

## DECISION

### SUPPLEMENT TO THE ENVIRONMENTAL ASSESSMENT: REDUCING MAMMAL DAMAGE THROUGH AN INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM IN THE STATE OF NEW JERSEY

#### I. INTRODUCTION

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program has prepared an Environmental Assessment (EA) to analyze the potential environmental and social impacts to the quality of the human environment from resolving damage and threats associated with white-tailed deer (*Odocoileus virginianus*), woodchuck (*Marmota monax*), raccoon (*Procyon lotor*), opossum (*Didelphus marsupialis*), muskrat (*Ondatra zibethicus*), beaver (*Castor canadensis*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), striped skunk (*Mephitis mephitis*), coyote (*Canis latrans*), porcupine (*Erethizon dorsatum*), gray squirrel (*Sciurus carolinensis*), red squirrel (*Tamiasciurus hudsonicus*), domestic/feral dog (*Canis familiaris*), Norway rat (*Rattus norvegicus*), roof rat (*Rattus rattus*), feral cat (*Felis* spp.), Eastern mole (*Scalopus aquaticus*), star-nosed mole (*Condylura cristata*), short-tailed shrew (*Blarina brevicauda*), house mouse (*Mus musculus*), deer mouse (*Peromyscus maniculatus*), white-footed mouse (*Peromyscus leucopus*), woodland jumping mouse (*Napaeozapus insignis*), meadow jumping mouse (*Zapus hudsonius*), meadow vole (*Microtus pennsylvanicus*), pine vole (*Microtus pinetorum*), and red-backed mouse (*Clethrionomys gapperi*) when requested in New Jersey (USDA 2004). The EA documents the need for mammal damage management and assesses potential impacts on the human environment of four alternatives to address that need. After consideration of the analysis contained in the EA and review of public comments, a Decision and Finding of No Significant Impact (FONSI) for the EA was issued on May 28, 2004. The Decision and FONSI selected the proposed action alternative which implemented an integrated damage management program using multiple methods to adequately address the need to manage damage associated with mammals.

In addition to those mammals addressed in the EA, the supplement to the EA addresses the need for action associated with feral swine (*Sus scrofa*), Eastern cottontail rabbits (*Sylvilagus floridanus*), nutria (*Myocaster coypus*), masked shrews (*Sorex cinereus*), Tuckahoe masked shrews (*Sorex cinereus nigriculus*), water shrews (*Sorex palustris*), smokey shrews (*Sorex fumeus*), long-tailed shrews (*Sorex fumeus*), and least shrews (*Cryotis parva*).

#### II. AUTHORITY AND COMPLIANCE

WS is authorized by law to reduce damage caused by wildlife through 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). The authority for management of wildlife species in New Jersey is the responsibility of the New Jersey Division of Fish and Wildlife (NJDFW). The NJDFW collects and compiles information on trends and take of those species' populations addressed in the EA and the supplement to the EA, and uses this information to manage populations of those species. This information has been provided to WS to assist in the analysis of potential impacts of WS' activities conducted since the Decision for the EA was signed in 2004 and for the analyses of potential impacts from those activities addressed in the supplement to the EA.

The supplement to the EA along with this Decision ensures WS' actions comply with the National Environmental Policy Act (NEPA), with guidelines established by the Council on Environmental Quality (40 CFR 1500), and with APHIS' implementing regulations for the NEPA (7 CFR 372). All mammal

damage management activities, including disposal requirements, would be conducted consistent with Federal, State, and local laws, regulations, and policies, including WS' Directives.

### **III. SCOPE AND PURPOSE**

The EA evaluates mammal damage management under four alternatives to reduce damage and threats of damage wherever such management is requested by a cooperator. The analyses in the EA are intended to apply to any action taken by WS to alleviate damage or threats of damage associated with mammals that may occur in any locale and at any time within New Jersey. The EA emphasizes major issues as they relate to specific areas; however, the issues addressed apply wherever damage and the resulting management activities would occur. The standard WS Decision Model (Slate et al. 1992, USDA 1997, USDA 2004) would be the site-specific procedure for individual actions conducted by WS. The supplement adds to the analysis in the EA and the 2004 Decision/FONSI. The information and analyses in the EA remain valid unless otherwise noted.

