

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT: WHITE-TAILED DEER DAMAGE
MANAGEMENT IN NEW YORK**

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 natural resources, agriculture, human safety, and property from damage and risks associated with deer in New York (USDA 2015). 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 December 11, 2015 to January 15, 2016. The document was made available through a Notice of Availability (NOA) published in *The Times Union* and sent to interested parties through the APHIS Stakeholder Registry. Wildlife Services also published this document on the program website and Regulations.gov. Wildlife Services received 1,063 comments. Issues raised in the comments and agency responses are provided in Appendix A. All correspondence on the EA is maintained at the WS State Office, 572 Third Avenue Extension, Rensselaer, NY 12144.

ISSUES ASSOCIATED WITH DEER DAMAGE MANAGEMENT ACTIVITIES

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

- Effects of damage management activities on white-tailed deer populations
- Effects on non-target plant and wildlife species including threatened and endangered (T&E) species
- Effects of damage management methods on human health and safety
- Effects on the socio-cultural elements of the human environment
- Humaneness and animal welfare concerns of methods
- Effects of white-tailed deer damage management activities on the regulated harvest of white-tailed deer

AFFECTED ENVIRONMENT

Deer damage or threats of damage can occur statewide wherever deer are found. However, deer 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, industrial sites, natural resource areas, park lands, and historic sites; property in or adjacent to subdivisions, businesses, and industrial parks; timberlands, croplands, and pastures; public and private properties in rural/urban/suburban areas where deer cause damage to landscaping and natural resources, property, and are a threat to human safety through the spread of disease and vehicle collisions. The areas could also include airports and military airbases where deer are a threat to human safety and to property; and areas where deer negatively affect wildlife, including threatened and endangered (T&E) species.

DESCRIPTION OF THE ALTERNATIVES

The following three alternatives were developed to respond to the issues identified in Chapter 2 of the EA (USDA 2015). 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 White-tailed Deer Damage Management Program (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, when requested, and as deemed appropriate using the WS Decision Model, to reduce damage and threats caused by white-tailed deer in New York. The New York State Department of Environmental Conservation (NYSDEC) has regulatory authority to manage populations of white-tailed deer. A major goal of the program would be to resolve and prevent damage caused by white-tailed deer and to reduce threats to human safety as permitted by the NYSDEC. To meet this goal, WS, in consultation the NYSDEC, would continue to respond to requests for assistance with, at a minimum, technical assistance, or when funding was available, operational damage management. The adaptive approach to managing damage associated with white-tailed deer would integrate the use of the most practical and effective methods to resolve a request for damage management as determined by a site-specific evaluation to reduce damage or threats to human safety for each request. 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.

Under this alternative, WS would 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 would take to reduce damages caused by white-tailed deer, or 3) providing technical assistance and direct operational assistance to a property owner or manager experiencing damage.

Property owners or managers requesting assistance from WS would be provided with information regarding the use of effective and practical non-lethal and lethal techniques. Preference would be given to non-lethal methods when practical and effective under this alternative. 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.

Wildlife Services' Decision Model would be the implementing mechanism for a damage management program under the proposed action alternative that would be adapted to an individual damage situation that allows for the broadest range of methods to be used to address damage or the threat of damage in the most effective, most efficient, and most environmentally conscious way available (Slate et al. 1992 and WS Directive 2.201).

Non-lethal methods that would be available for use or recommended by WS under this alternative include minor habitat modifications, planting less preferred ornamental flowers and shrubs, behavior modification, lure crops, visual deterrents, exclusionary devices, frightening devices, reproductive inhibitors (if registered in New York), sterilization, immobilizing drugs, and chemical repellents, and other methods approved by the NYSDEC. Lethal methods that would be available to WS under this alternative include the recommendation of harvest during legal hunting seasons, euthanasia chemicals, and shooting when permitted. In addition, white-tailed deer live-captured using non-lethal methods (*e.g.*, drop nets, immobilizing drugs and other permitted live capture methods) would be euthanized.

