DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT

ENVIRONMENTAL ASSESSMENT: MARSH RESTORATION AND NUTRIA DAMAGE REDUCTION

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program in cooperation with the U.S. Fish and Wildlife Service (USFWS) completed an Environmental Assessment (EA) on alternatives for the restoration of marsh habitat in the Chesapeake Bay/Eastern Shore area by managing nutria damage (USDA 2014). The EA documents the need for action and assesses potential impacts on the human environment of four alternatives to address that need.

PUBLIC COMMENTS

The EA was made available for review and comment from June 9 to July 12, 2014 through a Notice of Availability (NOA) published in the *The Capitol-Gazette* and *Delaware State News.* Additionally, a notice was sent to interested parties through the APHIS stakeholder registry and program website. No comments were received. All correspondence on the EA is maintained at the WS State Office, USDA APHIS Wildlife Services, 1568 Whitehall Road, Annapolis, MD 21409.

ISSUES ASSOCIATED WITH MAMMAL DAMAGE MANAGEMENT ACTIVITIES

The EA analyzed a range of management alternatives in context of issues relevant to the scope of the analysis including:

- Effectiveness of damage management methods
- Effects on non-target wildlife species, including threatened and endangered species
- Effects on human health and safety
- Effects on the socio-cultural elements and economics of the human environment
- Humaneness and animal welfare concerns of methods

AFFECTED ENVIRONMENT

Damage or threats of damage caused by nutria can occur wherever nutria occur. However, nutria damage management would only be conducted by WS and the USFWS on properties owned or managed by the USFWS, and WS would only conduct damage management activities under the selected alternative when requested by a landowner or manager and only on properties where a MOU, cooperative service agreement, or other comparable document has been signed between WS and a cooperating entity.

Nutria primarily inhabit brackish or freshwater marshes, but are also found in swamps, rivers, ponds, and lakes. They live in dense vegetation, in abandoned burrows, or in burrows they dig along stream banks or shorelines (Wade and Ramsey 1986). The environment affected by the proposed action would be the Chesapeake Bay marshes in Maryland and selected Delaware watersheds occupied by nutria. Discussion of the affected environment and potential impacts has been addressed in the EA developed previously to address nutria damage in Maryland (USFWS 2001).

Nutria may also be found on the west shores of Chesapeake Bay. Upon receiving a request for assistance, nutria removal efforts under the selected alternative could be conducted on private, federal, state, county, and municipal lands in Maryland and Delaware as part of marsh recovery efforts.

DESCRIPTION OF THE ALTERNATIVES

The following four alternatives were developed to respond to the issues identified in Chapter 2 of the EA (USDA 2014). A detailed discussion of the effects of the alternatives on the issues is described in the EA under Chapter 4; below is a summary of the alternatives.

Alternative 1: Continue the Current Nutria Removal Project (No Action Alternative)

Under this alternative, WS would be the primary entity removing nutria; however, the USFWS and the consulting agencies could take removal actions on properties they own or manage to remove nutria or could request the assistance of WS. Nutria would only be removed by WS from those areas where the appropriate landowner has agreed through an MOU, cooperative service agreement, or another comparable document to allow removal activities. Under this alternative, WS could respond to requests for assistance by: 1) taking no action, if warranted, 2) providing only technical assistance to property owners or managers on actions they could take to reduce damages caused by nutria, or 3) providing technical assistance and/or direct operational assistance to a property owner or manager experiencing damage. Funding could occur through federal appropriations or from cooperative funding. The adaptive approach to managing damage associated with nutria would integrate the use of the most practical and effective methods to remove nutria as determined by site-specific evaluation to reduce damage for each request.

Property owners or managers where nutria have been identified as occurring would be provided with information regarding the use of effective and practical non-lethal and lethal techniques. Property owners or managers may choose to implement WS' recommendations on their own (*i.e.*, technical assistance), use contractual services of private businesses, use volunteer services of private organizations, use the services of WS (*i.e.*, direct operational assistance), take the management action themselves, or take no further action. WS would provide technical and operational assistance using and/or recommending nutria damage management methods after applying the WS Decision Model (Slate et al. 1992, USFWS 2001).

