05-MN-1

DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE ENVIRONMENTAL ASSESSMENT:

REDUCING DOUBLE-CRESTED CORMORANT DAMAGE IN MINNESOTA

Across the United States, wildlife habitat has been substantially changed as the human population expands and more land is used to meet human needs. These human uses often come into conflict with the needs of wildlife, which increases the potential for negative human/wildlife interactions. Double-crested cormorants (*Phalacrocorax auritus*; DCCOs) are one of the wildlife species that engage in activities that conflict with human activities and resource uses. Conflicts with DCCOs include but are not limited to DCCO foraging on fish at aquaculture facilities, DCCO foraging on populations of sport fish, negative impacts of increasing DCCO populations on vegetation and habitat used by other wildlife species, damage to private property from DCCO feces, and risks of aircraft collisions with DCCOs on or near airports. In response to agency concerns, and complaints from the public regarding DCCO damage in Minnesota, the United Stated Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), the United States Department of Interior, Fish and Wildlife Service (USFWS), the Minnesota Department of Natural Resources (MNDNR) and the Leech Lake Band of the Ojibwe (LLBO) prepared an environmental assessment (EA) evaluating ways by which the agencies, the LLBO and other Tribes may work together to resolve conflicts with DCCOs in the State of Minnesota. The EA documented the need for CDM in Minnesota and assessed potential impacts on the human environment from the various alternatives for responding to damage problems in the State of Minnesota, including the take of birds under the Double-crested Cormorant Public Resource Depredation Order (PRDO; 50 CFR 21.48). The EA analyzes the potential environmental and social effects of resolving DCCO damage related to the protection of resources, and health and safety on private and public lands throughout the State.

WS was the lead agency in the preparation of the EA, and the USFWS, MNDNR and LLBO were cooperating agencies. The USFWS has the primary statutory authority, under the Migratory Bird Treaty Act, for managing migratory bird populations in the U.S. 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 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). However, WS, the USFWS, the MNDNR, and the LLBO have decided to prepare this EA to assist in planning CDM activities and to clearly communicate with the public the analysis of cumulative effects for a number of issues of concern in relation to alternative means of meeting needs for such management in the State, including the potential cumulative impacts on DCCOs and other wildlife species. With the exception of certain projects covered by the PRDO described in Sections 1.8.2 and 1.8.4 of the EA, this analysis covers current and future CDM actions by WS, the USFWS, and the cooperating agencies wherever they might be requested or needed within the State of Minnesota. Comments from the public involvement process were reviewed for substantive issues and alternatives which were considered in developing this decision (Chapter 6 of the EA). The EA is tiered to the Final Environmental Impact Statement (FEIS) on the management of DCCOs in the U.S. (USFWS 2003), in which WS was a formal cooperating agency and subsequently adopted and issued a Record of Decision (ROD) for the FEIS to support WS' program decisions for its involvement in the management of DCCO damage. As such, many of the issues addressed in the EA have been analyzed in the FEIS.

The proposed action (EA Alternative 1) of WS and the cooperating agencies (including the USFWS) is to implement an Integrated Wildlife Damage Management (IWDM) program for DCCOs on public and private lands in Minnesota. The 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 revised, WS Directive 2.201). Resource management agencies, organizations, associations, groups, and individuals have requested WS to conduct CDM to protect resources and human health and safety in Minnesota. All WS wildlife damage management activities are in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

COOPERATING AGENCIES

The USFWS, MNDNR and LLBO are cooperating agencies for this EA. The role and authority of these agencies is as follows:

United States Fish and Wildlife Service (USFWS): The USFWS has the primary statutory authority, under the Migratory Bird Treaty Act, for managing migratory bird populations in the U.S. In response to persistent conflicts and complaints relating to DCCOs, in 2003 the USFWS in cooperation with WS completed the FEIS on the management of DCCOs in the U.S. (USFWS 2003). Included in the selected management alternative were two depredation orders to address DCCO damage.