Under the proposed action alternative, WS would employ only non-lethal methods when determined to be appropriate for each request for assistance to alleviate damage or reduce threats of damage using the WS Decision Model. In some situations, a cooperating entity has tried to employ non-lethal methods to resolve damage prior to contacting WS for assistance. In those cases, the methods employed by the requester were either unsuccessful or the reduction in damage or threats had not reached a level that was tolerable by the requesting entity. In those situations, WS would employ other non-lethal methods, attempt to apply the same non-lethal methods, or employ lethal methods. In many situations, the implementation of non-lethal methods, such as exclusion-type barriers or deer resistant ornamental plantings, would be the responsibility of the requestor, which means that, in those situations, the only function of WS would be to implement lethal methods, if determined to be appropriate using the WS Decision Model.

Lethal methods would be employed to resolve damage associated with those white-tailed deer identified by WS as responsible for causing damage or threats to human safety under this alternative; however, WS would only employ lethal methods after receiving a request for the use of those methods and receiving a permit from the NYSDEC. The use of lethal methods would result in local population reductions in the area where damage or threats were occurring since white-tailed deer would be removed from the population. Lethal methods would often be employed to reinforce non-lethal methods and to remove white-tailed deer that were identified as causing damage or posing a threat to human safety. The use of lethal methods would result in local reductions of white-tailed deer in the area where damage or threats were occurring. The number of white-tailed deer removed from the population using lethal methods under the proposed action would be dependent on the number of requests for assistance received, the number of white-tailed deer involved with the associated damage or threat, and the efficacy of methods employed.

Wildlife Services may recommend white-tailed deer be harvested during the regulated hunting season for those species in an attempt to reduce the number of white-tailed deer causing damage. Managing white-tailed deer populations over broad areas would lead to a decrease in the number

of white-tailed deer causing damage. Establishing hunting seasons and the allowed harvest during those seasons is the responsibility of the NYSDEC. Wildlife Services does not have the authority to establish hunting seasons or to set allowed harvest numbers during those seasons.

Alternative 2: White-tailed deer Damage Management by WS through Technical Assistance Only

Under this alternative, WS would provide those cooperators requesting assistance with technical assistance only. Similar to Alternative 1, WS would receive requests for assistance from community representatives, private individuals/businesses, or from public entities. Technical assistance would provide those cooperators experiencing damage or threats associated with white-tailed deer with information, demonstrations, and recommendations on available and appropriate methods. The implementation of methods and techniques to resolve or prevent damage would be the responsibility of the requester with no direct involvement by WS. In some cases, WS may provide supplies or materials that were of limited availability for use by private entities (*e.g.*, loaning of propane cannons). Technical assistance may be provided through a personal or telephone consultation, or during an on-site visit with the requester. Generally, several management strategies would be 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. Wildlife Services would use the Decision Model to recommend those methods and techniques available to the requester to manage damage and threats of damage. Those persons receiving technical assistance from WS would implement those methods recommended by WS, would employ other methods not recommended by WS, would seek assistance from other entities, or take no further action. As in Alternative 1, WS would continue to educate the public on wildlife damage management, and utilize the National Wildlife Research Center to develop methods for wildlife damage management.

Similar to Alternative 1, those methods described in the EA would be available to those persons experiencing damage or threats associated with white-tailed deer except for immobilizing drugs, euthanasia chemicals, and reproductive inhibitors. Immobilizing drugs and euthanasia chemicals would only be available to WS or appropriately licensed veterinarians. Under this alternative, the reproductive inhibitor available under the trade name of GonaCon™ would only be available for use by the NYSDEC or those persons under the supervision of the NYSDEC. At the time this EA was developed, GonaCon™ was not registered for use in the state.

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 were concerned with threats posed by white-tailed deer would seek assistance from other governmental agencies, private entities, or conduct damage management on their own. Those persons experiencing damage or threats would take action using those methods legally available to resolve or prevent white-tailed deer damage as permitted by federal, state, and local laws and regulations or those persons would take no action.

Alternative 3: No White-tailed Deer Damage Management Conducted by WS

This alternative would preclude all activities by WS to reduce threats to human health and safety, and to alleviate damage to agricultural resources, property, and natural resources. Wildlife Services would not be involved with any aspect of white-tailed deer damage management. All requests for assistance received by WS to resolve damage caused by white-tailed deer would be referred to the NYSDEC, other governmental agencies, and/or private entities.

