

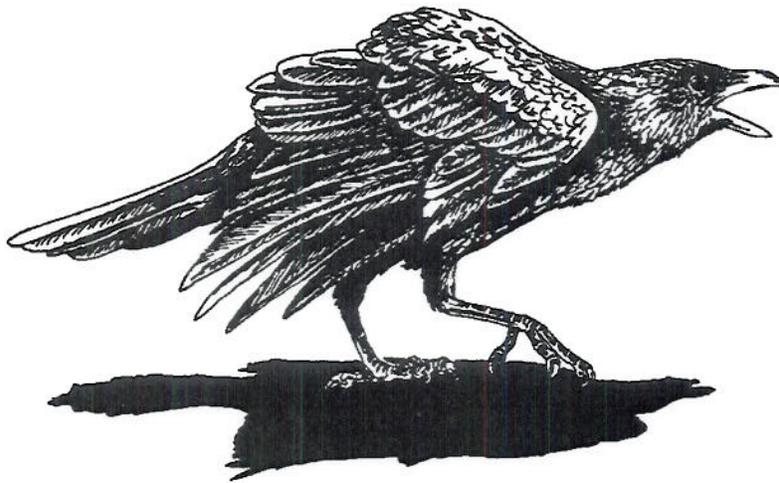
**FINDING OF NO SIGNIFICANT IMPACT,
RECORD OF DECISION,**

and

FINAL ENVIRONMENTAL ASSESSMENT

for

**BIRD DAMAGE MANAGEMENT
IN NEW MEXICO**



Prepared By:

**United States Department of Agriculture
Animal and Plant Health Inspection Service
New Mexico Wildlife Services Program**

In Consultation with:

New Mexico Department Of Agriculture

New Mexico Department Of Game And Fish

United States Fish And Wildlife Service

May 2009

**Finding of No Significant Impact and Decision
for
Bird Damage Management in New Mexico**

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program responds to a variety of requests for assistance from individuals, organizations, and agencies experiencing damage caused by wildlife in New Mexico. WS activities are conducted in cooperation with other federal, state, and local agencies, as well as private organizations and individuals. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management (WDM) actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). However, WS prepared an environmental assessment (EA) to comply with APHIS NEPA implementing regulations and interagency agreements, to facilitate planning, interagency coordination, streamline program management, and to involve the public. The predecisional EA, released by the New Mexico Wildlife Services Program (WS) in January 15, 2009 documented the need for bird damage management (BDM) in New Mexico and assessed potential impacts of various alternatives in relation to issues analyzed for responding to bird damage problems.

The proposed action was to allow the use of all BDM methods on any lands authorized in the State for the protection of agriculture, property, natural resources, and public safety. WS cooperates closely with the New Mexico Department of Agriculture (NMDA), New Mexico Department of Game and Fish (NMDGF), and U.S. Fish and Wildlife Service (USFWS), and other agencies as necessary. In New Mexico, most bird species are protected and managed by USFWS and NMDGF. WS, under the necessary USFWS and NMDGF permits, assists landowners, local governments, and organizations to resolve bird damage problems. WS would also assist public entities and Tribes with BDM when requested.

The EA evaluated ways that BDM could be carried out to resolve conflicts with bird species in New Mexico. BDM is an important function of WS. Appendix C listed all bird species that have been found in New Mexico with Table C1 listing those species that have the highest probability of coming into conflict with people in New Mexico or being part of disease surveillance projects.

WS is a cooperatively funded and service oriented program. Before operational BDM is conducted, *Agreements for Control* or *WS Work Plans* must be signed by WS and the land owner/administrator. WS cooperates with private property owners and managers and with appropriate land and wildlife management agencies, as requested, with the goal of effectively and efficiently resolving wildlife damage problems in compliance with all applicable federal, state, and local laws.

