



**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT**

FOR THE ENVIRONMENTAL ASSESSMENT

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Wildlife
Services

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**BIRD DAMAGE MANAGEMENT IN ALASKA:
Reducing Human/Bird Conflicts**

I. INTRODUCTION and BACKGROUND

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services¹ (WS) program receives and responds to requests for assistance from individuals, organizations and agencies experiencing damage and other problems related to wildlife. Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife², and is recognized as an integral part of wildlife management (The Wildlife Society 2004). In April 2010, Alaska WS released an Environmental Assessment³ (EA) entitled "*Bird Damage Management in Alaska*" to facilitate planning, interagency coordination, streamline program management, evaluate and determine if any potentially significant or cumulative impacts could occur, and to clearly communicate to the public the analysis of WS' proposed adaptive integrated bird damage management (BDM) program. The EA documented the need for adaptive BDM in Alaska and assessed potential impacts of various alternatives to reduce risks to human health and safety and respond to property damage associated with bird activities. Alaska WS proposed alternative was to "*Continue the Current AK WS Bird Damage Management Program, Non-lethal⁴ Preferred Over Lethal Control.*" Under this alternative, WS would use an Integrated Wildlife Damage Management (IWDM) approach, commonly known as Integrated Pest Management (WS Directive 2.105⁵) in which a combination of methods may be used or recommended to reduce damage, but preference would be given to nonlethal methods (WS Directive 2.101). Some of the types of bird damage that resource owners/managers seek to alleviate are: 1) hazards to aviation at airports (*i.e.*, aircraft/bird strikes), 2) human health and safety threats⁶ (*i.e.*, aircraft/bird strikes, disease risk), and 3) property damage. Details on the conflicts and benefits associated with birds in Alaska are provided in the EA.

¹ WS is a cooperatively-funded, service-oriented program that only responds to requests from public and private entities to protect resources after an Agreement for Control or other comparable document is signed by the property owner/administrator (WS Directives 3.101 and 3.110). WS assists the USFWS, FAA, USAF, ADF&G, ADOT&PF, and other agencies to resolve human-wildlife conflicts if requested and a need is established.

² WS wildlife damage management is not based on punishing offending animals but as one means of reducing damage and is used as part of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201).

³ Ordinarily individual WS damage management actions are categorically excluded and do not require an EA (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). However, to facilitate good planning and communication and to disclose the analysis of impacts, an EA was prepared.

⁴ In many situations, the implementation of non-lethal methods such as exclusion-type barriers, habitat modification, and repellents would be the responsibility of the requestor to implement.

⁵ WS Policy Manual provides guidance for WS personnel to conduct wildlife damage management through Program Directives. WS Directives referenced in this Decision document can be found at <http://www.aphis.usda.gov/ws/wsdirectives.html>.

⁶ Waterfowl may be lethally removed by WS in response to emergency human health and safety threats at airports (USFWS Depredation Permit # MB736445-0, MB-736445-2; ADFG Permit #09-060). At the current level of take by WS for any of the species included in this analysis, there is no indication of potential negative impacts to those populations (see analysis in the EA).



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WS also consulted with the U.S. Fish and Wildlife Service (USFWS) and Alaska Department of Fish and Game (ADFG) to help evaluate impacts to birds and State wildlife populations and resources, and to ensure that the proposed action is in compliance with relevant laws, regulations, policies, orders and procedures, including: 1) the Endangered Species Act (ESA) of 1973, the Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, as amended), the Migratory Bird Reform Act of 2004, and the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. Sec. 712), 2) Executive Orders (EO) 13186⁷, and 3) MOUs between USFWS and ADFG and WS. This Decision and Finding of No Significant Impact (FONSI) are based on the analysis in the EA and consultation with the USFWS and ADFG. The EA and supporting documentation⁸ are available for review at the USDA-APHIS-WS District Office, 9001 East Frontage Road, #A, Palmer, AK 99645.