Despite no involvement by WS in resolving damage and threats associated with white-tailed deer, those persons experiencing damage caused by white-tailed deer would continue to resolve damage by employing those methods legally available since the harvest of white-tailed deer can occur despite the lack of involvement by WS. The harvest of white-tailed deer by other entities would occur through the issuance of permits by the NYSDEC, when required, and during the hunting seasons. All methods described in the EA would be available for use by those persons experiencing damage or threats under this alternative, except for the use of GonaCon™, immobilizing drugs, and euthanasia chemicals. Immobilizing drugs and euthanasia chemicals would only be used by appropriately licensed veterinarians.

Under this alternative, those persons experiencing damage or threats of damage would contact WS; however, WS would immediately refer the requester to the NYSDEC and/or other entities. The requester would contact other entities for information and assistance with managing damage, would take actions to alleviate damage without contacting any entity, or would take further no action.

CONSISTENCY

Based on the provisions and protective measures established in the EA, WS determined that activities conducted pursuant to the proposed action may affect but would not likely adversely affect those species listed in the state by the USFWS, including their critical habitats. As part of the development of the EA, WS consulted with the USFWS under Section 7 of the ESA. The USFWS concurred with WS' determinations. The list of species designated as endangered or threatened by the NYSDEC was reviewed during the development of the EA. Based on the review of species listed, WS determined that the proposed activities may affect but would not likely adversely affect those species listed by the state.

MONITORING

The WS program will annually review its effects on deer populations 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 deer by WS would not have significant impacts on statewide deer 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 Alternatives 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 conduct their own activities under Alternative 3. However, under all of the alternatives, those risks would not be to the point that the effects would be significant. Activities conducted pursuant to the alternatives would not be expected to have any significant cumulative effects on the socio-cultural elements of the human environment. Wildlife Services would employ methods as humanely as possible by applying standard operating procedures to minimize pain and that allow WS to address deer damage in a timely manner to minimize distress under the proposed action alternative. The lethal removal of deer by WS annually to alleviate damage would be a minor component to the known removal that occurs annually during the harvest seasons. The analysis in the EA indicates that an integrated approach to managing damage and threats caused by deer 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 analyses in the EA adequately address 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 1 and applying the associated standard operating procedures. Alternative 1 successfully addresses (1) deer damage management using a combination of the most effective methods and does not adversely impact the environment, property, human health and safety, target species, non-target species, including T&E species, socio-cultural elements, animal welfare concerns, or the public's ability to harvest deer; (2) it offers the greatest chance of maximizing effectiveness and benefits to resource owners and managers; and (3) it presents the greatest chance of maximizing net benefits while minimizing adverse effects to public health and safety. 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 analyses 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. Deer 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 prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. Wildlife Services' 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 deer 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. Wildlife Services 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.

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) deer 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 New York 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

4/14/16

Date

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). 2015. Environmental Assessment: White-tailed Deer Damage Management in New York. USDA APHIS WS, Castleton, NY.

APPENDIX A RESPONSES TO COMMENTS

This Appendix contains issues raised by the public during the comment period for the 2015 New York deer damage management EA and the WS response to each of the issues. Wildlife Services received 1,064 comment letters/postings regarding the EA. Some stakeholders provided multiple submissions, and many submissions contained multiple substantive comments. Similar comments were grouped together in order for WS to provide responses. Below in bold text are examples and/or summaries of grouped comments with the number of respondents for each issue in parenthesis. Additional individual substantive comments are also listed in bold below. The WS response follows each comment and is written in standard text.

- 1. The Department of Environmental Conservation (DEC)...describes hunting as “the most effective and equitable tool for managing deer populations across the state.” Since the ostensible goal of Alternative #1 is deer management, WS should use, and encourage the use of, the best wildlife management tools available. (1)**

The EA includes several examples where WS has recommended and encouraged the use of hunting to solve deer damage. See section 1.1 of the EA states that hunting is successful in most jurisdictions. Pages 16 and 23 of the EA demonstrate where WS has prescribed hunting programs to resolve damage situations. Additionally, the NYSDEC is the management authority for deer populations in New York. Under Alternative 1, WS may only conduct operational deer removal via a permit issued by the NYSDEC (see section 3.1.1). Therefore, WS’ operations would always be under the authority and oversight of the NYSDEC.