> **Aquaculture Depredation Order (AQDO)**: The purpose of this order is to reduce depredation of aquaculture stock at freshwater commercial aquaculture facilities and State/Federal fish hatcheries. It authorizes aquaculture producers and State/Federal hatchery operators (or their employees/agents) in 13 states (AL, AR, FL, GA, KY, LA, MN, MS, NC, OK, SC, TN, and TX) to shoot DCCOs "committing or about to commit depredations to aquaculture stocks" on their property.

Public Resource Depredation Order (PRDO): The purpose of this order is to reduce the actual occurrence, and/or minimize the risk, of adverse impacts of DCCOs to public resources. Public resources include fish (both free-swimming fish and stock at Federal, State, and Tribal hatcheries that are intended for release in public waters), wildlife, plants, and their habitats. It authorizes WS, State fish and wildlife agencies, and Federally-recognized Tribes to control DCCOs, without a Federal permit, in 24 States (AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NY, NC, OH, OK, SC, TN, TX, VT, WV, and WI). It authorizes control on "all lands and freshwaters." This includes private lands, but landowner permission is required. It protects "public resources," which are natural resources managed and conserved by public agencies, as opposed to private individuals.

The PRDO gives the USFWS responsibility for ensuring that the actions of agencies authorized to act under the PRDO (1) do not threaten the long-term sustainability of regional DCCO populations, (2) do not adversely affect other bird species that nest with DCCOs, (3) do not adversely affect Federally-listed species, and (4) comply with the terms and conditions of the PRDO, including notification and reporting procedures.

Minnesota Department of Natural Resources (MNDNR): The Commissioner of the MNDNR is authorized by Minnesota Statutes, 1996, Chapters 84 and 97, sections 84.027 and 97A.045, to provide for the control, management, restoration, conservation and regulation of bird, fish, game, forestry and all wildlife resources of the State of Minnesota. DCCOs are not a protected species under Minnesota state law (M.S. 97A.015, subd.52).

WS and MNDNR are in the process of completing a 5-year Memorandum of Understanding (MOU) that would allow WS to participate in a cooperative wildlife damage management program in Minnesota. The MOU establishes a cooperative relationship between WS, the MNDNR, the Minnesota Department of Agriculture, the Minnesota Board of Animal Health, the Minnesota Department of Health, and the University of Minnesota Extension Service, for planning, coordinating and implementing wildlife damage management policies to prevent or minimize damage caused by wild animal species (including threatened and endangered species) to agriculture, horticulture, aquaculture, animal husbandry, forestry, wildlife, public health/safety, property, natural resources and to facilitate the exchange of information among the cooperating agencies.

MNDNR special permit No. 10842 authorizes WS, on an annual basis, to take, or take and release protected birds and mammals in reasonable numbers to alleviate animal damage problems. The permittee (WS) must also obtain all applicable Federal permits. State hunting and trapping regulations do not apply provided that the permittee is in full compliance with Federal laws, rules, and regulations.

Leech Lake Band of Ojibwe (LLBO): The Leech Lake Indian Reservation, home of the Leech Lake Band of Ojibwe Indians, is located in north central Minnesota. The reservation consists of 864,158 acres of land in parts of four different counties. Nearly half of the landmass is covered by water, including 256 named, fishable lakes totaling 246,836 acres, as well as over 120,000

acres of wetlands, forest ponds, ephemeral pools and 260 miles of rivers and streams. Leech Lake is the largest lake on the reservation at just over 110,000 acres. The Fish, Wildlife, and Plant Resources Program Division of Resources Management, Leech Lake Band of Ojibwe is responsible for management of wildlife resources on reservation lands. The Leech Lake Band by way of aboriginal rights has the authority to manage natural resources on lands and waters within its jurisdiction and to regulate the utilization of these resources by its members. The tribe also retained the right to hunt, fish, and gather on lands and waters within its boundaries and ceded territories. These rights have never been relinquished and were expressly retained though a series of treaties with the federal government that ceded large areas of land. The retention of these rights was reaffirmed in the Leech Lake Band of Chippewa Indians, et al. v. Robert L. Herbst. et al. v. United States of America v. State of Minnesota decision of 1972.

