

**DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT: MAMMAL DAMAGE  
MANAGEMENT IN OHIO**

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 the protection of agricultural resources, natural resources, property, livestock, and public health and safety from damage and risks associated with mammals in Ohio (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 April 1 to April 30, 2014 through a Notice of Availability (NOA) published in the *The Columbus Dispatch* and sent to interested parties through the APHIS stakeholder registry via GovDelivery. WS also published this EA on the program website. Two comments were received. Issues raised in the letters and agency responses are provided in Appendix B. All correspondence on the EA is maintained at the WS State Office, USDA APHIS Wildlife Services, 4469 Professional Parkway, Groveport, OH 43125-9229.

**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:

- Effects on target mammal species
- Effects on other wildlife species, including Threatened and Endangered species
- Effects on human health and safety
- Impacts to stakeholders, including aesthetics
- Humaneness and animal welfare concerns of methods used
- Effects on wetlands

**AFFECTED ENVIRONMENT**

Mammal damage or threats of damage can occur statewide in Ohio wherever those mammal species occur. However, mammal 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, and industrial parks; timberlands, croplands, and pastures; private and public property where burrowing mammals cause damage to structures, dikes, ditches, ponds, and levees; public and private properties in rural/urban/suburban areas where mammals cause damage to landscaping and natural resources, property, and are a threat to human safety through the spread of disease. The areas could also include airports and military airbases where

mammals are a threat to human safety and to property; and areas where mammals negatively affect wildlife, including T&E species.

## **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: Technical Assistance Only**

This alternative would not allow for WS operational mammal damage management (MDM) in Ohio. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, corporations, or others could conduct MDM using any legal lethal or non-lethal method available to them.

### **Alternative 2: Integrated Mammal Damage Management Program (Proposed Action/No Action)**

The proposed action is to continue the current damage management program that responds to mammal damage in the State of Ohio. WS involvement in MDM in Ohio is closely coordinated with the ODW, and WS take of mammals is authorized through permits and/or other authorities granted by the ODW. An integrated wildlife damage management (IWDM) approach would be implemented to reduce mammal damage to property, agricultural resources, and natural resources, and to reduce mammal impacts on human/public health and safety. Damage management would be conducted on public and private property when the resource owner (property owner) or manager requests assistance. The IWDM strategy would encompass the use and recommendation of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, target and non-target species, and the environment. Under this action, WS could provide technical assistance and direct operational damage management, including non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate non-lethal techniques like physical exclusion, habitat modification or harassment would be recommended and utilized to reduce damage. In other situations, mammals would be removed as humanely as possible using shooting, trapping, and registered pesticides and other products. In determining the damage management strategy, preference would be given to practical and effective non-lethal methods, unless prohibited by law. However, non-lethal methods may 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 could include instances where application of lethal methods alone would be the most appropriate strategy.

### **Alternative 3: Non-lethal Mammal Damage Management Only by WS**

This alternative would require WS to only use and recommend non-lethal methods to resolve mammal damage problems. Information on lethal MDM methods would still be available to producers and property owners through other sources such as the ODW, USDA Agricultural Extension Service offices, universities, or pest control organizations. Requests for information regarding lethal management approaches would be referred to these entities. Individuals might choose to implement WS non-lethal recommendations, implement lethal methods or other methods not recommended by WS, contract for WS direct assistance with non-lethal MDM, use contractual services of private businesses, or take no action. Persons receiving WS's non-lethal technical and direct control assistance could still resort to lethal methods that were available to them.

#### **Alternative 4: No Federal WS Mammal Damage Management**

This alternative would eliminate WS involvement in MDM in Ohio. WS would not provide direct operational or technical assistance and requesters of WS's assistance would have to conduct their own MDM without WS input. Information on MDM methods would still be available to producers and property owners through other sources such as the ODW, USDA Agricultural Extension Service offices, universities, or pest control organizations. Requests for information would be referred to these entities. Individuals might choose to conduct MDM themselves, use contractual services of private businesses, or take no action.

