

**DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**BIRD DAMAGE MANAGEMENT IN THE  
TENNESSEE WILDLIFE SERVICES PROGRAM**

**I. INTRODUCTION**

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services' (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. 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 to evaluate WS' bird damage management activities in Tennessee. The EA analyzes the effects of WS' activities in Tennessee to manage damage and threats to human safety caused by bird species or family groups that include, but are not limited to, the following: European Starlings (*Sturnus vulgaris*), blackbirds (family Emberizidae, subfamily Icterinae), Rock Pigeons (feral pigeons) (*Columba livia*), American Crows (*Corvus brachyrhynchos*), woodpeckers (family Picidae), Canada geese (*Branta canadensis*), ducks (family Anatidae, subfamily Anatinae), American Coot (*Fulica americana*), swallows (family Hirundinidae), House Sparrow (*Passer domesticus*), House Finch (*Carpodacus mexicanus*), raptors (hawks, owls, and vultures; families Falconidae, Accipitridae, Tytonidae, Strigidae, and Cathartidae), Mourning Doves (*Zenaida macroura*), gulls (family Laridae), herons and egrets (family Ardeidae), and Double-Crested Cormorants (*Phalacrocorax auritus*). The EA documents the need for bird damage management (BDM) and assesses the potential impacts of various alternatives for responding to requests to manage damage those bird species cause in Tennessee.

Comments from the public involvement process were reviewed for substantive issues and alternatives which were considered in developing the Decision for the EA. After consideration of the analyses contained in the EA and review of public comments, a Decision and Finding of No Significant Impact (FONSI) were issued on April 9, 2002 for the EA. The Decision and FONSI selected Alternative 1 (proposed action) to implement an integrated damage management program in Tennessee using multiple methods to adequately address the need for bird damage management.

The EA was prepared to: 1) facilitate planning and interagency coordination, 2) streamline program management, and 3) clearly communicate to the public the analysis of cumulative impacts. WS determined through the National Environmental Policy Act (NEPA) process that an Environmental Impact Statement was not required to conduct the current/proposed bird damage management activities in Tennessee. The EA ensured WS' actions complied with NEPA, with the Council on Environmental Quality (40 CFR 1500), and with APHIS' NEPA implementing regulations (7 CFR 372). All bird damage management activities are conducted consistent with: 1) the Endangered Species Act of 1973, including consultation with the U.S. Fish and Wildlife Service (USFWS), 2) Executive Order (EO) 13112<sup>1</sup>, EO 13186<sup>2</sup>, EO 12898<sup>3</sup>, and EO 13045<sup>4</sup>, 3) the Federal Insecticide, Fungicide, and Rodenticide Act, and 4) federal, state and local laws, regulations and policies.

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<sup>1</sup> Executive Order 13112 states that each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law; 1) reduce invasion of exotic species and the associated damages, 2) monitor invasive species populations, provide for restoration of native species and habitats, 3) conduct research on invasive species and develop technologies to prevent introduction, and 4) provide for environmentally sound control, promote public education on invasive species.

<sup>2</sup> Executive Order 13186 directs federal agencies to protect migratory birds and strengthen migratory bird conservation by identifying and implementing strategies that promote conservation and minimize the take of migratory birds through enhanced collaboration. A National-level MOU between the USFWS and WS is being developed to facilitate the implementation of Executive Order 13186.

<sup>3</sup> Executive Order 12898 promotes the fair treatment of people of all races, income levels and cultures with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

To ensure WS' activities were within the scope of analyses in the EA and to clearly communicate to the public the analysis of potential cumulative impacts, a summary report of WS' bird damage management activities in Tennessee was prepared along with a supplement<sup>5</sup> to the EA. The supplement evaluates the potential impacts to the quality of the human environment from a proposed increase in WS' activities to address increasing requests for assistance to manage bird damage in Tennessee. The summary report and supplement to the EA are two separate analyses, however, they were combined into a single record to simplify WS' environmental processes and reduce the volume of paper. This Decision is based on the analyses in the EA, the 2002 Decision/FONSI, the summary report, and the proposed supplement to the EA. Copies of the EA, the 2002 Decision/FONSI, and the supplement to the EA are available for review from the State Director, USDA/APHIS/WS, 537 Myatt Drive, Madison, Tennessee 37115 or by visiting the APHIS website at [http://www.aphis.usda.gov/wildlife\\_damage/nepa.shtml](http://www.aphis.usda.gov/wildlife_damage/nepa.shtml).