CONSISTENCY

The analyses in the EA demonstrate that Alternative 1: 1) best addresses the needs and issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS and the cooperating agencies the best opportunity to reduce damage while providing low impacts on non-target species, 4) reduces economic losses to aquaculture resources and other private property, and 5) allows WS to meet its obligations to government agencies or other entities. The proposed action is consistent with the Minnesota Coastal Zone Management Program.

MONITORING

WS, the MNDNR and the LLBO will monitor the impacts of their activities on DCCOs and non-target species that could be affected by CDM activities. The USFWS will annually assess the impacts of the PRDO and AQDO, as well as DCCO depredation and scientific collecting permits, to ensure that they do not impact the long-term sustainability of regional DCCO populations and that they are having minimal impacts on non-target wildlife species. This will be done primarily by review of USFWS permit records and annual reports submitted by agencies and individuals authorized to take DCCOs under the PRDO and AQDO. In addition, the EA will be reviewed each year to ensure that there are no new needs, issues or impacts meriting additional analysis.

PUBLIC INVOLVEMENT

The draft EA was prepared and released to the public for a 31-day comment period by a legal notice placed March 16-18, 2005 in the Duluth News Tribune (Duluth, MN) and the Star Tribune (Twin Cities, MN). A notice of availability of the EA for public comment was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. The USFWS Region 3 Regional Office issued a press release to all news media in Minnesota and provided a copy of the draft EA on their website (http://midwest.fws.gov/NEPA/MNcormorant). The cormorant issue and draft EA was also brought before the LLBO Natural Resources Advisory Committee on two occasions for their input. A total of 112 comment letters were received, 91 supporting the proposed action, 20 opposed and 1 neutral letter requesting additional information. All comments were analyzed to identify substantial new issues, alternatives, or to redirect the program. Responses to specific

comments are included in Chapter 6 of the EA. All letters and comments are maintained at the Wildlife Services State Office in Grand Rapids, Minnesota.

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 DCCO populations
- Effects on other wildlife (and plant) species, including threatened and endangered species
- Effects on human health and safety
- Effects on aesthetic values
- Humaneness and animal welfare concerns of the methods used

AFFECTED ENVIRONMENT

The proposed action may be conducted in and around public and private facilities and properties and at other sites where DCCOs may roost, loaf, feed, nest or otherwise occur. Examples of areas where CDM activities could be conducted include, but are not necessarily limited to: aquaculture facilities; fish hatcheries; lakes; ponds; rivers; swamps; marshes; islands; communally-owned homeowner/property owner association properties; boat marinas; natural areas; wildlife refuges; wildlife management areas; and airports and surrounding areas. The proposed action may be conducted on properties held in private, local government, state, federal, or tribal ownership once landowner permission has been obtained. WS could conduct CDM at any of the areas where DCCOs cause damage or risks to health and safety in the state, including any of the 38 breeding sites currently identified throughout the state, with landowner permission (Appendix E, Wires et al. 2005). Because many of these DCCO breeding sites are mixed species colonies where control measures have the potential to negatively impact other colonial nesting waterbirds, such as great egrets, great blue herons and black-crowned night herons, mixed species colonies will be assessed very carefully before any control measures are recommended. If WS conducts control activities at any of the sites identified in this report as "priority sites for waterbird conservation" as defined by Wires and Cuthbert (2001), WS will consult with the USFWS at that time for advice on how to proceed with management actions.

