



United States
Department of
Agriculture

July 14, 2006

Subject: Final Environmental Assessment and Decision and Finding of No Significant Impact

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Wildlife
Services

Nevada State Office

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United States Department of Agriculture, Animal and Plant Health Inspection Service, Nevada Animal Damage Control Program has completed the enclosed environmental assessment (EA) that evaluates its proposed program to protect agriculture, human health and safety, and natural resources from damage by starlings, blackbirds, feral pigeons, magpies and crows in Nevada. Based on the analysis contained in the EA, the Western Regional Director of Wildlife Services has decided to implement an integrated bird damage management program that would provide managers with a flexible and effective approach without significant effects on the environment.

Thank you for your participation.

Sincerely,

Mark Jensen
State Director
USDA-APHIS-Wildlife Services, Nevada

Enclosures



United States Department of Agriculture
Animal and Plant Health Inspection Service

Safeguarding American Agriculture



United States
Department of
Agriculture

**Finding of No Significant Impact and Decision for
Starling, Blackbird, Feral Pigeon, Magpie, and Crow
Damage Management In Nevada**

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The United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife in Nevada. Wildlife Services activities are conducted in cooperation with other federal, state, and local agencies, as well as private organizations and individuals. Wildlife Services cooperates with and supervises the Nevada Department of Agriculture's Division of Resource Protection (DRP). The two entities, WS and DRP, form the Nevada Animal Damage Control Program (NADCP) which is the proponent in this Environmental Assessment.

Nevada Animal Damage Control Program prepared an environmental assessment (EA) to comply with APHIS National Environmental Policy Act (NEPA) implementing regulations and interagency agreements, facilitate planning and interagency coordination, streamline program management, and involve the public in a proposal to manage damage by starlings, blackbirds, feral pigeons, magpies, and crows. Nevada Animal Damage Control Program's proposed action was to allow the use of the full range of bird damage management methods on all lands authorized in the State for the protection of livestock, property, natural resources, and public safety.

Public Involvement

Following interagency review of a preliminary draft of the EA, an Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service, and a consultation with the Nevada Division of Wildlife, a pre-decision EA was prepared and released to the public for a 30-day comment period. On April 26, 2006, eighty-four notices were sent directly to interested parties and agencies. Notice of availability of the predecisional EA was published in the Ely Daily Times, the Reno Gazette Journal, the Las Vegas Sun, and the Las Vegas Review Journal on April 28, 2006; the Elko Daily Free Press on April 29, 2006; and the Nevada Appeal on May 1, 2006. Six predecisional EAs were sent out after notices were issued. The comment period closed on Friday June 9, 2006. This Finding of No Significant Impact (FONSI) and Decision document is being mailed directly to all persons who commented on the predecisional EA with the final EA attached to the FONSI and Decision. A final EA was developed due to several minor editorial changes that were made to the document as a result of public comments. No substantive changes were made to the document. Notices of the availability of this FONSI and Decision and the final EA are being made in the same newspapers noted above.



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Public Comments

Four comment letters were received in response to the pre-decision EA. Some of the comments resulted in minor editorial changes to the EA and a final EA was developed however, there were no substantive changes from the pre-decision EA. The public comments and NADCP responses are attached in Appendix A.

Major Issues

WS, other agencies, and the public contributed to identifying a variety of issues deemed relevant to the scope of this EA. These issues were consolidated into the following 6 primary issues that were considered in detail in the EA:

1. Effects on Target Predator Species Populations
2. Effects on Non-target Species Populations, Including T&E Species
3. Humaneness of Methods Used by NADCP
4. Impacts on Public Safety and the Environment
5. Effectiveness of NADCP
6. Aesthetic Effects

Alternatives Analyzed in Detail

Four potential alternatives were developed to address the issues identified above. Three additional alternatives were considered, 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. Table 7 in the EA summarizes and compares the environmental consequences each of the alternatives for each environmental issue.

Alternative 1. Continue the Current Federal PDM Program (No Action).