Alternative 2: Expand the Current Nutria Removal Project to Restore Marsh Habitat (Proposed Alternative)

Under this alternative, the USFWS and WS would continue removing nutria as described under Alternative 1; however, the scope of the activities would be expanded to include areas outside of the five county core areas of Dorchester, Talbot, Caroline, Somerset, and Wicomico Counties along the eastern shore of Chesapeake Bay in Maryland. In addition, several methods have been identified that could be employed under an expanded project or could be further evaluated for inclusion in an expanded project.

Under the expanded project alternative, operational activities would rely on several phases, including a survey phase, intensive removal (knock-down) phase, low-density (mop-up) phase, verification phase, and a surveillance phase. The survey phase of the project would serve to define the spatial distribution and relative abundance of nutria populations throughout the Chesapeake Bay to facilitate prioritizing activities. The intensive removal phase would begin upon the discovery of nutria in an area with the focus being on a rapid reduction of the local population as close to a zero density as possible. The low-density phase would focus on the detection and removal of individual nutria that either eluded capture during the initial intensive removal phase or have entered after the initial intensive removal phase. The verification phase would involve verifying that complete removal of nutria has been achieved. The

surveillance phase would be the continual monitoring required in areas presumed to be free of nutria to ensure nutria do not become re-established.

Alternative 3: Provide Only Technical Assistance on Nutria Removal

Under this alternative, the USFWS and WS would provide those cooperators requesting assistance with managing damage and threats associated with nutria with technical assistance only. Technical assistance could provide those cooperators experiencing damage or threats associated with nutria with information, demonstrations, and recommendations on available and appropriate methods available. The implementation of methods and techniques to resolve or prevent damage would be the responsibility of the requester with no direct involvement by the USFWS and WS. In some cases, WS may provide supplies or materials that are of limited availability for use by private entities (*e.g.*, loaning of cage traps). Technical assistance may be provided through a personal or telephone consultation, or during an on-site visit with the requester. Generally, several management strategies are described to the requester for short and long-term solutions to managing damage; those strategies would be based on the level of risk, need, and the practicality of their application. WS would use the Decision Model to recommend those methods and techniques available to the requestor to manage damage and threats of damage. Those persons receiving technical assistance from the USFWS and/or WS could implement those methods recommended, could employ other methods not recommended, could seek assistance from other entities, or take no further action.

Alternative 4: Discontinue the Current Nutria Removal Project

Under this alternative, the USFWS and WS would discontinue all activities associated with nutria removal in the Chesapeake Bay. The USFWS and WS would no longer be involved with any aspect of nutria damage management in the Chesapeake Bay. All requests for assistance received by the USFWS and WS to resolve damage caused by nutria would be referred to the appropriate state wildlife agency, other governmental agencies, and/or private entities.

Despite no involvement by the USFWS and WS in removing nutria in the Bay area, those persons experiencing damage caused by nutria or the state wildlife agencies could continue to resolve damage by employing those methods legally available since the take of nutria could occur despite the lack of involvement by the USFWS and WS, except in Delaware where the nutria is currently considered a protected species with no take permitted. All methods described would be available for use by those persons experiencing damage or threats except that the use of rotating-jawed type instant-kill traps larger than five inches in diameter are illegal to possess or use in the State of Delaware unless permitted by executive order by the Secretary of Delaware Department of Natural Resources and Environmental Control.

Therefore, under this alternative, those persons experiencing damage or threats of damage could contact the USFWS or WS but would immediately be referred to the appropriate state wildlife agency and/or other entities, the requester could contact other entities for information and assistance with managing damage, could take actions to alleviate damage without contacting any other entity, or could take no action.

CONSISTENCY

Wildlife damage management activities conducted in Maryland and Delaware are consistent with work plans, MOU's, and policies of WS, the state natural resource agencies, and the USFWS. WS and the USFWS completed a Section 7 Consultation with the USFWS for nutria damage activities. The USFWS concurred with the determination of may affect, but not likely to adversely affect. WS also consulted

with the state natural resource agencies regarding potential risks to state-listed species proposed in the EA. The state natural resource agencies concurred with WS' and the USFWS's determination that the proposed action would not adversely impact populations of state-listed species.

