

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT: MANAGING DAMAGE TO RESOURCES AND
THREATS TO HUMAN SAFETY CAUSED BY BIRDS IN THE STATE OF MAINE**

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program, in cooperation with the United States Fish and Wildlife Service (USFWS) Migratory Bird Program Region 5, have prepared an Environmental Assessment (EA) to analyze the potential environmental and social impacts to the quality of the human environment from resolving damage, including conflicts and threats, associated with birds. The EA documents the need for bird damage management and assesses potential impacts on the human environment of three alternatives to address that need. The proposed action alternative in the EA would continue an integrated damage management program to address the need to manage damage and threats associated with birds (USDA 2013).

PUBLIC COMMENTS

The EA was made available for review and comment from May 16 to June 14, 2013. The document was made available through a Notice of Availability (NOA) published in the *Kennebec Journal* and mailings sent to 24 interested parties. WS also published these documents on the program website. One comment was received. Responses to the comment are attached in Appendix A. All correspondence on the EA is maintained at the WS office, Capital West Business Center, 79 Leighton Road, Suite 12, Augusta, Maine 04330.

ISSUES ASSOCIATED WITH BIRD DAMAGE MANAGEMENT ACTIVITIES

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

- Issue 1 - Effects on target bird populations
- Issue 2 - Effects on non-target wildlife species, including threatened and endangered (T&E) species
- Issue 3 - Effects on human health and safety
- Issue 4 - Effectiveness of damage management methods
- Issue 5 - Effects on the aesthetic value of birds
- Issue 6 - Humaneness and animal welfare concerns of methods
- Issue 7 - Effects on the regulated harvest of birds

AFFECTED ENVIRONMENT

Bird damage or threats of damage can occur statewide in Maine wherever those bird species occur. However, bird damage management would only be conducted by WS when requested by a landowner or manager and only on properties where a cooperative service agreement or other comparable document was signed between WS and a cooperating entity. Upon receiving a request for assistance, activities could be conducted on federal, State, tribal, municipal, and private properties. Areas where damage or threats of damage could occur include, but would not be limited to agricultural fields, vineyards, orchards, farms, aquaculture facilities, grain mills, grain handling areas, railroad yards, waste handling facilities, industrial sites, natural resource areas, park lands, and historic sites, state and interstate highways and

roads, property in or adjacent to subdivisions, businesses, industrial parks, timberlands, croplands, and pastures, private and public property, and locations where birds are a threat to human safety through the spread of disease. The areas could also include airports and military airbases where birds 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. 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 - Continuing the Current Integrated Approach to Managing Bird Damage (Proposed Action/No Action)

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 (Slate et al. 1992; see WS Directive 2.201), to reduce damage and threats caused by birds in Maine. A major goal of the program would be to resolve and prevent bird damage and to reduce threats to human safety. To meet this goal, WS, in cooperation with the USFWS and in consultation with the Maine Department of Inland Fisheries and Wildlife (MDIFW), would continue to respond to requests for assistance with, at a minimum, technical assistance, or when funding was available, operational damage management. Therefore, under this alternative, WS could 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 could take to reduce damages caused by birds, or 3) providing technical assistance and direct operational assistance to a property owner or manager experiencing damage.

In general, the most effective approach to resolving damage would be to integrate the use of several methods simultaneously or sequentially. This adaptive approach to managing damage associated with birds would integrate the use of the most practical and effective methods as determined by a site-specific evaluation for each request after applying the WS Decision Model. The philosophy behind an adaptive approach would be to integrate the best combination of methods in a cost-effective manner while minimizing the potentially harmful effects on humans, target and non-target species, and the environment. Integrated damage management may incorporate cultural practices (*e.g.*, animal husbandry), habitat modification (*e.g.*, exclusion, vegetation management), animal behavior modification (*e.g.*, scaring, repellents), removal of individual offending animals (*e.g.*, trapping, shooting, and avicides), and local population reduction, or any combination of these, depending on the circumstances of the specific damage problem.

