

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
BIRD DAMAGE MANAGEMENT IN WISCONSIN ENVIRONMENTAL
ASSESSMENT:**

March 24, 2015

Wisconsin wildlife has many positive values and is an important part of life in the state. However, as human populations expand, and land is used for human needs, there is increasing potential for conflicting human/wildlife interactions. The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program completed an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) on alternatives for reducing bird damage in Wisconsin. The EA evaluated the potential impacts on the human environment from alternatives for WS involvement in the protection of agricultural and natural resources, property, livestock, and public health and safety from damage and risks associated with birds in Wisconsin. This Decision document provides notification of WS' choice of a management alternative and determination regarding the environmental impacts of the chosen alternative. Based on analysis in the EA, WS is selecting Alternative 1 "*Integrated Bird Damage Management*" (BDM) in which WS provides technical assistance and direct control activities to alleviate damage and conflicts caused by the birds addressed in the EA.

Damage problems can occur throughout the state. Under the Proposed Action, BDM could be conducted on private, federal, state, tribal, county, and municipal lands in Wisconsin upon request. Several bird species have potential to be the subject of WS BDM activities in Wisconsin including:

Waterbirds: American White Pelican (*Pelecanus erythrorhynchos*), Mute Swan (*Cygnus olor*), Canada Goose, Snow Goose (*Chen caerulescens*), Mallard (*Anas platyrhynchos*), Blue-winged Teal (*Anas discors*), Green-winged Teal (*Anas crecca*).

Raptors: Turkey Vulture (*Cathartes aura*), Red-tailed Hawk (*Buteo jamaicensis*), Cooper's Hawk (*Accipiter cooperii*), Great Horned Owl (*Bubo virginianus*), Rough-legged Hawk (*Buteo lagopus*), American Kestrel (*Falco sparverius*), Snowy Owl (*Bubo scandiacus*), Bald Eagle (*Haliaeetus leucocephalus*), Osprey (*Pandion haliaetus*).

Wading/Shorebirds: Great Blue Heron (*Ardea herodias*), Green Heron (*Butorides virescens*), Sandhill Crane (*Grus canadensis*), Killdeer (*Charadrius vociferous*), Whooping Crane.

Gulls: Herring Gull (*Larus argentatus*), Ring-billed Gull (*Larus delawarensis*).

Pigeons/Doves: Rock Pigeon (*Columba livia*), Mourning Dove (*Zenaida macroura*).

Swallows/Swifts: Barn Swallow (*Hirundo rustica*), Cliff Swallow (*Hirundo pyrrhonota*), Tree Swallow (*Tachycineta bicolor*), Bank Swallow (*Riparia riparia*), Chimney Swift (*Chaetura pelagica*).

Woodpeckers: Northern Flicker (*Colaptes auratus*), Pileated Woodpecker (*Dryocopus pileatus*).

Starlings/Blackbirds/Crows: European Starling (*Sturnus vulgaris*), Red-winged Blackbird (*Agelaius phoeniceus*), Common Grackle (*Quiscalus quiscula*), Brown-headed Cowbird (*Molothrus ater*), American Crow (*Corvus brachyrhynchos*).

Other Birds: Wild Turkey, American Robin (*Turdus migratorius*), House Sparrow (*Passer domesticus*), and miscellaneous feral, domestic and exotic birds.

Wildlife Services was the lead agency in the preparation of the EA. The EA was prepared in consultation with the United States Department of Interior, Fish and Wildlife Service (USFWS); Federal Aviation Administration (FAA); Wisconsin Department of Natural Resources (WDNR); Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Transportation, Bureau of Aeronautics; the Wisconsin Department of Health Services; Bad River Band of Lake Superior Chippewa Indians; Forest County Potawatomi Community, Red Cliff Band of Lake Superior Chippewa Indians, and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). The issues and alternatives associated with bird damage management were initially developed by WS with review by the consulting agencies. Consulting agencies assisted with the identification of additional issues and alternatives pertinent to managing damage associated with birds in Wisconsin.

