

**DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT – REDUCING GULL DAMAGE THROUGH AN  
INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM IN THE STATE OF  
RHODE ISLAND**

**I. INTRODUCTION**

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program prepared an Environmental Assessment (EA) titled “*Reducing gull damage through an integrated wildlife damage management program in the State of Rhode Island*” to analyze the potential environmental and social impacts to the quality of the human environment from resolving damage and threats associated with gulls to agricultural resources, property, natural resources, and human safety in Rhode Island. Gull species addressed in the EA include: herring gulls (*Larus argentatus*), ring-billed gulls (*Larus delawarensis*), great black-backed gulls (*Larus marinus*), and laughing gulls (*Larus atricilla*). The EA documents the need for gull damage management in Rhode Island and assesses potential impacts on the human environment of four alternatives to address that need. WS’ proposed action in the EA would implement an integrated damage management program to fully address the need to manage gull damage while minimizing impacts to the human environment.

The EA was prepared to: 1) facilitate planning and interagency coordination, 2) streamline program management, 3) evaluate the potential environmental consequences of the alternatives related to the issues of managing damage caused by gulls, and 4) clearly communicate to the public the analysis of individual and cumulative impacts. This Decision ensures WS’ actions comply with NEPA, with the Council on Environmental Quality (40 CFR 1500), and with APHIS’ NEPA implementing regulations (7 CFR 372). All gull damage management activities, including disposal requirements, are conducted consistent with: 1) the Endangered Species Act of 1973, 2) Migratory Bird Treaty Act, 3) Executive Order (EO) 12898<sup>1</sup>, 4) EO 13045<sup>2</sup>, 5) EO 13186<sup>3</sup>, 6) the Federal Insecticide, Fungicide, and Rodenticide Act, and 7) federal, state, and local laws, regulations, and policies. The pre-decisional EA was made available to the public for review and comment through notices published in local media and through direct notification of interested parties.

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). Wildlife damage management is the alleviation of damage caused by or related to the presence of wildlife and is regarded as an integral part of wildlife management (The Wildlife Society 1992). The goal of wildlife damage management conducted by WS is to respond to requests for assistance to manage damage and threats to human safety caused by wildlife.

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<sup>1</sup> Executive Order 12898 promotes the fair treatment of people of all races, income levels, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

<sup>2</sup> Executive Order 13045 ensures the protection of children from environmental health and safety risks since children may suffer disproportionately from those risks.

<sup>3</sup> Executive Order 13186 directs federal agencies to protect migratory birds and strengthen migratory bird conservation by identifying and implementing strategies that promote conservation and minimize the take of migratory birds through enhanced collaboration. A national-level MOU between the USFWS and WS is being developed to facilitate the implementation of Executive Order 13186.

## **II. PUBLIC INVOLVEMENT**

The pre-decisional EA was prepared and released to the public through legal notices published for three consecutive days in the *Providence Journal* beginning on April 10, 2008. A notice of availability and the pre-decisional EA were also posted on the APHIS website at [http://www.aphis.usda.gov/wildlife\\_damage/nepa.shtml](http://www.aphis.usda.gov/wildlife_damage/nepa.shtml). A letter of availability was also mailed directly to agencies, organizations, and individuals with probable interest in gull damage management in Rhode Island. The public and interested parties were allowed to provide comment on the pre-decisional EA from April 10, 2008 through May 12, 2008. WS received no comment letters during the public involvement period. All documents associated with the public involvement period are maintained at the WS' state office in Massachusetts<sup>4</sup>.

## **III. MONITORING**

The WS program will annually review gull damage management activities in Rhode Island to ensure WS' actions are within the scope of analyses provided in the EA. Those annual monitoring reports will document WS' activities while discussing any new information that becomes available since the completion of the EA and the last monitoring report. If WS' activities, as identified in the annual monitoring reports, are outside the scope of the analyses in the EA or if new issues are identified from available information, further analyses would occur and to the degree as identified by those processes pursuant to NEPA.

## **IV. AFFECTED ENVIRONMENT**

Areas of the proposed action could include, but are not limited to, recreational areas, swimming beaches, parks, corporate complexes, subdivisions, business parks, industrial parks, schools, agricultural areas, dairies, livestock yards, wetlands, restoration sites, islands, and landfills. The area of the proposed action would also include airports and military airbases where gulls are a threat to human safety, to property, and to public areas where gulls are negatively impacting historic areas, cultural landscapes, and natural resources. The proposed action may be conducted on properties held in private, municipal, state, or federal ownership.

## **V. MAJOR ISSUES**

The EA describes in detail the issues considered and evaluated. In addition to the identified major issues considered in detail, six issues were considered but not in detail, with rationale provided in the EA. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

### ***Issue 1 - Effects on Target Bird Species Populations***

Under the proposed action, WS would incorporate non-lethal and lethal methods in an integrated approach in which all or a combination of methods may be employed to resolve a request for assistance. WS would recommend both non-lethal and lethal methods to interested individuals, as governed by federal, state, and local laws and regulations. Non-lethal methods can disperse or otherwise make an area unattractive to gulls thereby, reducing the presence of those gulls at the site and potentially the immediate area around the site where non-lethal methods are employed. Non-lethal methods would be given priority when addressing requests for assistance. However, non-lethal methods would not necessarily be employed to resolve every request for assistance if deemed appropriate by WS' personnel or cooperating entities.