- 2. The draft Environmental Assessment does not address the impact of the geographic distribution of proposed WS deer killings. (1)**

Wildlife Services thinks this issue has been thoroughly discussed in sections 1.3.5, 2.2.1 and 4.1.1 of the EA as it discusses WS’ potential direct, indirect, and cumulative impacts across the entire state. The summary starting on page 65 in the EA takes into account WS’ actions occurring simultaneously, over time, with other natural processes and human generated changes.

- 3. The standard operating procedures for application of the pesticides [GonaCon] and drugs referenced in section 3.3 of the draft Environmental Assessment should be subject to a site-specific environmental cost-benefit analysis. (1)**

The EA discussed the NEPA requirements for cost-benefit analyses in section 2.3.5 of the EA.

- 4. Wildlife Acceptance Capacity should never form a basis for WS deer killings. (1)**

On page 3 of the EA, it states “when addressing damage or threats of damage caused by wildlife, wildlife damage management professionals must consider not only the needs of those directly affected by wildlife damage but a range of environmental, sociocultural, and

economic considerations as well.” The wildlife acceptance capacity is just one of many elements that would be considered in the problem assessment portion of the WS Decision Model.

5. Wildlife Services should provide a more detailed analysis of the animal welfare implications of mass deer killings compared to the lawful and more targeted deer management tools, such as hunting. (1)

Wildlife Services disagrees that it conducts “mass deer killings.” Wildlife Services’ annual lethal removal of deer in New York has accounted for less than one percent of the deer harvested by sportsmen. The commenter appeared to be associating “animal welfare,” or humaneness of animal treatment with the number of animals killed and the morality of the methods used. In section 2.2.5 of the EA, WS addresses the humaneness issue as an animal’s perception of pain. Therefore, we think this issue was adequately addressed in the EA as appropriately defined.

6. Wildlife Services should insist that public hunting...be utilized first for a number of years on any property on which WS deer killings are proposed, along with a survey of deer numbers and damage before and after the commencement of public hunting. (2)

While WS does not have the statutory authority to insist the public utilize any particular method over another, the program does routinely recommend an integrated management approach where all feasible and legal methods are considered. Additionally, surveys and damage evaluations are commonplace methods used throughout the WS Decision Model process (see figure 3.1 in the EA).

7. The reference to WS conducting most operations “where access to the general public is limited due to safety or security concerns” should be clarified to “where a federal security clearance is required for access, such as airports.” (1)

It should be explicitly stated by WS that it will not operate in any area with an open deer hunting season in order not to conflict with [hunting]. (1)

Wildlife Services’ legislative authorities do not limit the program to only operating where a federal security clearance is required. Wildlife Services’ impacts to regulated harvest were analyzed in section 4.1.6 of the EA.

8. Wildlife Services should commit to a cap on deer killings proportionate to the relevant property and consistent with DEC deer density targets. (1)

Wildlife Services may only conduct operational deer removal via a permit issued by the NYSDEC (see section 3.1.1 of the EA). Therefore, the NYSDEC’s population goals are taken into consideration. On page 3 of the EA, it states “when addressing damage or threats of damage caused by wildlife, wildlife damage management professionals must consider not only the needs of those directly affected by wildlife damage but a range of environmental,

sociocultural, and economic considerations as well.” Limiting goals to the relation of property size would negate all other valuable considerations.

- 9. The phrase “localized populations” should be defined in a way that ensure[s] no negative externalities in surrounding areas, including those who enjoy the presence of deer. (1)**

The EA adequately addresses the socio-cultural elements associated with individual and local deer populations in section 4.1.4 of the EA.

- 10. [Regarding section 2.3.2,] A sentence should be added that “Where such immigration may be reduced by natural or other barriers (for example, as on an island, isthmus, or peninsula), WS will accordingly reduce harvest targets to reflect the lower potential for population replacement by immigration.” (1)**

Wildlife Services’ deer removal targets are regularly modified using the WS Decision Model, which would account for the above recommendation. Therefore, WS does not think this sentence provides additional value or clarification to section 2.3.2 of the EA. Section 1.3.5 of the EA discusses site specificity of deer damage projects. Wildlife Services would only harvest white-tailed deer when permitted by NYSDEC and only at a level permitted by NYSDEC.

