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Agriculture

Marketing and
Regulatory
Programs

Animal and
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Inspection
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**FINDING OF NO SIGNIFICANT IMPACT
and
DECISION
for
BIRD DAMAGE MANAGEMENT
IN THE IDAHO WILDLIFE SERVICES PROGRAM**

MAY 2006

I. INTRODUCTION

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) prepared an Environmental Assessment (EA) in 1998 (USDA 1998) which addressed the need to conduct Bird Damage Management (BDM) and analyzed potential impacts of various alternatives for responding to bird damage problems in Idaho. The EA analyzed bird damage management for: 1) the protection of agricultural and natural resources, aquaculture and property, 2) public health and safety, and 3) bird caused nuisances. WS generally uses an adaptive Integrated Wildlife Damage Management approach in which a combination of methods may be used or recommended to reduce damage. WS provides BDM services only upon request from individuals, businesses, or resource management agencies experiencing problems with birds.

The 1998 EA was prepared to: 1) facilitate planning and interagency coordination, 2) streamline program management, 3) evaluate and determine if there might be any potentially significant impacts to the quality of the human environment from WS' planned and proposed BDM program, and 4) clearly communicate to the public the analysis of cumulative impacts. The analysis in the 1998 EA determined that: 1) an environmental impact statement was not required for WS' BDM activities in Idaho, and 2) WS' actions comply with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (40 CFR 1500) and APHIS NEPA implementing regulations (7 CFR 372). This Finding of No Significant Impact (FONSI) and Decision is based on the analysis in the 1998 EA, as amended. All Idaho WS BDM is conducted consistent with: 1) the Endangered Species Act of 1973, including a consultation with the U.S. Fish and Wildlife Service (USFWS), 2) Executive Order 13186¹, and 3) Federal, State and local laws, regulations and policies.

II. MONITORING

A FONSI/Decision was issued on December 18, 1998. The Decision selected Alternative 1 (the Proposed Action), which continued the Current Federal BDM Program in Idaho. A Monitoring Report was completed on March 27, 2000 which analyzed data from Fiscal Year (FY) 1998 (Oct. 1, 1997-Sept. 30, 1998) and FY 1999 (Oct. 1, 1998-Sept. 30, 1999) (USDA 2000). The FY 1998-1999 Monitoring Report concluded that a revision of the EA was not necessary and that the 1998 Decision remained valid since the affected environment and impacts remained essentially unchanged from the analyses in the EA.

¹ 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.



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In March 2002, a Monitoring Report (FY 2000 and 2001) (USDA 2002) was completed which determined that the total number of ring-billed (*Larus delawarensis*) and California gulls (*L. californicus*), and American robins (*Turdus migratorius*) removed by WS exceeded the number analyzed in the 1998 EA. An Amendment to the 1998 EA was prepared to further assess the effects of WS' BDM activities to ring-billed and California gulls, and American robin populations and to consider the potential use of methyl anthranilate and laser lights as non-lethal damage management methods. A FONSI/ Decision was issued on January 24, 2003. The selected alternative was to continue the current Federal BDM program, as amended, in Idaho.

Monitoring Reports for FY 2002 (USDA 2003), 2003 (USDA 2004) and 2004 (USDA 2005) were completed on February 25, 2003, January 8, 2004 and January 21, 2005, respectively. It was determined from each Monitoring Report that a revision of the EA, as amended, was not necessary and that the January 24, 2003 FONSI/ Decision remained valid since the affected environment and impacts remained essentially unchanged from the analyses in the EA, as amended.

In February 2006, a Monitoring Report for FY 2005 and a 2006 Amendment to the EA were prepared (USDA 2006). The Monitoring Report and Amendment are two separate analyses, however they were combined into a single record to simplify WS' environmental processes and reduce the volume of paper. The purpose of the 2006 Amendment was to reassess the effects of WS' BDM activities on American crow (*Corvus brachyrhynchos*) populations because implementation of lethal crow damage management was not analyzed in detail in the 1998 EA, as amended, since WS had not conducted lethal control activities on crows prior to 1998.

III. MAJOR ISSUES

The entire State of Idaho was selected as the scope of analysis for the 1998 EA because of the authorities of the various management agencies, the species involved, and their legal status². Cooperating agencies helped identify a variety of issues relevant to the scope of the 1998 EA. These issues were grouped into the following five primary issues analyzed in detail:

- Cumulative effects of WS BDM on target bird species populations.
- Effects of WS BDM on non-target species populations, including threatened/endangered species.
- Risks posed by WS BDM methods to the public and domestic pets.
- Efficacy and selectivity of WS BDM methods.
- Benefit-cost analysis of starling damage management at feedlots and dairies.

IV. AGENCY AUTHORITIES

WS is the federal agency directed by law and authorized by Congress to reduce damage to agricultural and natural resources, property and to resolve public health or safety concerns caused by wildlife. The primary statutory authorities for the APHIS-WS program are the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c).

