DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE ENVIRONMENTAL ASSESSMENT:

REDUCING DOUBLE-CRESTED CORMORANT DAMAGE IN OHIO

Across the United States, wildlife habitat has been substantially changed as the human population expands and more land is used to meet human needs. These human uses often come into conflict with the needs of wildlife, which increases the potential for negative human/wildlife interactions. Double-crested cormorants (*Phalacrocorax auritus*; DCCOs) are one of the wildlife species that engage in activities that conflict with human activities and resource uses. Conflicts with DCCOs include but are not limited to DCCO foraging on fish at aquaculture facilities, DCCO foraging on populations of sport fish, negative impacts of increasing DCCO populations on vegetation and habitat used by other wildlife species, damage to private property from DCCO feces, and risks of aircraft collisions with DCCOs at or near airports. In response to agency concerns, and complaints from the public regarding DCCO damage in Ohio, the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS); the United States Department of the Interior, Fish and Wildlife Service (USFWS); and the Ohio Department of Natural Resources (ODNR) prepared an environmental assessment (EA) evaluating ways by which the agencies may work together to resolve conflicts with DCCOs in the State of Ohio. The EA documented the need for DCCO damage management (CDM) in Ohio and assessed potential impacts on the human environment from the various alternatives for responding to damage problems in the State of Ohio, including the take of birds under the Double-crested Cormorant Public Resource Depredation Order (PRDO; 50 CFR 21.48). The EA analyzes the potential environmental and social effects of resolving DCCO damage related to the protection of property, natural resources, and the reduction of health and safety risks on private and public lands throughout the State.

WS was the lead agency in the preparation of the EA, and the USFWS (including both the Migratory Bird Program and West Sister Island National Wildlife Refuge [WSINWR]) and ODNR were cooperating agencies. WS is the Federal program authorized by law to reduce damage caused by wildlife (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)). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. 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, the USFWS, WSINWR, and the ODNR have decided to prepare this EA to assist in planning CDM activities and to clearly communicate with the public the analysis of cumulative effects for a number of issues of concern in relation to alternative means of meeting

needs for such management in the State, including the potential cumulative impacts on DCCOs and other wildlife species. With the exception of projects designed specifically to protect free-swimming fish populations and projects with impacts that may exceed those analyzed in the EA, this analysis covers current and future CDM actions by WS, the USFWS, and the ODNR wherever they might be requested or needed within the State of Ohio. Comments from the public involvement process were reviewed for substantive issues and to ensure that appropriate alternatives were considered in developing this decision (Chapter 6 of the EA). The EA is tiered to the USFWS Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) on the management of DCCOs in the U.S. (USFWS 2003). WS was a formal cooperating agency on the FEIS and subsequently adopted the FEIS and issued its own Record of Decision (ROD) to support WS' program decisions for its involvement in the management of DCCO damage. As such, many of the issues addressed in the EA have been analyzed in the FEIS.

The preferred alternative (EA Alternative 1) of WS and the cooperating agencies is to implement an Integrated Wildlife Damage Management (IWDM) program for DCCOs on public and private lands in Ohio. The IWDM approach, commonly known as Integrated Pest Management (WS Directive 2.105) involves the use of a combination of methods to reduce wildlife damage. WS' wildlife damage management is not based on punishing offending animals but is focused on reducing or preventing damage and is implemented by using a thought process described by the WS Decision Model (Slate et al. 1992, USDA 1997 revised, WS Directive 2.201). Resource management agencies, organizations, associations, groups, and individuals have requested assistance with CDM to protect private property and natural resources and to reduce risks to human health and safety in Ohio. All wildlife damage management activities will be conducted in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

COOPERATING AGENCIES

The USFWS (Migratory Bird Management Office and WSINWR) and ODNR are cooperating agencies for this EA. The role and authority of these agencies is as follows:

United States Fish and Wildlife Service Migratory Bird Management Office (USFWS): The USFWS has the primary statutory authority, under the Migratory Bird Treaty Act, for managing migratory bird populations in the U.S. In response to persistent conflicts and complaints relating to DCCOs, the USFWS in cooperation with WS completed the FEIS on the management of DCCOs in the U.S. in 2003 (USFWS 2003). Included in the selected management alternative were two depredation orders to address DCCO damage.