- 11. [Regarding monitoring wildlife populations,] The term “statewide” should be “local” and local should be defined as properties adjacent to the property on which WS is operating. (1)**

Wildlife damage management falls within the category of federal or other regulatory agency actions in which the exact timing or location of individual activities cannot usually be predicted well enough ahead of time to describe accurately such locations or times in an EA. Although WS can predict some of the possible locations or types of situations and sites where some kinds of wildlife damage would occur, the program cannot predict the specific locations or times at which affected resource owners would determine a damage problem has become intolerable to the point that they request assistance from WS. In terms of considering cumulative effects, one EA analyzing impacts for the entire state would provide a more comprehensive and less redundant analysis than multiple EAs covering smaller areas. See section 2.3.1 in the EA for clarification of the scope and intent. Additionally, WS regularly consults with the NYSDEC which is the permitting and regulatory authority for deer.

- 12. Wildlife Services should clarify why “historic properties” are described as “natural resources.” (1)**

Wildlife Services appreciates the comment. The EA was edited to remove the reference to historic properties under section 1.2.4.

13. The WS preference for Alternative #1 is largely based on the specious and inappropriate assumption that the people of New York will resort to criminality in deer management efforts. (1)

Alternative #1 allows WS to use different methods to control damage from white-tailed deer, and it is not based on the assumption that the people of New York will resort to criminality in deer management efforts. However, the literature review in the EA found that people have indeed resorted to using illegal methods to resolve wildlife damage in the absence of other alternatives as indicated in White et al. 1989, USFWS 2001, and FDA 2003 referenced in the EA.

14. Wildlife Services ...is the government, not private business, and even a perception of a conflict of interest compromises its integrity. Wildlife Services should avoid even the appearance of such conflicts of interest. (1)

USDA WS has no right expanding their territory and paid services onto private lands...you are providing an avenue for government to compete with local Nuisance Wildlife Control Companies. (1)

The primary statutory authorities for WS' program are the Act of March 2, 1931 (46 Stat. 1468; 7 USC 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 USC 426c). The WS program is the lead federal authority in managing damage to agricultural resources, natural resources, property, and threats to human safety associated with wildlife. Wildlife Services' directives define program objectives and guide WS' activities to manage wildlife damage management. Please refer to WS Directive 3.101 *Interfacing with Business and Establishing Cooperative Programs*.

15. Data cited by WS in its discussion on Suffolk County largely predates the 2014 reduction of the statutory setback for discharge of a bow...from 500 feet...to 150 feet from a third party dwelling. (1)

The EA does include a reference to the changes in archery regulations in 2014 on page 18.

16. Wildlife Services should clarify whether the reference to...Suffolk County...represents a past or present deer management strategy proposed by WS and the circumstances of such proposal. (1)

The Long Island Deer Damage Management Demonstration Project was implemented in February and March 2014. This was stated in the EA on the first paragraph on page 19.

17. Wildlife Services should tailor its advice to reduce the likelihood of externalities such as deer vehicle collisions. (1)

Wildlife Services appreciates the suggestion. Tailoring advice to a specific cooperator is standard procedure as indicated in the numerous examples of WS technical assistance in the EA. See section 1.2.7 of the EA for examples of WS' technical assistance.

18. An environmental impact statement [EIS] is necessary with respect to Alternative #1. (1)

An EIS is warranted if a significant impact to the human environment is believed following the analysis in the EA. The EA determined there would be no significant impacts from any of the alternatives. This Decision Document summarizes these findings on page 6-7. Section 2.3.1 of the EA also discusses the appropriateness of preparing an EA instead of an EIS.

19. Lacking any details to indicate where higher instances of crop damage exist and time of year is most pronounced. (1)

This comment appeared to be based on a suggested analysis of whether hunting was adequately used to resolve crop damage. WS did not consider a hunting-only alternative as the agency has no regulatory authority over regulated hunting and recommending hunting via technical assistance is already included in Alternatives #1 and #2. Therefore, the requested details would not contribute to the analysis in the EA.

20. Perhaps the greatest void of information in this EA comes in the form of forest regeneration concerns. (2)

The EA addresses forest regeneration issues in several locations throughout the document. See pages 19-21 of the EA where it describes the forest regeneration concerns at Letchworth State Park and Teatown Lake Reservation.

21. USDA should require communities engaging in deer management to consider the impact...caused by growing human populations and continuous development. (11)

Wildlife Services does educate the public on the complexities of human/wildlife interactions as indicated on page 46 of the EA under "Educational Efforts."