Wildlife Services responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. Wildlife Services is the federal program authorized by Congress to assist agencies, organizations and individuals with reduction of damage caused by wildlife (Act of March 2, 1931, as amended (46 Stat. 1468; 7 U.S.C. 426-426b) and the Act of December 22, 1987 [101 Stat. 1329-331, 7 U.S.C. 426c]). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and recognized as an integral part of wildlife management (The Wildlife Society 1992). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). However, WS chose to prepare an EA to facilitate planning, interagency coordination, and to clearly communicate with the public the analysis of individual and cumulative impacts. In addition, the EA evaluates and determines if there are any potentially significant individual or cumulative impacts from the proposed damage management program.

The scope of the EA is limited to alternatives for WS involvement in BDM and cannot change WDNR wildlife management policies and regulations. Actions to resolve bird damage problems will continue to occur in accordance with applicable laws and authorities, even if WS is not

involved in BDM. This means that the Federal WS program has limited ability to affect the environmental outcome (*status quo*) of BDM in the state, except that the WS program is likely to have lower risks to nontarget species and less impact on wildlife populations than some actions that may be taken by resource owners/managers.

PUBLIC COMMENTS

The BDM EA was made available for comment from December 22, 2014 to February 6, 2015 through a "Notice of Availability" (NOA) published in the *Wisconsin State Journal* and on the WS website <http://www.aphis.usda.gov/wildlifedamage/nepa>; through notices sent via the APHIS Stakeholder Registry¹; and by sending the NOA directly to interested parties. Wildlife Services received no comments. This decision document will be made available to the public using the same procedures as for the EA. Documentation associated with this EA is maintained at the Wildlife Services State Office, 732 Lois Drive, Sun Prairie, WI 53590.

MAJOR ISSUES

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

- Cumulative Effects of WS Bird Damage Management on Target Species Populations
- Effects of WS Bird Damage Management on Non-target Species Populations, Including T/E Species
- Risks Posed by WS Bird Damage Management Methods to the Public and Domestic Pets
- Efficacy of WS Bird Damage Management Methods
- Impacts to Stakeholders, Including Impacts on Aesthetics
- Humaneness and Animal Welfare Concerns

AFFECTED ENVIRONMENT

Although the range and habitat used by individual species varies, at least some of the birds discussed in this analysis can be found in any location in the state where suitable habitat exists for foraging and shelter. Consequently, damage or threats of damage caused by the birds addressed in this EA can occur statewide in Wisconsin wherever those species occur. However, BDM 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 has been signed between WS and a cooperating entity.

Upon receiving a request for assistance, BDM activities could be conducted on federal, state, tribal², municipal, and private properties in Wisconsin. Areas where damage or threats of

¹ Individuals can register for WS notices through the APHIS stakeholder registry at <https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new>

² WS' BDM actions would only be conducted on tribal lands with the Tribe's request/consent and only after appropriate documents had been signed by WS and the respective Tribe. Consultation will occur among the

damage could occur include but are not limited to agricultural fields, vineyards, orchards, farmyards, dairies, livestock operations, aquaculture facilities, railroad yards, waste handling facilities, industrial sites, natural resource areas, park lands, and historic sites; property in or adjacent to subdivisions, businesses, and industrial parks; timberlands and croplands; areas in and around airports; public and private properties in rural/urban/suburban areas where birds cause damage to property and natural resources, and pose risks to human safety. Project areas may also include anywhere where birds are a threat to human safety and to property.

ALTERNATIVES ANALYZED IN DETAIL

Four alternatives were developed to address the issues identified above (see “Major Issues” section). Three additional alternatives were considered but not analyzed in detail in the EA. Reasons for not considering the alternatives in detail remain as discussed in the EA. The following is a summary of the management alternatives considered in the EA.

Alternative 1 – Continue the Current WS Adaptive Integrated Bird Damage Management Program (No Action/Proposed Action)

The No Action alternative, as defined here, is consistent with the CEQ’s (1981) definition which states that “No Action” may be interpreted as being the continuation of current management practices. The No Action alternative is a procedural NEPA requirement (40 CFR 1502), is a viable and reasonable alternative that could be selected, and serves as a baseline for comparison with the other alternatives.