#### ***Purpose of the Supplement to the EA***

The supplement to the EA was prepared to examine potential environmental impacts of the proposed action alternative based on new information that has become available from public comments, research findings, and data gathering since the issuance of the Decision and FONSI in 2004 along with new methods that have become available since the Decision for the EA was issued. WS has also been requested to participate in disease surveillance and monitoring programs involving mammals. In addition, the supplement communicates to the public the analysis of individual and cumulative impacts of the proposed action alternative since 2004 and documents the analyses of WS' mammal damage management activities in New Jersey since the Decision/FONSI was issued in 2004 to ensure program activities remain within the impact parameters analyzed in the EA. This new Decision is based on the analyses in the EA, the 2004 Decision/FONSI, and the proposed supplement to the EA.

### **IV. NEED FOR ACTION**

The need for action to manage damage associated with mammals arises from requests for assistance received by WS which was addressed in the EA. The need for action to manage mammal damage remains as addressed in the EA and remains applicable to the supplement to the EA. WS continues to receive requests for both operational assistance and technical assistance from those persons experiencing damage or threats of damage associated with mammals.

The need for action associated with the supplement to the EA arises from the need to address an increasing number of requests for assistance to manage mammal damage. As the number of requests for assistance to manage damage increases, the total number of mammals addressed by WS to resolve those requests for assistance also increases. The supplement to the EA evaluates the proposed action alternative as the alternative relates to the increasing need to manage damage associated with mammals, including an increasing number of mammal species.

### **V. RELATIONSHIP TO OTHER ENVIRONMENTAL DOCUMENTS**

The relationships of the EA and the supplement to other documents that address wildlife damage management were also discussed in the EA and the supplement. WS' programmatic Final Environmental Impact Statement (FEIS) contains detailed discussions of potential impacts to the human environment from wildlife damage management methods used by WS (USDA 1997). Pertinent information available in the FEIS was incorporated by reference into the EA and the supplement to the EA. In addition, WS has

developed separate EAs to address the distribution of oral vaccines to prevent the spread of rabies in the United States (USDA 2001, USDA 2005).

## **VI. DECISIONS TO BE MADE**

Based on the scope of the EA and the supplement, the decisions to be made are: 1) should WS continue to conduct mammal damage management to alleviate and prevent damage, 2) should WS conduct disease surveillance and monitoring in populations of mammals when requested, 3) should WS continue to implement a management strategy using an integrated methods approach, including technical assistance and direct operational assistance, to meet the need to reduce damage and threats of damage, 4) if not, should WS attempt to implement one of the alternatives to an integrated management strategy as described in the EA, and 4) would continuing the proposed action alternative, as supplemented, result in adverse impacts to the environment requiring the preparation of an Environmental Impact Statement (EIS) based on activities conducted since the completion of the EA and/or based on new information available.

## **VII. SCOPE OF ANALYSIS**

The EA evaluates alleviating or prevent damage associated with mammals under four alternatives wherever such management is requested by a cooperator. The analyses in the EA are intended to apply to any action taken by WS to alleviate mammal damage that may occur at any time within the State. The EA emphasizes major issues as those issues relate to specific areas; however, the issues addressed apply wherever mammal damage and the resulting management activities would occur. The standard WS Decision Model (Slate et al. 1992, USDA 1997, USDA 2004) would be the site-specific procedure for individual actions conducted by WS. The supplement adds to the analysis in the EA and the 2004 Decision/FONSI. The information and analyses in the EA remain valid unless otherwise noted.

The NJDFW has jurisdiction over the management of wildlife in the State and has specialized expertise in identifying and quantifying potential adverse effects to the human environment from management activities. Many of the mammal species addressed in the EA and the supplement to the EA can be harvested during regulated hunting and trapping seasons in the State. Activities conducted by WS would be within the permitted levels authorized by the NJDFW when addressing mammal damage in the State.