22. Brucellosis should be included as a disease that can be transferred from deer to humans. (1)

Wildlife Services appreciates the recommendation to include this disease in section 1.2.5. However, this section of the EA was intended to provide an overview of zoonotic disease threats to humans and not necessarily list every potential zoonotic disease associated with deer. While brucellosis is threat to human health, it is not common in New York and would not significantly add to the Need for Action discussion.

23. Hunting/killing to reduce deer populations is difficult to execute safely in urban/suburban areas. (1)

This issue was analyzed and addressed in section 4.1.3 of the EA. This section thoroughly discusses the precautions and training involved prior to and during WS operations.

24. Serious consideration needs to be given to the reasons why deer populations are exploding in suburban neighborhoods. (1)

Wildlife Services and its partnering agency, the NYSDEC, are keenly aware of these cause and effect relationships as exemplified on page 21 of the EA under the “New York City Deer Task Force” heading.

25. The babesiosis data is not only old, it also is misleading because it states that “Suffolk County has 49% of the state’s cases of Babesiosis.” Yet, the draft Environmental Assessment states that there were 142 cases statewide with 119 in the Hudson Valley. (1)

The Joseph et al. 2011 citation uses data from 2001-2008 while the Parpan 2013 citation uses data from 2011. The data is not conflicting or misleading as the two statements cover different date ranges. Wildlife Services is not trying to mislead the reader, but rather conduct a thorough review of the issues at hand.

26. The City [New York] encourages APHIS Wildlife Services to expand the discussion of deer impacts in the environmental assessment to include more information about the potential impacts of deer on water quality. (1)

The EA addresses some effects of deer populations on water quality in section 1.2.4. However, WS does not expect any significant impacts from deer damage management to water quality/quantity. Therefore, further discussion of this topic would not add significant value to the analysis.

27. Maybe trap and release into an area where they can thrive and live peacefully. (11)

This alternative was discussed in section 3.2.4 of the EA.

28. I support Alternative #2 in the draft Environmental Assessment. (6)

Wildlife Services appreciates the support for one of the alternatives. The EA discussed the impacts of this alternative to the relevant issues in section 4.1.

29. Proper deer management via bowhunting would be the most successful tool in curbing the exploding population of deer.

Other commenters suggested various regulatory changes to the NYSDEC hunting program/season. (13)

Many of these commenters think that the draft EA was written by the NYSDEC. This EA is a product of APHIS WS as only federal agencies fall under the purview of the NEPA. Hunting regulations and seasons are strictly and solely under the authority of the NYSDEC. Therefore, WS did not consider an alternative implementing changes to these regulations as WS has no authority to do so. Comments regarding the New York deer hunting season/regulations are outside of the scope of this EA.

30. The environmental assessment by the USDA APHIS Wildlife Services correctly analyses the problems and sets forth a reasonable plan for remedial action.

Help from the WS is needed. I support Alternative #1. (12)

Wildlife Services appreciates the support for the EA and one of the alternatives. The EA discussed the impacts of the alternatives to the relevant issues in section 4.1.

31. I am writing to urge you to please look into the humane methods to control the population of deer. These methods include birth control, sterilization, habitat modification, fencing and public education. (179)

An additional 86 comments stated support only for some type of birth control, sterilization, or trap-neuter-release program.

Fertility control, habitat modification, and fencing are considered non-lethal methods. Wildlife Services did not analyze in detail a non-lethal only alternative for reasons stated in section 3.2.2 of the EA. However, these methods were considered as part of Alternatives #1 and #2 in section 3.1 and Appendix B. Wildlife Services thinks that the effectiveness and humaneness of fertility control were adequately evaluated and addressed in sections 1.2.7, 4.1.1, 4.1.5, and Appendix B of the EA.

32. Use only non-lethal methods to maintain the deer population. (234)

Don't use lethal population control methods for deer. (104)

While the 104 commenters opposing lethal population control didn't provide a suggested alternative, we will respond to these two comments jointly as similar parts of the EA address both of these topics. Wildlife Services did consider a non-lethal only option, but not in detail due to the reasons stated in section 3.2.2 of the EA. While no lethal methods by WS would be considered under Alternatives #2 and #3 (sections 3.1.2 and 3.1.3, respectively), this would not preclude private entities or property owners from utilizing lethal methods. The alternatives were compared to each other on the relevant issues in chapter 4 of the EA.