Public Involvement

Eleven draft EA's were sent to agencies with professional expertise and regulatory authority covering different aspects of the EA for their review and comments. The comments that were received from these agencies were incorporated into the EA. Following interagency review of the draft EA, an EA was prepared and released to the public for a 50-day comment period. A Notice of Availability which included a link to view the EA, as well as an address and phone number to obtain a hard copy of the EA, was sent directly to 59 interested parties on National and State mailing lists compiled from direct requests for WS EAs and previous NEPA document mailings including Native American Tribes, agencies, interested groups, and individuals. A "Notice of Availability" of the predecisional EA was published in the Santa Fe New Mexican, the newspaper with statewide coverage, for 3 consecutive days, January 16-20, 2009. The EA was also made available for public review at the WS State Office,

8441 Washington St. NE, Albuquerque, NM 87113, or from requests received by personal contact at the office or telephone ((505) 346-2640), mail, or e-mail. Only one member of the public requested a copy of the EA as a result of the “Notice of Availability.” The deadline for comments was March 6, 2009.

Public Comments

One comment letter was received in response to the Notice of Availability or mailings for the predecisional EA. Additionally, NMDGF sent in comments regarding information on waterfowl in the EA and concern for the Rusty Blackbird given new information from USFWS regarding its status.

Major Issues

Cooperating agencies and the public helped identify a variety of issues deemed relevant to the scope of this EA. These issues were consolidated into the following 4 primary issues that were considered in detail in the predecisional EA:

- Effects of BDM on Target Bird Species Populations
- Effects of BDM on Nontarget Species, Including Threatened and Endangered (T&E) Species
- Effects of BDM on Public and Pet Safety and the Environment
- Effects of BDM on Aesthetics

Affected Environment

The proposed action was to continue conducting BDM where birds are causing damage to agriculture, property, natural resources or public health and safety to private, public, and Tribal properties and resources in New Mexico. BDM will only be conducted where the appropriate *Agreement for Control* or *Work Plan* is in place allowing BDM methods to be used and at the request of private landowners, NMDA, NMDGF, Tribe, or other agency that manages land or resources in need of protection. The current program’s goal and responsibility is to provide service when requested within the constraints of available funding and manpower.

Alternatives Analyzed in Detail

Four potential alternatives were developed to address the issues identified above. Six additional alternatives were given, but not analyzed in detail. A detailed discussion of the anticipated effects of the alternatives on the objectives and issues is described in Chapter 4 of the EA. The following summary provides a brief description of each alternative and its anticipated impacts.

Alternative 1. Integrated BDM Program (the Proposed Action/No Action Alternative). The “No Action” Alternative is a procedural NEPA requirement (40 CFR 1502.14(d)), and is a viable and reasonable alternative that could be selected. Consideration of the No Action alternative is required under 40 CFR 1502.14(d), and provides a baseline or the environmental *status quo* for comparing the potential effects with the other alternatives. In this EA, the No Action Alternative is consistent with CEQ’s definition.

In the case of the BDM EA for New Mexico, the No Action Alternative was the equivalent of the Proposed Action Alternative and the Current Program. Alternative 1 was determined to benefit individual resource owners/managers, while resulting in only minimal levels of impact to target and nontarget wildlife populations including T&E species, very low risks to or conflicts with the public,

pets, and the environment, minimal potential to disrupt the enjoyment of wildlife for the public, but positive improvements of the aesthetic values of properties and other resources damaged by birds. Current lethal methods available for use are highly selective for target species and appear to present a balanced approach to the issue of humaneness when all facets of the issue are considered. WS responds to requests for BDM to protect human health and safety, agricultural crops and resources, property, natural resources, T&E species, and forestry in New Mexico. To meet the goal, WS has the objective of responding to all requests from individual and corporate landowners, NMDA, NMDGF, other public agencies, and Tribes for assistance with, at a minimum, technical assistance or self-help advice, or, where appropriate and where cooperative or congressional funding is available, direct damage management assistance with professional WS Specialists conducting damage management actions. An Integrated WDM approach would be implemented which allows the use of any legal technique or method, used singly or in combination, to meet the needs of requestors for resolving conflicts with birds. Agricultural producers and others requesting assistance would be provided with information regarding the use of effective nonlethal and lethal techniques. In many situations, the implementation of nonlethal methods such as exclusion-type barriers would be the responsibility of the requestor to implement which means that, in those situations, the only function of WS would be to implement methods difficult for the requestor to implement, if determined to be necessary. BDM implemented by WS would be allowed in the State, when requested, on private property sites, public facilities or other locations where a need has been documented, upon completion of an *Agreement for Control* or *Work Plan*. In addition, lethal management actions would require a bird take permit from USFWS or NMDGF, depending on the species being controlled. All management actions would comply with appropriate Federal, state, and local laws.