#### **CONSISTENCY**

Wildlife damage management activities conducted in Ohio are consistent with work plans, MOU's, and policies of WS, the ODW, and the US Fish and Wildlife Service (USFWS). WS completed a Section 7 Consultation with the USFWS for MDM activities. The USFWS concurred with WS' determinations. WS also consulted with the ODW regarding potential risks to state-listed species proposed in the EA. The ODW concurred with WS' determination that the proposed action would not adversely impact populations of state-listed species.

#### **MONITORING**

The Ohio WS program will annually review its effects on target mammal 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 four alternatives, including the proposed action. Under the proposed action, the lethal removal of mammals by WS would not have significant impacts on statewide mammal populations when known sources of mortality were considered. No risk to public safety was identified when activities were provided and expected by requesting individuals under Alternative 2 and Alternative 3 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 1 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 mammals 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) mammal 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 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. Mammal 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 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 mammal 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 State of Ohio.
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 conducted a Section 7 Consultation to evaluate impacts to T&E species, and the USFWS concurred with WS' determinations.
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) mammal 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 Ohio 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

6/15/14

Date

**APPENDIX A  
LITERATURE CITED**

CEQ (Council on Environmental Quality). 1981. Forty most asked questions concerning CEQ's NEPA regulations. (40 CFR 1500-1508) Federal Register 46(55):18026-18038.40.

Schmidt, R. H. 1989. Vertebrate pest control and animal welfare. Vertebrate Pest Control and Management Materials, ASTM STP 1055, American Society for Materials and Testing. Philadelphia, PA 6:63-68.

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: Mammal Damage Management in Ohio. USDA, APHIS, WS, Columbus, OH.

## **APPENDIX B RESPONSES TO COMMENTS**

This Appendix contains issues raised by the public during the comment period for the 2014 Ohio mammal damage management EA and the WS response to each of the issues. Wildlife Services received two comment letters regarding the EA. Issues raised in the letters are numbered and are written in bold text. The WS response follows each comment and is written in standard text.

### **1. APHIS should consider the ethical reasons to eliminate all lethal and invasive MDM methods from the perspective and experiences of the animals which may be impacted by WS.**

Commenters have asserted that individual animals have interests and points of view equivalent of those of humans and that the ethics of managing species with these perceptions should be considered. This perspective is consistent with the tenants of the animal rights philosophy. The animal rights philosophy asserts that all animals, humans and nonhumans, are morally equal. Under this philosophy, use of animals, e.g. for research, food and fiber production, recreational uses such as hunting and trapping, zoological displays and animal damage management, etc. should not be conducted or considered acceptable unless that same action is ethically acceptable when applied to humans (Schmidt 1989).

Similar to the animal rights philosophy, the animal welfare philosophy seeks to minimize pain, stress and distress experienced by animals as a result of humans. However, the animal welfare philosophy does not promote equal rights for humans and nonhumans. Advocates of this philosophy are not necessarily opposed to utilitarian uses of wildlife, but they are concerned with avoiding all unnecessary forms of animal suffering. However, the definition of what constitutes “unnecessary” is highly subjective (Schmidt 1989) and results in a wide range of interpretations. In general, only a small portion of the U.S. population adheres to the animal rights philosophy, but most individuals are concerned about animal welfare.

Wildlife Services agrees that individual animal experiences matter. Decision-makers and wildlife management professionals strive to minimize animal welfare impacts on wildlife because they deeply care about animals and minimizing suffering and have committed their careers to the wellbeing of wildlife populations. The impact on individual animal welfare is one of the factors reviewed by decision-makers when balancing the need to solve a problem while also minimizing the impact on animals’ lives and people with affectionate bonds for these animals. Within the context of the EA, impacts on animal welfare are considered in the review of humaneness of the alternatives (EA Section 4.1.5).

One key factor to consider when evaluating the ethics of MDM alternatives in Ohio is that other entities can also conduct the activities proposed by WS. Consequently, the actions which the commenter finds objectionable would likely still occur even if WS were to choose an alternative that does not allow WS’ use of lethal methods and “invasive” nonlethal methods. These entities may or may not have the training and experience needed to use MDM methods as effectively or humanely as possible. Consequently, from the perspective of the animals, there is unlikely to be much difference among alternatives, except that there may be higher risk of adverse impacts caused by inadequately trained individuals under alternatives where WS’ role is limited. The second commenter concurred with WS’ findings that higher risks of adverse impacts could result where WS’ role is limited.

