

**DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT:  
STATE WIDE BIRD DAMAGE MANAGEMENT IN MISSOURI**

**May 2008**

**I. INTRODUCTION**

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program prepared an Environmental Assessment (EA) titled “*State Wide Bird Damage Management in Missouri*” to analyze the potential adverse affects to the quality of the human environment from resolving damage and threats associated with birds in Missouri (USDA 2002)<sup>1</sup>. The EA analyzes the effects of WS’ activities in Missouri to manage damage and threats to human safety caused by bird species that includes: red-winged blackbirds (*Agelaius phoeniceus*), European starlings (*Sturnus vulgaris*), brown-headed cowbirds (*Molothrus ater*), common grackles (*Quiscalus quiscula*), American crows (*Corvus brachyrhynchos*), rock pigeons (*Columba livia*), house sparrows (*Passer domesticus*), Canada geese (*Branta canadensis*), snow geese (*Chen caerulescens*), mallards (*Anas platyrhynchos*), ducks (family Anatidae, subfamily Anatinae), double-crested cormorants (*Phalacrocorax auritus*), turkey vultures (*Cathartes aura*), northern flickers (*Colaptes auratus*), great blue herons (*Ardea herodias*), green herons (*Butorides virescens*)<sup>2</sup>, American white pelicans (*Pelecanus erythrorhynchos*), great egrets (*Casmerodius albus*), ring-billed gulls (*Larus delawarensis*), herring gulls (*Larus argentatus*), osprey (*Pandion haliaetu*), mourning doves (*Zenaida macroura*), red-tailed hawks (*Buteo jamaicensis*), great horned owls (*Bubo virginianus*), American robins (*Turdus migratorius*), American goldfinches (*Carduelis tristis*), horned larks (*Eremophila alpestris*), meadowlarks (*Sturnella* spp.), swallows (family Hirundinidae), and woodpeckers (family Picidae). 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 Missouri.

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 September 17, 2002 for the EA. The Decision and FONSI selected Alternative 1 (proposed action) to implement an integrated damage management program in Missouri 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 Missouri. 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,

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<sup>1</sup>Copies of the EA, the 2002 Decision/FONSI, the supplement to the EA, and the summary report are available for review from the State Director, USDA/APHIS/WS, 1714 Commerce Court, Suite C, Columbia, MO 65202 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).

<sup>2</sup>The common name and the scientific name of the green heron have changed since the completion of the EA. Therefore, the use of the green-backed heron (*Butorides striatus*) discussed in the EA will refer to the current accepted designation of green heron (*Butorides virescens*) and will be used synonymously throughout the EA, the supplement, and this Decision.

including consultation with the U.S. Fish and Wildlife Service (USFWS), 2) Executive Order (EO) 13112<sup>3</sup>, EO 13186<sup>4</sup>, EO 12898<sup>5</sup>, and EO 13045<sup>6</sup>, 3) the Federal Insecticide, Fungicide, and Rodenticide Act, and 4) federal, state, and local 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 Missouri was prepared along with a supplement 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 Missouri, to evaluate changes in regulations pertaining to BDM, and to analyze the use of additional methods to address bird damage in the State. 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 new Decision is based on the analyses in the EA, the 2002 Decision/FONSI, the summary report, and the proposed supplement to the EA.

## II. PROPOSED SUPPLEMENT TO THE EA

The supplement to the EA analyzes the affected environment and potential adverse effects relating 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 reports. The supplement also reviews issues and methods that have become available since the Decision/FONSI was issued in 2002.

## III. 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 Missouri, including potential 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.

## IV. PUBLIC INVOLVEMENT

The supplement to the EA, which includes the summary report, was made available to the public by a legal notice of availability published in *The Jefferson City News Tribune* for three consecutive days beginning on March 25, 2008. The public comment period began on March 25, 2008 and ended on April 28, 2008. A notice of availability was also posted to the APHIS website at [http://www.aphis.usda.gov/wildlife\\_damage/nepa.shtml](http://www.aphis.usda.gov/wildlife_damage/nepa.shtml) beginning on March 25, 2008 and ending on

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<sup>3</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>4</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>5</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.