33. I'm commenting in support of Alternative #3. (63)

Wildlife Services appreciates the support for one of the alternatives. The EA discussed the impacts of this alternative to the relevant issues in section 4.1.

34. USDA should require municipalities and property owners to exhaust non-lethal management methods prior to engaging in lethal wildlife management. (13)

Wildlife Services did consider this alternative, but not in detail due to the reasons stated in section 3.2.1 of the EA.

35. I think NY should institute a statewide program that would put hunters in touch with willing land owners who would allow them access to hunt their lands. (5)

Wildlife Services does not have the authority to grant hunter access to any property where such activity is prohibited. Therefore, this request falls outside of the scope of this EA.

36. Fencing is what should be used. (3)

Fencing is considered a non-lethal method. Wildlife Services did not analyze in detail a non-lethal only alternative for reasons stated in section 3.2.2 of the EA. However, this method was considered as part of Alternatives #1 and #2 in section 3.1 and Appendix B. The alternatives were compared to each other on the relevant issues in chapter 4 of the EA.

37. It would be a waste of tax dollar money to implement a sterilization program that has been proven to be too lengthy of a process and not effective. (2)

The EA discusses and acknowledges the issues surrounding fertility control and sterilization in section 1.2.7 and Appendix B. However, WS feels it is important and responsible to consider all available and legal options in Alternatives #1 and #2 so that communities and property owners can make the best decision to resolve deer damage in their specific locale.

38. I support the culling of herds as it is practiced in other communities who have had to deal with excessive deer populations. (1)

Alternative #1 includes culling as part of the integrated management approach, while Alternative #2 includes the option for WS to recommend culling by another organization. The EA discussed the impacts of the alternatives to the relevant issues in section 4.1.

39. I am strongly opposed to supplemental feeding, chemicals (including immobilizing drugs, euthanasia chemicals and reproductive inhibitors), sterilization or live capture and euthanasia. (1)

While these methods are considered in Alternatives #1 and #2, the EA considered an option where WS would not conduct or recommend any of these methods (Alternative #3). However, this does not preclude other organizations/communities from conducting these methods on their own. Additionally, WS does not have the authority to prohibit any such activities.

40. New York City should enforce, enact, or encourage residential codes about securing garbage, fencing and “deer-proofing” gardens, using non-palatable ornamental plants, and refraining from feeding the deer. (2)

While WS does not have statutory authority to enact or enforce regulations pertaining to deer management, WS does regularly provide such advice. Therefore, these options were included in Alternatives #1 and #2 as described in sections 3.1.1 and 3.1.2.

41. Please consider building wildlife crossings over the roads so the deer and other wildlife can pass safely. (2)

Road construction falls under the jurisdiction of local, state, and other federal agencies; therefore, this recommendation is outside the scope of this EA as WS has no authority to influence road construction.

42. Education is key for residents who share the landscape with deer. (1)

Wildlife Services agrees as indicated on page 46 of the EA where it states “Education is an important element of activities because wildlife damage management is about finding compromise and coexistence between the needs of people and needs of wildlife.” The component of *Educational Efforts* is further described under Alternative #1, section 3.1.1.

43. Wildlife Services should clarify in what circumstances “lasers” would be used for deer management. (1)

Wildlife Services appreciates the comment. The reference to lasers was a misprint in the EA. The reference has been removed. Thank you.

44. This document seems to state that no taxpayer dollars will be used to control the whitetail deer populations. I want my tax dollars to be used in the preservation of our precious biodiversity. (1)

NYC & NY State need to stop using taxpayer dollars for killing wildlife. (1)

Section 2.3.4 of the EA discusses deer damage management by WS as it relates to tax dollars and funding sources. Federally appropriated funds and cooperative funds are used to fund the WS’ program, including field activities, employees’ salaries, travel, supplies, and equipment. Activities conducted for the management of damage and threats to human safety from white-tailed deer would be funded through cooperative service agreements with individual property owners or managers.

45. I believe that only the biological carrying capacity of the habitat should be considered when determining the desirable size of the population. (1)

On page 3 of the EA, it states “when addressing damage or threats of damage caused by wildlife, wildlife damage management professionals must consider not only the needs of those directly affected by wildlife damage but a range of environmental, sociocultural, and economic considerations as well.” The EA further explains on page 3 why both biological and cultural carrying capacities must be considered.

