DECISION AND FINDING OF NO SIGNIFICANT IMPACT

SUPPLEMENT TO THE ENVIRONMENTAL ASSESSMENT: REDUCING BIRD DAMAGE THROUGH AN INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM IN THE STATE OF VERMONT

I. PURPOSE OF THE EA

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 birds to agricultural resources, property, natural resources, and human safety when requested in Vermont (USDA 2004). The EA documents the need for bird damage management in the State and assesses potential impacts on the human environment of four alternatives to address that need. WS' proposed action in the EA continued an integrated damage management program to fully address the need to manage damage associated with birds while minimizing impacts to the human environment.

The EA evaluated the issues and alternatives associated with WS' potential participation in managing damage and threats caused by double-crested cormorants (*Phalacrocorax auritus*), great blue herons (*Ardea herodias*), black vultures (*Coragyps atratus*), turkey vultures (*Cathartes aura*), Canada geese (*Branta canadensis*), snow geese (*Chen caerulescens*), mallards (*Anas platyrhynchos*), domestic waterfowl (ducks and geese), northern harriers (*Circus cyaneus*), sharp-shinned hawks (*Accipiter striatus*), Cooper's hawks (*Accipiter cooperii*), Northern goshawks (*Accipiter gentilis*), rough-legged hawks (*Buteo lagopus*), red-shouldered hawks (*Buteo lineatus*), broad-winged hawks (*Buteo platypterus*), red-tailed hawks (*Buteo jamaicensis*), American kestrels (*Falco sparverius*), wild turkeys (*Meleagris gallopavo*), killdeer (*Charadrius vociferus*), ring-billed gulls (*Larus delawarensis*), herring gulls (*Larus argentatus*), rock pigeons (*Columbia livia*), great black-backed gulls (*Larus marinus*), barn owls (*Tyto alba*), Eastern screech owls (*Otus asio*), great horned owls (*Bubo virginianus*), barred owls (*Strix varia*), Northern saw-whet owls (*Aegolius acadicus*), long-eared owls (*Asio otus*), downy woodpeckers (*Picoides pubescens*), hairy woodpeckers (*Picoides villosus*), pileated woodpeckers (*Dryocopus pileatus*), American crows (*Corvus brachyrhynchos*), European starlings (*Sturnus vulgaris*), snow buntings (*Plectrophenax nivalis*), red-winged blackbirds (*Agelaius phoeniceus*), common grackles (*Quiscalus quiscula*), brown-headed cowbirds (*Molothrus ater*), and house sparrows (*Passer domesticus*). The EA was prepared by WS in cooperation with the Vermont Fish and Wildlife Department (VFWD) and the United States Fish and Wildlife Service (USFWS) to determine if the proposed action could have a significant impact on the quality of 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 birds, and 4) clearly communicate to the public the analysis of individual and cumulative impacts.

The EA was made available to the public for review and comment during a 30-day public comment period by a legal notice published in the *Burlington Free Press* on April 20, 2004 and April 21, 2004. A letter of availability for the EA was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. One comment letter was received during the public involvement process. Comments from the public involvement process were reviewed for substantive issues and alternatives which were considered in developing the Decision for the EA. Based upon those comments, several minor editorial changes were incorporated into the EA. Those minor changes enhanced the understanding of the proposed program, but did not change the analysis provided in the EA.

After consideration of the analysis contained in the EA and review of the public comment, a Decision and Finding of No Significant Impact (FONSI) for the EA was issued on June 14, 2004. The Decision and FONSI selected the proposed action which implemented an integrated damage management program in Vermont using multiple methods to adequately address the need to manage damage caused by birds.

A supplement to the EA was developed in 2007 to evaluate proposed disease surveillance activities in birds, to evaluate a need for increased gull damage management activities to restore vegetation and wildlife diversity on islands in Vermont under the Lake Champlain Islands Wildlife Management Area Long-Range Management Plan developed by the VFWD, and to evaluate additional data and research findings available since the 2004 Decision and FONSI. The supplement to the EA was also made available to the public for review and comment during a 30-day public comment period through the publication of a legal notice in the *Burlington Free Press* that was published on March 12, 2007 and March 13, 2007. A notice of availability was also posted on the APHIS website at http://www.aphis.usda.gov/wildlife_damage/nepa.shtml announcing a 30-day comment period. A letter of availability seeking public comment on the supplement to the EA was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. No comments were received from the public during the comment period. After consideration of the analyses in the supplement to the EA, a new Decision and FONSI were signed on April 19, 2007.