### **2. Animals have intrinsic value.**

The value that humans place on wildlife was addressed in section 2.2.4 in the EA.

**3. The EA does not detail when and for which species non-lethal methods will be ineffective, nor under what situations it would be impractical to use the non-lethal approach.**

Wildlife are a highly dynamic resource and often do not respond in the same manner every time a management technique is used. Because wildlife responses to management actions vary, WS utilizes an integrated management approach that offers multiple non-lethal and lethal options to resolve problems. It is for this reason that WS uses the decision model outlined in section 3.2.3 of the EA (Slate et al. 1992) to implement strategies, monitor effectiveness, and revise strategies if needed.

**4. The EA contains no meaningful basis for concluding that wildlife creates significant impacts to human health and safety or the economy.**

We believe the information in the EA adequately explains the need for assistance with risks to human health and safety from mammals in Ohio. As stated on page 8 of the EA, WS primary role with wildlife diseases is monitoring the presence/absence of the disease. The fact that a damage problem is not common does not preclude it from having a substantial impact on the individual(s) experiencing the problem, nor does it preclude the individual from seeking to address the issue. Additionally, in many situations, the goal of the land manager or managing agency is to prevent the problem from occurring in the first place. For example, the goal of health organizations is to prevent disease outbreaks from happening. Consequently, if health departments/organizations are successful in monitoring and prevention, the record of health incidents will be low and will not reflect the actual need for action. We believe it is unrealistic and inappropriate to suggest that wildlife health monitoring not be initiated until after a serious disease outbreak has occurred. Therefore, we believe it is information on the consequences of the illness for individuals affected that is the relevant factor for determining need for action, not the frequency of occurrence.

We provided examples of crop damage from a variety of sources to illustrate the type of damage that is common with certain species of wildlife. Additionally, the EA includes numerous examples of damage to livestock from within Ohio. Therefore, we believe the EA adequately explains the need for action to protect economic resources in Ohio.

**5. An EIS is legally required.**

The commenter points out that when the cumulative analysis of a proposed action indicates that the cumulative impact on the environment (which results from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions) will be significant, then an EIS is required to analyze that significant cumulative impact. The EA provides a thorough analysis which is adequate to determine that, for reasons presented in the FONSI, the effects of the program are not significant and therefore do not trigger the need to prepare an EIS. Cumulative impacts of all past, present, and reasonably foreseeable future actions are considered in all NEPA analysis and are not the exclusive requirement of an EIS.

**6. The EA's cumulative impact analysis is lacking. The EA fails to address the cumulative loss of individuals in other states in the Great Lakes' region.**

The cumulative impact analysis can be found in section 4.2 of the EA. Cumulative impacts on mammals addressed in this EA are considered on the scale to which they are managed (i.e., the state). Consequently, the state level provides the most accurate data for analysis. Consideration of impacts of wildlife management in adjacent states would only be relevant if movement of animals across state lines was of sufficient frequency and magnitude that animals moving across state lines comprised the majority of the population or that immigration of animals among states was necessary to sustain limited

populations. Most of the mammal species addressed in this EA are not sufficiently mobile for there to be large-scale movements across state lines. There is no information to indicate that management actions in adjacent states would jeopardize these species to the extent that immigration to or from Ohio would be necessary to sustain healthy wildlife populations.

**7. The EA attempts to shift the focus on other activities that affect the wildlife populations in order to minimize the appearance of their (i.e. WS) participation in the killing of wildlife.**

The EA considers the effects of other activities (e.g. hunting) on wildlife populations in addition to WS' potential take as part of the cumulative impact analysis.

**8. Will killing such a small number of animals through the Ohio MDM actually protect agricultural or natural resources? The EA fails to consider whether MDM actions can create locally significant impacts on wildlife populations.**

The WS program does not attempt to eradicate any species of native wildlife. WS operates in accordance with applicable federal and state laws and regulations enacted to ensure species viability. Methods available are employed to target individual mammals or groups of mammals identified as causing damage or posing a threat of damage. Any reduction of a local population or group would frequently be temporary because immigration from adjacent areas or reproduction would replace the animals removed. WS operates on a small percentage of the land area of Ohio and would only target those mammals identified as causing damage or posing a threat (EA pg. 54). Chapter 4 also discusses the impacts to local mammal populations for each alternative.