Under the Act of March 2, 1931, and 7 U.S.C. §426c, APHIS may carry out wildlife damage management programs, or 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. WS activities are conducted at the request of and in cooperation with other Federal, state, and local agencies, private organizations, and individuals. Accordingly, WS' authorities support and authorize its mission of providing Federal leadership and expertise to reduce problems caused by injurious and/or nuisance wildlife.

² It has been determined in other WS Programs that a comprehensive EA provides a more usable working tool for coordination with cooperating agencies and promotes consistency in activities by WS.

The USFWS is the primary Federal agency responsible for conserving, protecting, and enhancing the Nation's fish and wildlife resources and their habitats. These responsibilities are shared with other Federal, state, tribal, and local entities; however, the USFWS has specific responsibilities for threatened and endangered (T/E) species, migratory birds, inter-jurisdictional fish, and certain marine mammals, as well as for lands and waters they administer for the management and protection of these resources. The USFWS regulates the taking of migratory birds under the Migratory Bird Treaty Act (MBTA), the Migratory Bird Reform Act of 2004, and the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. Sec. 712). The Acts authorize and direct the Secretary of the Interior to allow hunting, taking, and killing of migratory birds subject to the provisions of, and to carry out the purposes of, the four migratory bird treaties.

V. ALTERNATIVES ANALYZED IN DETAIL

Four alternatives were developed and analyzed in the EA in relation to the major issues identified above. Three additional alternatives were considered but not analyzed in detail. A thorough discussion of the anticipated effects of the alternatives in relation to the issues is described in Chapter 4 of the EA, as amended. The following summary provides a brief description of each alternative and its anticipated impacts.

Alternative 1. Continue the Current Federal BDM Program (No Action/Proposed Action). The No Action/Proposed Action is to continue the current Idaho WS BDM program for the protection of agricultural and natural resources, aquaculture, property; public health and safety; and bird nuisances. WS would respond to all requests for assistance with, at a minimum, technical assistance, or, where appropriate and when cooperative funding is available, direct operational assistance, whereby WS personnel conduct damage management actions. An integrated wildlife damage management approach would be implemented allowing for use of all non-lethal and lethal methods, either singly or in combination, to meet the requester's needs for reducing or stopping damage or other related problems. Alternative 1 results in a low level of impact on bird populations, presents very low risks to the public, T/E and non-target species, and is cost-effective. Methods used are selective and effective.

Alternative 2. Non-lethal Damage Management Required Before Lethal. This alternative would not allow for the use of lethal methods by WS until non-lethal methods have been used in a given damage situation and found to be ineffective or inadequate. No preventive lethal damage management would be allowed. Alternative 2 may result in the removal of fewer target individuals than in Alternative 1, however, levels of damage caused by birds and risks to the public³ and illegal toxicant use by non-WS entities would probably be higher. Selectivity of methods used would be similar to Alternative 1, however, costs to conduct BDM would increase because of the additional time WS would have to invest to conduct, supervise and/or monitor non-lethal damage management methods and results.

Alternative 3. Technical Assistance Only. Alternative 0\3 would not allow for WS direct operational BDM in Idaho. WS would only provide technical assistance and make recommendations when requested. Agricultural producers, property owners, agency personnel, or others could conduct BDM using legally available lethal or non-lethal methods. DRC-1339 and alpha-chloralose would not be available for use by the public or other government agencies. Bird damage would likely increase, particularly starling and blackbird damage at feedlots and dairies, without the option of using DRC-1339. Agricultural producers' inability to legally and effectively reduce bird damage could lead some producers to consider use of toxicants which are not currently registered for BDM or as selective as DRC-1339. This could potentially result in increased risks and impacts to non-target wildlife, including T/E species, and to the public and pets. Costs to WS would probably be lower than the Proposed Action because the number of WS personnel needed to conduct BDM would be reduced to only those needed to provide technical assistance.

³ Risks to the public and domestic pets from WS methods would probably be the same as Alternative 1 once the "nonlethal before lethal requirement" is met.

Alternative 4. No Federal WS BDM. This alternative would eliminate WS' involvement in BDM in Idaho. WS would not provide direct operational or technical assistance and people who might otherwise request assistance from WS would have to conduct their own BDM without WS input or recommendations. Information on BDM methods development might still be available to producers and property owners from sources other than WS. DRC-1339 and alpha-chloralose would not be available for use by the public or other government agencies. Bird damage would likely increase, particularly starling and blackbird damage at feedlots and dairies, without the option of using DRC-1339. WS would not have any impact on target, non-target or T/E species populations. It is possible that frustration from the public caused by the inability to effectively reduce bird losses could lead to illegal use of toxicants, increasing risks to T/E species, non-target wildlife, pets, and the public and decreasing selectivity for target birds.