MONITORING

The MD WS program will annually review its effects on nutria and other species addressed in the EA to ensure those activities do not impact the viability of wildlife species. In addition, the EA will be reviewed each year to ensure that the analyses are sufficient.

CUMULATIVE IMPACTS OF THE PROPOSED ACTION

No significant cumulative environmental impacts were identified from any of the four alternatives, including the proposed action. Under the proposed action, the lethal removal of nutria by WS would not have significant environmental impacts. No risk to public safety was identified when activities were provided and expected by requesting individuals under Alternative 1 and Alternative 2 since only trained and experienced personnel would conduct and/or recommend damage management activities. There would be a slight increased risk to public safety when persons who reject assistance and recommendations conduct their own activities under Alternative 3 and when no assistance was provided under Alternative 4. However, under all of the alternatives, those risks would not be to the point that the effects would be significant. The analysis in the EA indicates that an integrated approach to managing damage and threats caused by nutria would not result in significant cumulative effects on the quality of the human environment.

DECISION AND FINDING OF NO SIGNIFICANT IMPACT

I have carefully reviewed the EA prepared for this proposal and the input from the public involvement process. I find the proposed action alternative (Alternative 2) to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of management agencies, landowners, advocacy groups, and the public. The analysis in the EA adequately addresses the identified issues, which reasonably confirm that no significant impact, individually or cumulatively, to 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 does not warrant the completion of an EIS.

Based on the analyses in the EA, the need for action and the issues identified are best addressed by selecting Alternative 2 and applying the associated standard operating procedures. Alternative 2 successfully addresses (1) nutria damage management using a combination of the most effective methods and does not adversely impact the environment, property, human health and safety, and/or non-target species, including T&E species; (2) it offers the greatest chance of maximizing effectiveness and benefits to resource owners and managers; (3) it presents the greatest chance of maximizing net benefits while minimizing adverse effects 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 damage management activities 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 (Alternative 2) as described in the EA.

Based on the analyses provided in the EA, there are no indications that the proposed action (Alternative 2) would have a significant impact, individually or cumulatively, on the quality of the human environment. I agree with this conclusion and therefore, find that an EIS should not be prepared. This determination is based on the following factors:

1. Nutria damage management, as conducted by WS in Maryland and Delaware, is confined to the Chesapeake Bay/Eastern Shore area.

2. The proposed action would pose minimal risk to public health and safety. Based on the analyses in the EA, the methods available would not adversely affect human safety based on their use patterns and standard operating procedures.

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. WS' standard operating procedures and adherence to applicable laws and regulations would 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 nutria 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 the assessment. The EA analyzed cumulative effects 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.

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. WS and the USFWS conducted a Section 7 Consultation to evaluate impacts to T&E species, and the USFWS concurred with the determination.

10. The proposed action would comply with all applicable federal, state, and local laws.

11. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the area.

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) nutria damage management would only be conducted by WS at the request of landowners/managers, 2) management actions would be consistent with applicable laws, regulations, policies and orders, and 3) no significant effects to the environment were identified in the analysis. As a part of this Decision, the WS program would continue to provide effective and practical technical assistance and direct management techniques that reduce damage and threats of damage.

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

8/14/14
Date

APPENDIX A
LITERATURE CITED

Slate, D.A., R. Owens, G. Connolly, and G. Simmons. 1992. Decision making for wildlife damage management. Trans. N. A. Wildl. Nat. Res. Conf 57:51-62.

USDA (U.S. Department of Agriculture). 2014. Environmental Assessment: Marsh Restoration and Nutria Damage Reduction. USDA, APHIS, WS, Annapolis, MD.

USFWS. 2001. Marsh Restoration and Nutria Damage Reduction Environmental Assessment. Washington, D.C.

Wade, D. A., and C. W. Ramsey. 1986. Identifying and managing aquatic rodents in Texas: beaver, nutria and muskrats. Texas Agricultural Extension Service, Texas A&M University, College Station, Texas.