

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT: MANAGING DAMAGE TO RESOURCES AND
THREATS TO HUMAN HEALTH AND SAFETY CAUSED BY WATERFOWL 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 the protection of agricultural resources, natural resources, property, and public health and safety from damage and risks associated with waterfowl in Virginia (USDA 2018). 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 March 21 to April 20, 2018 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 this EA on the program website. One comment was received but contained no substantive suggestions. All correspondence on the EA is maintained at the WS State Office, USDA APHIS Wildlife Services, P.O. Box 130, Moseley, VA 23120.

ISSUES ASSOCIATED WITH WATERFOWL DAMAGE MANAGEMENT ACTIVITIES

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

- Effects of Damage Management Activities on Target Waterfowl Populations and Regulated Harvest
- Effects of Damage Management Activities on Non-target Animals, Including Threatened and Endangered Species
- Effects of Damage Management Activities on Human Health and Safety
- Humaneness and Animal Welfare Concerns
- Effects of Damage Management Activities on the Aesthetic Values of Waterfowl

AFFECTED ENVIRONMENT

Waterfowl damage or threats of damage can occur statewide wherever those species occur. However, waterfowl 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, Commonwealth, 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; public and private properties in rural/urban/suburban areas where waterfowl cause damage to agriculture, natural resources, and property, and threaten human health and safety. The areas could also include airports and military airbases where waterfowl 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 (USDA 2018). A detailed discussion of the effects of the alternatives on the issues is described in the EA under Chapter 3; below is a summary of the alternatives.

Alternative 1: WS Would Continue to Address Waterfowl Damage through an Adaptive Integrated Approach (Proposed Action / No Action Alternative)

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, to reduce damage and threats associated with waterfowl. Under this alternative, WS could respond to requests for assistance for managing damage and threats associated with waterfowl by: 1) taking no action, if warranted, 2) providing technical assistance to property owners or managers on actions they could take to reduce damage or threats of damage, or 3) providing technical assistance and direct operational assistance to a property owner or manager experiencing damage or threats of damage. Those persons receiving technical assistance could 1) take no action, 2) choose to implement WS' recommendations on their own, 3) use the services of a private nuisance wildlife control agent, 4) use volunteer services of private individuals or organizations (e.g., hunters), 5) use the services of local law enforcement or animal control authorities (in the case of free-ranging domestic and feral waterfowl) or 6) use the services of WS (direct operational assistance) when available. Direct operational assistance would only be conducted by WS after a memorandum of understanding, cooperative service agreement, or other comparable document listing all the methods the property owner or manager will allow to be used on property they own and/or manage was signed by WS and those requesting assistance.

The most effective approach to resolving any animal damage problem is to use an adaptive integrated approach that may call for the use of several methods simultaneously or sequentially. This approach is used by WS for providing both technical and direct operational assistance. The integrated approach may incorporate both non-lethal and lethal methods depending upon the circumstances of the specific damage problem. Non-lethal methods disperse or otherwise make an area where the damage is occurring unattractive or unavailable to the species causing the damage, thereby reducing the presence of those species in the area. Non-lethal methods would be given priority when addressing requests for assistance (WS Directive 2.101). However, non-lethal methods would not necessarily be employed to resolve every request for assistance if deemed inappropriate by WS' personnel using the WS Decision Model. For example, if those requesting assistance have already used non-lethal methods, WS would not likely recommend or continue to employ those particular methods because their use has already been proven ineffective in adequately resolving the damage or threat. When effective, non-lethal methods would disperse waterfowl from the area resulting in a reduction in the presence of those birds at the site.

Lethal methods remove individuals or active nests (nests with eggs or chicks present) of the species causing the damage, thereby reducing the presence of those species in the area and the local population. Lethal methods are often employed or recommended to reinforce non-lethal methods and to remove waterfowl that have been identified as causing damage or posing a threat of damage as part of an integrated approach. The number of birds or active nests 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 individual birds or active nests involved with the associated damage or threat, and the efficacy of methods employed. Under this alternative, WS may recommend individual birds or active nests be lethally removed in an attempt to reduce the number of birds causing damage.