II. PURPOSE OF THE CURRENT SUPPLEMENT TO THE EA

The current supplement to the EA analyzes the affected environment and potential impacts as it relates to the need to address increasing requests for assistance associated with cormorants. WS has been requested by the VFWD to participate in meeting the objectives of the Lake Champlain Islands Management Plan developed by the VFWD. The supplement to the EA evaluates the use of non-lethal and lethal methods to address the increasing threats associated with cormorants, including the potential for increased take of cormorants under the proposed action to meet the objectives of the Plan. WS would continue to use an integrated approach to reducing damage and threats associated with birds in the State.

The supplement to the EA will analyze the need for increasing WS' bird damage management activities as described in the proposed action of the EA along with the potential impacts to the human environment to meet those increasing needs. This new Decision is based on the analyses in the EA, the 2004 Decision/FONSI, the 2007 supplement to the EA and associated Decision/FONSI, and the current supplement to the EA.

III. NEED FOR ACTION

The need for action to manage damage and threats associated with birds in Vermont arises from requests for assistance[1] received by WS to reduce and prevent damage from occurring to four major categories: agricultural resources, natural resources, property, and threats to human safety which was addressed in Section 1.3 in the EA and in the 2007 supplement to the EA. The need for action to manage bird damage in the State remains as addressed in the EA and in the 2007 supplement to the EA. Since the Decision for the EA was signed in 2004, WS has continued to receive requests for assistance to manage damage.

The USFWS developed an Environmental Impact Statement that evaluated alternative strategies to managing cormorant populations in the United States (USFWS 2003). The selected alternative

[1] WS only conducts bird damage management after receiving a request for assistance. Before initiating bird damage activities, a Memorandum of Understanding, cooperative service agreement, or other comparable document must be signed between WS and the cooperating entity which lists all the methods the property owner or manager will allow to be used on property they own and/or manage.

implemented a Public Resource Depredation Order (PRDO) and modified the existing Aquaculture Depredation Order (AQDO). To allow for an adaptive approach to managing cormorant populations, the USFWS established expirations dates for the newly created PRDO and the modifications made to the AQDO (USFWS 2003). Those Orders would have expired on April 30, 2009. Since the completion of the EA and the 2007 supplement to the EA, the USFWS has prepared an EA to extend the expiration dates of the PRDO and the changes made to the AQDO. That EA developed by the USFWS determined that a five-year extension of the expiration date of the PRDO and the AQDO would not threaten cormorant populations and activities conducted under those Orders would not have a significant impact on the human environment (74 FR 15394-15398; USFWS 2009).

IV. RELATIONSHIP OF THE EA TO OTHER ENVIRONMENTAL DOCUMENTS

Information from the following documents has been incorporated by reference into the EA, the 2007 supplement to the EA, and this supplement to the EA.

WS' Programmatic Final Environmental Impact Statement: WS has developed a programmatic Final Environmental Impact Statement (FEIS) that addresses the need for wildlife damage management in the United States (USDA 1997). The FEIS contains detailed discussions of potential impacts to the human environment from wildlife damage management methods used by WS.

Double-crested Cormorant Management in the United States Final Environmental Impact Statement: The USFWS has prepared a FEIS on the management of double-crested cormorants (USFWS 2003). WS was a formal cooperating agency in the preparation of the FEIS and has adopted the FEIS to support WS' program decisions for its involvement in the management of cormorant damage. WS completed a Record of Decision (ROD) on November 18, 2003 (68 FR 68020). Pertinent and current information available in the FEIS has been incorporated by reference into the EA, the 2007 supplement to the EA, and the current supplement.

Extended Management of Double-crested Cormorants under 50 CFR 21.47 and 21.48 Final Environmental Assessment: The cormorant management FEIS developed by the USFWS in cooperation with WS established the PRDO (50 CFR 21.48) and made changes to the 1998 AQDO (50 CFR 21.47). To allow for an adaptive evaluation of activities conducted under the PRDO and the AQDO established by the FEIS, those Orders would have expired on April 30, 2009 (USFWS 2003). The USFWS developed an EA to evaluate alternative approaches to continuing the Orders that would have expired (USFWS 2009). The USFWS determined that a five-year extension of the expiration date of the PRDO and the AQDO would not threaten cormorant populations and activities conducted under those Orders would not have a significant impact on the human environment (74 FR 15394-15398; USFWS 2009).