Consideration of the No Action alternative is required under 40 CFR 1502.14(d), and provides a baseline for comparing the potential effects of all the other alternatives. In this EA, the "No Action" alternative is consistent with CEQ's definition and is equivalent to the current program. This alternative consists of potentially using all currently authorized control methods in an integrated approach to resolve bird damage problems on all lands in Nevada. Alternative 1 benefits individual resource owners/managers with an effective program, while resulting in only low level direct and cumulative impact on target bird populations in Nevada, and low level effects on non-target wildlife. The proposed action is not likely to adversely affect threatened and endangered species, or species that are proposed for listing. Potential conflicts with the public and environmental effects are low and the program may benefit natural resources by removing target species. Current lethal methods available for use are selective for target species and appear to present a balanced approach to the issue of humaneness when all facets of the issue are considered. The aesthetic effect depends on a person's view of damages (e.g. whether or not they experience damage) and their view of target species. Environmental consequences of the proposed action will serve as a baseline for comparison with the other alternatives.

Under the current program, most requests for bird damage management handled operationally come from confined animal feeding operations managers and resource (primarily commercial and residential buildings) owners affected by bird droppings. Resource owners are given assistance within the fiscal and legal constraints of the program. Resource owners are often charged for costs of control methods and potentially the entire cost of the control operation.

The Nevada Animal Damage Control Program also receives some requests for bird damage management assistance to protect agricultural products such as crops, property other than buildings, natural resources, and human health and safety. Most of these requests come from private individuals. However, some requests could come from public entities for the protection of natural resources. Bird damage management provided by NADCP personnel can be done on public, private, state, Indian, and other lands, or any combination of these land class types as long as the appropriate agreements signed by the landowner/lessee. The current program conducted on private or other lands is governed by WS policy and a specific private or public property agreement is needed to conduct bird damage management for that particular property. The agreement specifies the methods to be used and the species to be targeted on a specific property.

Alternative 2. No Federal NADCP. This alternative would consist of no Federal involvement with bird damage management in Nevada – which would mean no technical assistance would be provided such as giving out information on non-lethal or lethal bird damage management techniques. A portion of the formerly federal damage management responsibility would be borne by the remaining state agency program, DRP. It is likely that private individuals would increase their efforts which means more damage management would be conducted by persons with less experience and training, and with little oversight or supervision but lethal controls by other agencies and private individuals would still be subject to Federal and State restrictions. Risks to the public and T&E species would probably be greater than under Alternative 1, and effectiveness and selectivity would probably be lower. Frustrated resource owners that have endured recurring losses may resort to the use of illegal or inappropriate techniques that could increase impacts on non-target, threatened and endangered species, and public safety. It is unlikely that target bird species would be significantly affected but the alternative would be comparatively less effective than the current program. Aesthetic impacts would not be under Federal control. The perception of inhumane activities may be reduced under this alternative due to lower accountability and disclosure but may be less humane without professional oversight.

Alternative 3. Non-lethal Management Only. Under this alternative, NADCP 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. If non-lethal methods are ineffective, lethal bird damage management would likely be conducted by persons with little or no experience and training, and with little oversight or supervision. Risks to or conflicts with the public and environment and threatened and endangered species would probably be more than Alternative 1, but slightly less than or about the same as Alternative 2, the effectiveness, humaneness and

aesthetic effect of NADCP and selectivity of PDM methods would probably be lower or less desirable than Alternative 1.

Alternative 4. Non-lethal Required Before Lethal Control. This alternative would not allow the use of lethal methods by NADCP as described under the proposed action until non-lethal methods had been attempted. Producers and state agencies would still have the option of implementing their own lethal control measures. Risks to or conflicts with the public and risks would be about the same as Alternative 1. Risks on threatened and endangered species would probably be somewhat greater than Alternative 1, but slightly less than or about the same as Alternative 2 or 3. Program effectiveness would probably be lower than Alternative 1. Selectivity and humaneness of bird damage management methods under this alternative would likely be less than Alternative 1 but greater than Alternatives 2 and 3. Target take by NADCP may be less than Alternative 1 but the cumulative effects would be similar. The aesthetic effects would be between Alternatives 1 and 3.