Alternative 2. Nonlethal BDM Only. Under this alternative, WS would use only nonlethal methods to reduce damage by birds. Private landowners and state agencies would still have the option of implementing their own lethal control measures with the appropriate USFWS or NMDGF permit. Risks to or conflicts with target species would be about the same as Alternative 1. Risks to public and pet safety, the environment, and nontarget and T&E species, on the whole, including private efforts at BDM, would probably be somewhat greater than Alternative 1, but slightly less than or about the same as Alternative 3 or 4 because WS would provide some assistance. Aesthetics would only be minimally affected under this alternative, but would only be slightly positive for resolving damage problems that affect aesthetics, less than under Alternative 1. The hypothetical use of illegal methods could occur as under Alternative 4, but be similar or slightly higher than under Alternative 1.

Alternative 3. Technical Assistance with BDM Only. Under this alternative, WS would not provide any direct control assistance to persons experiencing bird damage problems, but would instead provide advice, recommendations, and limited technical supplies and equipment. Lethal BDM would still occur, but would likely be conducted by persons with little or no experience and training, and with little oversight or supervision. Most persons conducting lethal BDM could obtain bird take permits from USFWS or NMDGF. It is likely that BDM impacts on the target species, birds would be about the same as under Alternative 1. Risks to public and pet safety, the environment, and nontarget and T&E species would probably be more than Alternative 1, but only slightly more than or about the same as Alternative 2. The effects of BDM on the enjoyment of wildlife would probably be similar to the proposed action, but aesthetic values of resources damaged by birds would be more negatively affected this alternative than Alternative 1. Finally as discussed above, frustrated resource owners that have endured recurring losses may resort to the use of illegal or inappropriate techniques that could result in unknown consequences.

Alternative 4. No Federal BDM Program. This alternative would consist of no federal involvement in BDM in New Mexico. Neither direct operational BDM nor technical assistance on BDM techniques would be available from WS. The majority of the formerly federal BDM assistance would be borne by

NMDA or NMDGF. Private individuals could increase their efforts if NMDA or NMDGF were unable to respond adequately which means more BDM would be conducted by persons with less experience and training, and with little oversight or supervision. Risks to the public, pets, nontarget and T&E species, and the environment would probably be greater than under Alternative 1. The enjoyment of wildlife would likely be only minimally affected under this alternative, but aesthetic values of resources damaged by birds would be the most negatively affected under this alternative than any of the other alternatives. Target species take would likely be less, but similar to the Proposed Action Alternative. Lastly, frustrated resource owners that have endured recurring losses may resort to the use of illegal or inappropriate techniques that could result in unknown consequences, and would likely be highest under this alternative.

Alternatives Considered, but Not Analyzed in Detail

1. Lethal BDM Only
2. Compensation for Bird Damage Losses
2. Short Term Eradication and Long Term Population Suppression
3. Use of Bird-Proof Feeders in Lieu of Lethal Control at Dairies and Cattle Feeding Facilities
4. Lethal BDM Only by WS
5. Relocation Rather Than Killing Problem Wildlife
6. Biological Control

Interagency Comments Regarding the EA

NMDGF sent in comments on the EA after failing to provide comments during the interagency review. Their comments were incorporated into the final EA where relevant and are discussed here.