Light Goose Management Final Environmental Impact Statement: The USFWS has also prepared a FEIS to address the management of snow geese and Ross's geese (USFWS 2007). The preferred alternative in the FEIS modified existing regulations to allow additional hunting methods to harvest snow geese and Ross's geese within the current migratory bird hunting season frameworks. The preferred alternative also created a conservation order for the management of overabundant snow goose populations (50 CFR 21.60).

Final Environmental Assessment: U.S. Fish and Wildlife Service Action to Issue a Migratory Bird Depredation Permit For the Take of Cormorants and Gulls on Lake Champlain Islands, Vermont: The USFWS has issued an EA on the issuance of a migratory bird depredation permit for the take of double-crested cormorants and several gull species on islands in Lake Champlain (USFWS 1999). The FEA analyzes the potential environmental impacts of USFWS action of issuing a permit for the take of

cormorants and gulls in the Lake Champlain region of Vermont. A Decision and FONSI was again signed in 2003 selecting the preferred alternative.

Lake Champlain Islands Wildlife Management Area Long-Range Management Plan: The plan was put into place to enhance, protect, and restore the ecological integrity to State lands on Lake Champlain and covers four specific islands: Young Island, Mud Island, Rock Island, and Sloop Island (VFWD 2006). The VFWD developed the plan to help maintain current native habitats and restore vegetation that cormorants and other colonial nesting waterbirds have already denuded on State lands. This plan specifically addresses non-lethal and lethal cormorant damage management activities by State and other governmental agencies. The plan states that the VFWD and WS will prevent the establishment of cormorant nesting attempts and if necessary the elimination of cormorants from those lands. The State lands on Lake Champlain provide important nesting and migratory habitats for waterfowl and shorebirds and provide low impact outdoor recreational opportunities, such as waterfowl hunting.

Environmental Assessment: Reducing Ring-Billed Gull, Herring Gull, Great Black-Backed Gull, and Double-Crested Cormorant Damage through an Integrated Wildlife Damage Management Program in the State Of New York: WS has developed an EA that analyzes a need for action to manage damage associated with gulls and cormorants in New York (USDA 2003). The EA identified issues associated with gull and cormorant damage management and analyzed alternatives to address those issues. After review of the analyses in the EA, a Decision and FONSI were signed in October 2003, selecting the proposed action to implement an integrated approach to manage gull and cormorant damage in the State. The EA and the Decision/FONSI were re-evaluated based on activities conducted by WS in New York since the signing of the Decision in 2003. Based on the analyses in the summary report, a new Decision and FONSI were signed in May 2009.

V. DECISIONS TO BE MADE

Based on the scope of the EA, the 2007 supplement, and the current supplement to the EA, the decisions to be made are: 1) should WS continue to conduct bird damage management to alleviate damage and threats in the State, 2) should WS continue to implement an integrated bird damage management strategy, including technical assistance and direct operational assistance, to meet the need for bird damage management in the State, 3) if not, should WS attempt to implement one of the alternatives to an integrated damage management strategy as described in the EA, and 4) would continuing the proposed action, as addressed in the current supplement, result in adverse impacts to the environment requiring the preparation of an Environmental Impact Statement based on activities conducted since the completion of the EA and/or based on new information available addressed in this supplement to the EA.

VI. SCOPE OF ANALYSIS

The EA evaluates alternative approaches to bird damage management to reduce threats to human safety and to resolve damage to property, natural resources, and agricultural resources wherever such management is requested by a cooperator. The scope will remain as addressed in section 1.2 of the EA (USDA 2004). The supplement to the EA examines potential environmental impacts of the WS program as it relates to an increase in the number of requests for assistance to manage cormorant damage and threats in Vermont and to evaluate new issues and data that have become available from public comments, research findings, and data gathering since the issuance of the 2004 Decision/FONSI and the 2007 supplement and Decision/FONSI.

The analyses in the EA and the supplements to the EA are intended to apply to any action that may occur in any locale and at any time within Vermont when WS receives a request for assistance.