> **Public Resource Depredation Order (PRDO)**: The purpose of this order is to reduce the actual occurrence, and/or minimize the risk, of adverse impacts of DCCOs to public resources. Public resources include fish (both free-swimming fish and stock at Federal, State, and Tribal hatcheries that are intended for release in public waters), wildlife, plants, and their habitats. It authorizes WS, State fish and wildlife agencies, and Federally-recognized Tribes (acting only on tribal lands) to control DCCOs without a Federal permit, in 24 States (AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NY, NC, OH, OK, SC, TN, TX, VT, WV, and WI). It authorizes control on "all

lands and freshwaters." This includes private lands, but landowner permission is required. It protects "public resources," which are natural resources managed and conserved by public agencies, as opposed to private individuals.

Aquaculture Depredation Order (AQDO): The FEIS also revised an existing depredation order which authorizes aquaculture producers and State/Federal hatchery operators (or their employees/agents) in 13 states (AL, AR, FL, GA, KY, LA, MN, MS, NC, OK, SC, TN, and TX) to shoot DCCOs "committing or about to commit depredations to aquaculture stocks" on their property. Although DCCOs do prey on fish at hatcheries in Ohio, the state is not included in the AQDO. Lethal removal of DCCOs to protect private hatchery stock in Ohio requires a Migratory Bird Permit (MBP) from the USFWS.

The USFWS is responsible for ensuring that the actions of agencies authorized to act under the PRDO (1) do not threaten the long-term sustainability of regional DCCO populations, (2) do not adversely affect other bird species that nest with DCCOs, (3) do not adversely affect Federally-listed species, and (4) comply with the terms and conditions of the PRDO, including notification and reporting procedures.

United States Fish and Wildlife Service, West Sister Island National Wildlife Refuge (WSINWR): WSINWR is the oldest member of the Ottawa Complex and the most isolated. The 80-acre island became a national wildlife refuge by Executive Order 7937 on August 2, 1937, and in 1975 was designated as a Federal wilderness area under the Wilderness Act of 1964. The Service manages 77 acres of the island and the U.S. Coast Guard owns the remaining acreage and a lighthouse. The island is home to the largest blue heron and great egret rookery in the United States Great Lakes and is also home to snowy egrets and one of the largest black-crowned night heron colonies on the United States Great Lakes. The island is not accessible to the public.

Ohio Department of Natural Resources (ODNR): As authorized by Ohio Revised Code (ORC) 1531.04, "the Division of Wildlife, at the direction of the Chief of the Division, shall do all of the following: (A) Plan, develop, and institute programs and policies based on the best available information, including biological information derived from professionally accepted practices in wildlife and fisheries management, with the approval of the director of natural resources; (B) Have and take the general care, protection, and supervision of the wildlife in the state parks known as Lake St. Mary's, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye Lake, Guilford Lake, such part of Pymatuning Reservoir as lies in this state, and all other state parks and lands owned by the state or in which it is interested or may acquire or become interested, except lands and lakes the care and supervision of which are vested in some other officer, body, board, association, or organization; (C) Enforce by proper legal action or proceeding the laws of the state and division rules for the protection, preservation, propagation, and management of wild animals and sanctuaries and refuges for the propagation of those wild animals, and adopt and carry into effect such measures as it considers necessary in the performance of its duties" (ORC §1531.04).

WS is in the process of updating the current Memorandum of Understanding (MOU) that defines USDA-APHIS-WS participation in a cooperative wildlife damage management program in Ohio. The MOU establishes a cooperative relationship between WS, Ohio Department of Agriculture, Ohio Department of Health (ODH), ODNR, Ohio Department of Transportation (ODOT), The Ohio State University Extension (OSUE), and Ohio Agricultural Research and Development Center (OARDC), for planning, coordinating and implementing wildlife damage management policies to prevent or minimize damage caused by wild animal species (including threatened and endangered species) to agriculture, horticulture, aquaculture, animal husbandry, forestry, wildlife, public health/safety, property, natural resources and to facilitate the exchange of information among the cooperating agencies.