USFWS Proposed Rule Change for Rusty Blackbird. The first was in regards to the Rusty Blackbird. NMDGF noted that USFWS published a federal register notice (Vol. 73, No. 236, December 8, 2008) proposing to remove the Rusty Blackbird from the Depredation Order and allow only nontoxic shot to be used to take species under the depredation order. We were well aware of this proposed rule change (discussed in Section 4.1.1.1 under Rusty Blackbird) and anticipated such (USFWS also commented on the change in the interagency review). In reality, we believe that no Rusty Blackbirds are taken in New Mexico because they have very different feeding habits than other blackbirds and their numbers are very minimal in New Mexico as it is not within their normal winter range. They typically feed in wet woodland areas away from other blackbirds, even though they may roost with other blackbird species including those that cause damage at feedlots and elsewhere. WS Specialists that have conducted BDM in feedlots and other locations where blackbirds caused damage to livestock feed have never documented a Rusty Blackbird in the mix of species present. However, WS realizes that, even so, a Rusty Blackbird in a flock of a thousand Brewer's Blackbirds could easily be overlooked. Thus, WS estimated take for Rusty Blackbirds in the EA and analyzed potential impacts on them. The EA concluded that even with potential take of Rusty Blackbirds, the population would not be impacted. In light of the new proposed order, WS is prepared to obtain the necessary permit to take them, but does not anticipate such an occurrence. WS also understands the added language in the proposed USFWS rule regarding lead shot. WS uses nontoxic shot for most BDM activities in New Mexico and does not believe, as analyzed in Section 2.3.2, that WS's use of lead in all wildlife damage management projects will have an impact on wildlife.

Canada Goose Population Estimate. NMDGF provided an estimate of the Canada Goose breeding population in New Mexico and suggested that the EA overestimated the population. NMDGF did not supply any information on the status of the Canada Goose in New Mexico during the interagency review. In the absence of known breeding data for the Canada Goose, BBS data was used and provided

at least a reference for New Mexico. WS acknowledges that BBS data are not the best predictors for waterbirds (point counts are not the survey method of choice for waterbirds). NMDGF provided an estimate of the Canada Goose population for New Mexico at 4,800, excluding golf course and other urban area birds. Looking closely at the BBS data, it was found that most of the geese were observed in counts from northern New Mexico where the BBS counts went through small communities. The majority of the resident or breeding Canada Goose population in New Mexico likely lives in urban areas and on golf courses that have a good supply of wetland areas. These areas would mostly be uncounted during fall aerial waterfowl surveys conducted by NMDGF. However, the fall count of 4,800 was used in the EA to look at impacts and determine potential take. The continental population estimate from USFWS provided a realistic look at overall impacts to the Canada Goose population from depredation take and hunting harvest. WS has corrected the section on Canada Geese in Section 4.1.1.1 of the final EA. However, as discussed and noted in the EA, WS anticipates that take could increase because the population has been increasing, but does not expect to increase take greatly over past take (in the last 5 years, only 6 Canada Geese were taken in FY07). WS will coordinate Canada Goose activities with USFWS and NMDGF, as applicable. NMDGF also noted that New Mexico has a limited amount of habitat available for the Canada Goose and does not anticipate that the population will grow exponentially as it has in other parts of the Country.

WS Maximum Lethal Take for Waterfowl. As discussed in the EA, WS has rarely taken waterfowl lethally in BDM. WS anticipates that as waterfowl populations and urban areas expand additional conflicts may arise. Hazing can be ineffective in urban areas, especially where damage is occurring at several sites by the same birds, and at airports where hazing geese across a runway may result in a strike. With this in mind, WS analyzed a maximum take, while it would not likely occur, to determine if such a take would impact the population. As analyzed, the take of numbers in the first public draft would have not had more than a negligible impact on any population. However, WS reduced numbers in Table 21 to more realistic maximums. It must be noted that Table 21 had a typographical error entered for maximum take of Lesser Scaup as well as the Common Goldeneye in the EA. It was determined that the maximum lethal take for these species would likely never exceed 10 in any given year, if that. WS has not taken a Lesser Scaup or Common Goldeneye in the last 10 FYs, and does not anticipate taking any at this point. However, the potential always exists because this species could become a target in BDM at airports or for work in disease surveillance. Lesser Scaups have been taken at airports in other WS programs. Thus, this was edited to reflect 10 for diving ducks as the likely maximum lethal take which was the number that was intended. WS does not anticipate taking any scaups, but for the sake of analysis in the EA, and in anticipation of possibly working in more airport environments where Lesser Scaups could possibly present a hazard that could not be resolved easily with nonlethal methods, the take of 10 was analyzed and this would have no noticeable impact on the population. Even higher numbers could be taken without an impact on the population, but WS does not believe that such numbers will be taken.