Alternatives considered but not analyzed in detail were:

1. **Compensation for Bird Damage Losses.** The compensation alternative would require the establishment of a system to reimburse persons impacted by bird damage. This alternative was eliminated from further analysis because no Federal or State laws currently exist to authorize such action and because of other drawbacks that were discussed in the EA and the WS FEIS (USDA 1997, revised).
2. **Bounties.** Bounties are payment of funds for killing birds of certain species that cause or are suspected of causing economic losses. This alternative was eliminated from further analysis because it is not supported by Nevada State agencies such as the Nevada Division of Wildlife (NDOW) and NDOA nor is it supported by NADCP because of problems that were discussed in the EA.
3. **Eradication and Long Term Population Suppression.** An eradication alternative would direct all NADCP efforts toward total long term elimination of bird species within large defined areas or across the entire analysis area. Long term population suppression is not a desired goal of State agencies or of NADCP for the analysis area as a whole but could be implemented for localized areas prone to bird damage under the current program alternative (ie. urban neighborhoods). The impacts of localized population suppression are analyzed in the EA. However, this alternative was eliminated from further analysis because NADCP, NDOW, USFWS, and NDOA oppose eradication of any native wildlife species, and because it is generally impossible to achieve.

Finding of No Significant Impact

The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action.

I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Bird damage management as conducted by NADCP is localized and is not regional or national in scope.
2. The methods used to control birds are target-specific and are not likely to affect public health and safety when used as described in the EA.
3. The proposed activities will not have an impact on unique characteristics of the geographic area such as park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas. The nature of the methods proposed for alleviating damages are not likely to permanently affect the physical environment.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition by some members of the public 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 activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects or represent a decision in principle about future considerations.
7. There are no significant cumulative effects identified by this assessment. All wildlife removal will stay within management guidelines set for each species. The impacts on each species when combined with other known sources of mortality are expected to have a low to negligible impact based on the available information.
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. An evaluation of the proposed action and its effects on threatened and endangered species determined that no significant adverse effects would occur to such species.
10. The proposed action would be in compliance with all Federal, State, and local laws imposed for the protection of the environment.
11. There are no irreversible or irretrievable resource commitments identified by this assessment, except for a minor consumption of fossil fuels for routine operations.

Literature Cited

U.S. Department of Agriculture (USDA). 1997, revised. Revised Animal Damage Control Final Environmental Impact Statement. U.S. Dept. Agric., Anim. Plant Health Inspection Serv., Anim. Damage Control, Operational Support Staff, Riverdale, MD.

Decision

I have carefully reviewed the EA and the input resulting from the public involvement process. I believe the need for action and issues identified in the EA would be best addressed through implementation of Alternative 1 (the proposed action 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 humaneness when all facets of the issue are considered; (4) it will continue to minimize risk to or conflicts with the public; and (5) it will minimize risks to non-target and T&E species. NADCP will continue to use an Integrated Wildlife Damage Management approach in compliance with all the applicable mitigation measures listed in Chapter 3 of the EA.

For additional information regarding this decision, please contact Mark Jensen, State Director, USDA-APHIS-WS, 8775 Technology Way, Reno, NV 89521, (775) 851-4848.



Jeffrey Green, Regional Director
APHIS-WS Western Region

7/6/06

Date

Public Comments and Responses

Public Comments

A total of four comment letters were received in response to the predecisional EA. The following comments were received.

Comment 1. Editorial comments.

Response: Editorial comments included noting discrepancies in data, requested clarifications to tables, editing in literature citations, and clarity, and these resulted in several minor editorial changes to the document. Thank you for these comments.

Comment 2. Vegetation removal may trigger compliance with Migratory Bird Treaty Act.

Response: We have clarified in the document in Section 3.2.1 that habitat management is sometimes recommended by, but not conducted by WS. When WS recommends habitat management, it advises property owners or managers to seek guidance on environmental compliance requirements from the appropriate regulatory agency.

Comment 3. The frequency of checking mist nets is not sufficient to avoid harm to captured birds.

Response: WS does not currently use mist nets but there may be a potential for their use under rare circumstances such as for disease sampling, or indoor capture. The USFWS (2003) has concluded that WS proposed use of mist nets would not be likely to adversely affect any species listed or proposed for listing. In almost all cases mist nets would be continuously monitored.