The EA and the supplement analyze the potential impacts of mammal damage management and address activities on those properties currently under a Memorandum of Understanding (MOU) or cooperative service agreement with WS where activities have been and currently are being conducted. The EA and the supplement also address the impacts of mammal damage management where additional agreements may be signed in the future. Because the objective is to reduce damage and because the program's goals and directives are to provide services when requested, within the constraints of available funding and workforce, it is conceivable that additional mammal damage management efforts could occur at additional locations in the State. Thus, the EA and the supplement anticipate the potential expansion and analyze the impacts of such efforts as part of the program.

The supplement to the EA along with the EA and the 2004 Decision/FONSI were made available for public review and comment through the publication of a legal notice announcing a minimum of a 30-day comment period. The legal notice was published in *The Times of Trenton* and posted on the APHIS website located at [http://www.aphis.usda.gov/wildlife\\_damage/nepa.shtml](http://www.aphis.usda.gov/wildlife_damage/nepa.shtml) according to WS' public notification requirements (72 FR 13237-13238). A letter of availability was directly mailed to agencies, organizations, and individuals with probable interest in mammal damage management in New Jersey. WS received four comment letters during the public involvement process. WS has reviewed the comments for substantive issues, alternatives, and new information. Those comments have been

considered in the development of this Decision. Responses to specific comments are included in Appendix A of this Decision.

### **VIII. AFFECTED ENVIRONMENT**

Damage or threats of damage caused by those mammal species addressed in the EA and the supplement to the EA can occur statewide in New Jersey wherever those mammals occur. However, mammal damage management would only be conducted by WS when requested by a landowner or manager and only on properties where a cooperative service agreement or other comparable document has been signed between WS and a cooperating entity. Most species of mammals addressed in the EA and the supplement to the EA can be found throughout the year across the State where suitable habitat exists for foraging and shelter. Those mammal species addressed in the EA and the supplement are capable of utilizing a variety of habitats in the State. Since most of the mammals can be found throughout the State, requests for assistance to manage damage or threats of damage could occur in areas occupied by those mammal species.

### **IX. ISSUES ANALYZED IN DETAIL**

Issues related to wildlife damage management were initially identified and defined during the development of WS' programmatic FEIS (USDA 1997). Issues related to mammal damage management in New Jersey were defined and preliminary alternatives were identified through consultation with the NJDFW. The EA and the supplement to the EA were also made available to the public for review and comment through notices published in local media and through direct notification of interested parties.

Chapter 2 of the EA describes in detail the issues considered and evaluated in the EA and the supplement to the EA (USDA 2004). The following issues were identified as important to the scope of the analysis (40 CFR 1508.25) with each alternative evaluated in the EA relative to the impacts on the major issues:

- Issue 1 - Effects on target mammal species
- Issue 2 - Effects on other wildlife species, including threatened and endangered species
- Issue 3 - Effects on human health and safety
- Issue 4 - Impacts to stakeholders, including aesthetics
- Issue 5 - Humaneness and animal welfare concerns of methods used

Those issues identified during the development of the EA were evaluated in the supplement by each issue as those issues related to WS' activities conducted since the original Decision was signed in 2004. Each of those issues was also evaluated as those issues relate to conducting the proposed action alternative as described in the supplement to the EA.

### **X. ISSUES ADDRESSED BUT NOT CONSIDERED IN DETAIL**

In addition to those issues analyzed in detail, several additional issues were identified during the development of the EA, but were not considered in detail. The rationale for the decision not to analyze those issues in detail is discussed in the EA. WS has reviewed the issues not considered in detail as described in the EA and has determined that the analysis provided in the EA has not changed and is still appropriate.

## **XI. ALTERNATIVES ANALYZED IN DETAIL**

Four alternatives were developed to respond to the issues identified in Chapter 2 of the EA and to address the need for action discussed in Chapter 1 of the EA (USDA 2004). Chapter 4 of the EA analyzes the environmental consequences of each alternative in comparison, to determine the extent of actual or potential impacts on the issues. The following alternatives were analyzed in detail in the EA:

- Alternative 1 - Technical Assistance Only
- Alternative 2 - Integrated Mammal Damage Management Program (Proposed Action/No Action)
- Alternative 3 - Non-lethal Mammal Damage Management Only By WS
- Alternative 4 - No Federal WS Mammal 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.