Alternative 2 - Bird Damage Management by WS through Technical Assistance Only

Under this alternative, WS would provide those cooperators requesting assistance with technical assistance only. Technical assistance would provide those cooperators experiencing damage or threats associated with birds with information, demonstrations, and recommendations on available and appropriate methods available. 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). Similar to the proposed action alternative, a key component of assistance provided by WS would be providing information to the requester about wildlife and wildlife damage. Educational efforts conducted under the proposed action alternative would be similar to those conducted under this alternative.

This alternative would place the immediate burden of using methods to alleviate damage on the resource owner, other governmental agencies, and/or private businesses. Those entities could take action using those methods legally available to resolve or prevent bird damage as permitted by federal, state, and local laws and regulations or those persons could take no action.

Alternative 3 – No Bird Damage Management Conducted by WS

This alternative would preclude any activities by WS to reduce threats to human health and safety, and alleviate damage to agricultural resources, property, and natural resources. WS would not be involved with any aspect of bird damage management in the State. All requests for assistance received by WS to resolve damage caused by birds would be referred to the USFWS, to the MDIFW, and/or to private entities. This alternative would not deny other federal, state, and/or local agencies, including private entities, from conducting damage management activities directed at alleviating damage and threats associated with birds in the State. Therefore, under this alternative, entities seeking assistance with addressing damage caused by birds could contact WS but WS would immediately refer the requester to other entities. The requester could then contact other entities for information and assistance, could take actions to alleviate damage without contacting any entity, or could take no further action.

CONSISTENCY

Wildlife damage management activities conducted in Maine are consistent with work plans, MOU's, and policies of WS, the MDIFW, and the USFWS. WS reviewed the list of T&E species in Maine as determined by the USFWS and the National Marine Fisheries Services. Based on that review during the development of the EA, WS has determined that activities conducted pursuant to the proposed action would have no effect on federally listed T&E species. In addition, WS has made a no effect determination for all T&E species listed by the MDIFW.

MONITORING

The Maine WS program will annually review its effects on target bird 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

Since the EA was made available for public comment, additional information was obtained on target species population estimates. The Partners in Flight Landbird Population Estimate database was recently updated to reflect current population estimates (PFSC 2013). The previous best available data was obtained from the model established by Rich et al. (2004). WS has reviewed the updated database to ensure the accuracy of the target bird population impact analyses as described under the proposed action. The following summarizes the relevant changes.

Many of the target bird populations in Maine increased since 2004 which actually decreases the percentage of cumulative take for those species. There were eight species that exhibited lower population estimates than in 2004 (Table 1). The resultant increase in percentages of cumulative take is still considered to be of low magnitude and not expected to result in any cumulative negative impacts to the viability of these species.

Table 1. Comparison of species population estimates and percentage of cumulative take (2004 vs. 2013) in Maine based on the Partners in Flight Landbird database.

Species	2004 Estimate	2013 Estimate	2004 % Take	2013 % Take
Osprey	1,600	1,100	1.3%	1.8%
Sharp-shinned hawk	8,000	3,000	0.3%	0.7%
Cooper's hawk	700	190	4.0%	14.7%
American kestrel	9,000	4,000	0.5%	1.1%
Feral pigeon	120,000	70,000	2.5%	4.3%
European starling	710,000	310,000	1.4%	3.2%
Red-winged blackbird	300,000	200,000	0.1%	0.15%
Common grackle	400,000	300,000	0.03%	0.03%

The Cooper's hawk demonstrated the most significant variance decreasing from 700 individuals in 2004 to 190 in 2013. However, this species has continued to show an increasing trend in Breeding Bird Surveys since 1966. Cooper's hawks have shown a 6.3% annual increase since 1966 and an 11.2% increase since 2001 (Sauer et al. 2012). Additionally, Christmas Bird Count data has shown an increasing trend since 1966 (NAS 2010). However, given the most recent population estimate of 190 Cooper's hawks observed in Maine, the WS program is proposing to reduce the take from no more than 20 as stated in the EA to not exceed 10 individuals annually. The take of 10 hawks by WS in addition to the eight Cooper's hawks most recently permitted for take by other entities as authorized by the USFWS, would represent 9.5% of the estimated breeding population, if the population remains at least stable. Provided that most Cooper's hawks are taken by WS during the migration period, the cumulative take by all entities is not expected to result in any cumulative negative impacts to the viability of this species.

