods that could be employed by private individuals or other agencies after receiving technical assistance advice under this Alternative.

Alternative 4 - No WS BDM. This Alternative would eliminate WS involvement in BDM in Illinois. WS would not provide direct operational or technical assistance and requesters of WS services would have to conduct their own BDM without WS input. Information on BDM methods would still be available to producers and property owners through such sources as USDA Agricultural Extension Service offices, universities, or pest control organizations. DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Avitrol® could be used by State certified restricted-use pesticide applicators.

Alternatives Considered but not Analyzed in Detail

Several alternatives were considered, but not analyzed in detail. These include the following.

Lethal BDM Only by WS. Under this Alternative, WS would not conduct any nonlethal control of birds for BDM purposes in the State, but would only conduct lethal BDM. This Alternative was eliminated from further analysis because it was in direct conflict with WS and State policies and some bird damage problems can be resolved effectively through nonlethal means. For example, a number of damage problems involving the encroachment of injurious birds into buildings can be resolved by installing barriers or repairing of structural damage to the buildings, thus excluding the birds. Further, such damage situations as immediately clearing a runway of a large flock of injurious birds could not be implemented immediately, while scaring them away through noise harassment might resolve the air passengers' threat immediately. In addition, a lethal-only program does not satisfy some wildlife management objectives of the IDNR and do not meet lethal standard conditions of USFWS.

Compensation for Bird Damage Losses. The Compensation Alternative would require the establishment of a system to reimburse persons impacted by bird damage. This Alternative was eliminated from further analysis because no Federal or State laws currently exist to authorize and provide funds such action. Under such an Alternative, WS would not provide any direct control or technical assistance. Aside from lack of legal authority, analysis of this alternative in the FEIS indicated that the concept has many drawbacks (USDA 1997):

- It would require larger expenditures of money and labor to investigate and validate all damage claims, and to determine and administer appropriate compensation. A compensation program would likely cost several times as much as the current program. In Illinois, damage reported to WS by all species of birds exceeded \$10 million during FY 1999, yet the current WS program of abating such damage only cost about \$477,000 reimbursed by the requestor of services. It should be noted that this damage value does not constitute the total damage caused by birds in the State of Illinois, but only that reported to WS in Illinois. The total loss is expected to be much greater than this figure.
- Compensation would most likely be below full market value. It is difficult to make timely responses to all requests to assess and confirm damage, and certain types of damage could not be conclusively verified. For example, it would be impossible to prove conclusively in individual situations that birds were responsible for disease outbreaks even though they may actually have been responsible. Thus, a compensation program that requires verification would not meet its objective for mitigating such losses.

- Compensation would give little incentive to resource owners to limit damage through improved cultural, husbandry, or other practices and management strategies.
- Not all resource owners would rely completely on a compensation program and unregulated lethal control would most likely continue as permitted by State law.
- Compensation would not reduce threats to human health and safety, nor could it compensate for disease exposure or loss of life.

Short-term Eradication and Long-term Population Suppression. An eradication Alternative would direct all WS program efforts toward total long term elimination of bird populations on private, State, local and Federal government lands wherever a cooperative program was initiated in the State.

In Illinois, eradication of native bird species (the European starling, English sparrow, and feral domestic pigeon are not native to North America) is not a desired population management goal of State agencies. Although generally difficult to achieve, eradication of a local population of feral domestic pigeons or European starlings may be the goal of individual, site-specific BDM projects in fulfillment of Executive Order 13112 On Invasive Species (see Subsection 1.7.2.7). This is because feral domestic pigeons and European starlings are not native to North America and are only present because of human introduction. However, eradication as a general strategy for managing bird damage will not be considered in detail because:

- All State and Federal agencies with interest in, or jurisdiction over, wildlife oppose eradication of any native wildlife species.
- Eradication is not acceptable to most people.
- Because blackbirds and European starlings are migratory and most winter populations in Illinois may be comprised in part of winter migrants from northern latitudes, eradication would have to be targeted at the entire North American populations of these species to be successful. That would not be feasible or desirable.

Suppression would direct WS program efforts toward managed reduction of certain problem populations or groups. In areas where damage can be attributed to localized populations of birds, WS can decide to implement local population suppression as a result of using the WS Decision Model. Problems with the concept of suppression are similar to those described above for eradication.

It is not realistic or practical to consider large-scale population suppression as the basis of the WS program. Typically, WS activities in the State would be conducted on a very small portion of the sites or areas inhabited or frequented by problem species.

Finding of No Significant Impact

The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

- Bird damage management, as conducted by WS in Illinois, is not regional or national in scope.
- Based on the analysis documented in the EA, the impacts of the proposed action will not significantly affect public health or safety. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA1997, Appendix P).
- There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic

areas, or ecologically critical areas that would be significantly affected by the proposed action. Built-in mitigation measures that are part of WS standard operating procedures and adherence to laws and regulations will further ensure that WS activities do not harm the environment.

- The proposed action does not establish a precedent for future actions with significant effects.
- The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature or effect.
- Mitigation measures adopted and/or described as part of the proposed action minimize risks to the public, prevent adverse effects on the human environment and reduce uncertainty and risks. The effects of the proposed activities are known and are not highly uncertain and do not involve unique or unknown risks.
- No significant cumulative effects were identified through this assessment. The number of birds killed by WS, when added to the total known other take does not significantly effect bird populations.
- The proposed activities would not affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural or historical resources. Wildlife damage management would not disturb soils or any structures and, therefore, would not be considered a “Federal undertaking” as defined by the National Historic Preservation Act.
- WS has determined that the proposed action would not adversely affect any federal or Illinois State listed threatened or endangered species.
- The proposed action would be in compliance with all federal, State and local laws imposed for the protection of the environment.

Decision and Rationale

I have carefully reviewed the EA and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 1 - Continue the Current Federal BDM Program (Proposed Action/No Action) and applying the associated mitigation and monitoring measures discussed in Chapter 4 of the EA. Alternative 1 is selected because (1) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program’s effect on target and non-target species populations; (2) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and (3) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. The comments identified from public involvement were minor and did not change the analysis. Therefore, it is my decision to implement the proposed action as described in the EA. For additional information regarding this decision, please contact Kirk E. Gustad, State Director, Illinois WS State Office, 2869 Via Verde Drive, Springfield, IL 62703-4325, telephone (217) 241-6700.

/s/

05/09/02

Charles S. Brown
Acting Regional Director

Date

APHIS-WS Eastern Region

Literature Cited:

Slate, D. A., R. Owens, G. Connolly and G. Simmons. 1992. Decision making for wildlife damage management. *Trans. North Am. Wildl. Nat. Res. Conf.* 57:51-62.

USDA U.S. Department of Agriculture). Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC). 1997. Final Environmental Impact Statement. USDA, APHIS, ADC Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.