VI. PUBLIC INVOLVEMENT

As part of a review and comment process, the 2006 Amendment was made available to the public through a "Notice of Availability" published for three consecutive days, starting March 6, 2006 in the "Legal Notice" sections of The Idaho Statesman, Boise; The Times News, Twin Falls; Idaho State Journal, Pocatello; Post Register, Idaho Falls; Lewiston Tribune, Lewiston; and Coeur d' Alene Press, Coeur d' Alene. The Notice of Availability stated that WS was accepting public comments for a 30-day period and copies of the 1998 EA, as amended, the most current Monitoring Report, and the 2006 Amendment could be obtained from the USDA-APHIS-WS State Office in Boise. The WS State Office mailing address and phone number were provided. Additionally, copies of the FY 2005 Monitoring Report, 2006 Amendment and an invitation to provide comments were mailed to six individuals/organizations who had previously expressed an interest in the WS program. Copies of the 1998 EA, as amended, the 1998 FONSI/Decision, Monitoring Reports, and 2006 Amendment are available from the Idaho WS State Office, USDA, APHIS, 9134 W. Blackeagle Drive, Boise, Idaho, 83709-1572.

WS received no inquiries or requests for a copy of the 2006 Amendment in response to the advertised 30-day public comment period, nor has the program received any comments up to and including the signing date of this FONSI/Decision.

VII. DECISION RATIONALE

The analysis provided in the 1998 EA and the reanalysis in the amendments demonstrate that there will not be a significant impact, individually or cumulatively, affecting the quality of the human environment or to wildlife populations from implementing the proposed action, and the action does not constitute a major Federal action. Management actions are conducted pursuant to applicable laws, regulations policies and orders to reduce damages or potential damages caused by migratory birds in Idaho, as requested. I find the current program to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of State and Federal management agencies, landowners, and advocacy groups.

The rationale for my decision is based on several considerations. This decision takes into account previous public comments, social/political and economic concerns, public health and safety and current science. However, the foremost considerations are that bird damage management by Idaho WS will only be conducted at the request of landowners/managers, management actions are consistent with applicable laws, regulations, policies and orders, and no adverse impacts were identified in the analysis. As a part of this Decision, the Idaho WS program will continue to provide effective and practical technical assistance and direct management techniques that could reduce damage. I have also adopted the 2006 Amendment as final as no comments were received from review of the Amendment to change the analysis.

FINDING OF NO SIGNIFICANT IMPACT

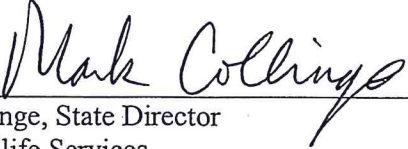
Based on a review of information available since the completion of the 1998 EA, as amended, and the analyses provided in the 2006 Amendment, there continues to be no indication that WS BDM is having a significant impact, individually or cumulatively, on the quality of the human environment. I agree with this conclusion and therefore find that preparation of an Environmental Impact Statement is not warranted. This determination is based on the following factors:

1. BDM, as conducted by WS in Idaho, is not regional or national in scope.
2. WS BDM activities pose minimal risk to public health and safety. No injuries to any member of the public are known to have resulted from these activities in the analysis area.
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.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to the use of avicides, this action is not highly controversial in terms of size, nature, or quantity applied, or effect.
5. Based on the analysis documented in the 1998 EA, as amended, subsequent Monitoring Reports, the 2006 Amendment, and the accompanying administrative files, the effects of BDM activities on the quality of the human environment would not be significant. The effects of these activities are not highly uncertain and do not involve unique or unknown risks.
6. These activities do not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through the EA, as amended, or through this review. The number of birds taken by WS annually or the anticipated number of birds taken would not adversely impact the viability of any species' populations.
8. None of the BDM activities would 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. An informal Section 7 consultation with the U.S. Fish and Wildlife Service confirmed that the BDM activities carried out by WS would not likely adversely affect any T/E species.
10. All BDM activities are carried out in compliance with Federal, State and local laws imposed for the protection of the environment.

DECISION

Based on the above monitoring information, the FY 2005 Monitoring Report and the 2006 Amendment to the 1998 BDM EA, as amended, it is my determination that continuation of WS BDM activities under the alternative selected in the December 16, 1998 and January 24, 2003 Decisions is still appropriate. The selected alternative is to continue the current Federal BDM program. The analysis of impacts as discussed in the 1998 EA, as amended, and the 2006 Amendment suggest these activities would pose no more than a low magnitude of impact to overall populations. Additionally, the selected alternative would provide the greatest effectiveness and selectivity of methods available and best cost-effectiveness, and has a low level of risk to the public, pets, nontarget species including T/E species, and the environment. WS will continue

to use the currently authorized BDM methods in compliance with applicable mitigation measures in Idaho where WS has been requested to provide assistance since the completion of the *Bird Damage Management in the Idaho Wildlife Services Program* EA, as amended. For additional information or questions regarding this FONSI or Decision, please contact George Graves, State Office, USDA, APHIS, WS, 9134 West Blackeagle Drive, Boise, ID 83709-1572, telephone (208) 378-5077.



Mark Collinge, State Director
Idaho Wildlife Services

5/8/06

Date

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