II. AGENCY AUTHORITIES

Under various acts of Congress, EOs, and the Code of Federal Regulations (CFR)⁹, WS, as requested, is authorized and directed to carry out damage management programs necessary to protect the nation's resources. The USFWS is the primary federal agency responsible for conserving, protecting, and enhancing the nation's fish and wildlife, and their habitats. Some of these regulations and acts are:

- Under the Act of March 2, 1931, Public Law No. 100-202, Public Law 106-387, October 28, 2000. Stat. 1549 (Sec 767) and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 the Secretary of Agriculture may carry out damage management programs alone, or may enter into cooperative agreements with States, local jurisdictions, individuals and public and private agencies whereby they may fund and assist in carrying out such programs. The Secretary has delegated this authority to APHIS; within APHIS the authority resides with WS.
- The USFWS is the primary federal agency responsible for conserving, protecting, and enhancing the nation's fish and wildlife resources and their habitats.
- The FAA is the federal agency responsible for developing and enforcing air transportation safety regulations, and is authorized to reduce wildlife hazards at commercial and non-commercial airports¹⁰ (14CFR, Part 139.337 and Advisory Circular 150/5200-33).
- Alaska Department of Fish and Game regulates the harassment or lethal removal of game for wildlife control purposes under Alaska Statute (16.05.920 Prohibited Conduct Generally).
- Alaska Department of Transportation and Public Facilities is authorized to manage airports under Alaska Administrative Code Title 17.

⁷ Executive Order 13186 directs federal agencies to protect migratory birds and strengthen migratory bird conservation by identifying and implementing strategies that promote conservation and minimize the take of migratory birds through enhanced collaboration between WS and the USFWS, in coordination with state, tribal, and local governments. A National-level MOU between the USFWS and WS is being developed to facilitate the implementation of Executive Order 13186.

⁸ The EA incorporates by reference information in the WS programmatic Environmental Impact Statement (EIS) (USDA 1997). Copies of the EIS are available from the USDA/APHIS/WS, Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737-1234.

⁹ A more complete list of the more pertinent Acts and EOs is listed in the EA.

¹⁰ The FAA is empowered to issue airport operation certificates to airports serving air carriers, and to establish minimum safety standards for the operation of airports. Some of these regulations and policies directly involve the management of wildlife and wildlife hazards on and/or near airports (FAR 139.337).

- The Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711; 40 Stat. 755), as amended, provides the USFWS regulatory authority to protect species of birds that migrate outside the United States. The law prohibits any "take" of these species by private entities, except as permitted by the USFWS; therefore the USFWS issues permits for reducing bird damage (50 CFR 21.41).
- EO 13186 directs federal agencies to protect migratory birds and strengthen migratory bird conservation by identifying and implementing strategies that promote conservation and minimize the take of migratory birds through enhanced collaboration between WS and the USFWS, in coordination with state, tribal, and local governments.

III. AFFECTED ENVIRONMENTS

Alaska contains approximately 373 million acres, 63% (237.8 million acres) of which is owned by the Federal government, while 24.1% (89.8 million acres) is owned by the State of Alaska, and 12.1% (45.2 million acres) is privately owned including land held by Native Corporations. Land in private, non-Native Corporation ownership totals less than 1% of Alaska. These are areas where people live, work, shop, and recreate, and where there is a chance that human-wildlife conflicts may occur (Alaska Department of Natural Resources 2006). WS' mission is to alleviate conflicts between humans and wildlife, so areas of Alaska that are not occupied by humans are not likely candidates for WS BDM¹¹. Some of these areas are:

- **Airports.** Collisions between aircraft and wildlife are a concern throughout the world because they threaten passenger safety (Thorpe 1996), result in lost revenue and costly repairs to aircraft (Linnell et al. 1996, 1999), and can erode public confidence in the airport transportation industry as a whole (Conover et al. 1995). Birds as a group represents the largest segment of wildlife populations that present hazards to aircraft, and therefore are considered a serious threat to human safety when found on or near airports (FAA National Wildlife Strike Database, wildlife.pr.erau.edu/public/index1.html).
- **Urban and Suburban Areas.** Public and private properties in urban/suburban areas may also be affected when birds cause damage to and property or affect human health and safety.

IV. ISSUES ANALYZED IN THE EA

The following issues were identified as important to the scope of the analysis (40 CFR 1508.25) and each of the alternatives was evaluated relative to its impacts on these issues.

- Effect of methods on non-target and ESA-listed species.
- Effect of methods on populations of target species.
- Humaneness of methods.
- Effectiveness of BDM Program in Alaska.

V. ALTERNATIVES ANALYZED IN DETAIL

The following alternatives were developed to analyze and respond to the issues analyzed in detail. An analysis of the effects of each Alternative on the issues is discussed in the EA. All Alaska WS management actions comply with appropriate federal, state, and local laws, and Appendix B of the EA provides a description of the methods that could be used or recommended by WS.