## **XII. ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL**

Additional alternatives were also considered to address the issues, but were not analyzed in detail with the rationale discussed in the EA (USDA 2004). WS has reviewed the alternatives analyzed but not in detail and determined the analyses in the EA are still appropriate for those alternatives considered.

## **XIII. STANDARD OPERATING PROCEDURES**

The WS program in New Jersey uses many standard operating procedures and conducts work pursuant to WS' Directives. Standard operating procedures are discussed in detail in Chapter 5 of WS' programmatic FEIS (USDA 1997) and in Chapter 3 of the EA (USDA 2004). Those standard operating procedures would continue to be incorporated into activities conducted by WS when addressing damage and threats of damage associated with mammals.

## **XIV. ENVIRONMENTAL CONSEQUENCES FOR ISSUES ANALYZED IN DETAIL**

Chapter 4 of the EA analyzes the environmental consequences of each alternative in comparison, to determine the extent of actual or potential impacts on those major issues identified in the EA. The proposed action/no action alternative serves as the baseline for the analysis and the comparison of expected impacts among the alternatives. The analysis also takes into consideration mandates, directives, and the procedures of WS and the NJDFW. The analyses in Chapter 4 of the EA indicated the potential impacts to the quality of the human environment would be similar across the alternatives.

Based on the analyses in the EA, the 2004 Decision determined the need for action and the issues identified in the EA were best addressed by selecting Alternative 2 (proposed action/no action alternative) and the implementation of the selected alternative would not significantly affect the quality of the human environment (USDA 2004). Between FY 2004 and FY 2010, WS has implemented a mammal damage management program which responds to requests for assistance using an adaptive integrated methods approach as described under Alternative 2 in the EA. The supplement to the EA evaluates the implementation of Alternative 2 from FY 2004 through FY 2010 to ensure individual and cumulative activities conducted pursuant to the alternative were and would continue to be within the impact parameters evaluated in the EA based on current information and methods. Potential impacts of

Alternative 1, Alternative 3, and Alternative 4 on the human environment related to the major issues have not changed from those described in the EA.

The following resource values in New Jersey are not expected to be significantly impacted by any of the alternatives based on the analyses in the EA and in the supplement to the EA: soils, geology, minerals, water quality/quantity, flood plains, wetlands, critical habitats (areas listed in T&E species recovery plans), visual resources, air quality, prime and unique farmlands, aquatic resources, timber, and range. The activities proposed in the alternatives would have a negligible effect on atmospheric conditions including the global climate. Meaningful direct or indirect emissions of greenhouse gases would not occur as a result of any of the alternatives. Those alternatives would meet the requirements of applicable laws, regulations, and Executive Orders, including the Clean Air Act and Executive Order 13514.

The following issues were analyzed in detail in the supplement as they relate to those activities conducted by WS under the selected alternative from FY 2004 through FY 2010 and those additional activities proposed in the supplement to the EA:

### **Issue 1 - Effects on target mammal species**

Under the proposed action alternative (Alternative 2), WS provides technical and direct damage assistance using methods described in Appendix B of the EA in an integrated approach in which all or a combination of methods may be employed to resolve a request for assistance. As addressed in the supplement, those methods that have become available since the completion of the EA could also be used as part of an integrated approach to reducing mammal damage. Of primary concern is the magnitude of take on a species' population from the use of lethal methods.

Lethal methods are employed to remove an individual of a particular wildlife species or a group of individuals from a target species responsible for causing damage or the threat of damage and only after requests for such assistance are received by WS. The use of lethal methods could therefore result in local population reductions in the area where damage or threats were occurring. The number of individuals from a particular species removed from the population under the proposed action would be dependent on the number of requests for assistance received, the number of individuals causing damage, and the efficacy of methods employed.