The current and proposed program is an adaptive integrated Wisconsin WS BDM program for the protection of human health and safety (e.g., disease transmission, aircraft collisions), agriculture (e.g., crops, domestic animals, and aquaculture), property (e.g., structures) and natural resources (e.g., vegetation, wildlife).

To meet the goals of the program, WS would continue to respond to requests for assistance with, at a minimum, technical assistance. If appropriate, when permitted by the landowner/manager, USFWS and WDNR and when cooperative funding is available, WS may also provide operational damage management assistance whereby WS personnel conduct BDM actions. An IWDM approach and the WS Decision Model would be used to select and apply legally available methods, either singly or in combination, to meet requester needs for reducing bird damage. Agricultural producers, airport managers, property owners and others requesting assistance would be provided information regarding the use of effective non-lethal and lethal techniques to prevent or reduce damage as appropriate. Non-lethal methods include, but are not limited to lure crops, habitat modification, frightening devices, human behavior modification (e.g., trash management and policies to prohibit feeding birds), exclusionary devices, nest destruction, and chemical repellents. Decoy traps and other live traps and the sedative alpha-chloralose may be used as part of non-lethal or lethal management strategies depending upon the fate of the animal (relocation or euthanasia). Lethal methods considered by WS include: shooting, egg oiling/addling/destruction, snap traps, DRC-1339, and American Veterinary Medical Association

WDNR, WS, GLIFWC (if in ceded territory), and the appropriate public land manager if BDM is going to be conducted on public land.

approved euthanasia techniques, such as CO₂. WS may recommend hunting or DPs to resource owners when these methods are deemed applicable to certain BDM situations.

WS BDM actions could be implemented on private or public property when requested, a need for management has been documented, and a *Work Initiation Document for Wildlife Damage Management* or other comparable document has been completed. All management actions would comply with appropriate laws, orders, policies, and regulations. Although, WS would be able to provide operational assistance with BDM under this alternative, landowners/managers are not obligated to work with WS or implement WS recommendations. They may choose to implement WS recommendations on their own, obtain the services of a contractor or other organizations, implement strategies for BDM other than those recommended by WS or choose not to implement any BDM. Similarly, although WS provides recommendations to the USFWS/WDNR regarding migratory bird depredation permits, the USFWS/WDNR is not obligated to implement WS recommendations and may choose to deny the request for a permit or issue a modified version of WS recommendations.

Alternative 2 – Technical Assistance Only Program

This alternative would not allow for WS operational BDM in Wisconsin. WS would only provide technical assistance and make recommendations when requested. Implementation of damage management strategies would be the responsibility of the landowner/manager, who could use any of the non-lethal or lethal BDM methods legally available. Currently, DRC-1339 and AC are only available for use by WS employees and would not be available under this alternative. However, most use of DRC-1339 in Wisconsin is to reduce bird damage at feedlots and dairies. Starlicide Complete™, a similar product using the same active ingredient, is available to certified pesticide applicators for this type of application. States may also obtain special local use label/registration for DRC-1339 that would enable the state agency to use products currently only registered for use by WS. Under this alternative, WS would still be available to assist with WS Form 37 evaluations and recommendations for migratory bird depredation permits from the USFWS/WDNR.

Individuals experiencing bird damage would, independently or with WS recommendations, carry out and fund damage management activities. Individual producers could work with a private entity or organization to address their problems, and/or local, state or other federal agencies could assume a more active role in providing operational damage management assistance. The probability that BDM methods and devices could be applied by people with little or no training and experience, and with no professional oversight or monitoring for effectiveness is higher for this alternative than Alternative 1, but may be lower than for Alternative 4, wherein no WS advice on use of BDM methods would be available. Use of BDM methods by individuals with less training and experience could require more effort and cost to achieve the same level of problem resolution as Alternative 1, and could result in greater risk to the environment, including a higher take of non-target animals and illegal use of pesticides.

