DECISION AND
FINDING OF NO SIGNIFICANT IMPACT

BIRD DAMAGE MANAGEMENT
AT
MUNICIPALITIES, INDUSTRIAL SITES, AGRICULTURAL SITES, AND PRIVATE LAND WITHIN INDIANA

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 Indiana. WS has prepared an environmental assessment (EA) that analyzes alternatives for managing damage caused by birds in Indiana. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995)**.** An EA was prepared in this case to facilitate planning, interagency coordination, and streamlining of program management, and to clearly communicate with the public the analysis of cumulative impacts. The pre-decisional EA released by WS in November 2002 documented the need for bird damage management in the State, and assessed potential impacts of various alternatives for responding to bird damage problems. The EA is tiered to the programmatic Environmental Impact Statement (EIS) for the Wildlife Services Program[1] (USDA 1997).

The **Proposed Action** is to implement and/or maintain a WS bird damage management (BDM) program at municipalities, industrial sites, agricultural sites, and private land in Indiana. WS programs will respond to requests for BDM to protect property, agriculture, natural resources, and human health and safety at these locations. An Integrated Bird Damage Management (IBDM) approach would be implemented which would allow use of any legal technique or method, used singly or in combination, to meet request or needs for resolving conflicts with birds.

This program would be designed to address bird damage in Indiana where requesters have solicited the assistance of WS. 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 available for public review and comment during a 37-day period (November 7 – December 13, 2002), which complies with public involvement guidelines/policies contained in NEPA, Council On Environmental Quality (CEQ) regulations, and APHIS WS=s Implementing Regulations, as well as all pertinent agency laws, regulations, and policies. A Legal Notice of Availability (NOA) was placed in the Indianapolis Star, a daily newspaper with geographic coverage of all of the proposed project area, for three days (November 7 – November 9, 2002). Notice of Availability letters were also sent directly to agencies, organizations, and individuals with probable interest in the proposed program. EA=s were made available for review by request through the U.S. Mail. All comments were to be received within the same 37-day period as advertised in the newspaper.

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[1] USDA, (APHIS) Animal and Plant Health Inspection Service, (ADC) Animal Damage Control Program. 1997 (revised). Final Environmental Impact Statement. USDA, APHIS, ADC Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.

WS received no requests for copies of the Pre-Decisional EA. Upon the closing date, December 13, 2002, no comments were received.

Monitoring

WS monitoring procedures direct that State Directors within the agency assure that each EA for which they are responsible, the Decision associated with the EA, and the activities specified in the Decision will be reviewed annually for applicability and accuracy of the documents, monitoring compliance, and the need for further analysis and documentation due to new information or changes in activities. A report of this review is prepared and filed in the respective State or Station WS office and with the appropriate WS Regional Director. This EA will be reviewed each year to ensure that it is complete and still appropriate to the scope of WS's BDM activities.

Objectives

- To protect agricultural resources, natural resources, property, and public health and safety from damage caused by injurious wild bird species
- To promote biologically sound wildlife management techniques in the resolution of human/wildlife conflicts
- To promote Integrated Pest Management (IPM) in the use of chemical control tools to resolve human/wildlife conflicts

Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds

Executive Order 13186 requires each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations, is directed to develop and implement, a Memorandum of Understanding (MOU) with the USFWS that shall promote the conservation of migratory bird populations. WS has developed a draft MOU with the USFWS as required by this EO and is currently waiting for USFWS approval. WS will abide by the MOU once it is finalized and signed by both parties.

Major Issues

Several issues were deemed relevant to the scope of this EA. These issues were consolidated into the following six primary issues to be considered in detail:

- Effects on Target Bird Species Populations
- Effects on Non-target Species Populations, including T&E Species
- Economic Losses to Property as a Result of Bird Damage
- Effects on Human Health and Safety
- Effects on Aesthetics
- Humaneness and Animal Welfare Concerns of Lethal Methods Used by WS

Alternatives Analyzed in Detail

Chapter 3 of the EA analyzes four potential alternatives that were developed to address the issues identified above. One additional alternative was considered but not analyzed in detail. A detailed discussion of the anticipated effects of the alternatives on the issues is provided in Chapter 4 of

the EA. The following summary provides a brief description of each alternative and its anticipated impacts.

Alternative 1 – Implement a Federal BDM Program /Integrated Bird Damage Management (Proposed Action/No Action). The proposed action is to continue the current WS program that respond to requests for BDM at municipalities, industrial sites, agricultural sites, and private land within Indiana to protect property, agriculture, natural resources, and human health and safety at these locations. An IBDM approach would be implemented which would allow use of any legal technique or method, used singly or in combination, to meet request or needs for resolving conflicts with birds affecting the aforementioned properties (see Appendix B of the EA). Those requesting assistance would be provided with information regarding the use of effective non-lethal and lethal techniques. Lethal methods used or recommended by WS may include shooting, trapping, toxicants, or euthanasia following live capture by immobilization drugs or trapping. Non-lethal methods used or recommended by WS may include habitat alteration, chemical immobilization, repellents, fencing, barriers and deterrents, netting, capture and relocation, and harassment or scaring devices. In many situations, the implementation of non-lethal methods such as habitat alteration, structural modifications, and exclusion-type barriers would be the responsibility of the property managers to implement. BDM by WS would be allowed on the aforementioned sites, when requested, where a need has been documented and upon completion of an Agreement for Control. All management actions would comply with appropriate federal, state, and local laws.