The total take of individual species by WS to reduce damage or threats of damage did not exceed anticipated annual take levels evaluated in the EA during any year from FY 2004 through FY 2010. All take occurred within permitted take levels allowed by the NJDFW, when a permit for take was required.

Based on those quantitative and qualitative parameters addressed in the EA and the supplement to the EA, the take levels addressed under the proposed action alternative (Alternative 2) have been and would continue to be considered of low magnitude when compared to population trend data, population estimates, and harvest data for individual species. WS' damage management activities were site specific, and although local populations of target wildlife species may have been reduced, there was no probable adverse impact on statewide, regional, or national populations of those species from WS' activities conducted from FY 2004 through FY 2010. The potential impacts of program activities on wildlife species have not changed from those analyzed in the EA for those species addressed in the EA. All take occurred under a permit issued by the NJDFW, when applicable. Therefore, based on the analyses in the EA of the proposed action alternative and WS' activities being within the scope analyzed in the EA, WS' activities have not had an adverse impact on mammal populations in the State. WS' take would only occur at levels authorized and only when permitted by the NJDFW for those species for which a permit is required for take. The permitting of the take by the NJDFW ensures that cumulative take levels occur within allowable levels to maintain populations and to meet population objectives.

The supplement also addressed an anticipated need to increase lethal take of muskrats, shrews, and Norway rats in the State to reduce damage and threats to human safety. In addition, the supplement evaluated the potential impacts to feral swine, cottontail rabbit, and nutria populations in the State from damage management activities. Based on the analyses in the supplement to the EA, the magnitude of take proposed would be low when compared to estimated population levels and harvest data. Take would only occur when permitted by the NJDFW, when a permit is required, and only at levels permitted. Feral swine, Norway rats, and nutria are considered introduced species in the State; therefore, any reduction in the populations of those species could provide some benefit to native species by reducing competition for resources.

Since the completion of the EA, trap monitors, FLIR devices, and night vision equipment have become available for use while reducing mammal damage. Those methods aid in the use of other methods or allow other methods to be applied more selectively and efficiently. Since those methods are components of other methods, there would be no adverse effects on the target wildlife populations from the use of those methods. The sampling of wildlife for diseases would not adversely affect the populations of any of the wildlife species addressed in the EA or the supplement to the EA and would not result in any take of wildlife that would not have already occurred in the absence of disease sampling (*e.g.*, hunter harvest) or would not exceed those parameters evaluated in the EA or the supplement to the EA.

In addition, GonaCon™ has become available to manage local deer populations in the State. GonaCon™ is a new single dose immunocontraceptive vaccine that can be administered to deer to induce multi-year infertility. GonaCon™ is registered with the Environmental Protection Agency and is registered for use in New Jersey by the New Jersey Department of Environmental Protection as a restricted use chemical that can only be used by WS or the NJDFW. A special permit is required from the NJDFW before the vaccine can be used. WS' use or recommendation of GonaCon™ would not adversely affect deer populations in New Jersey since any decline to deer populations from the use of the vaccine would occur through attrition over time. Since the ability of the vaccine to prevent reproduction diminishes with time, the actual decline in a localized population would be gradual and could be monitored. In addition, the reduction in a local deer population could be fully reversed if deer are no longer vaccinated or provided booster shots and other conditions (*e.g.*, food, disease) are favorable for population growth.

## **Issue 2 - Effects on other wildlife species, including threatened and endangered species**

While every precaution is taken to safeguard against taking non-targets during operational use of methods and techniques for resolving damage, the use of such methods can result in the incidental take of unintended species. Those occurrences are minimal and should not affect the overall populations of any species. Based on current information, WS' unintentional take of non-targets from FY 2004 through FY 2010 during mammal damage management activities has not adversely affected populations of those species based on the analyses in the supplement. No adverse effects to non-targets were observed or reported to WS during mammal damage management activities. Take of non-targets under the proposed supplement is not expected to reach a magnitude that would cause adverse effects to those non-target populations likely to be taken during activities based on the analyses in the supplement. WS would continue to monitor the take of non-target species to ensure program activities or methodologies used in mammal damage management do not adversely impact non-targets. WS' take of non-targets is expected to continue to be extremely low to non-existent.

