

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT**

**REDUCING BIRD DAMAGE
THROUGH AN
INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM
IN THE STATE OF NEW JERSEY**

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. 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). To evaluate and determine if any potentially significant impacts to the human environment from WS' planned and proposed program would occur, an environmental assessment (EA) was prepared. The EA documents the need for bird damage management (BDM) in New Jersey and assessed potential impacts of various alternatives for responding to damage problems. The EA analyzes the potential environmental and social effects for resolving bird damage related to the protection of resources, and health and safety on private and public lands in New Jersey. WS' proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on public and private lands in New Jersey. Comments from the public involvement process were reviewed for substantive issues and alternatives which were considered in developing this decision.

WS is the Federal program authorized by law to reduce damage caused by wildlife (Act of 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c) and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987. Stat. 1329-1331 (7 U.S.C. 426c), and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001, Public Law 106-387, October 28, 2000. Stat. 1549 (Sec 767). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS uses an IWDM approach, commonly known as Integrated Pest Management (WS Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. WS wildlife damage management is not based on punishing offending animals but as one means of reducing damage and is used as part of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). Resource management agencies, organizations, associations, groups, and individuals have requested WS to conduct bird damage management to

protect resources and human health and safety in New Jersey. All WS wildlife damage management activities are in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

Consistency

The analyses in the EA demonstrate that Alternative 2: 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage while providing low impacts on non-target species, 4) balances the economic effects to agricultural and natural resources, and property, and 5) allows WS to meet its obligations to government agencies or other entities.

Monitoring

The New Jersey WS program will annually review its impacts on target bird species and other species addressed in the EA each year to ensure that WS program activities do not impact the viability of target and non-target wildlife species. In addition, the EA will be reviewed each year to ensure that it and the analysis are sufficient.

Public Involvement

The pre-decisional EA was prepared and released to the public for a 30-day comment period by a legal notice in *The Gloucester County Times*, *The Press of Atlantic City*, *The Star Ledger*, *Courier Post*, and *Today's Sunbeam* on August 22, 2003. A letter of availability for the pre-decisional EA was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. Fifteen comment documents were received from the public after review of the pre-decisional EA. All comments were analyzed to identify substantial new issues, alternatives, or to re-direct the program. Based upon these comments, several minor editorial changes have been incorporated into the EA. These minor changes enhanced the understanding of the proposed program, but did not change the analysis provided in the EA. All letters are maintained in the administrative file located at the New Jersey Wildlife Services Office, 140-C Locust Grove Road, Pittstown, NJ 08867.

Major Issues

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on Target Bird Populations
- Effects on Other Wildlife Species, including T&E Species
- Effects on Human Health and Safety
- Impacts to Stakeholders, including Aesthetics
- Humaneness and Animal Welfare Concerns of Methods Used

Affected Environment

The areas of the proposed action could include areas in and around commercial, industrial, public, and private buildings, facilities and properties and at other sites where birds may roost, loaf, feed, nest or otherwise occur. Examples of areas where wildlife damage management activities could be conducted are, but are not necessarily limited to: agricultural fields, vineyards, orchards, farmyards, dairies, ranches, livestock operations, grain mills, grain handling areas, railroad yards, waste handling facilities, bridges, industrial sites, natural areas, government properties and facilities, private homes and properties, corporate properties, schools, hospitals, parks and recreation areas (including sports fields, playgrounds, swimming pools, etc.), swimming lakes, communally-owned homeowner/property owner association properties, natural areas, wildlife refuges, wildlife management areas, coastal and tidal beaches, ponds, rivers, and inlets, airports and surrounding areas. The proposed action may be conducted on properties held in private, local, state or federal ownership.

Alternatives That Were Fully Evaluated

The following four alternatives were developed to respond to the issues. Three additional alternatives were considered but not analyzed in detail. Appendix B of the EA provides a description of the methods that could be used or recommended by WS under each of the alternatives. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

Alternative 1: Technical Assistance Only

This alternative would not allow for WS operational BDM in New Jersey. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, corporations, or others could conduct BDM using any legal lethal or non-lethal method available to them. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by others would not occur legally. However, the restricted use pesticide, Starlicide®, is similar to DRC-1339 and may be used by certified applicators. Avitrol® could also be used by state certified restricted-use pesticide applicators.

Alternative 2: Integrated Bird Damage Management Program (Proposed Action/No Action)

The United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services proposes to continue the current damage management program that responds to bird damage in the State of New Jersey. An IWDM approach would be implemented to reduce bird damage to property, agricultural resources (including livestock), natural resources, and human/public health and safety. Damage management would be conducted on public and private property in New Jersey when the resource owner (property owner) or manager requests assistance. An IWDM strategy would be recommended and used, encompassing the use of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, target and non-target species, and the environment. Under this action, WS could provide technical assistance and direct operational damage management, including non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate, physical exclusion, habitat modification or harassment would be

recommended and utilized to reduce damage. In other situations, birds would be removed as humanely as possible using shooting, trapping, and registered pesticides and other products. In determining the damage management strategy, preference would be given to practical and effective non-lethal methods. However, non-lethal methods may not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of non-lethal and lethal methods, or could include instances where application of lethal methods alone would be the most appropriate strategy.

Alternative 3: Non-lethal Bird Damage Management Only by WS

This alternative would require WS to use non-lethal methods only to resolve bird damage problems. Information on lethal BDM methods would still be available to producers and property owners through other sources such as USDA Agricultural Extension Service offices, universities, or pest control organizations. Requests for information regarding lethal management approaches would be referred to New Jersey Division of Fish and Wildlife (NJDFW), 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. Persons receiving WS's non-lethal technical and direct control 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 others would be illegal. However, the restricted use pesticide, Starlicide®, is similar to DRC-1339 and may be used by certified applicators. Avitrol® could also be used by state certified restricted-use pesticide applicators.