¹¹ Permits will be issued by USFWS prior to any WS human/bird conflict reduction actions on bird species protected by the MBTA or actions would be compliant with a DO, as appropriate.

Alternative 1 - Continue the Current AK WS Bird Damage Management Program, Non-lethal Preferred Over Lethal Control (No Action/Proposed Alternative).

This alternative was used as the baseline for comparison with the other alternatives. Alternative 1 was also the "No Action" Alternative, is a procedural NEPA requirement (40 CFR 1502.14(d)), and a viable and reasonable alternative that could be selected.

This alternative consists of the current program of adaptive Technical Assistance (TA) and operational BDM on federal, state, county, city, and private lands under Cooperative Agreement, Agreement for Control, or other comparable documents. When determining the damage management strategy, preference is given to practical and effective non-lethal methods (WS Directive 2.101). In general terms, IWDM is comprised of practical and effective methods to resolve a particular wildlife problem. Methods would be implemented at the field level according to WS Directive 2.101, 2.105, and through the WS Decision Model (Slate et al. 1992), and guided by permits, laws and regulations, and consultations. WS BDM activities are coordinated, when appropriate, with the USFWS and ADFG to avoid adverse effects.

Alternative 2 – Implement All Non-lethal Methods Before Using Lethal Methods

Alternative 2 required that all non-lethal methods be implemented regardless of practicality or effectiveness before any lethal methods could be used by WS. With this alternative, WS would be required to implement the entirety of non-lethal methods prior to implementing lethal methods. The APHIS-WS Decision Model (Slate et al. 1992) would not fully apply to this approach for resolving bird damage.

This alternative differs from Alternative 1 in that it would require Alaska WS to use every non-lethal method and find them to be inadequate/ineffective for each damage situation before lethal methods could be implemented. Even if lethal removal may appear to be warranted (*e.g.*, resolving an immediate life-threatening situation), it must be delayed until all nonlethal methods, including those that could be considered impractical or ineffective, are implemented before lethal actions are used.

Alternative 3 - Technical Assistance BDM Program Only

WS would not conduct operational BDM activities in Alaska. If requested, WS would offer TA. Alternative 3 is a modification of Alternative 1 (Non-lethal Preferred), wherein no operational BDM would be provided by WS. However, WS could recommend operational BDM, but it would be implemented by the affected agency or resource owner (*e.g.*, home or business owner).

Alternative 4 - No WS BDM Program

This alternative would terminate WS' role in BDM in Alaska. Affected agency and resource owners would need to contact other wildlife management agencies or would be left to their own devices to stop/reduce damage caused by birds.

VI. ALTERNATIVES ELIMINATED FROM FURTHER CONSIDERATION

The following alternatives were evaluated and eliminated from further consideration.

- Lethal Methods Only Alternative
- Eradication of Native Bird Species
- Wildlife Damage Should Be an Accepted Loss

VII. MONITORING

The Alaska WS program will monitor its actions relative to each issue analyzed in detail in the EA. This evaluation will include annual reporting to the USFWS and ADFG, as appropriate, the WS take of all species to help ensure no adverse impact to their viability, including T&E species and any incident of public safety. USFWS and ADFG expertise will be used to determine adverse impacts, as appropriate.

VIII. PUBLIC INVOLVEMENT

As part of WS NEPA process, and as required by CEQ and APHIS-NEPA implementing regulations, issues related to the proposed action were initially developed and analyzed by WS and the consulting agencies. As part of WS' environmental analysis process, and as required by CEQ (1981) and APHIS-NEPA implementing regulations, the EA was made available to the public through "Notices of Availability" (NOA) published in the *Anchorage Daily News*, through direct mailings to 28 parties that have requested to be notified, and a NOA and the EA were posted on the APHIS website at <http://www.aphis.usda.gov/regulations/pdfs/nepa/PUBLIC%20REVIEW%20Alaska%20Bird%20EA.pdf>. Following the 30-day public review and comment period, WS did not receive any comment letters on the EA.