No threatened and endangered (T&E) species were taken or adversely affected by WS' actions conducted from FY 2004 through FY 2010. A review of T&E species listed by the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the NJDFW showed that additional listings of T&E species in New Jersey have occurred since the completion of the EA in 2004. Based on the review of

available information in the supplement to the EA, WS determined the proposed action alternative, as supplemented, would have no effect on those species listed since the completion of the EA. In addition, the use of GonaCon™, trap monitors, night vision equipment, and FLIR equipment would have no effect on any T&E species listed within the State. WS' determination in the EA for those species listed during the development of the EA is still valid and appropriate (USDA 2004).

### **Issue 3 - Effects on human health and safety**

WS' implementation of the proposed action alternative from FY 2004 through FY 2010 did not result in any adverse impacts to human safety. The potential impacts of program activities on human health and safety have not changed from those analyzed in the EA. Based on the analyses in the EA and WS' programmatic FEIS, when WS' activities are conducted according to WS' directives and standard operating procedures, according to federal, state, and local laws, and to label requirements, those activities pose minimal risks to human safety (USDA 1997, USDA 2004).

Management activities conducted by WS from FY 2004 through FY 2010 did not result in any injuries or illness to any members of the public or to WS' personnel. No injuries or illness from WS' activities were reported to WS from FY 2004 through FY 2010. WS' activities had a positive benefit in those situations that reduced the risks of potential injury, illness, and loss of human life from injurious mammal species.

Night vision equipment, FLIR equipment, and trap monitors are employed as components of other methods that when employed, allow those methods to be employed more efficiently and effectively. In addition, night vision equipment and FLIR equipment are most often employed with the use of a firearm which allows activities to be conducted at night when human activity tends to be lowest; therefore, the use of night vision equipment and FLIR equipment would not adversely affect human safety, but potentially could further reduce risks. Trap monitors are attached directly to traps and would not pose a threat to human safety.

Based on the evaluation in the supplement to the EA, the potential use of GonaCon™ to address threats associated with deer would not pose human safety risks if the label for the product is followed and based on the use pattern of the product. Impacts of the proposed action alternative, as supplemented, on this issue are expected to remain insignificant.

### **Issue 4 - Impacts to stakeholders, including aesthetics**

The EA concluded the effects on aesthetics would be variable depending on the damage situation, stakeholders' values towards mammals, and their compassion for those persons who are experiencing economic losses associated with mammals. Program activities and their potential impacts on aesthetics have not changed from those analyzed in the EA. Activities conducted by WS from FY 2004 through FY 2010 to alleviate damage and threats of damage posed by mammals occurred at the request of cooperators seeking assistance. WS' take has been minimal with the magnitude of take being low. WS' take of mammals in New Jersey has not adversely affected the aesthetic value of those species based on the low magnitude of take occurring by WS.

The effects on aesthetics from an increase in the number of mammals removed, an increase in the number of mammal species removed, or the use of additional methods to remove them, as described in the supplement to the EA, would not further increase any effects on aesthetics. An increase in take of shrews, muskrats, and Norway rats may occur under the supplement to the EA, but would not significantly affect the populations of the species based on the low magnitude of take that could occur. Therefore, the analysis in the EA remains appropriate for the supplement. Those mammal species addressed in the EA

are common and abundant in New Jersey and can be reasonably viewed outside of the damage area if efforts are made.

The supplement to the EA also evaluated the take of feral swine, cottontail rabbits, nutria, and several species of shrews which were not specifically addressed in the EA. As shown in the supplement to the EA, the magnitude of WS' proposed take of feral swine, rabbits, and shrews under the supplement to the EA could be considered low if take levels occurred at the levels proposed. WS' proposed activities addressed in the supplement would not result in declines of those species' populations over a large geographical area, but would be limited to site-specific locations where damage has occurred or is likely to occur. The aesthetic value of those species could be enjoyed if a reasonable attempt is made to locate those mammals outside of the damage management area.