Depredation Permits

Lethal take of individual birds or active nests can occur either: without a permit (if those species are non-native), during hunting seasons, under depredation orders, under conservation orders or through the issuance of depredation permits by the US Fish and Wildlife Service (USFWS). Currently, as part of the application process, the USFWS requires that permittees contact WS to obtain a recommendation (technical assistance) for how to address the wildlife damage problem. Under the proposed action, WS would evaluate the situation and then issue a recommendation that describes the damage, species involved, number of individual birds involved, previous actions taken to address the problem and recommendations for how to address the problem. Recommendations could include non-lethal actions and when appropriate, the recommendation that USFWS issue a depredation permit for lethal actions. However, the USFWS requires that available non-lethal actions are used where possible and practical and shown ineffective prior to issuing a permit for lethal actions. USFWS also requires permittees continue long-term non-lethal actions to eliminate or reduce the need for permitted lethal removal. USFWS then reviews the application completed by the property owner or manager and the recommendation issued by WS and makes a determination to issue or not issue a depredation permit. Upon a receipt of a depredation permit, the property owner or manager or an appropriate designated sub-permittee may then commence the authorized activities. Permittees must submit a written report of their activities upon expiration of the permit. Permits may be renewed annually as needed to resolve continuing damage or threats of damage.

Alternative 2: WS Would Address Waterfowl Damage by Providing Technical Assistance and Non-lethal Direct Operational Assistance

Under this alternative, WS could continue to provide those persons requesting assistance with managing damage and threats associated with waterfowl with technical assistance as described in Alternative 1 (WS could recommend both non-lethal and lethal techniques in an adaptive integrated approach). Additionally, WS could provide direct operational assistance, but would only utilize non-lethal techniques. When the circumstances of a specific damage problem called for the use of lethal methods, WS could recommend those persons requesting assistance: 1) implement lethal methods on their own, 2) use the services of a private nuisance wildlife control agent, 3) use volunteer services of private individuals or organizations (e.g., hunters), or 4) use the services of local law enforcement or animal control authorities (in the case of free-ranging domestic and feral waterfowl). WS would not provide direct operational assistance utilizing lethal techniques.

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

Alternative 3: WS Would Not Address Waterfowl Damage

Under this alternative, WS would not conduct technical or direct operational assistance to reduce threats or alleviate damage associated with waterfowl. WS would not be involved with any aspect of managing damage associated with waterfowl. All requests for assistance received by WS to resolve damage caused by waterfowl would be referred to the USFWS, Virginia Department of Game and Inland Fisheries (VDGIF), the Virginia Department of Agriculture and Consumer Services (VDACS), local law enforcement or animal control authorities and/or private entities. This alternative would not prevent other federal, Commonwealth, and/or local agencies, including private entities from conducting damage management activities directed at alleviating damage and threats associated with waterfowl.

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

CONSISTENCY

Wildlife damage management activities are consistent with work plans, MOU's, and policies of WS, the VDGIF, the VDACS, and the USFWS. WS reviewed the list of T&E species in Virginia as determined by the USFWS and the VDGIF. Based on that review during the development of the EA, WS determined that activities conducted pursuant to the proposed action would have no effect on any federally or state listed T&E species.

MONITORING

The WS program will annually review its effects on target waterfowl 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 waterfowl by WS would not have significant impacts on statewide waterfowl 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 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 under Alternative 2 and when no assistance was provided under Alternative 3. However, under all of the alternatives, those risks would not occur 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 waterfowl 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 Environmental Impact Statement (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) waterfowl 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 issue of humaneness when all facets of that issue 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 as described in the EA.

Based on the analyses provided in the EA, there are no indications that the proposed action 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. Waterfowl 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 may be some opposition to waterfowl damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through the assessment. The EA analyzed cumulative effects on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. WS has determined that the proposed program would have no effect on all federally listed T&E species currently listed in the State. In addition, WS has determined that the proposed activities would have no effect on state-listed T&E 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) waterfowl damage management would only be conducted by WS at the request of landowners/managers, 2) management actions would be consistent with applicable laws, regulations, policies and orders, and 3) no significant effects to the environment were identified in the analysis. As a part of this Decision, the WS program would continue to provide effective and practical technical assistance and direct management techniques that reduce damage and threats of damage.

Willie Harris, Director-Eastern Region
USDA/APHIS/WS
Raleigh, North Carolina

May 4, 2018
Date

APPENDIX A
LITERATURE CITED

USDA (U.S. Department of Agriculture). 2018. Environmental Assessment: Managing Damage to Resources and Threats to Human Health and Safety Caused by Waterfowl in the Commonwealth of Virginia. USDA, APHIS, WS, Moseley, VA, USA.