Blackbird Take in FY03. NMDGF provided a comment that they were concerned about the lethal take of tens of thousands of blackbirds (FY03) and wanted to know if WS was conducting research on blackbirds to determine what mortality rates their populations can withstand, especially Red-winged Blackbirds. The EA analyzed blackbird take in Section 4.1.1.1 of the EA for New Mexico and the Rocky Mountain Region and found that take in this area was an insignificant impact to the population in New Mexico or the Rocky Mountain States. WS acknowledges the decline of several species of blackbirds in North America, as discussed in the EA with the believed reasons these populations are thought to be declining. The decline in the Red-winged Blackbird population, in particular, has been found to mirror the loss of wetland habitat in its breeding range. The National WS Program does have a research arm, the National Wildlife Research Center (NWRC), leaders in the science of wildlife damage management. An NWRC field station in Bismarck, ND is devoted to studies on blackbirds and is responsible for much of the literature on blackbird population ecology and damage management.

The field station has looked at WS take to protect different agricultural resources and human health and safety, especially in the Central Flyway, and found these not to be significant to the population.

Sandhill Cranes. NMDGF was concerned about a comment regarding crane harvest by hunters (few) and the number of cranes hazed by WS. A sentence in Chapter 3 suggested that few cranes were harvested by sportsmen and they noted that 498 cranes were harvest in 2008. The sentence was referring to the lands where WS conducts hazing, but noted how effective hazing became as a result of harvest by hunters. Additionally, Table 8 in the EA shows the number of birds hazed by WS (ave. from FY03 to FY08 of 90,000 with a high of 160,000). NMDGF was concerned that the number hazed could be misinterpreted to show a much higher population of Sandhill Cranes. WS had no intention of trying to show a high population of cranes, but rather the effort taken to reduce damage. The number of cranes that winter in the MRGV is about 30,000. However, it is noted that birds can be hazed several times. In Section 3.3.1.2, the MRGV program is discussed. From FY05 to FY07 it was noted that WS worked on an average of 19 properties and averaged hazing 75,000 cranes annually. This averages 4,000 cranes hazed from each property. If the WS Specialist has to haze the cranes from the property 10 times, that would equate to 400 cranes hazed off the property each time.

Comments Regarding the Issues

One commenter provided comments on the EA which will be addressed here. The comments were that the EA did not include: (1) cumulative effects of BDM in all the alternatives and excluded the effects on birds from global warming, accidental pesticide poisoning, pollution, diseases such as avian influenza and West Nile virus, and habitat loss including a decrease in grasslands and increased use of lands for biofuels; (2) impacts to California Condors and other raptors and large birds from lead poisoning; (3) impacts of BDM on the Aplomado Falcon; and (4) impacts of pesticides on pollinators such as bats and bees.

Cumulative Effects of BDM on Bird Populations. Section 1.6.5 discusses site-specificity and the need to broadly consider impacts to birds because they are migratory. Thus, BDM impacts in the EA were considered locally (New Mexico) for species that do not migrate much such as feral Rock Pigeons and regionally (the Rocky Mountain States) for those species that migrate. Sections 2.1.1 and 4.1.1 discusses the species targeted by WS and considered all impacts where data was available for target species. The available data for analysis was WS BDM take, permitted depredation take (USFWS), and hunting harvest. However, for blackbirds, in particular, depredation take by private individuals or agencies is not available because these species can be taken without a permit and reporting is not required (USFWS may change this requirement). Where depredation take by private individuals or other agencies was unavailable, we conservatively estimated this take, using what we feel is a very high take or an overestimate, to determine overall impacts. For example, red-winged blackbird private take was estimated at half a million in the Rocky Mountain State region (see figure 6 in the EA). Most private take occurs by shooting with limited use of Avitrol and Starlicide Complete. Researchers with NWRC working with blackbirds and producers in the Central Flyway thought our estimates of take were greatly exaggerated and that it was likely a lot lower. However, for the sake of analysis, it is better to provide a conservative figure than an underestimate.