VII. PUBLIC INVOLVEMENT

The EA, the 2007 supplement to the EA, and the current supplement to the EA, were made available to the public through a legal notice published in the *Times Argus*. The notice was published for three consecutive days beginning on June 14, 2010. A notice of availability was also posted to the APHIS website at http://www.aphis.usda.gov/wildlife_damage/nepa.shtml. The public comment period began on June 14, 2010 and ended on July 16, 2010. A letter of availability was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. No comments were received on the supplement to the EA during the public comment period.

VIII. 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 resident wildlife species is the responsibility of the VFWD. The USFWS has the overall authority for the management of migratory birds in the United States under the Migratory Bird Treaty Act. The USFWS collects and compiles information on bird population trends and take, and uses this information to manage bird populations. 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 supplements to the EA.

This current supplement to the EA along with this Decision ensures WS' actions comply with the National Environmental Policy Act (NEPA), with the Council on Environmental Quality (40 CFR 1500), and with APHIS' implementing regulations for the NEPA (7 CFR 372). All bird damage management activities, including disposal requirements, would be conducted consistent with federal, State, and local laws, regulations, and policies, including the Migratory Bird Treaty Act.

IX. AFFECTED ENVIRONMENT

The affected environment addressed in the EA, as supplemented, could include areas in and around commercial, industrial, public, and private buildings, facilities and properties and at other sites where birds may roost, loaf, feed, nest or otherwise occur. Examples of areas where wildlife damage management activities could be conducted are, but are not necessarily limited to: agricultural fields, vineyards, orchards, farmyards, dairies, ranches, livestock operations, grain mills, grain handling areas, railroad yards, waste handling facilities, landfills, bridges, industrial sites, natural areas, government properties and facilities, private homes and properties, corporate properties, schools, hospitals, parks and recreation areas (*e.g.*, including sports fields, playgrounds, swimming pools), swimming lakes, communally-owned homeowner/property owner association properties, natural areas, wildlife refuges, wildlife management areas, coastal and tidal beaches, ponds, rivers, and inlets, airports and surrounding areas.

WS has reviewed the affected environment during evaluations of program activities under the proposed action through annual monitoring reports and the summary report. The affected environment has not changed since the implementation of the proposed action and continues to be as addressed in the EA (USDA 2004), as addressed in the cormorant management FEIS developed by the USFWS (USFWS 2003), and as addressed in the EA developed by the USFWS to extend the depredation orders (USFWS 2009).

X. ISSUES ADDRESSED IN DETAIL

The EA describes in detail the issues considered and evaluated (USDA 2004). Alternatives developed and identified during the development of the EA to address those issues are discussed in Chapter 3 of 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 Bird 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 as those issues relate to conducting the proposed action alternative as described in the supplement to the EA.

XI. ISSUES CONSIDERED BUT NOT 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.

XII. ALTERNATIVES THAT WERE FULLY EVALUATED IN THE EA

The following four alternatives were developed in response to the issues identified in the EA and through public involvement:

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

XIII. ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL IN THE EA

Five 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.

XIV. MINIMIZATION MEASURES AND STANDARD OPERATING PROCEDURES

The current WS program in Vermont uses many standard operating procedures that 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 will be incorporated into activities conducted by WS when addressing bird damage and threats in Vermont, including those proposed in the supplement to the EA.

XV. ENVIRONMENTAL CONSEQUENCES FOR ISSUES ANALYZED IN DETAIL

The EA and the supplements analyze the environmental consequences of each alternative in relation to the issues identified to provide information needed for making informed decisions in selecting the appropriate alternative to address the need for action. The following resource values in Vermont are not expected to be significantly impacted by any of the alternatives analyzed in the EA: soils, geology, minerals, water quality/quantity, flood plains, wetlands, critical habitats (areas listed in threatened and endangered (T&E) species recovery plans), visual resources, air quality, prime and unique farmlands, aquatic resources, timber, and range.

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, the USFWS, and the VFWD. The analyses in Chapter 4 of the EA indicate the potential impacts to the quality of the human environment would be similar across the alternatives.

Issue 1 – Effects on Target Bird Species

The need for action associated with the current supplement arises from an increase in the number of requests received by WS to manage damage and threats associated with cormorants within the State. As the number of requests for assistance increases, the number of cormorants that will be addressed by WS to alleviate damage or threats is also likely to increase.