Alternative 4: No Federal WS Bird Damage Management

This alternative would eliminate WS involvement in BDM in New Jersey. WS would not provide direct operational or technical assistance and requesters of WS's assistance would have to conduct their own BDM without WS input. Information on BDM methods would still be available to producers and property owners through other sources such as USDA Agricultural Extension Service offices, universities, or pest control organizations. Requests for information would be referred to NJDFW, 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 by private individuals would be illegal. However, the restricted use pesticide, Starlicide®, is similar to DRC-1339 and may be used by certified applicators. Avitrol® could also be used by state certified restricted-use pesticide applicators.

Alternative Considered but not Analyzed in Detail:

Lethal Bird Damage Management Only By WS

Under this alternative, WS would not conduct any non-lethal control of birds for BDM purposes in the State, but would only conduct lethal BDM. This alternative was eliminated from further analysis because some bird damage problems can be resolved effectively through non-lethal

means. Additionally, lethal methods may not always be available for use due to safety concerns or local ordinances prohibiting the use of some lethal methods, such as the discharge of firearms. 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, damage situations such as large flocks of injurious birds on/near airport runways could not be removed immediately by lethal means, while scaring them away through various harassment devices might resolve the threat to passenger safety at once.

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 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 ADC Final EIS 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 to determine and administer appropriate compensation.
- Compensation would most likely be less than full market value. Responding in a timely fashion to all requests to assess and confirm damage would be difficult and certain types of damage could not be conclusively verified. For example, proving conclusively in individual situations that birds were responsible for disease outbreaks would be impossible, 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 be practical for reducing threats to human health and safety.

Use of Bird-proof Feeders in Lieu of Lethal Control at Dairies and Cattle Feeding Facilities

Bird-proof feeders were proposed by Animal Protection of New Mexico (APNM), Inc. as a method for excluding birds at dairies and cattle feeding facilities in that State. This method would involve the installation of 1/8" thick steel panel feed troughs, covered by parallel 4-6 inch spaced steel cables or wires running from the outer top edge of the trough up at a 30-45 degree angle to the top of the head chutes that cattle use to access the feed. Vertical canvas strips would be hung from the cables. The feeder was reportedly designed for use with horses. A copy of a diagram of this system was sent to Mr. Jim Glahn, Bird Control Research Biologist at the WS-National

Wildlife Research Center (NWRC), who has nearly 12 years of experience researching problems caused by European starlings at livestock feeding operations. He found the following:

- A major flaw in the design is the spacing of the cables at 4-6" which would allow European starlings to drop through. Reducing the spacing to 2" as recommended by Johnson and Glahn (1994) would likely interfere with the delivery of feed to the troughs. Interference would occur because the feed mixture currently used by most dairies is a mixture of chopped alfalfa hay and corn silage with a grain component. The alfalfa/corn silage portion would likely hang up on the cable or wire strands of the troughs and much would fall outside the troughs, with increased feed waste a result (Twedt and Glahn 1982).
- the spacing of the canvas strips is not specified, and canvas would deteriorate quickly from cattle licking and weather (Twedt and Glahn 1982).

Mr. Glahn expressed the opinion, based on Twedt and Glahn (1982) and Feare (1984), that exclusion methods to reduce starling depredations at livestock feeding operations are usually the least cost-effective solution. Despite the above concerns about the bird-proof feeder system recommended by APNM, Inc., similar types of systems could be recommended by WS under the current program should any become available that are effective, practical, and economically feasible for producers to implement.

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 New Jersey is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).
3. 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. Built-in mitigation measures that are part of WS's standard operating procedures and adherence to laws and regulations will further ensure that WS activities do not harm the environment.
4. 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.

5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The EA discussed cumulative effects of WS on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.
8. 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.
9. WS has determined that the proposed project would not adversely affect any Federal or New Jersey State listed threatened or endangered species. This determination is based upon concurrence from the FWS and the NJDFW that the project will not likely adversely affect any threatened or endangered species in New Jersey.
10. The proposed action would be in compliance with all federal, state, and local laws.

Decision and Rationale

I have carefully reviewed the Environmental Assessment prepared for this proposal and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 2 (Integrated Bird Damage Management Program (Proposed Action/No Action) and applying the associated mitigation measures discussed in Chapter 3 of the EA. Alternative 2 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 preferred alternative as described in the EA.

Copies of the EA are available upon request from the New Jersey Wildlife Services Office, 140-C Locust Grove Road, Pittstown, NJ 08867.



Charles S. Brown, Regional Director
APHIS-WS Eastern Region

10/22/03

Date

NJ Bird Damage Management Decision

Literature Cited:

- Feare, C., A.J. Isaacson, P.A. Sheppard, and J.M. Hogan. 1981. Attempts to reduce starling damage at dairy farms. *Protection Ecol.* 3(2):173-181.
- Slate, D. A., R. Owens, G. Connolly, and G. Simmons. 1992. Decision making for wildlife damage management. *Transactions of the North American Wildlife and Natural Resources Conference* 57:51-62.
- The Wildlife Society. 1992. Conservation policies of The Wildlife Society: A stand on issues important to wildlife conservation. The Wildlife Society, Bethesda, Md. 24pp.
- Twedt, D.J., and J.F. Glahn. 1982. Reducing starling depredations at livestock feeding operations through changes in management practices. *Proc. Vertebr. Pest Conf.* 10:159-163.
- USDA (U. S. Department of Agriculture). 1997 (revised). Animal Damage Control Program Final Environmental Impact Statement. Vol. 1-3. Animal and Plant Health Inspection Service, Hyattsville, MD.