## **II. AGENCY AUTHORITY**

WS is the federal agency directed by law and authorized by Congress to reduce damage to agriculture, natural resources, property, and to resolve public health or safety concerns caused by wildlife. The primary statutory authorities for the WS program are the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c).

Under the Act of March 2, 1931, and 7 U.S.C. §426c, APHIS may carry out wildlife damage management programs, or enter into cooperative agreements with states, local jurisdictions, individuals and agencies whereby they may fund and assist in carrying out such programs. WS' activities are conducted at the request of and in cooperation with other federal, state, and local agencies, private organizations, and individuals. Accordingly, WS' authorities support and authorize its mission of providing federal leadership and expertise to reduce problems caused by injurious and/or nuisance wildlife.

## **III. PROPOSED SUPPLEMENT TO THE EA**

The supplement to the EA analyzes the affected environment and impacts as it relates to: 1) conducting disease surveillance in avian populations, particularly highly pathogenic H5N1 avian influenza, 2) for expanded bird damage management activities to respond to an increase in requests for assistance, and 3) to evaluate new data that have become available from research findings and data gathering since the issuance of the 2002 Decision/FONSI and the annual monitoring report covering activities conducted in FY 2006. The supplement also reviews issues and methods that have become available since the Decision/FONSI was issued in 2002.

## **IV. SUMMARY OF WS' BIRD DAMAGE MANAGEMENT ACTIVITIES**

The supplement to the EA also contains a summary report that analyzes WS' activities to manage damage caused by birds in Tennessee, including cumulative impacts, since the completion of the Decision in 2002. The report summarizes WS' activities based on the annual monitoring reports that are prepared to ensure those activities are within the scope of analyses in the EA. The summary report also identifies and analyzes new information and methods that have become available since the completion of the EA in 2002 and the last annual monitoring report prepared for FY 2006 activities. After analyses, WS has determined that bird damage management activities conducted in Tennessee by WS since the completion of the EA and 2002 Decision/FONSI are within the scope of potential impact parameters analyzed in the EA. No additional issues have been identified through public involvement, from program activities,

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<sup>4</sup> Executive Order 13045 ensures the protection of children from environmental health and safety risks since children may suffer disproportionately from those risks.

<sup>5</sup> For the purposes of this document, the use of the phrase "supplement to the EA" will refer to the document entitled "*Amendment to the Environmental Assessment Bird Damage Management in the Tennessee Wildlife Services' Program*" and the use of the term "supplement" will be considered synonymous to the use of the term "amendment" in that document.

through analyses in the annual monitoring reports, or through the analyses conducted in the supplement to the EA.

## **V. PUBLIC INVOLVEMENT**

The supplement to the EA, which includes the summary report, was made available to the public for a 30-day comment period by a legal notice in the *Tennessean* that was published on August 28, August 29, and August 30, 2007. A notice of availability was also posted to the APHIS website for 30 days at [http://www.aphis.usda.gov/wildlife\\_damage/nepa.shtml](http://www.aphis.usda.gov/wildlife_damage/nepa.shtml) beginning on August 28, 2007. A letter of availability for the supplement to the EA was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. No comments were received from the public during the comment period. All public involvement documents are maintained in the administrative file located at the Tennessee Wildlife Services Office, 537 Myatt Drive, Madison, TN 37115.

## **VI. ALTERNATIVES THAT WERE FULLY EVALUATED IN THE EA**

The following four alternatives were developed in response to the issues identified in the EA and through public involvement:

- Alternative 1 - Continue the Current Federal BDM Program (No Action/Proposed Action)
- Alternative 2 - Non-lethal Bird Damage Management Only by WS
- Alternative 3 - Technical Assistance Only
- Alternative 4 - No Federal WS' Bird Damage Management

The EA contains a detailed description and discussion of the alternatives and the effects of the alternatives on the issues identified. Appendix B of the EA provides a description of the methods that could be used or recommended by WS under each of the alternatives. The supplement to the EA provides additional discussion of methods available for use since the completion of the EA.

## **VII. ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL IN THE EA**

The following alternatives were identified and discussed in the EA but were not analyzed in detail:

- Lethal Bird Damage Management Only By WS
- Compensation for Bird Damage Losses
- Short Term Eradication and Long Term Population Suppression

A complete evaluation and discussion of the alternatives not considered in detail can be found in the EA along with the rationale.