Ohio Department of Natural Resources wild animal permit No. 193 authorizes Ohio WS, on an annual basis to take, possess, and transport at any time and in any manner specimens of wild animals, subject to the following conditions and restrictions set forth by the chief of the ODNR: (1) Permittee must collect non-endangered species as needed to fulfill requirements of USDA, (2) Permittee must consult with Crane Creek Research Station or the appropriate Wildlife District Office prior to moving any waterfowl, (3) All traps and devices must be tagged or marked identifying them as USDA property, (4) The use of chemical agents to control wild animals is prohibited without explicit permission from the Chief of the Division of Wildlife, and (5) All nuisance wildlife species collected shall be immediately released at the site of capture or euthanized within 24 hours of collection. The permittee (WS) must also obtain all applicable Federal permits. State hunting and trapping regulations do not apply provided that the permittee is in full compliance with Federal laws, rules, and regulations.

MONITORING

WS, the ODNR and the USFWS (WSINWR) will monitor the impacts of their activities on DCCOs and non-target species that could be affected by CDM activities. The USFWS will annually assess the impacts of the PRDO and DCCO depredation and scientific collecting permits, to ensure that cumulative CDM activities do not adversely impact the long-term sustainability of regional DCCO populations and that they are having minimal impacts on non-target wildlife species. This will be based on review of USFWS permit records and annual reports submitted by agencies and individuals authorized to take DCCOs under the PRDO combined with periodic population monitoring efforts. In addition, the EA will be reviewed each year to ensure that there are no new needs, issues or impacts meriting additional analysis.

PUBLIC INVOLVEMENT

The draft EA was prepared and released to the public for a 33-day comment period by a legal notice placed on January 10, 2006 in three of Ohio's major newspapers; The Cleveland Plain Dealer, Columbus Dispatch, and Cincinnati Enquirer. A notice of availability of the EA for public comment was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. The USFWS Region 3 Regional Office issued a press release to all news media in Ohio and provided a copy of the draft EA on their website (http://www.fws.gov/midwest/MidwestBird/cormorants.htm). A total of 34 comment letters were received, 30 supporting the proposed action and 4 opposed. All comments were analyzed

to identify substantial new issues, alternatives, or to redirect the program. Responses to specific comments are included in Chapter 6 of the EA. All letters and comments are maintained at the Wildlife Services State Office in Reynoldsburg, Ohio.

MAJOR ISSUES

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on DCCO populations
- Effects on other wildlife (and plant) species, including T&E species
- Effects on human health and safety
- Effects on aesthetic values
- Humaneness and animal welfare concerns of the methods used
- Impacts on recreation

AFFECTED ENVIRONMENT

The preferred alternative may be conducted in and around public and private facilities and properties and at other sites where DCCOs may roost, loaf, feed, nest or otherwise occur. Examples of areas where CDM activities could be conducted include, but are not necessarily limited to: aquaculture facilities; fish hatcheries; lakes; ponds; rivers; swamps; marshes; islands; communally-owned homeowner/property owner association properties; boat marinas; natural areas; wildlife refuges; wildlife management areas; and airports and surrounding areas. The preferred alternative may be conducted on properties held in private, local government, state, federal, or tribal ownership once landowner permission has been obtained. WS could conduct CDM at any of the areas where DCCOs cause damage or risks to health and safety in the state, including any of the DCCO breeding sites currently identified throughout the state, with landowner permission (Appendix D, ODNR 2005). The DCCO breeding sites specifically addressed in the EA (Appendix D) are mixed species colonies where CDM measures are intended to protect the vegetation including that used by co-nesting colonial waterbirds such as great, snowy and cattle egrets, great blue herons and black-crowned night-herons. However, the CDM methods have the potential to negatively impact other colonial nesting waterbirds, so the control measures proposed for these sites have been carefully evaluated and modified to minimize risks to and disturbance of co-nesting species. The preferred alternative includes plans to monitor the impact of CDM activities on co-nesting colonial waterbirds. Cormorant damage management activities would be discontinued and re-evaluated/redesigned if the activities appear to be having a substantial negative impact on co-nesting colonial waterbirds.