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<sup>4</sup>Information can be obtained by sending a request to USDA/APHIS/WS, 463 West Street, Amherst, Massachusetts, 01002.

Lethal methods would be employed to an individual or a group of gulls responsible for causing damage or threatening human safety. The use of lethal methods would therefore result in local reductions of those gulls targeted in the area where damage or threats were occurring. The number removed from the population using lethal methods under the proposed action would be dependent on the number of requests for assistance received, the number of gulls involved with the associated damage or threat at a particular time, and the efficacy of methods employed. The EA concluded that WS' activities when conducted within the scope analyzed would not adversely impact populations of target species.

### *Issue 2 – Effects on Non-target Species Populations, including T&E Species*

The issue of non-target species effects, including effects on T&E species arises from the use of non-lethal and lethal methods identified in the alternatives. The use of non-lethal and lethal methods has the potential to inadvertently disperse, capture, or kill non-target wildlife. WS' minimization measures and SOPs are designed to reduce the effects of gull damage management activities on non-target species' populations. To reduce the risks of adverse affects to non-target wildlife, WS selects damage management methods that are as target-selective as possible or apply such methods in ways to reduce the likelihood of capturing non-target species. Before initiating management activities, WS also selects locations which are extensively used by the target species and employs baits or lures which are preferred by those species. Despite WS' best efforts to minimize non-target take during program activities, the potential for adverse affects to non-targets exists when applying both non-lethal and lethal methods to manage damage or reduce threats to safety.

Non-lethal methods have the potential to cause adverse affects on non-targets primarily through exclusion, harassment, and dispersal. Any exclusionary device erected to prevent access of target species also potentially excludes species that are not the primary reason the exclusion was erected. Therefore, non-target species excluded from areas may potentially be adversely impacted if the area excluded is large enough. The use of auditory and visual dispersal methods used to reduce damage or threats caused by target species are also likely to disperse non-targets in the immediate area the methods are employed. Therefore, non-targets may be dispersed from an area while employing non-lethal dispersal techniques. However, like target species, the potential impacts on non-target species are expected to be temporary with target and non-target species often returning after the cessation of dispersal methods.

The lethal take of non-targets from using those methods described in the EA is unlikely with take never reaching a magnitude that a negative impact on populations would occur. Any potential non-targets live-captured using non-lethal methods would be handled in such a manner as to ensure the survivability of the animal if released. The use of firearms is selective for target species since animals are identified prior to application; therefore no adverse impacts are anticipated from use of this method. The use of chemical methods, when used according to label directions, poses minimal hazards to non-target wildlife (USDA 1997).

While every precaution is taken to safeguard against taking non-targets during operational use of methods and techniques for resolving damage and reducing threats caused by wildlife, 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. WS' take of non-target species during activities to reduce damage or threats to human safety caused by gull species is expected to be extremely low to non-existent. WS will continue to monitor annually the take of non-target species to ensure program activities or methodologies used in gull damage management do not adversely impact non-targets. WS' activities are not likely to adversely affect the viability of any wildlife populations from damage management activities.

requests for assistance to reduce damage and threats to human safety. WS continues to evaluate methods and activities to minimize the potential pain and suffering of those methods when attempting to resolve requests for assistance.

As mentioned previously, some methods have been stereotyped as “humane” or “inhumane”. However, many “humane” methods can be inhumane if not used appropriately. For instance, a cage trap is generally considered by most members of the public as “humane”. Yet, without proper care, live-captured wildlife in a cage trap can be treated inhumanely if not attended to appropriately.

Therefore, WS’ mission is to effectively address requests for assistance using methods in the most humane way possible that minimizes the stress and pain of the animal. WS’ personnel are experienced and professional in their use of management methods and methods are applied as humanely as possible.

## **VI. ALTERNATIVES THAT WERE FULLY EVALUATED**

The following four alternatives were developed to respond to the issues. A detailed discussion of the effects of the alternatives on the issues is described in the EA; below is a summary of the alternatives.

### ***Alternative 1 – Integrated Gull Damage Management Program (Proposed Action/No Action)***

The proposed action would continue the current program of employing an integrated damage management approach using effective methods, as appropriate, to reduce conflicts associated with gulls. An integrated damage management strategy would be recommended and used, encompassing the use of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on people, other species, and the environment. Under this alternative, WS would provide both technical assistance and operational damage management services. Non-lethal methods would be given first consideration in the formulation of each damage management strategy, and would be recommended or implemented when practical and effective before recommending or implementing lethal methods. However, non-lethal methods would not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of non-lethal and lethal methods, or there could be instances where application of lethal methods alone would be the most appropriate strategy.