This EA analyzes potential effects of USFWS, WS, and cooperating agency CDM activities that will occur or could occur at private and public property sites or facilities within Minnesota with specific analysis of activities proposed for Leech Lake. Because the proposed action is to reduce damage and because the program's goals and directives are to provide services when requested and considered necessary, within the constraints of available funding and workforce, it is conceivable that additional CDM efforts could occur. With the exception of CDM projects conducted under the PRDO that may take >740 DCCOs as described below, this EA anticipates this potential expansion and analyzes the impacts of such efforts as part of the program (Section 4.1 of the EA). The lead and cooperating agencies have agreed that the EA would be supplemented to provide site-specific analysis for CDM projects conducted under the PRDO that

are anticipated to result in the take of more than 10% of the estimated maximum cumulative take (for all CDM projects) anticipated to occur under Alternative 1 (proposed action) in this EA. A maximum cumulative take of 7,400 DCCOs could occur under Alternative 1 (Section 4.1.1). Therefore the EA would be supplemented for specific CDM projects conducted under the PRDO that could result in the take of >740 DCCOs depending upon the management alternative selected. Supplementing the EA pursuant to NEPA would include providing the public the opportunity to comment on the proposed action in the same manner as the public involvement process for the EA. Additionally, the Minnesota DCCO Coordination Group will discuss all PRDO proposals. When considering the suitability (or not) of each site for CDM, the agencies and coordination group will review the number and species of birds in the colony, the colony's longevity and stability, and the colony's overall contribution to waterbird conservation in MN and the Great Lakes and, thus, its suitability for CDM.

ALTERNATIVES THAT WERE FULLY EVALUATED

The following five alternatives were developed to respond to the issues. Four additional alternatives were considered but not analyzed in detail (see Section 3.3). Each of the lead and cooperating agencies will make its own decision regarding the alternative to be selected. The alternative selected by each of the agencies may impact the alternatives available to the other agencies. A description of each alternative, and a discussion of how the selection of each alternative by one agency affects the management actions of the other agencies is provided in Chapter 3 of the EA. A detailed discussion of the effects of the alternatives on the issues is described in Chapter 4 of the EA. The following is a summary of the alternatives with information on how WS' and the USFWS' selection of the alternative may affect the actions of the cooperating agencies.

Alternative 1. Integrated CDM Including Implementation of the AQDO and PRDO (Proposed Action). WS and the USFWS propose to implement an integrated CDM program in the State of Minnesota, including working under the PRDO, AQDO, and Migratory Bird Permits (MBPs). An integrated wildlife damage management (IWDM) approach would be implemented to reduce DCCO damage and conflicts to aquaculture, property, natural resources, and human health and safety. The IWDM strategy would encompass the use and recommendation 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 nonlethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate, physical exclusion, habitat modification, nest destruction, or harassment would be recommended and utilized to reduce damage. In other situations, birds would be removed through use of shooting, egg oiling/addling/destruction, or euthanasia following live capture. In determining the damage management strategy, preference would be given to practical and effective nonlethal methods. However, nonlethal methods may not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of nonlethal and lethal methods, or there could be instances where the application of lethal methods alone would be the most appropriate strategy.

The primary strength of this alternative and the IWDM approach is that it allows for access to the full range of legal CDM techniques when developing site specific management plans.

CDM activities would be conducted in the State, when requested and funded, on private or public property, after receiving permission from the landowner/land manager. CDM actions covered by the PRDO would only be conducted after consultation with the Minnesota Cormorant Coordination Group (Section 1.5.6). All management activities would comply with appropriate Federal, State, Tribal, and Local laws. The USFWS would be responsible for ensuring compliance with the PRDO, AQDO, and MBPs and that the long-term sustainability of regional DCCO populations is not threatened. Selection of this alternative by WS would not restrict the management options available to the other agencies.