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 birds by WS would not have significant impacts on statewide bird populations when known sources of mortality were considered. No risk to public safety were 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 be to the point that the effects would be significant. The analysis in the EA indicates that an integrated approach to managing damage and threats caused by birds 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) bird damage management using a combination of the most effective methods

and does not adversely impact the environment, property, human health and safety, target species, and/or non-target species, including T&E species; (2) it offers the greatest chance of maximizing effectiveness and benefits to resource owners and managers; (3) it presents the greatest chance of maximizing net benefits while minimizing adverse effects to public health and safety; and (4) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of those issues are considered. Further analysis would be triggered if changes occur that broaden the scope of damage management activities that affect the natural or human environment or from the issuance of new environmental regulations. Therefore, it is my decision to implement the proposed action/no action alternative (Alternative 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. Bird damage management, as conducted by WS in the State, is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety. Based on the analyses in the EA, the methods available would not adversely affect human safety based on their use patterns and standard operating procedures.
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. WS' standard operating procedures and adherence to applicable laws and regulations would further ensure that WS' activities do not harm the environment.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to bird damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through the assessment. The EA analyzed cumulative effects on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State of Maine.
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 not adversely affect any federally listed T&E species currently listed in the State and the USFWS has concurred with WS' determination. 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.
11. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the area.

The rationale for this decision is based on several considerations. This decision takes into account public comments, social/political and economic concerns, public health and safety, and the best available science. The foremost considerations are that: 1) bird 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 Maine would continue to provide effective and practical technical assistance and direct management techniques that reduce damage and threats of damage.



Charles S. Brown, Director-Eastern Region
USDA/APHIS/WS
Raleigh, North Carolina

6/27/13
Date

APPENDIX A

RESPONSES TO COMMENTS ON THE ENVIRONMENTAL ASSESSMENT: MANAGING DAMAGE TO RESOURCES AND THREATS TO HUMAN SAFETY CAUSED BY BIRDS IN THE STATE OF MAINE

During the public involvement process for the EA, WS received one comment letter. WS has reviewed the letter to identify additional issues, alternatives, and/or concerns that were not addressed in the EA. Comments received during the public involvement process are summarized below along with WS' response to those comments.

Comment 1 – Opposition to lethal methods and/or harming birds

The commenter stated several times its opposition to lethal methods and harming birds:

- *“Additional efforts to alleviate damage without harming birds should be the central focus.”*
- *“We object in the strongest way to plans in the EA to carry out or augment the killing of birds.”*
- *“We find the willingness to see waterfowl immobilized using alpha chloralose (as well as killed and incinerated or buried subsequently) offensive and horrific.”*
- *“We oppose lethal methods including live-capture followed by euthanasia, DRC-1339, the recommendation of take during hunting seasons, and firearms.”*

The issue of humaneness (or harming) is addressed in Section 2.2 and Chapter 3 of the EA. Under Section 2.2, it specifically states that vertebrate damage management for societal benefits could be compatible with animal welfare concerns, if “...*the reduction of pain, suffering, and unnecessary death is incorporated in the decision making process*” (Schmidt 1989). WS considered all lethal methods as options to resolve bird damage as most of those methods would be available for use by a property owner or manager once a permit was obtained for lethal take. Property owners/managers frustrated by lack of WS' assistance with the full range of bird damage management techniques may try methods not recommended by WS or use illegal methods (*e.g.*, poisons). The only methods mentioned by the commenter that are restricted to WS are DRC-1339 and alpha chloralose.

Section 4.1 of the EA analyzes the environmental consequences of each alternative in comparison to determine the extent of actual or potential impacts on the issues, including the use of those methods opposed by the commenter. The potential cumulative impacts associated with the proposed action alternative are discussed in Section 4.2 of the EA.

Comment 2 – Recommend habitat modifications to mitigate the attractive elements of airfields

The EA evaluates the recommendation of habitat modifications under the alternatives listed in Section 3.1. In addition, the EA list extensive descriptions of habitat alterations in Appendix B that could be used or recommended by the WS program.