46. If the USDA WS are going to perform sterilization through Gonacon vaccinations, they are assuring the hunting community, that their actions are to spite those hunters looking to utilize the resource for food. (1)

Section 4.1.3 of the EA addresses the threats to human safety from the use of GonaCon™. The EA states that GonaCon™ and the antibodies produced in response to the vaccine are amino acid proteins that if consumed would be broken down by stomach acids and enzymes, posing no risks to human safety. Additionally, during the development of this EA, GonaCon™ was not registered for use in New York; therefore, GonaCon™ would not be available for use within the state. However, this product could be registered for use in New York and would be administered by NYSDEC or persons working under their authority (see page 77 of the EA).

47. Since USDA Wildlife Services is potentially profiting from the wildlife management and extermination contracts they are entering in with communities, they should be barred from issuing this Environmental Assessment recommending lethal methods. (6)

Wildlife Services does not enter into extermination contracts. A minimal federal appropriation is allotted for the maintenance of a WS program in New York. The remainder of the WS program is mostly fee based (see section 2.3.4 in the EA). Additionally, the NEPA is a requirement for all federal programs, including WS. The NEPA mandates that WS must consider reasonable alternatives as part of the planning process. Wildlife Services considers Alternatives #1 and #2 to be reasonable responses. Therefore, issuance of this EA is in compliance with the NEPA.

48. If WS is serious about preferring non-lethal over lethal, it should fund at least some management programs in which does are surgically sterilized. (1)

The purpose of the EA is to resolve deer damage and threats to airports, private property, agricultural resources, natural resources, and human health and safety. Requiring a landowner or manager to implement sterilization methods before lethal methods may not resolve the deer damage. Moreover, the state has management authority over deer and would make determinations based on state law and regulations about requirements landowners and managers must abide to manage deer.

49. Controlling deer through yearly culls has proved ineffective. The deer populations always rebound. (16)

Other commenters mentioned that deer populations will rebound or increase via compensatory reproduction.

The effectiveness of deer damage management is addressed on page 30 of the EA. Wildlife Services disagrees with the commenter for the reasons outlined in the EA, to include: (1) the most effective approach to resolving any wildlife damage problem would be to use an adaptive integrated approach, which may call for the use of several management methods simultaneously or sequentially, and (2) the ability of an animal population to sustain a certain

level of removal and to eventually return to pre-management levels does not mean individual management actions were unsuccessful, but that periodic management may be necessary.

50. Killing programs are highly controversial, difficult to execute, and ineffective in the long term. (2)

Wildlife Services' deer damage management programs are not killing programs. The EA outlines various non-lethal methods and technical assistance programs used by WS. Wildlife Services recognizes that lethal management methods are controversial for some people. Although there is some opposition to deer damage management, this action is not highly controversial in terms of size, nature, or effect. This issue is addressed in section 4.1.4 of the EA. The effectiveness of deer damage management is addressed on page 30 of the EA. Wildlife Services feels that these issues were adequately evaluated in the EA.

51. Sterilization and birth control of deer or any wildlife is uncertain, inefficient and unnatural. (1)

The concerns and limitations of fertility control are discussed numerous times throughout the EA (see section 1.2.7 and Appendix B). Wildlife Services thinks this issue was adequately evaluated in the EA.

52. The USDA-WS Environmental Assessment on White-tailed Deer Management in New York is woefully inadequate in terms of 1) providing a protocol for assessing the scope and nature of deer-human conflicts and 2) describing the range of non-lethal methods available for resolving such conflicts. (1)

Section 1.3 of the EA describes in detail the scope of the public involvement process and development of issues and alternatives. Specifically, it addresses the analyzed actions, actions taken on government and private lands, the site specificity, and the public involvement process. Appendix B summarizes the range of all methods available for deer damage management. Wildlife Services thinks the EA adequately summarized the development of the scope and available methods.

53. The document relies too heavily on lethal methods as a method of first resort and does so without providing consideration for non-lethal solutions. (1)

In section 3.1.1, describing Alternative #1, the EA states "Preference would be given to non-lethal methods when practical and effective under this alternative (see WS Directive 2.101)."