Leech Lake: If this option is selected by the LLBO, the LLBO, WS and the other agencies also selecting this alternative would work to reduce the nesting DCCO population at Leech Lake to 20% of 2004 levels, or approximately 500 nesting pairs as quickly as possible (likely a 1-3 year period). For the duration of the LLBO DCCO diet study, eggs in the nests of the target population of breeding pairs (500 pairs) will not be disturbed. Eggs in nests in excess of the target level of 500 breeding pairs would be oiled to aid in bringing the Leech Lake DCCO population to target levels and to reduce fish consumption by chicks. Nonlethal techniques, like hazing may be used to encourage the DCCOs to move to other areas (not on Leech Lake). However, experience of the cooperating agencies indicates that concurrent use of lethal techniques will also be needed to adequately reduce the number of birds nesting on Leech Lake. There is the chance that DCCOs may try to move from Little Pelican Island to another location on the lake. Management actions will be designed to achieve the management objective of 500 nesting pairs anywhere on the lake and not just reducing nesting pairs on Little Pelican Island.

CDM efforts at Leech Lake are part of a MNDNR, LLBO and local community effort to protect the common tern population and aid the recovery of the lake's walleye population through an integrated approach that includes walleye stocking, new fishing regulations designed to protect the population of spawning-age walleyes, and habitat protection. Data from a DCCO diet study at Leech Lake will be used to refine DCCO management objectives at the lake.

Alternative 2. Only Nonlethal CDM. Under this alternative, the lead and cooperating agencies would only use nonlethal techniques for DCCO management. Entities requesting CDM assistance for damage concerns from the lead and cooperating agencies would only be provided information on nonlethal methods such as harassment, nest destruction, resource management, exclusionary devices, or habitat alteration (USFWS 2003, Appendix 4). Depending upon which agency(ies) select this alternative, information on lethal CDM methods could still be available through sources such as USDA Agricultural Extension Service offices, MNDNR, universities, or pest control organizations. The lead and cooperating agencies could use nonlethal methods to reduce DCCO damage to public resources. Management goals at Leech Lake would be the same as described for Alternative 1. Selection of this alternative by the USFWS would not have affected the use of lethal control under the AQDO, or under the PRDO if <10% of a local DCCO population was taken, because the FEIS (USFWS 2003) already permits those actions. The USFWS has the authority to approve or deny requests for MBPs and requests for PRDO actions

that would result in the take of >10% of a local DCCO population, and selection of this alternative by the USFWS would have resulted in the denial of those types of requests in Minnesota. If WS were to select this alternative, it would prevent WS from taking actions that would facilitate the use of lethal damage management techniques including conducting the consultations and completing the WS form 37 required by the USFWS before issuing a MBP and certifying aquaculture facilities to take birds under the AQDO. Therefore it would not be possible to obtain a MBP for CDM and aquaculture facilities that have not been previously certified by WS to take DCCOs under the AQDO could not be certified. It would still be possible to use nonlethal CDM techniques. If WS were to select this alternative, the USFWS, State and Tribes would retain the prerogative to use lethal and nonlethal techniques for CDM on projects covered by the PRDO and some MBPs (scientific collecting permits). Lethal CDM methods could still be used at previously certified aquaculture facilities.

Alternative 3. Only Technical Assistance. Agencies selecting this alternative would not be able to conduct operational CDM in Minnesota, and would only provide technical assistance. Issuing permits is a kind of technical assistance so the USFWS would still be able to issue MBPs and grant approval for PRDO projects anticipated to take >10% of local DCCO population. Similarly, WS could certify aquaculture facilities and conduct the consultations and complete the forms needed by the USFWS to issue MBPs. If WS were to select this alternative, WS would not conduct operational CDM under the PRDO but could provide the consultations required for the issuance of MBPs and could certify aquaculture facilities under the AQDO. Nothing about WS' selection of this alternative would prevent the lead or cooperating agencies, Tribes or private landowners from using lethal and nonlethal techniques for CDM on their own.