The commenter stated that we did not look at the cumulative impacts to birds in the analysis area and failed to consider the impacts of global warming, habitat loss, accidental poisoning, pollution, and disease, among others. These factors can contribute greatly to species abundance and distribution, and have been a major factor in declines and increases in species abundance in the past and into the future. USFWS in partnership with several organizations produced a comprehensive report of the over 800 species in the United States and Canada and outlined the impacts of several of these factors of concern from the commenter along with invasive species on the populations of birds (North American Bird

Conservation Initiative 2009). WS is very concerned with these impacts and monitors species abundance and changes in populations with the best available data. For landbirds, the U.S. Geological Breeding Bird Surveys (BBS) data, and to a lesser extent the national Audubon Society Christmas Bird Counts (CBC) provide trends in species which help determine impacts from such issues. Habitat loss has been identified as a limiting factor for many bird species such as those we identified as grassland species. Global warming is a concern and could potentially impact the species the greatest. Many species' range will likely shift, increase, or decrease as a result of global warming as has already been found. Based on Christmas Bird Counts (CBC), nearly 60% of the 305 species found during winter in North America, north of Mexico, have shifted their ranges northward by an average of 35 miles over the past 40 years (National Audubon Society 2009). Thus, these factors will contribute to changes in several species populations in New Mexico. However, these factors would be consistent under all of the alternatives. Therefore, the impacts of BDM could potentially be the greatest under Alternatives 4, and then 2 and 3 because monitoring of bird populations would not be done by WS. WS monitors the impacts of BDM on populations, looks at the effects of such actions, and is able to adaptively manage accordingly. Thus, we believe that bird populations, even under the environmental pressures from habitat loss, climate change, invasive species, pollution, and other factors exerted on them in the past, at present, and in the future, were included in the analysis and these are all part of the environmental status quo. The best information on these populations which included the effects of these environmental pressures was used in the analysis to determine impacts of BDM on these species. None of the species analyzed in the EA were found to be significantly impacted by WS BDM combined with other known impacts. Additionally, it must be noted that USFWS monitors migratory birds and informs WS of such concerns when a permit is obtained.

Impacts to California Condors and Other Raptors from Lead Poisoning. The EA in Section 2.3.2 discussed the potential for WS to impact wildlife from lead poisoning and found that the minimal use of lead by WS would not have caused any significant problems. As the commenter discussed, it has been shown that California Condors, in particular, are susceptible to lead poisoning. However, no California Condors from the experimental population in the Grand Canyon area have ever been found to wander to New Mexico. Since condors did wander to Colorado, New Mexico included them in a consultation with USFWS under Section 7. It was decided that USFWS will notify WS if such an event occurs. Of the raptors that would likely scavenge animals that had been shot by the use of lead ammunition, none has shown a significant decline in New Mexico as discussed in Section 4.1.1.1. Thus, we believe that the analysis in the EA on this issue is sufficient to show that lead poisoning from WS BDM activities has not caused significant problems for raptors.

Impacts to the Aplomado Falcon. This grassland raptor occurs in southern New Mexico. It typically occurs in open terrain with scattered trees and shrubs where it preys mostly on birds and insects. The falcon was seen regularly prior to the 1950s, but last recorded nesting in New Mexico in 1952 (Ligon 1961). Few records existed for this falcon in New Mexico from the 1950s to the 1980s, but have occurred almost annually from 1990 to present. Most occurrences are documented during summer with occasional occurrences in winter. This species may naturally recolonize New Mexico. The reasons for its decline are speculative, but likely a result of habitat alteration, brush invasion, and insecticide use. The USFWS 1992 Biological Opinion (USDA 1997) found that WDM associated with the reduction of blackbirds could reduce the available prey for the species. However, it was determined that this would not likely cause any serious problems for the species. Therefore, it was concluded that WS would not likely jeopardize their continued existence. In New Mexico, WS conducts some work at feedlots for starlings and blackbirds in southern New Mexico during the winter and reduces the wintering population by several thousand. However, these birds are not necessarily in Aplomado Falcon habitat (only if the falcon wandered into these areas) and the blackbirds taken are only a small percent of the wintering bird population in New Mexico. It is WS's conclusion (WS 2003) with concurrence of USFWS (2003) that BDM will have no effect on the Aplomado Falcon in New Mexico following the

recommendations of the 1992 USFWS BO (USDA 1992). As discussed in Section 2.1.2.1, WS could potentially benefit the Aplomado Falcon by hazing them from airfields where they could be struck by aircraft. Therefore, we believe that the commenter's concerns for the Aplomado Falcon are not an issue.

Impacts of Pesticides on Pollinators. WS currently uses only a few chemicals in BDM as discussed in Section 3.3.1.3 of the EA, none of which would have an impact on pollinators. Thus this is not an issue.