Night vision and FLIR equipment allow WS to address mammals at night or during low light conditions when those species are the most active, which allows WS to more specifically identify those mammals causing damage or posing a threat of damage. If the ability of WS to identify those mammals causing damage or posing a threat of damage is enhanced through the use of night vision and FLIR equipment, the number of mammals addressed by WS to resolve requests for assistance is likely to be lower which further reduces concerns about the potential impacts of removal on aesthetics. The use of GonaCon™ would gradually reduce a localized deer population over time through attrition. Although the overall objective would be to reduce localized deer populations using GonaCon™, deer would remain in the area for viewing and enjoyment.

#### **Issue 5 - Humaneness and animal welfare concerns of methods used**

The issue of humaneness was also analyzed in detail in relationship to the alternatives in the EA. Since many methods addressed in Appendix B of the EA are available under all the alternatives, the issue of method humaneness would be similar for those methods across all the alternatives. WS' personnel are experienced and professional in their use of management methods. When employing methods to resolve damage, methods are applied as humanely as possible. Methods used in mammal damage management activities since the completion of the EA and their potential impacts on humaneness and animal welfare have not changed from those analyzed in the EA.

Trap monitoring devices would be employed when applicable that indicate when a trap as been activated. Trap monitoring devices would allow personnel to prioritize trap checks and decrease the amount of time required to check traps which decreases the amount of time captured wildlife are restrained. By reducing the amount of time wildlife are restrained, pain and stress can be minimized which would reduce the distress of captured wildlife. Therefore, the use of trap monitoring devices proposed under the supplement would likely result in traps being used more humanely. Additionally, the use of FLIR and night vision equipment to remove mammals may improve the perceived humanness of killing mammals using firearms since those components would aid in identifying target species and allowing for more accurate shot placements when using firearms. The use of GonaCon™ would generally be considered as humane since the reduction of localized deer populations would be gradual and occur through attrition. Although stress could occur doing the capture and processing of deer during the application of GonaCon™, any stress associated with handling would likely be temporarily. Deer would be probably immobilized and handled in an appropriate manner to minimize stress during the application of GonaCon™.

#### **XV. CUMULATIVE IMPACTS**

No cumulative adverse effects have been identified as a result of program activities implemented over time based on analyses contained in the EA, from annual monitoring reports, or from analyses contained

in the supplement. WS continues to implement an integrated damage management program that adapts to each request for assistance with managing damage and the species involved with causing the damage. WS only targets mammals causing damage or posing a threat of damage and only after a request for assistance is received.

WS' take has been and would continue to be a small component of the overall harvest of mammals which is monitored and adjusted by the NJDFW to meet management objectives for those populations with harvest seasons. WS' activities are conducted on a small portion of the land area of the State and although local declines in populations could occur from WS' activities, those activities would not reach a level where populations would be adversely affected from those actions. Feral dogs, feral cats, house mice, Norway rats, roof rats, feral swine, and nutria are non-native species and could be considered as negatively affecting native fauna. Therefore, any reduction in populations of those non-native species could be viewed as benefitting native fauna.

The methods described in Appendix B of the EA and the supplement to the EA all have a high level of selectivity and can be employed using standard operating procedures to ensure minimal impacts to non-targets species. Based on the methods available to resolve damage and damage threats, WS does not anticipate the number of non-targets taken to reach a magnitude where declines in those species' populations would occur. Therefore, take of non-targets would not cumulatively impact the populations of non-target species.

WS has received no reports or documented any adverse effects to human safety from WS' mammal damage management activities conducted from FY 2004 through FY 2010. Personnel employing methods would continue to be trained to be proficient in the use of those methods to ensure the safety of the applicator and to the public. Based on the use patterns of methods, those methods would not cumulatively impact human safety. WS employs methods as humanely as possible by applying measures to minimize pain and that allow wildlife captured to be addressed in a timely manner to minimize distress. Through the establishment of WS' Directives and standard operating procedures that guide WS in the use of methods to address damage, the cumulative impacts on the issue of method humaneness are minimal.