Comment 4. The frequency of checking pole traps hourly is not sufficient to mitigate harm to captured birds.

Response: An August 11, 2005 Memorandum from the USFWS on the Use of Pole Traps for Capturing Depredating Raptors provides guidance to ensure humane consideration of affected birds. The guidance includes permit conditions which require traps be checked every two hours during the day, and at least once during the night. During inclement weather (e.g., precipitation or extreme temperatures), they must be monitored continuously or closed down. The change from hourly monitoring has been made in the document in Section 3.2.1 to reflect this recent policy put in place by the USFWS.

Comment 5. Concerns about the use of lead shot and bullets (effects on raptors, scavengers, upland game birds, and predators).

Response: WS uses lead shot in only minimal circumstances and target birds are recovered when feasible. In 2004, the NV program did not use shooting to remove target birds. Shooting is used primarily for actions outside of the scope of the EA (however, due to the concern for indirect effects we will note that steel shot or other non-lead shot is used exclusively for aerial shooting and, as required in the USFWS (2003) informal consultation, all animals shot with lead bullets in Clark County will be retrieved whenever possible and/or disposed of in a manner that renders them inaccessible to condors). Most shooting of birds would potentially be done at airfields to reinforce non-lethal hazing activities with pyrotechnics where birds are targeted due to the hazard they pose to aircraft. Hazing would further reduce the potential for non-target effects. Currently, WS does not use shooting at airfields.

Comment 6. Concerns with the indirect effect of DRC-1339 on predators and scavengers, including skunks, barn owls, and domestic cats. Concern that barn owls may prey on targeted birds before they succumb to the toxicant.

Response: The EA in Section 3.2.1 discusses the potential effects of DRC-1339 on non-target species including predators and scavengers, citing that numerous studies show that DRC-1339 poses minimal risks. A formal risk assessment concluded that there is little potential for secondary hazards to non-target animals with this compound (USDA 1997, revised). DRC-1339 poses little secondary hazard to predatory or scavenging animals because the compound is rapidly metabolized and excreted and is not accumulated (Schafer 1991). While laboratory studies indicate that some species such as owls are sensitive to DRC-1339 intoxication, based on the low level of toxicity, the possibility of chronic intoxication is negligible. It is unlikely that domestic cats would be affected by secondary poisoning, and based on the low toxicity of the pesticide, the probability of chronic intoxication is negligible (Cunningham et al. 1979). A sensitive species would be at risk only if its diet consisted exclusively of DRC-1339-poisoned starlings for more than 30 continuous days (Cunningham et al. 1979) to 100 days (USDA 2001). WS projects using DRC 1339 are short term in nature, normally lasting one or two days. Carcasses are retrieved and buried or incinerated when possible.

Comment 7. Comment in support of the program and proposed action.

Response: Thank you for your comment.

Comment 8. The proposal does not conflict with Nevada State plans, goals and objectives.

Response: Thank you for your comment.

Comment 9. The reported and verified losses from birds in Nevada represent only 0.15 percent of the livestock industry in Nevada and is not economically significant. Relating to losses in other states is not relevant.

Response: Reported and verified losses are recorded from only those producers seeking assistance from Wildlife Services and are losses that began to occur before assistance was provided. Thus reported and verified losses do not represent total losses in Nevada or total potential losses. Without assistance, losses could be much greater. While on average, the reported and verified losses represent only a minor fraction of the total worth of any industry, individual producers experiencing losses can be devastated without damage management assistance. Many more producers will experience no or little loss.

Comment 10. The EA offers no proof that any of the targeted species actually transmits disease to livestock. There is no evidence that magpies traumatize pets and children.

Response: We have added a citation to Weber 1979 which summarizes diseases transmitted from starlings, pigeons and sparrows, with livestock and human symptoms. In addition Johnson (1994a, 1994b) and Williams 1994 note livestock disease threats from American crows, starlings, and pigeons, respectively.

We did not record any attacks from magpies as noted in the EA, however it is general knowledge among wildlife damage management professionals that some nesting magpies will defend their nests from passers by. The EA notes that this is not a common occurrence.