Comment 3 – We object to the use of lead

The effects of lead ammunition on the environment are adequately addressed in Section 2.3 of the EA. In addition, the EA states on page 58 that “only non-toxic shot would be used when employing shotguns pursuant to 50 CFR 20.21(j).”

Comment 4 – We concur with the view that bird management should not be done at taxpayers’ expense

This issue is addressed in Section 2.3 of the EA where it states “Activities conducted in the State for the management of damage and threats to human safety from birds would be funded through cooperative service agreements with individual property owners or managers. A minimal federal appropriation is allotted for the maintenance of a WS program in Maine. The remainder of the WS program would be entirely fee-based.”

Comment 5 – The cause of human/wildlife conflicts in “human altered habitats” is the human species

In Section 1.2 of the EA, it states that wildlife can have either positive or negative values depending on the perspectives and circumstances of individual people. Under a shared environment, it is each individual’s perspective that determines if wildlife or people are at fault when conflicts arise. However, this does not negate the need to resolve the conflicts described in Section 1.2. The EA also states that changing cultural practices are one of the methods used and recommended by WS to reduce wildlife damage.

Comment 6 – The commenter will support the adoption of Alternative 3 with a caveat

The commenter stated that they do not support the option under Alternative 3 for WS to refer requesters for service to other entities. This caveat was not considered as it does not provide any option or alternative to resolve conflicts with bird damage. Additionally, if WS did not refer requesters to another entity, it is likely that requesters would contact another entity anyway.

Comment 7 – We oppose Alternative 1...to the extent that it enables Wildlife Services to kill birds funded by federal appropriations

As addressed under Comment 4, Section 2.3 of the EA states “Activities conducted in the State for the management of damage and threats to human safety from birds would be funded through cooperative service agreements with individual property owners or managers. A minimal federal appropriation is allotted for the maintenance of a WS program in Maine. The remainder of the WS program would be entirely fee-based.”

Comment 8 – Property owners should institute routine cleanup of grounds instead of turning to the government to erase wildlife

Habitat modification and changing cultural practices are the some of the first methods recommended by the WS program for managing bird damage and threats of damage. Public education was addressed under the proposed action alternative in Section 3.1 of the EA. Technical assistance would provide to those cooperators experiencing damage or threats associated with birds with information, demonstrations, and recommendations on available and appropriate methods available. Education is an important element of activities because wildlife damage management is about finding balance and coexistence between the needs of people and needs of wildlife. This can be extremely challenging as nature has no balance, but rather is in continual flux. In addition to the routine dissemination of recommendations and information to individuals or organizations sustaining damage, WS provides lectures, courses, and demonstrations to producers, homeowners, state and county agents, colleges and universities, and other interested groups. Additionally, technical papers are presented at professional meetings and conferences so that other wildlife professionals and the public are periodically updated on recent developments in damage management technology, programs, laws and regulations, and agency policies.

The EA also describes in Section 2.3 that WS does not seek to eradicate wildlife, but rather reduce damage or threats of damage.

Comment 9 – Animal husbandry is not the best cultural practice

The EA addresses cultural practices as a recommendation, but it does not state that animal husbandry is the best. Section 2.2 and Appendix B list several other cultural practices such as altering feeding schedules, changes in crop rotations, night feeding, and bird-proof feeders.

Comment 10 – We reprehend the possibility or likelihood that non-target animals would be captured in traps

The EA adequately addresses non-target captures and take as Issue 2 under all analyzed alternatives.

Comment 12 – Opposition to rejected alternatives

The EA addressed several alternatives that were not considered in detail (Section 3.2). The commenter stated their opposition to three of these alternatives: 1) Trap and translocate birds only by WS; 2) Reducing damage by managing bird populations through the use of reproductive inhibitors; and 3) Compensation for bird damage. WS agreed to not consider these alternatives for reasons described in Section 3.2.

Comment 13 – Objection to issuance of depredation permits by the USFWS

WS is not a regulatory program and has no authority over the USFWS to issue or deny a permit. Therefore, this issue is not applicable to the EA.

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