### ***Alternative 2 – Non-lethal Gull Damage Management Only by WS***

Under this alternative, only non-lethal management approaches would be used or recommended by WS. Both technical assistance and operational damage management services would be provided using non-lethal methods to resolve requests for assistance. Requests received by WS for lethal gull damage management would be referred to other entities.

### ***Alternative 3 – Technical Assistance Only***

This alternative would only allow WS to provide technical assistance and make recommendations to individuals or agencies requesting gull damage management in Rhode Island. Technical assistance by WS would place the immediate burden of operational damage management work on other federal, state, or municipal agencies, private businesses, and property owners. Assistance from those entities may or may not be available. Technical assistance would occur by providing interested cooperators with information and technical advice on the use of methods available to alleviate or prevent gull damage.

#### ***Alternative 4 - No WS Gull Damage Management Program***

This alternative would result in no assistance from WS in reducing gull damage in Rhode Island. WS would provide no technical assistance or operational damage management services. WS would not respond to any requests for gull damage management assistance and would refer all requests to other government entities, local animal control agencies, or private businesses or organizations. Assistance may or may not be available from any of those entities. Damage management methods could be implemented by resource owners, private businesses, or other entities.

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

Additional alternatives were also evaluated but not considered in detail in the EA. The alternatives analyzed but not in detail include:

- Lethal Gull Damage Management only by WS
- Compensation for Gull Damage Losses
- Short Term Eradication and Long Term Population Suppression

### **VIII. DECISION AND RATIONALE**

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

#### ***Decision***

I have carefully reviewed the EA prepared for this proposal and the input from the public involvement process. I find the proposed program to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of management agencies, landowners, advocacy groups, and the public. The analyses in the EA adequately addresses the identified issues which reasonably confirm that no significant impact, individually or cumulatively, to wildlife populations or the quality of the human environment are likely to occur from the proposed action, nor does the proposed action constitute a major federal action. Therefore, the analysis in the EA remains valid and does not warrant the completion of an Environmental Impact Statement.

Based on the EA, the issues identified are best addressed by selecting Alternative 1 (Proposed Action/No Action) and applying the associated mitigation measures discussed in Chapter 3 of the EA. Alternative 1 successfully addresses (1) gull damage management using a combination of the most effective methods and does not adversely impact the environment, property, and/or non-target species, including threatened and endangered species; (2) it offers the greatest chance 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 gull damage management activities in Rhode Island, that affect the natural or human environment, or from the issuance of new environmental regulations. Therefore, it is my decision to implement the proposed action (Alternative 1) as described in the EA.

### *Finding of No Significant Impact*

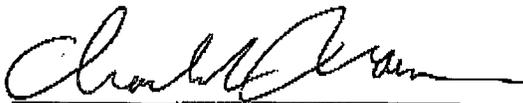
Based on the analyses provided in the EA, there are no indications that the proposed action (Alternative 1) will have a significant impact, individually or cumulatively, on the quality of the human environment. I agree with this conclusion and therefore, find that an Environmental Impact Statement should not be prepared. This determination is based on the following factors:

1. Gull damage management as conducted by WS in Rhode Island is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS' methods were determined to be low in a formal risk assessment (USDA 1997).
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. Built-in mitigation measures that are part of WS' standard operating procedures and adherence to laws and regulations will further ensure that WS' activities do not harm the environment.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The EA analyzed cumulative effects of WS' gull damage management on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State of Rhode Island.
8. The proposed activities would not adversely 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. WS' gull damage management activities are likely to benefit historic resources when gulls are causing damage to those resources.
9. WS has determined that the proposed program would not adversely affect any federal or state listed threatened or endangered species. This determination is based upon concurrence from the USFWS that the program will not likely adversely affect any threatened or endangered species in Rhode Island and may positively affect some federal or state listed threatened or endangered species populations by reducing predation or competition.
10. The proposed action would be in compliance with all federal, state, and local laws.
11. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the area.

***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) gull damage management will only be conducted by WS at the request of landowners/managers, 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 Rhode Island will continue to provide effective and practical technical assistance and direct management techniques that reduce damage.

Copies of the EA are available upon request from USDA/APHIS/WS, 463 West Street, Amherst, Massachusetts, 01002 or by visiting the APHIS website at [http://www.aphis.usda.gov/wildlife\\_damage/nepa.shtml](http://www.aphis.usda.gov/wildlife_damage/nepa.shtml).



Charles S. Brown, Eastern Regional Director  
USDA/APHIS/WS

7/9/08  
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Date

**Literature Cited:**

The Wildlife Society. 1992. Conservation policies of The Wildlife Society: A stand on issues important to wildlife conservation. The Wildlife Society, Bethesda, Md. 24pp.

USDA. 1997. Animal Damage Control Program - Final Environmental Impact Statement - Revised October 1997. USDA/APHIS/WS-Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.