The number of cormorants observed during the BBS conducted in the northeastern United States (USFWS Region 5) has increased 1.6% annually since 1966 (Sauer et al. 2008). Across the United States, the number of cormorants observed during the BBS has increased annually at an estimated rate of 5.1% since 1966, which is a statistically significant increase (Sauer et al. 2008). Despite known breeding colonies in Vermont, no BBS data is currently available for Vermont (Sauer et al. 2008). The lack of data from the BBS conducted in Vermont is likely a result of the methods of counting birds used during the survey.

The cormorant management FEIS developed by the USFWS estimated the number of cormorants lethally taken under an alternative implementing a PRDO, an AQDO, and allowing take through the issuance of depredation permits would increase to 159,635 cormorants annually (USFWS 2003). The FEIS determined the lethal take of up to 159,635 cormorants annually under the depredation orders and under depredation permits would impact approximately 8% of the continental cormorant population. The annual take of cormorants from 2004 through 2008 has not exceeded 159,635 cormorants in any given year. The highest level of cormorant take occurred in 2006 when 54,821 cormorants were lethally taken which represents 34.3% of the 159,635 cormorants evaluated in the cormorant management FEIS. The FEIS determined an annual take of 159,635 cormorants annually would be sustainable at the State, regional, and national level (USFWS 2003). Upon further evaluation, the USFWS determined the implementation of the preferred alternative in the FEIS that has allowed the annual take level of cormorants under the PRDO, the AQDO, and under depredation permits has not reached a level where undesired adverse affects to cormorant population would occur (USFWS 2009). The USFWS subsequently extended the expiration dates of the PRDO and the current AQDO for another five years (USFWS 2009).

Seamans et al. (2008) used bird band recovery models to estimate temporal trends in hatch-year, second-year, and after second-year survival of cormorants banded in the Great Lakes region from 1979 through 2006. The period of time evaluated encompassed the period of rapid cormorant population increase in the

Great Lakes, the establishment of the AQDO in 1998 by the USFWS, and the establishment of the PRDO and changes to the AQDO implemented in 2003 by the USFWS. Survival in hatch-year birds decreased throughout the study period and was negatively correlated with abundance estimates for cormorants in the Great Lakes area. The decline may have been related to density-dependent factors. However, there was also evidence that the depredation orders were contributing to the decreasing survival in hatch-year birds. The data was unclear on whether the depredation orders were reducing the survival of second-year or after-second year cormorants even though lethal removal of cormorants in the Great Lakes increased after the implementation of the depredation orders. Seamans et al. (2008) found that the survival rates of second-year and after second-year cormorants did decrease from 2004 through 2006 based on banding data, but survival rates for those two age classes were still within the range observed for previous years. Additional time may be required before the models used by Seamans et al. (2008) detect any changes in mortality rates resulting from the establishment of the PRDO and the modification of the AQDO that occurred in the 2003 due to the lag effect.

Under the current supplement to the EA, WS anticipates the annual take of cormorants in the State under the PRDO to reach 4,140 cormorants which is the level evaluated in the FEIS developed by the USFWS for each State allowed to implement the PRDO. In addition, up to 2,000 cormorants could be lethally taken annually by WS under depredation permits issued by the USFWS. When combined, WS' total annual take could increase to 6,140 cormorants in the State to alleviate damage and threats. No take of cormorants has occurred by other entities in the State from 2005 through 2009. Take by other entities could occur under the PRDO or under depredation permits issued by the USFWS and the VFWD. However, take by other entities is not likely to reach a magnitude that would elevate the cumulative take of cormorants in the State to a level where adverse affects are likely to occur.

If 6,140 cormorants were lethally taken by WS annually in the State, the take would represent 3.9% of the estimated 159,635 cormorants that was evaluated in the cormorant management FEIS which determined an annual take of up to 159,635 would not significantly impact continental cormorant populations. The highest level of cormorant take by all entities under the PRDO, the AQDO, and under depredation permits occurred in 2006 when 54,821 cormorants were lethally taken. If WS had lethally taken 6,140 cormorants in 2006, the total cormorant take would have been 60,961 cormorants which would have represented 38.2% of the estimated 159,635 cormorants that were evaluated in the cormorant management FEIS. Therefore, based on the evaluations of the USFWS, the proposed take by WS would not cumulatively affect cormorant populations.