**9. WS does not have reliable population estimates, and it is unreasonable to rely on data that is over forty years old and not specific to the area at issue.**

We believe that we have used the best available data to estimate conservative wildlife populations. The Ohio Division of Wildlife (ODW) is responsible for managing and maintaining viable mammalian populations. WS consults and reports take to the ODW annually. The fact that the ODW maintains unlimited or liberal harvest restrictions and these species populations have remained steady or growing despite WS' past take indicates that WS' MDM activities will not adversely mammal populations. Additionally, the ODW has concurred with WS' findings.

**10. The agency is required to provide a reasonably complete explanation on how its proposed action will mitigate adverse impacts on the environment.**

Whereas mitigation measures are a requirement for an EIS, they are not required for an EA, particularly when a FONSI is issued as is the case for this EA. However, in the spirit of NEPA, WS performs annual monitoring of its selected alternative to ensure that actions do not result in significant adverse impacts to the human environment. As the EA explains, WS does not anticipate any significant adverse impacts from any of the alternatives.

**11. The alternatives analysis is inadequate. What is needed is an alternative that truly emphasizes education to alter human behavior to reduce wildlife-human encounters.**

The NEPA requires that agencies consider a reasonable range of alternatives (CEQ 1981). Alternative 3, Non-lethal Mammal Damage Management Only, restricts WS to using only non-lethal methods when providing information, training, equipment loans or operational assistance for wildlife damage management. Alternative 1, Technical Assistance Only, consists of WS providing advice, education, and equipment loans but no operational assistance to entities requesting assistance with wildlife damage. This

comment appears to be requesting an alternative in which WS provides technical and operational assistance with a restricted set of non-lethal alternatives. The proposed alternative and its impacts would be intermediate to Alternatives 3 and 1 and could be selected by managers based on the information already existing in the EA. It is our determination, that analysis of the commenter's proposed alternative would not provide sufficient new information to warrant development as an alternative addressed in detail.

**12. A more thorough explanation as to why a specific course of action was selected should be made available to the public for review.**

Due to the complexity of wildlife management, courses of action cannot be displayed in an algorithm that would meet all MDM needs. See response to Comment #3.

**13. Section 7 Consultation details with the U.S. Fish and Wildlife Service and consultation with the Ohio Division of Wildlife (ODW) should be disclosed.**

All correspondence with the USFWS regarding the Section 7 Consultation and consultation with the ODW is part of the administrative record and available at the WS State Office in Ohio upon request.

**14. The EA fails to include a reasonable discussion of the proposed MDM plan on threatened and endangered (T&E) species.**

The commenter implies that WS should not have made a "no effect" determination for T&E species given that WS acknowledged that non-targets may be dispersed or incidentally captured. However, section 4.1.2 of the EA (pg. 74-84) differentiates effects between general non-targets and T&E species.

**15. The draft EA did not clearly state the project purpose and need.**

We feel this was adequately addressed in section 1.1 Purpose of This EA (pg. 6-7) and 1.2 Need for Action (pg. 7-22).

**16. Please include additional information on any take or impacts to federally- or state-endangered or threatened species since the time that WS procedures/processes have been in effect.**

Table 4-4 of the EA covers WS' non-target in recent years to include federally and state T&E species. WS' procedures/processes have been in effect for decades in Ohio, and there has been no take of a federally listed species since the inception of the MDM program in Ohio.

**17. The EA did not include a discussion of any impacts to migratory birds.**

The EA discusses impacts of MDM methods and mammalian predation to migratory birds in several sections. See section 2.2.4, 2.2.6, Feral Cats pg. 72-73, 4.1.2 pg. 75-81, and Appendix B pg. 129-131.

**18. The final EA should be modified to state the specific state and federal agencies to be consulted with regarding modification of, or fill to, wetlands, lakes, rivers or streams.**

We have added the requested contact information to the final EA.

**19. It is not clear how we will know when this EA has superseded previous EA listed in section 1.5.**

These EAs are superseded once a decision document has been issued. In accordance with CEQ regulations, WS has advised the public of the decision document through a press notice and stakeholder registry.