# DECISION
# AND
# FINDING OF NO SIGNIFICANT IMPACT

**Environmental Assessment: Managing Damage to Resources and Threats to Human Health and Safety Caused by Birds in the Commonwealth of Virginia**

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program completed an Environmental Assessment (EA) on alternatives for reducing bird damage to agricultural resources, natural resources, property, livestock, and public health and safety in Virginia (USDA 2014). The EA documents the need for action and assesses potential impacts on the human environment of three alternatives to address that need.

## PUBLIC COMMENTS

The EA was made available for review and comment from August 30 to October 3, 2014. The document was made available through a Notice of Availability (NOA) published in *The Richmond Times-Dispatch* and sent to interested parties through the APHIS Stakeholder Registry. WS also published these documents on the program website. No comments were received. All correspondence on the EA is maintained at the WS State Office, P.O. Box 130, Moseley, VA 23120.

## ISSUES ASSOCIATED WITH BIRD DAMAGE MANAGEMENT ACTIVITIES

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

- Issue 1 - Effects on target bird populations
- Issue 2 - Effects on non-target wildlife species, including threatened and endangered (T&E) species
- Issue 3 - Effects on human health and safety
- Issue 4 - Humaneness and animal welfare concerns
- Issue 5 – Effects on the aesthetic value of birds
- Issue 6 - Effects on the regulated harvest of birds

## AFFECTED ENVIRONMENT

Bird damage or threats of damage can occur statewide in Virginia wherever those bird species occur. However, bird damage management would only be conducted by WS when requested by a landowner or manager and only on properties where a cooperative service agreement or other comparable document was signed between WS and a cooperating entity. Upon receiving a request for assistance, activities could be conducted on federal, state, tribal, municipal, and private properties. Areas where damage or threats of damage could occur include, but would not be limited to agricultural fields, vineyards, orchards, farms, aquaculture facilities, grain mills, grain handling areas, railroad yards, waste handling facilities, industrial sites, natural resource areas, park lands, and historic sites, state and interstate highways and roads, property in or adjacent to subdivisions, businesses, industrial parks, timberlands, croplands, and pastures, private and public property, and locations where birds are a threat to human safety through the spread of disease. The areas could also include airports and military airbases where birds are a threat to human safety and to property.

## DESCRIPTION OF THE ALTERNATIVES

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

### Alternative 1 - Continue the Current Integrated Approach to Managing Bird Damage (No Action/Proposed Action)

The proposed action/no action alternative would continue the current implementation of an adaptive integrated approach utilizing non-lethal and lethal techniques, as deemed appropriate using the WS Decision Model. A major goal of the program would be to resolve and prevent bird damage and to reduce threats to human safety. To meet this goal, WS, in cooperation with the USFWS and in consultation with the VDGIF, would continue to respond to requests for assistance with, at a minimum, technical assistance, or when funding is available, operational damage management.

The adaptive approach to managing damage associated with birds would integrate the use of the most practical and effective methods to resolve a request for damage management as determined by site-specific evaluations. City/town managers, agricultural producers, property owners, and others requesting assistance would be provided information regarding the use of appropriate non-lethal and lethal techniques. The USFWS could continue to issue depredation permits to WS and to those entities experiencing bird damage when requested by the entity and when deemed appropriate by the USFWS for those species that require a permit.

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 birds, or 3) providing technical assistance and direct operational assistance to a property owner or manager experiencing damage.

The most effective approach to resolving wildlife damage is to integrate the use of several methods simultaneously or sequentially. The philosophy behind integrated wildlife damage management is to implement the best combination of effective management methods in a cost-effective manner while minimizing the potentially harmful effects on humans, target and non-target species, and the environment. Integrated damage management may incorporate cultural practices (e.g., animal husbandry), habitat modification (e.g., exclusion, vegetation management), animal behavior modification (e.g., scaring, repellents), removal of individual offending animals (e.g., trapping, shooting, and avicides), local population reduction, or any combination of these, depending on the circumstances of the specific damage problem.

### Alternative 2 - WS Would Address Bird Damage Using Technical Assistance Only

Under this alternative, WS would provide those persons requesting assistance with managing damage and threats associated with birds with technical assistance only. Technical assistance would be provided as described under Alternative 1. Direct operational assistance provided by WS as described above would not be available. With the exception of Mesurol (EPA No. 56228-33) and DRC-1339, all methods listed in under Alternative 1 could be available under this alternative, although not all methods would be available for direct implementation by all persons because several chemical methods are only available to those persons with pesticide applicators licenses. Although DRC-1339 is only available for use by WS, a product containing the same active ingredient, Starlicide, is commercially available as a restricted-use pesticide for managing damage associated with starlings, red-winged blackbirds, common grackles, and brown-headed cowbirds at livestock and poultry operations.

This alternative would place the immediate burden of operational damage management work on the resource owner, other governmental agencies, and/or private businesses. Those persons experiencing damage or threats could take action using those methods legally available to resolve or prevent bird damage as permitted by federal, Commonwealth, and local laws and regulations or those persons could take no action.

**Alternative 3 – No Bird Damage Management Conducted by WS**

This alternative precludes any activities by WS to reduce threats to human health and safety, and alleviate damage to agricultural resources, property, and natural resources. WS would not be involved with any aspect of bird damage management. All requests for assistance received by WS to resolve damage caused by birds would be referred to the USFWS, the VDGIF, and/or private entities. This alternative would not deny other federal, state, and/or local agencies, including private entities from conducting damage management activities directed at alleviating damage and threats associated with birds.

## CONSISTENCY

Wildlife damage management activities conducted in Virginia are consistent with work plans, MOU's, and policies of WS, the VDGIF, and the USFWS. WS reviewed the list of T&E species in Virginia as determined by the USFWS and the National Marine Fisheries Services. Based on that review during the development of the EA, WS determined that activities conducted pursuant to the proposed action would not likely adversely affect federally or state listed T&E species. The USFWS and VDGIF concurred with WS' determinations.

## MONITORING

The Virginia WS program will annually review its effects on target bird species 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 three alternatives, including the proposed action. Under the proposed action, the lethal removal of birds by WS would not have significant impacts on statewide bird populations when known sources of mortality were considered. No risk to public safety were identified under Alternative 1 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 when no assistance is provided under Alternative 3. 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 birds 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 1) 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 analysis in the EA, the need for action and the issues identified are best addressed by selecting Alternative 1 and applying the associated standard operating procedures. Alternative 1 successfully addresses (1) bird damage management using a combination of the most effective methods and does not adversely impact the environment, property, human health and safety, target species, 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/no action alternative (Alternative 1) as described in the EA.

Based on the analysis provided in the EA, there are no indications that the proposed action (Alternative 1) 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. Bird damage management, as conducted by WS in the state, is not regional or national in scope.

2. The proposed action would pose minimal risk to public health and safety. Based on the analysis 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 bird 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 within the Commonwealth of Virginia.

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 has determined that the proposed program would not adversely affect any federally listed T&E species currently listed in the state. In addition, WS has determined that the proposed activities would not adversely affect state-listed species.

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) bird 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 in Virginia would continue to provide effective and practical technical assistance and direct management techniques that reduce damage and threats of damage.

11/4/14

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

Date

## APPENDIX A
## LITERATURE CITED

USDA (U.S. Department of Agriculture). 2014. Environmental Assessment: Managing Damage to Resources and Threats to Human Health and Safety Caused by Birds in the Commonwealth of Virginia. USDA APHIS WS, Moseley, VA.