Alternative 3 - Bird Damage Management by WS Using Only Non-lethal Methods

Under this alternative, WS would be restricted to only using or recommending non-lethal methods to resolve damage caused by birds (Appendix C). Lethal methods could continue to be used under this alternative by those persons experiencing damage without involvement by WS. In situations where non-lethal methods were impractical or ineffective to alleviate damage, WS could refer requests for information regarding lethal methods to the state, local animal control agencies, or private businesses or organizations. Property owners or managers may choose to implement WS' non-lethal recommendations on their own or with the assistance of WS, implement lethal methods on their own, or request assistance (non-lethal or lethal) from a private or public entity other than WS.

Wildlife Services could not provide recommendations for lethal removal of birds in WS Form 37 consultations that the USFWS/WDNR currently uses when evaluating applications for migratory bird depredation permits. However, WS involvement is not required by the MBTA, and given the expected ongoing conflicts with birds, the USFWS and WDNR are expected to find an alternative mechanism to meet permitting requirements. As noted under Alternative 2, the toxicant DRC-1339 would not be available under this alternative, but a similar product, Starlicide Complete™, would be available for the most common types of DRC-1339 applications conducted by WS. States may also obtain special local use label/registration for DRC-1339 that would enable the state agency to use products currently only registered for use by WS.

Risks associated with application of lethal BDM methods would vary depending upon the experience and training of the individual conducting the actions. The probability that BDM methods and devices could be applied by people with little or no training and experience, and with no professional oversight or monitoring for effectiveness and associated environmental risks is higher for this alternative than Alternative 1. Use of BDM methods by individuals with less training and experience could require more effort and cost to achieve the same level of problem resolution as Alternative 1, and could result in greater risk to the environment, including a higher take of non-target animals and illegal use of pesticides.

Alternative 4 - No WS Bird Damage Management Program

This alternative would terminate the WS program for BDM (operational and technical assistance) on all land classes in Wisconsin. However, local, state and other federal agencies, and private individuals may provide BDM assistance. As with Alternative 3, the USFWS and WDNR are expected to find an alternative mechanism to meet migratory permitting requirements in the absence of WS involvement. In addition, DRC-1339 and AC are only available for use by WS employees and would not be available under this alternative. However, Starlicide Complete™ (similar to DRC-1339) could be used by certified restricted-use pesticide applicators. States may also obtain special local use label/registration for DRC-1339 that would enable the state agency to use products currently only registered for use by WS.

The probability that BDM methods and devices could be applied by people with little or no training and experience, and with no professional oversight or monitoring for effectiveness and associated environmental risks is higher for this alternative than Alternative 1. Risks may be

similar to or higher than Alternative 2 depending on the alternative mechanisms for technical advice established by agencies, university extension and private entities. Use of BDM methods by individuals with less training and experience could require more effort and cost to achieve the same level of problem resolution as Alternative 1, and could result in greater risk to the environment, including a higher take of non-target animals and illegal use of pesticides.

CONSISTENCY

Wildlife damage management activities conducted in Wisconsin are consistent with Work Plans, Memorandum of Understanding (MOU) and policies of WS, WI Tribes, WDNR, Department of Agriculture, Trade, and Consumer Protection (DATCP), and United States Fish and Wildlife Service (USFWS). In addition, WS has completed an ESA Section 7 Consultation with the USFWS for BDM activities (letter from USFWS dated December 11, 2014). WS has also consulted with the WDNR regarding risks to state-listed threatened and endangered species (letter from WDNR dated December 16, 2014). Wildlife Services has also consulted with the State's Coastal Zone Management Program (Wisconsin Coastal Management Program letter, December 22, 2014).

MONITORING

The Wisconsin WS program gives the WDNR and USFWS data on the take of various bird species and non-target animals to help ensure the cumulative impact of WS actions do not adversely impact the viability of state and USFWS managed bird populations or non-target species populations. Wildlife Services is also a contributing member of several WDNR science advisory committees. Wildlife Services monitors program activities to determine if the analyses and determinations in the EA adequately address current and anticipated future program activities and whether there is new information that warrants supplementing or replacing the EA.