The USFWS, as the agency with migratory bird management responsibility, will impose restrictions on cormorant damage management at the State, regional, and national levels as needed to assure cumulative take does not adversely affect the long-term sustainability of populations. WS will continue to submit to the USFWS annual work plans in accordance with the PRDO which ensures WS' activities are considered as part of population objectives for cormorants in Vermont.

Issue 2 - Effects on Other Wildlife Species, Including Threatened and Endangered Species

Another issue often raised is the potential impacts to populations of wildlife that could be taken as non-targets during damage management activities. While every effort is made to minimize the risks of lethally taking non-target wildlife, the potential does exist for the unintentional take of non-targets during damage management activities. Since FY 2004, no non-targets are known to have been killed by WS during bird damage management activities conducted by WS. Methods available to address bird damage are similar across all the alternatives.

The supplement to the EA evaluates those activities conducted by WS pursuant to the proposed action in the EA, as supplemented in 2007, to resolve an increasing number of requests to manage damage or

threats of damage to resources associated with cormorants. WS' response to an increasing number of requests for direct operational assistance will result in the increased use of methods to resolve those requests. The number of methods employed to resolve the increasing requests for assistance could also increase under the proposed supplement to the EA. In addition, the frequency of individual method application to resolve requests for assistance is also likely to increase. Based on the review of information in the current supplement to the EA, the increase in use of those methods currently available would not reach a magnitude that would adversely affect non-target wildlife species based on use patterns and the lack of adverse affects observed since the Decision for the EA was signed.

WS' program activities in Vermont to manage damage caused by birds have not changed from those described in the EA except for those aspects addressed in the supplement to the EA developed in 2007 and those activities proposed in the current supplement to the EA. Thus, the determination in the EA made by WS for those species listed during the development of the EA is still appropriate (USDA 2004). WS has reviewed those activities addressed in the supplement to the EA and has determined those activities will have no effect on T&E species listed in the State. For those species listed and proposed for listing in Vermont since the completion of the EA, WS has determined that the proposed action in the EA and the proposed supplement to the EA will have no effect on those species. Program activities and their potential impacts on other wildlife species, including T&E species have not changed from those analyzed in the EA. Impacts of the program on this issue are expected to remain insignificant.

Issue 3 - Effects on Human Health and Safety

No adverse affects to human safety have occurred or have been reported to occur from WS' activities conducted from FY 2004 through FY 2009. An increase in the number of methods used or an increase in the frequency that a method is used will not increase risks to human safety when consideration of human safety is part of the use pattern associated with those methods. Based on the use patterns of the methods available, an increase in the use of those methods to address the activities described in the supplement to the EA pertaining to an increase in activities involving cormorants will not increase risks to human safety.

Issue 4 - Impacts to Stakeholders, including Aesthetics

Birds often provide aesthetic enjoyment to many people in Vermont through observations, photographing, and knowing they exist as part of the natural environment. Under the current supplement to the EA, methods available that could be employed are intended to make resources unavailable or unattractive. Therefore, the use of methods often results in the removal of birds from the area where damage is occurring or the dispersal of birds from an area. Since methods available are similar across the alternatives, the use of those methods would have similar potential impacts on the aesthetics of birds. Under the current supplement to the EA, the dispersal and/or take of cormorants will not reach a magnitude that would prevent the ability to view cormorants outside of the area where damage was occurring. The effects on the aesthetic values of cormorants would therefore be minimal under the supplement to the EA.

Issue 5 - Humaneness and Animal Welfare Concerns of Methods Used

Since those methods described in Appendix B of the EA would continue to be available under the supplement to the EA, the issue of humaneness would be similar despite the frequency of the use of methods increasing. Those methods considered inhumane by certain segments of society would be considered inhumane no matter the frequency of the use of those methods. Those methods considered inhumane that were addressed in the EA would continue to be considered inhumane under the supplement to the EA. Therefore, the analyses in the EA for the humaneness of methods would not change under the

supplement to the EA. WS will continue to employ methods as humanely as possible and would continue to employ euthanasia methods recommended for wild birds.