Comment 11. Economic calculations lack credibility. A peer reviewed economic model contradicts economic discussion in EA. There is a lack of economic data for other bird species which the EA alleges pose detrimental health and safety hazards.

Response: The comment refutes the applicability of calculations which support a conclusion that the program is effective in reducing damage, and goes on to offer a model which has different results. The economic model referenced in this comment (Blackwell et al. 2003) is based on a control effort to reduce the population of blackbirds by 2 million out of an estimated population of 27 million, to protect a fall crop of sunflowers by doing control efforts in the spring. This scenario is completely different than targeting localized populations at individual sites where damage is occurring in winter months at feedlots, and control is done when damage is occurring. Therefore, the paper cited does not contradict our analysis. While the comment challenged the economic analysis, no valid information was provided to discredit or improve the analysis.

The comment questions why health and safety hazards are presented but WS does little work to protect health and safety interests. The WS program responds only to requests for assistance which is often triggered by property damage and livestock feed losses as the primary reason for the call. A full economic analysis of the benefits of control was requested for health related issues since they were mentioned as part of the need for action. As noted in the EA, USDA (1997, revised) provides a more detailed economic analysis, concluding that the proposed action is the most cost effective of the alternatives evaluated.

Comment 12. DRC-1339 and Avitrol are non-selective and an inhumane form of euthanasia for any affected species. The target species listed in the EA are not similar, therefore claiming that a toxicant may be used to target all species listed in the EA is disingenuous. Also, concerns about mourning doves.

Response: The product is selective due to specific use formulations for different species, bait selection, specific use locations, season of use, and use restrictions. Wildlife Services use of DRC-1339 is restricted to certified applicators and personnel trained in bird control. For more information on DRC 1339 uses, risks, and restrictions, consult product labels and technical notes located at Wildlife Service's National Wildlife Research Center web page: <http://www.aphis.usda.gov/ws/nwrc>.

Most starling and blackbird removal is done during winter months when mourning doves are rarely observed. Observation for presence of non-target species, timing, method, and type of pre-baiting limits non-target effects. Further, label requirements dictate that when listed species are present at pre-baiting, the project must be cancelled.

In target species, DRC-1339 causes renal and heart failure and a quiet and apparently painless death (USDA 2001).

Comment 13. Avitrol is highly lethal and non selective. The EA does not address the hazards on non-target wildlife, humans, and aquatic organisms.

Response: These issues are discussed in Section 3.2.1, Avitrol. A formal risk assessment (USDA 1997, revised, Appendix P), concluded that there is no probable secondary toxicity or risks to the aquatic environment from the proper use of Avitrol. Prebaiting is done to determine the presence of non-target species and the use would be avoided if any sensitive species were present. Wildlife Services programs use only certified applicators and follows all label restrictions for this and other restricted use pesticides. The NADCP has not used this method in recent years and the proposed use is extremely minimal to non-existent. Effects on non-target wildlife, humans and aquatic organisms are not expected with the use of the product.

Literature cited

Blackwell, B. F., Huszar, E., Linz G. M., and Dolbeer, R. A. 2003. Lethal Control of Red-Winged Blackbirds to Manage Damage to Sunflower: An Economic Evaluation. *Journal of Wildlife Management* 67(4):818-828

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Johnson, R. J. 1994a. American Crows. pp. E33-40 in *Prevention and Control of Wildlife Damage*. S. Hygnstrom, R. Timm, and G. Larson eds. University of Nebraska-Lincoln. 2 vols.

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Schafer, E. W., Jr., 1991. Bird Control Chemicals-Nature, Models of Action, and Toxicity, CRC Handbook of Pest Management in Agriculture, Vol II, D. Pimentel (ed.), pp. 599-610.

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U.S. Department of Agriculture (USDA). 2001. DRC-1339 (Starlicide) Tech Note. USDA, Animal and Plant Health Inspection Service, Wildlife Services. April 1, 2001.

Williams, D.E. and R.M. Corrigan. 1994. Pigeons (Rock Doves). pp. E87-96 in Prevention and Control of Wildlife Damage. S. Hygnstrom, R. Timm, and G. Larson eds. University of Nebraska-Lincoln. 2 vols.