IX. DECISION and RATIONALE

I have carefully reviewed the EA and the input resulting from WS NEPA process. I believe the issues identified in the EA are best addressed by selecting Alternative 1, "*Continue the Current AK WS Bird Damage Management Program, Non-lethal Preferred Over Lethal Control (No Action/Proposed Alternative)*" and applying the associated standard operating procedures and minimization measures discussed in Chapter 3 of the EA. Alternative 1 provides: 1) the best range of practical and effective damage management methods, 2) has low impacts on target and non-target species, 3) provides safeguards for public safety, 4) allows WS to meet its obligations to the USFWS and ADFG and residents of Alaska, 5) addresses the issues, and 6) allows for WS' congressionally directed role to protect the Nation's agricultural and other resources.

Alternative 1 also provides a mix of technical and operational assistance, and non-lethal and lethal methods. While Alternative 1 does not require non-lethal methods to be used in every situation, WS will continue to consider the use of nonlethal methods and provide information, and encourage the use of practical and effective non-lethal methods, when appropriate (WS Directive 2.101). As a part of this Decision, the Alaska WS program will provide information to requesters on biological and non-lethal management techniques that could reduce damage. I have also adopted the EA as final because no comments from the public were received to change the analysis.

FINDING OF NO SIGNIFICANT IMPACT

The EA indicates that there will not be significant impacts, individually or cumulatively, on the quality of the human environment because of the proposed action, and that these actions do not constitute a major federal action. I agree with this conclusion and therefore determine that an EIS will not be necessary or prepared. This determination is based on the following factors:

1. Bird damage management, as conducted in Alaska is not regional or national in scope.
2. The proposed action will not adversely affect public health and safety.

3. The effects on the quality of the human environment are not highly controversial. Although there may be some opposition to government-sponsored damage management, this action in Alaska is not controversial in relation to size, nature or effects.
4. Standard operating procedures adopted as part of the proposed action lessen risks to the public, prevent adverse effects on the human environment and reduce uncertainty and risks.
5. The proposed action does not establish precedence for future actions with significant effects. This action would not set precedent for additional WS damage management that may be implemented or planned in Alaska.
6. The number of animals taken annually is very small in comparison to total populations. Adverse effects on wildlife or wildlife habitats are minimal.
7. Bird damage management would not affect park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas. The proposed action also does not affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places, nor would it cause a loss or destruction of significant scientific, cultural, or historical resources.
8. An evaluation of the proposed action and its effects on State and federally listed T/E species determined that no significant adverse effects would be created for these species. The proposed action complies fully with the Endangered Species Act of 1973, as amended. Consultations with the USFWS and the ADFG regarding potential risks to T/E species have been conducted and these agencies' input was used to develop standard operating procedures for the proposed action.
9. This action would be in compliance with federal, State and local laws or requirements for damage management and environmental protection.
10. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the analysis area.

For additional information regarding this decision, please contact USDA-APHIS-WS Alaska District Office, 9001 East Frontage Road, #A, Palmer, AK 99645, or telephone @ (907) 745-0871

Jeffrey S. Green
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6/15/10
Date

LITERATURE CITED

- Alaska Department of Natural Resources. 2006. Who Owns/Manages Alaska? Online. http://forestry.alaska.gov/pdfs/07who_owns_alaska_poster.pdf
- CEQ. 1981. Forty most asked questions concerning CEQ's National Environmental Policy Act regulations. (40 CFR 1500-1508) Fed. Reg. 46(55):18026-18038.
- Conover, M.R., W.C. Pitt, K.K. Kessler, T.J. Dubow, and W.A. Sanborn. 1995. Review of human injuries, illnesses and economic-based losses caused by wildlife in the United States. *Wildlife Society Bulletin* 23:407-414.
- Linnell, M.A., M.R. Conover, and T.J. Ohashi. 1996. Analysis of bird strikes at a tropical airport. *J. Wildl. Manage.* 60: 935-945.
- Linnell, M.A., M.R. Conover, and T.J. Ohashi. 1999. Biases in bird strike statistics based on pilot reports. *J. Wildl. Manage.* 63:997-1003.
- 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.
- The Wildlife Society. 2004. TWS Position statement on wildlife damage management. The Wildlife Society, Bethesda, Md. 1 pp.
- Thorpe, J. 1996. Fatalities and destroyed civil aircraft due to bird strikes, 1912-1995. *Proc. Internat. Bird Strike Conf.* 23: 17-31.
- USDA. 1997, revised. Animal damage control program, final environmental impact statement. USDA, APHIS, ADC Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.