Population objectives are established and enforced by the NJDFW through the regulating of take during hunting and trapping seasons after consideration of other known mortality factors. Therefore, WS has no direct impact on the status of those species' populations since all take by WS occurs at the discretion of the NJDFW. Since those persons seeking assistance could remove mammals from areas where damage is occurring when authorized by the NJDFW, WS' involvement would have no effect on the aesthetic value of those species in the area where damage was occurring. When the take of those species has been authorized by the NJDFW to a property owner and/or manager that is experiencing damage caused by mammals, the removal of those species under that authority would likely occur whether WS was involved with taking those individuals or not.

## **XVI. 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 have been carefully reviewed, including the analyses in the EA, the comments received during the public involvement processes, and the 2004 Decision/FONSI. After review and consideration, the proposed action alternative, based on the analyses in the supplement to the EA, 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 and the supplement to the EA adequately address 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 the supplement to the EA. Therefore, the analysis in the EA, as supplemented, remains valid and does not warrant the completion of an EIS.

Based on analyses in the EA and the supplement to the EA, the issues identified are best addressed by continuing the proposed action alternative, as supplemented, and applying the associated standard operating procedures discussed in Chapter 3 of the EA. The proposed action, as addressed in the supplement, successfully addresses (1) mammal damage management using a combination of the most effective methods and does not adversely impact the environment, property, human safety, and/or non-target species, including T&E species; (2) it offers the greatest chance of 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 mammal damage management activities, that affect the natural or human environment, or from the issuance of new environmental regulations.

### ***Finding Of No Significant Impact***

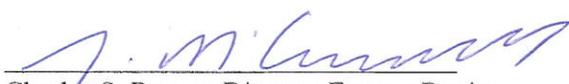
Based on the analyses provided in the EA, the 2004 Decision/FONSI, the annual monitoring reports, and the supplement, there continues to be no indications that WS' activities have had or would have a significant impact, individually or cumulatively, on the quality of the human environment. I agree with this conclusion and therefore, find that an EIS should not be prepared. This determination is based on the following factors:

1. Mammal damage management as conducted by WS in New Jersey would not be regional or national in scope.
2. Based on the analyses in the EA and in the supplement, the proposed action alternative would pose minimal risk to public health and safety. Risks to the public from methods available to address damage were determined to be low in a formal risk assessment (USDA 1997).
3. The proposed action, as supplemented, would 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. WS' standard operating procedures and adherence to laws and regulations that govern impacts on elements of the human environment would assure that significant adverse impacts are avoided.
4. The effects on the quality of the human environment are not highly controversial. Although there may be opposition to killing wildlife, this action is not controversial in relation to size, nature, or effects. Based on consultations with the NJDFW, the proposed action, as supplemented, is not likely to cause a controversial disagreement among the appropriate resource professionals.
5. Based on the analysis documented in the EA, the supplement to 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, as supplemented, does not establish a precedent for future actions. This action would not set a precedent for future actions that may be implemented or planned within the State.
7. No significant cumulative effects were identified in the analyses conducted in the EA and the supplement.
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. Based on a review of activities conducted under the proposed action alternative, the determination made in the EA remains appropriate to those species listed as threatened and endangered at the time the EA was completed. The supplement to the EA determined that activities conducted pursuant to the EA, as supplemented, would continue to have no effect on those species listed since the completion of the EA.
10. The proposed action alternative has been and would continue to be in compliance with all applicable federal, State, and local laws.

### ***Rationale***

The rationale for this decision is based on several considerations. This decision takes into account public comments, social/political and economic concerns, public health and safety, and the best available science. The foremost considerations are that: 1) mammal damage management would only be conducted by WS at the request of landowners/managers and only after authorization has been provided by the NJDFW, when applicable, 2) management actions are consistent with applicable laws, regulations, policies, and orders, and 3) no adverse impacts to the environment were identified in the analysis. As a part of this Decision, the WS program in New Jersey would continue to provide effective and practical technical assistance and direct management techniques that reduce damage.

  
Charles S. Brown, Director-Eastern Region  
USDA/APHIS/WS  
Raleigh, North Carolina

  
Date

### **XVII. LITERATURE CITED**

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