## **VIII. MAJOR ISSUES**

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

- Effects on Wildlife
- Effects on Human Health and Safety
- Effects On Socio-cultural And Economics of The Human Environment
- Humaneness and Animal Welfare Concerns of Methods Used by WS

The EA contains a detailed discussion of the effects of the alternatives on those issues identified. The supplement to the EA also contains a detailed analysis of the proposed action relative to the issues

identified as related to the need for increased disease surveillance in wild bird populations, the need for increased activities to resolve additional requests for assistance to manage damage caused by birds in Tennessee, and to evaluate WS' activities since the Decision/FONSI for the EA was signed in 2002.

## **IX. DECISION RATIONALE**

The rationale for this decision takes into account the analyses in the EA, the analyses in the supplement to the EA, the summary report, comments from public involvement, social/political and economic concerns, public safety, and the best available science. The foremost considerations are that: 1) bird damage management will only be conducted by WS at the request of landowners/managers, 2) management actions are consistent with applicable laws, regulations, policies and orders, and 3) no adverse impacts to the environment were identified in the analyses of the EA, the proposed supplement to the EA, or the summary report. As a part of this decision, the WS' program in Tennessee will continue to provide effective and practical technical assistance and direct management techniques that reduces damage upon request that will not adversely impact the quality of the human environment. The analyses in the supplement to the EA, the summary report, and comments received from public involvement did not identify issues or environmental effects not addressed in the EA or the supplement to the EA.

## **X. DECISION**

The information and analyses in the supplement to the EA and the summary report has been carefully reviewed, including the analyses in the EA, the comments received during the public involvement processes, and the 2002 Decision/FONSI. After review and consideration, the proposed supplement to the current program has been determined to be environmentally acceptable by addressing the issues and needs while balancing the environmental concerns of management agencies, landowners, advocacy groups, and the public. The analyses in the EA, the supplement to the EA, and the summary report adequately addresses the identified issues which reasonably confirms that no significant impact, individually or cumulatively, to wildlife populations or to the quality of the human environment are likely to occur from the proposed activities addressed in the EA or supplement to the EA. Therefore, the analysis in the EA, as supplemented, remains valid and does not warrant the completion of an Environmental Impact Statement.

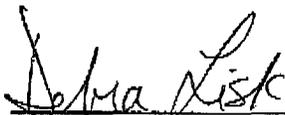
Based on analyses in the EA, the supplement to the EA, and the summary report, the issues identified are best addressed by continuing the proposed action (Alternative 1) and applying the associated mitigation measures discussed in Chapter 4 of the EA. The proposed action as addressed in the supplement successfully addresses (1) bird damage management using a combination of the most effective methods and does not adversely impact the environment, property, and/or non-target species, including threatened and endangered species; (2) 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; (3) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and (4) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of those issues are considered. Further analysis would be triggered if changes occur that broaden the scope of bird damage management activities, that affect the natural or human environment, or from the issuance of new environmental regulations.

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

Based on the analyses provided in the EA, the 2002 Decision/FONSI, the annual monitoring reports, and the summary report, there continues to be no indications that WS' bird damage management activities in Tennessee are having a significant impact, individually or cumulatively, on the quality of the human environment. The analyses in the supplement to the EA also indicates there will not be a significant

impact, individually or cumulatively, on the quality of the human environment that would result from increasing WS' bird damage management activities when conducted within the scope analyzed in the supplement. I agree with this conclusion and therefore, find that an Environmental Impact Statement should not be prepared. This determination is based on the following factors:

1. Bird damage management, as conducted in Tennessee, is not regional or national in scope.
2. The proposed action will not have an impact on unique characteristics of areas such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.
3. The proposed action will not significantly affect public health and safety.
4. The effects on the quality of the human environment are not highly controversial. Although there is opposition to wildlife damage management, the proposed action in Tennessee is not controversial in relation to size, nature or effects.
5. Standard operating procedures adopted as part of the proposed action lessen risks to the public and prevents adverse effects on the human environment while reducing uncertainty and risks.
6. The proposed action does not establish precedence for future actions with significant effects. This action would not set precedent for additional WS' damage management that may be implemented or planned in the Tennessee.
7. The number of birds taken (both target and non-target) annually would be very small in comparison to total populations. Adverse effects on wildlife or wildlife habitats would be minimal.
8. Bird damage management would not affect cultural or historic resources. The proposed action does not affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places, nor would it cause a loss or destruction of significant scientific, cultural, or historical resources.
9. An evaluation of the proposed action and its effects on state and federally listed T&E species determined that no significant adverse effects would occur to those species. The proposed action complies fully with the Endangered Species Act of 1973, as amended.
10. This action would be in compliance with federal, state and local laws or requirements for damage management and environmental protection.
11. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the area.



Debra Lisk, Acting Eastern Regional Director  
USDA/APHIS/WS

10/19/07

Date