XVI. CUMULATIVE IMPACTS OF THE PROPOSED ACTION

No significant cumulative environmental impacts are expected from those activities proposed under the current supplement to the proposed action alternative. The lethal removal of cormorants by WS would not have significant impacts on statewide cormorant populations when known sources of mortality are considered. No risk to public safety is expected when activities are provided and accepted by requesting individuals since only trained and experienced personnel would conduct and recommend damage management activities. The analysis in the current supplement indicates that continuing an integrated approach to managing damage and threats caused by birds will not result in significant cumulative adverse impacts on the quality of the human environment, including the increased take of cormorants in the State. WS' proposed take of cormorants under the supplement falls within the take parameters analyzed in the cormorant FEIS developed by the USFWS (USFWS 2003) and the EA developed by the USFWS to extend the expiration dates of the PRDO and AQDO (USFWS 2009).

XVII. 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, the 2004 Decision/FONSI, and the 2007 supplement to the EA and the associated Decision/FONSI. After review and consideration, the proposed supplement to the proposed action has been determined to be environmentally acceptable by addressing the issues and needs while balancing the environmental concerns of management agencies, landowners, advocacy groups, and the public. The analyses in the EA, the 2007 supplement to the EA, and the current supplement 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 supplements to the EA. Therefore, the analysis in the EA, as supplemented, remains valid and does not warrant the completion of an Environmental Impact Statement.

Based on analyses in the EA, the 2007 supplement to the EA, and the current supplement to the EA, the issues identified are best addressed by continuing the proposed action, as supplemented. The proposed action, as addressed in the supplements, successfully addresses (1) bird 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 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 bird damage management activities in the State, 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 2007 supplement to the EA and the associated Decision/FONSI, and the current supplement to the EA, there continues to be no indications that WS' activities have had or will have a significant impact, individually or cumulatively, on the quality of the human environment. The analyses in the supplement to the EA also indicates there will not be a significant impact, individually or cumulatively, on the quality of the human environment that would result from increasing WS' activities when conducted within the scope analyzed in the supplement. I agree with this conclusion and therefore, find that an Environmental Impact Statement should not be prepared. This determination is based on the following factors:

1. Bird damage management as conducted by WS in the State is not regional or national in scope.

2. Based on the analyses in the EA, in the 2007 supplement, and in the current supplement, 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. The proposed action, as supplemented, will continue to have no significant impact on unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas. WS' standard operating procedures and adherence to laws and regulations that govern impacts on elements of the human environment will assure that significant adverse impacts are avoided.

4. The effects on the quality of the human environment are not highly controversial. Although there may be opposition to killing wildlife, this action is not controversial in relation to size, nature, or effects. Based on consultations with the USFWS and the State wildlife management authorities, the proposed action, as supplemented, is not likely to cause a controversial disagreement among the appropriate resource professionals.

5. Standard operating procedures described as part of the proposed action, as supplemented, minimize risks to the public, prevent adverse affects on the human environment, and reduce uncertainty and risks. Effects of methods and activities, as proposed, are known and do not involve uncertain or unique risks.

6. The proposed action, as supplemented, does not establish a precedent for future actions. This action would not set a precedent for future actions that may be implemented or planned within the State.

7. No significant cumulative effects were identified through the EA, the 2007 supplement, and the current supplement. The EA, the 2007 supplement, and the current supplement discussed cumulative effects of WS' activities on target and non-target species' populations and concluded that such impacts were not significant. Adverse affects on wildlife or established wildlife habitats would be minimal.

8. This action will not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places and will not cause loss or destruction of significant scientific, cultural, or historic resources. Activities would not disturb soils or any structures and therefore, would not be considered a federal undertaking as defined by the National Historic Preservation Act.

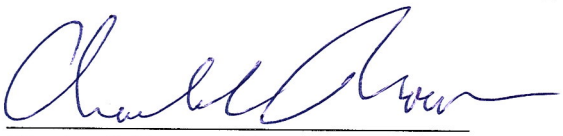
9. WS determined that the proposed action, as supplemented, would not result in any adverse affects on state or federally-listed threatened or endangered species for those species addressed in the EA. The

supplement to the EA determined that activities conducted pursuant to the supplement would have no effect on those species listed in the State since the completion of the EA.

10. The proposed action, as supplemented, is consistent with local, State, and federal laws that provide for and/or restrict WS' activities. Therefore, WS concludes that the proposed action, as supplemented, is in compliance with federal, State, and local laws for environmental protection.

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) bird damage management will only be conducted by WS at the request of landowners/managers and only after a depredation permit has been issued by the USFWS or under established depredation orders, 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 Vermont will continue to provide effective and practical technical assistance and direct management techniques that reduce damage.



7/23/10

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

Date

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