DECISION AND FINDING OF NO SIGNIFICANT IMPACT

I have carefully reviewed the EA prepared for this proposal and the input from GLIFWC, Wisconsin Tribes, and various Federal and State agencies. I believe that the issues identified in the EA are best addressed by selecting Alternative 1 – Implement an Integrated Bird Damage Management Program (Proposed Action / No Action) and applying the associated Standard Operating Procedures discussed in Chapter 3 of the EA. Alternative 1 is selected because (1) it best enables the WS to provide prompt, professional assistance with specific bird conflicts and will help maintain local public tolerance; (2) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing risk of individual and cumulative adverse impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (3) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and (4) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. WS decision to adhere to the Standard Operating Procedures and limits to activities proposed in the EA and annual monitoring insures that environmental impacts including WS take of specific bird species and impacts on their populations, risks to non-target

species, impacts on public and pet health and safety, humaneness of methods to be used and sociological issues will remain as described in the EA.

The analysis indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Wisconsin bird damage management as proposed in the EA is not regional or national in scope.
2. Analysis of the cumulative impacts for this or other anticipated actions within the State and USFWS Region 3 indicates that the proposed action would not threaten the continued existence of populations of specific species listed in the BDM EA. Based on State data, the various populations are large enough and healthy enough that even while the proposed action and all other mortality factors have adverse effects on individuals, and may temporarily reduce local populations, they are not likely to adversely impact the viability of state populations.
3. Based on information presented in the EA, the proposed action would pose minimal risk to public health and safety, and has the potential to reduce risks to human health and safety caused by birds.
4. 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. Built-in mitigation measures that are part of the action agencies' Standard Operating Procedures and adherence to laws and regulations will further ensure that the agencies' activities do not harm the environment.
5. The effects on the quality of the human environment are not highly controversial. Although there is opposition to the BDM proposed in the preferred alternative, this action is not highly controversial in terms of size, nature, or effect. Public concerns and opposition to BDM has been acknowledged and addressed in the EA.
6. 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.
7. The proposed action would not establish a precedent for any future action with significant effects. Authorization for bird damage management activities would be issued by the WDNR and USFWS, and would have to be reviewed and renewed annually. Any similar and appropriate authorizations involving bird conflict management which could be issued by the tribes would be subject to similar review.

8. No significant direct, indirect or cumulative effects were identified through this assessment. The EA discussed cumulative effects on 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.
9. 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. If an individual activity with the potential to affect historic resources is planned under the selected alternative, then site-specific consultation as required by Section 106 of the NHPA would be conducted as necessary to ensure that significant adverse impacts do not occur (EA Appendix B).
10. The USFWS has determined that the proposed program would have no effect on or is not likely to adversely affect Federal listed threatened or endangered species. This determination is based upon a Section 7 consultation completed by the USFWS for activities described in the EA (letter from USFWS dated December 11, 2014). In addition, WS and the WDNR have determined that the proposed program will not adversely affect any State-listed threatened or endangered species (letter from WDNR dated December 16, 2014).
11. The proposed action will be in compliance with all applicable federal, state, and local laws.

Therefore, it is my decision to implement the proposed action (Alternative 1) as described in the Final EA. Copies of the Final EA are available upon request from the Wisconsin Wildlife Services State Office, 732 Lois Drive, Sun Prairie WI 53590, (608) 837-2727, on the WS website at: http://www.aphis.usda.gov/wildlife_damage/nepa.shtml.



Charles S. Brown, Regional Director
USDA-APHIS-WS, Eastern Region

4/30/15

Date

APPENDIX A LITERATURE CITED

Slate, D.A., R. Owens, G. Connely, and G. Simmons. 1992. Decision making for wildlife damage management. *Trans. N.A. Wildl. And Nat. Res. Conf.* 57:51-62.

The Wildlife Society. 1992. Conservation policies of the Wildlife Society: A stand on issues important to wildlife conservation. The Wildlife Society, Bethesda, MD. 24 pp.