Comments Regarding the Alternative Selection

No comments were received regarding alternative selection.

Finding of No Significant Impact

The waterfowl section of Predecisional January 2009 EA was edited to reflect concerns from NMDGF. Since the EA analyzed higher levels of take than those now analyzed and found that WS would not significantly impact any bird population, potential lower levels of take would result in lower impacts. Thus, I hereby accept this as the Final EA for BDM in New Mexico. The analysis in the EA indicated that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of the proposed action. I agree with this conclusion and therefore find that an Environmental Impact Statement need not be prepared. This determination is based on the following factors:

1. BDM, as conducted by WS in New Mexico, is not regional or national in scope. It is a statewide program and the scope was discussed in the EA. Under the proposed action, WS would continue to assist individuals and entities with bird damage as necessary. Even if WS were not involved, under state law most BDM would be conducted by private individuals or entities, or state and local government that are not subject to compliance with NEPA.
2. The proposed action would pose minimal risk to public and pet safety. No injuries to any member of the public are known to have resulted from WS BDM activities. In addition, a risk assessment has analyzed the use of BDM methods used by WS (USDA 1997) and these were found to pose only minimal risks to the public, pets, and nontarget wildlife species. This issue was addressed in the EA and the Proposed Action Alternative was found to have the least impacts.
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 except positively.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to bird control, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA, the effects of the proposed BDM program on the human environment would not be significant. The effects of the activities under the proposed action are not highly uncertain and do not involve unique or unknown risks. If WS were unable to respond adequately under the other alternatives, a potential exists that could involve unique and unknown risks by non-professionals implementing BDM and frustrated property owners that have been ineffective with BDM methods resorting to the illegal or unwise use of BDM methods such as chemicals.

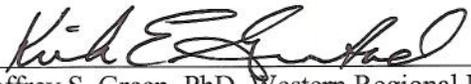
6. The proposed action would not establish a precedent for any future action with significant effects. All issues under the proposed action were discussed thoroughly, and these would not add cumulatively to any known future actions that would result in significant effects.
7. No significant cumulative effects on the quality of the human environment were identified through the EA.
8. The proposed BDM 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 anything, the proposed action would have beneficial effects on these resources.
9. An evaluation of the proposed action and its effects on T&E species determined that no significant adverse effects would occur to such species. This is supported by the 1992 Biological Opinion (USDA 1997) and a subsequent Biological Assessment (WS 2003) with a letter of concurrence from USFWS (2003).. WS reviewed the current list of T&E species to ensure that these findings are still valid. USFWS provided comments on the EA and concurred with WS on the potential effects of BDM to T&E species, as well as migratory birds.
10. The proposed action would be in compliance with all federal, state, and local laws imposed for the protection of the environment. The proposed activity does not violate the Endangered Species Act or any other law. As allowed by state and federal law, BDM could be conducted by private individuals or entities, or state and local agencies that are not subject to compliance with NEPA if WS were not involved.
11. There were no irreversible or irretrievable resource commitments identified in this EA, except for a minor consumption of fossil fuels for routine operations.

Decision

I have carefully reviewed the EA, interagency comments, and lack of public input resulting from the public involvement process. I believe the issues and objectives identified in the EA would be best addressed through implementation of Alternative 1 (the Proposed or No Action Alternative to continue the current program). Alternative 1 is therefore selected because (1) it offers the greatest chance at maximizing effectiveness and benefits to affected resource owners and managers within current program funding constraints; (2) it will maximize selectivity of methods available; (3) it offers a balanced approach to the issue of aesthetics when all facets of the issue are considered; (4) it will continue to minimize risk to or conflicts with the public and pets; and (5) it will minimize risks to nontarget and T&E species. WS will continue to use an IWDM approach in compliance with all the applicable standard operating procedures listed in Chapter 3 of the EA.

For additional information regarding this decision, please contact Alan May, USDA-APHIS-WS, 8441 Washington NE, Albuquerque, NM 87113, (505) 346-2640.

for


 Jeffrey S. Green, PhD, Western Regional Director
 USDA-APHIS-WS, Fort Collins, Colorado

5/13/09
 Date

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