<sup>6</sup> Executive Order 13045 ensures the protection of children from environmental health and safety risks since children may suffer disproportionately from those risks.

April 28, 2008. A letter of availability for the supplement to the EA and the summary report 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.

## **V. ISSUES ANALYZED IN THE EA**

The EA contains a detailed discussion of the alternatives on those issues identified. The supplement to the EA and the summary report 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 Missouri, and to evaluate WS' activities since the Decision/FONSI for the EA was signed in 2002.

The following issues were identified as important to the scope of analysis in the EA:

- Effects on target wildlife species population
- Effects on non-target wildlife species populations, including Threatened and Endangered 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

## **VI. ALTERNATIVES ANALYZED IN DETAIL**

The EA and the supplement with the summary report contain 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.

- Alternative 1 – Continue the Current Federal BDM Program/Integrated Wildlife Damage Management (No Action/Proposed Action)
- Alternative 2 – Non-lethal BDM Only by WS
- Alternative 3 – Lethal BDM Only by WS
- Alternative 4 – No Federal WS BDM

## **VIII. DECISION AND RATIONALE**

Based on the analyses of the alternatives developed to address those issues in the EA, including individual and cumulative impacts of those alternatives, the following decision has been reached:

### ***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 3 of the EA. The proposed action as addressed in EA and 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***

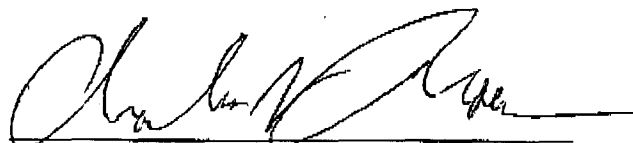
Based on the analyses provided in the EA, the 2002 Decision/FONSI, the annual monitoring reports, and the summary report, there continues to be no indications that WS' bird damage management activities in Missouri are having a significant impact, individually or cumulatively, on the quality of the human 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. BDM, as conducted by WS in the State of Missouri, is not regional or national in scope. Although BDM projects may occur anywhere in the State, individual activities will occur on localized properties.
2. Based on the analysis documented in the supplement and the summary report, 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). The proposed action, as supplemented is expected to result in a direct beneficial impact on human health and safety, natural resources, property, and livestock health by reducing the potential health and safety risks posed by birds at airports, dairies/feedlots, municipal sites, industrial sites, agricultural sites, and public and private land in Missouri.
3. The proposed action, as supplemented, will continue to have no 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' 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 birds, this action is not controversial in relation to size, nature, or effects. Based on consultations with the State wildlife management authorities, the proposed action, as

supplemented, is not likely to cause a controversial disagreement among the appropriate resource professionals.

5. Standard Operating Procedures adopted and/or described as part of the proposed action, as supplemented, 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, as supplemented, 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 the EA, the supplement, and the summary report. The EA, the supplement, and the summary report discussed cumulative effects of WS' activities 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. 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. BDM 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, as supplemented, would not result in any adverse effects on state or federally-listed threatened or endangered species.
10. The proposed action, as supplemented, is consistent with local, state, and federal laws that provide for and/or restrict WS' BDM activities. Therefore, WS concludes that this project is in compliance with federal, state, and local laws for environmental protection.

For additional information regarding this decision, please contact State Director, USDA/APHIS/WS, 1714 Commerce Ct., Suite C, Columbia, Missouri 65202.



Charles S. Brown  
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USDA-APHIS-WS

5/29/08  
Date

#### Literature Cited

USDA. 1997. Final Environmental Impact Statement. USDA, APHIS, WS-Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737-1234.

USDA. 2002. Statewide Bird Damage Management in Missouri. USDA, APHIS, WS, 1714 Commerce Ct., Suite C, Columbia, Missouri 65202.