Alternative 4. No CDM by Lead and Cooperating Agencies. Under this alternative, the lead and cooperating agencies would not participate in CDM. Depending upon the agency(ies) to select this alternative, information on CDM methods would still be available through other sources such as USDA Agricultural Extension Service offices, USFWS, MNDNR, universities, or pest control organizations. If WS were to select this alternative, it would prevent WS from conducting the consultations and completion of the forms required by the USFWS before issuing a MBP or aiding in the certification of aquaculture facilities under the AQDO. Therefore it would not be possible for the USFWS to issue a MBP for CDM, aquaculture facilities that have not been previously certified by WS to take DCCOs under the AQDO could not be certified, and the USFWS could not grant approval for actions conducted under the PRDO that propose to take >10% of a local DCCO population. It would still be possible to use nonlethal CDM techniques. If WS were to select this alternative, the USFWS, State and Tribes would retain the prerogative to use lethal and nonlethal techniques for CDM on projects covered by the PRDO and some MBPs (scientific collecting permits). Lethal CDM methods could still be used at previously certified aquaculture facilities.

Alternative 5. - Integrated CDM Program, Excluding Implementation of the PRDO (No Action). As defined by the CEQ, the no action alternative can be interpreted as the continuation of current CDM practices. None of the action agencies have taken action under the PRDO, so, this alternative would be identical to Alternative 1, with the exception that WS, MNDNR, and the Tribe(s) would not conduct CDM under the PRDO. All CDM would be conducted under the

AQDO or MBPs. As currently implemented by the action agencies, MBPs could be requested and issued for the reduction of DCCO impacts on sensitive species or their habitats (e.g., vegetation), but, with the exception of research projects, would generally not be requested or issued for birds taking free-swimming fish from public waters. CDM efforts to protect public resources at Leech Lake would be restricted to those efforts necessary to reduce impacts on the common tern population on Little Pelican Island and would not involve the protection of fishery resources. WS' selection of this alternative would not impact the actions of the other agencies or Tribes save that they would have to conduct the operational CDM on their own.

FINDING OF NO SIGNIFICANT IMPACT

Many of the issues analyzed in the EA were also analyzed in the FEIS (USFWS 2003). 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. Cormorant damage management as conducted by WS and the other action agencies in Minnesota is not regional or national in scope. The impacts of cormorant management that are regional or national in scope have been addressed and analyzed in the FEIS.

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 the action agencies' standard operating procedures and adherence to laws and regulations will further ensure that the agencies' 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. Public controversy over cormorant management has been acknowledged and addressed in the FEIS and the EA.

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. The issue of uncertainty about effects of cormorant management in general has also been addressed in the FEIS.

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 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. The FEIS analyzed the potential for significant cumulative impacts on national and regional cormorant populations and other species from implementing CDM activities and has determined that such impacts would not be significant.

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. If an individual activity with the potential to affect historic resources is planned under the selected alternative, then site-specific consultation as required by Section 106 of the NHPA would be conducted as necessary (Section 1.9.2 of EA).

9. The USFWS has determined that the proposed program would have no effect on any Federal listed threatened or endangered species. This determination is based upon Intra-Service Section 7 Biological Evaluations completed by the USFWS for the FEIS and this EA. WS and the other action agencies will abide by the conservation measures provided in 50 CFR 21.48(d)(8) and the Intra-Service Section 7 Biological Evaluation for CDM in Minnesota to avoid adverse impacts to the bald eagle and piping plover. In addition WS MNDNR, and LLBO have determined that the proposed program will not adversely affect any Minnesota State or Tribally listed threatened and endangered species.

10. The proposed action would be in compliance with all federal, state, and local laws.

DECISION AND RATIONALE

I have carefully reviewed the EA 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 1 - Integrated CDM Program, including implementation of the PRDO (Proposed Action) and applying the associated mitigation measures discussed in Chapter 3 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 considered, and where appropriate, changes were made to the EA. The revisions that were made to the EA did not substantially change the analysis. Therefore, it is my decision to implement the proposed action as described in the EA.

Copies of the EA are available upon request from the Minnesota Wildlife Services Office, 34912 US Highway 2, Grand Rapids, MN 55744, on the USFWS Regional Office website at:

http://www.fws.gov/midwest/NEPA, or from the U.S. Fish and Wildlife Service, Division of Migratory Birds, 1 Federal Drive, Fort Snelling, MN 55111.

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

4/29/05
Date

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