Alternative 2 - Non-lethal BDM Only, By WS. This alternative would require WS to use and recommend non-lethal methods only to resolve bird damage problems. Requests for information regarding lethal management approaches would be referred to Indiana Department of Natural Resources (IDNR), US Fish and Wildlife Service (FWS), local animal control agencies, or private businesses or organizations. Individuals might choose to implement WS non-lethal recommendations, implement lethal methods or other methods not recommended by WS, contract for WS direct control services, use contractual services of private businesses, or take no action. Currently, DRC-1339 and Alpha-Chloralose are only available for use by WS employees. Drug Enforcement Agency (DEA) regulated immobilizing/euthanasia drugs are available only to licensed veterinarians or other authorized users such WS personnel. Therefore, use of these chemicals by private individuals would be illegal. Under this alternative, Alpha-Chloralose or other approved capture drugs would be used by WS personnel to capture and relocate birds. Appendix B of the EA describes a number of non-lethal methods available for use by WS under this alternative.

Alternative 3 - Lethal BDM Only, By WS. Under this alternative, WS would provide only lethal direct control services and technical assistance. Technical assistance would include making recommendations to the FWS and IDNR regarding the issuance of permits to resource owners to allow them to take birds by lethal methods. Requests for information regarding non-lethal management approaches would be referred to IDNR, FWS, local animal control agencies, or private businesses or organizations. Individuals might choose to implement WS lethal recommendations, implement non-lethal methods or other methods not recommended by WS, contract for WS direct control services, use contractual services of private businesses, or take no action. In some cases, control methods employed by others could be contrary to the intended use or in excess of what is necessary. Appendix B of the EA describes a number of lethal methods available for use by WS under this alternative.

Alternative 4 - No Federal WS BDM. This alternative would eliminate Federal WS involvement in BDM at municipalities, industrial sites, agricultural sites, and private land within

Indiana. WS would not provide direct operational or technical assistance and requesters of WS services would have to conduct their own BDM without WS input. Requests for information would be referred to IDNR, FWS, local animal control agencies, or private businesses or organizations. Individuals might choose to conduct BDM themselves, use contractual services of private businesses, or take no action. DRC-1339 and Alpha-Chloralose are only available for use by WS employees. Therefore, use of these chemicals as well as DEA controlled substances by private individuals would be illegal.

Alternatives Considered But Not Analyzed in Detail with Rationale

Technical Assistance Only. This alternative would not allow WS operational BDM at municipalities, industrial sites, agricultural sites, and private land within Indiana. WS would only provide technical assistance and make recommendations when requested. This alternative has been determined ineffective based upon the unsuccessful attempts by property managers to conduct BDM prior to WS direct control involvement. The BDM programs implemented by property owners prior to WS involvement were unsuccessful in preventing the damage that prompted management to seek assistance by WS.

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:

1. Bird Damage Management as conducted by WS in the State of Indiana, is not regional or national in scope. Although BDM projects may occur anywhere in the State, individual activities will occur at localized sites.

2. Based on the analysis documented in the EA, the impacts of the **Proposed Action** will have no negative affects on public health or safety. The **Proposed Action** is expected to result in a direct beneficial impact on public health and safety by reducing the potential risk health and safety risks posed by birds. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).

3. The **Proposed Action** will not have a significant impact on unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas. Built-in mitigation measures that are part of WS=s standard operating procedures and adherence to laws and regulations that govern impacts on elements of the human environment will assure that significant adverse impacts are avoided.

4. The effects on the quality of the human environment are not highly controversial. Although there may be opposition to killing wildlife, this action is not controversial in relation to size, nature, or effects. Based on consultations with the State wildlife management authorities, the **Proposed Action** is not likely to cause a controversial disagreement among the appropriate resource professionals.

5. 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. Effects of methods and activities, as proposed, are known and do not involve uncertain or unique risks.

6. The **Proposed Action** does not establish a precedent for future actions. This action would not set a precedent for future BDM actions that may be implemented or planned within the State. Effects of the **Proposed Action** are minor and short-term in nature and similar actions have occurred previously in the State without significant effects.

7. No significant cumulative effects were identified through this assessment. The EA discussed cumulative effects of WS on target and nontarget species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State. Adverse effects on wildlife or established wildlife habitats would be minimal.

8. This action will not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places and will not cause loss or destruction of significant scientific, cultural, or historic 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.

9. WS determined that the **Proposed Action** would not result in any adverse effects on Federally listed threatened or endangered species.

10. The **Proposed Action** is consistent with Local, State, and Federal laws that provide for or restrict WS wildlife damage management. Therefore, WS concludes that this project is in compliance with Federal, State and Local laws for environmental protection.

DECISION

I have carefully reviewed the Environmental Assessment (EA) prepared for this proposal and input from the public involvement process, and it is my determination that the **Proposed Action** does not constitute a major Federal action and will not significantly affect the quality of the human environment. As such, an environmental impact statement will not be prepared. Therefore, it is my decision to implement the **Proposed Action** as described in the EA.

Additional copies of the EA are available upon request from USDA, APHIS, WS, 1158 Smith Hall, Purdue University, West Lafayette, IN 47907.

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Charles S. Brown Date
Acting Eastern Regional Director
USDA-APHIS-WS