This EA analyzes potential effects of WS and cooperating agency CDM activities that will occur or could occur at private and public property sites or facilities within Ohio with specific analysis of activities proposed for 5 DCCO breeding colonies including WSINWR. Because the purpose of the proposed action is to reduce damage and because the program's goals and directives are to provide services when requested and considered necessary, within the constraints of available

funding and workforce, it is conceivable that additional CDM efforts could occur. With the exception of CDM projects conducted under the PRDO which would be intended to protect free-swimming fish populations, this EA anticipates this potential expansion and analyzes the impacts of such efforts as part of the program (Section 4.1 of the EA). The EA would have to be supplemented before CDM projects intended to protect free-swimming fish populations could be conducted. Supplementing the EA pursuant to NEPA would include providing the public the opportunity to comment on the proposed action in the same manner as the public involvement process for the EA. Additionally, the Ohio DCCO Coordination Group will discuss all PRDO proposals. When considering whether a site is suitable or not for CDM, the agencies and coordination group will review the number and species of birds in the colony, the colony's longevity and stability, the colony's overall contribution to waterbird conservation in Ohio and the Great Lakes, and the nature of the DCCO damage being addressed.

ALTERNATIVES THAT WERE FULLY EVALUATED

The following five alternatives were developed to respond to the issues. Three additional alternatives were considered but not analyzed in detail (see Section 3.4). Each of the lead and cooperating agencies will make its own decision regarding the alternative to be selected. The alternative selected by each of the agencies may impact the alternatives available to the other agencies. Descriptions of each alternative, and a discussion of how the selection of each alternative by one agency affects the management actions of the other agencies is provided in Chapter 3 and Appendix E of the EA. A detailed discussion of the effects of the alternatives on the issues is described in Chapter 4 of the EA. The following is a summary of the alternatives.

Alternative 1. Integrated CDM Including Implementation of the PRDO (Preferred Alternative)

The lead and cooperating agencies propose to implement an integrated CDM program in the State of Ohio, including working under the PRDO and MBPs. An integrated wildlife damage management (IWDM) approach would be implemented to reduce DCCO damage to and conflicts with public resources, aquaculture, property, and human health and safety. The IWDM strategy would encompass the use and recommendation of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, target and non-target species, and the environment. Under this action, the lead and cooperating agencies could provide technical assistance and direct operational damage management, including both non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate, physical exclusion, habitat modification, nest destruction, or harassment would be recommended and utilized to reduce damage. In other situations, birds would be removed through use of shooting, egg oiling/addling/destruction, or euthanasia following live capture. In determining the damage management strategy, preference would be given to practical and effective non-lethal methods. However, non-lethal methods may not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of non-lethal and lethal methods, or there could be instances where the application of lethal methods alone would be the most appropriate strategy. The primary strength of this alternative and the IWDM approach is that it allows for access to the

full range of CDM techniques when developing site specific management plans. However, under this alternative, the lead and cooperating agencies could decide to only use a subset of the possible CDM methods for the management of DCCO damage at a specific site. For example, it would be possible to use only non-lethal techniques at specific sites.

Double-crested cormorant damage management activities would be conducted in the State, when requested and funded, on private or public property, after receiving permission from the landowner/land manager. All management activities would comply with appropriate Federal, State, and local laws. The USFWS would be responsible for ensuring compliance with the PRDO and MBPs and that the long-term sustainability of regional DCCO populations is not threatened. Selection of this alternative by any of the agencies would not restrict the management options available to the other agencies.

In Lake Erie, the agencies would work to meet the management objectives set in Section 1.5.6.3 as quickly as possible (likely a one to three year period). Consideration will be given to non-lethal techniques such as hazing to encourage the DCCOs to move to other areas. However, agency experience indicates that lethal techniques would be needed to adequately reduce the number of birds nesting on Lake Erie, and that it may be impractical and ineffective to try and reach management goals solely through the use of non-lethal methods. Exclusive use of harassment may also result in moving DCCOs to other areas where they may also cause problems. Carcasses of DCCOs killed at WSI would be disposed of in a composting facility on WSI. Carcasses of DCCOs killed for reduction of damage to public resources on the other Lake Erie islands and near shore areas would be disposed of in a composting facility built on Green Island. Both composting facilities would be built and maintained in accordance with Ohio Division of Soil and Water (ODSW) requirements. Personnel from ODNR and WSINWR would be specifically trained in the design and maintenance of these facilities by the OSUE. Carcasses from other CDM activities would be disposed of in landfills or State EPA approved incinerators in accordance with State and Federal regulations.

Alternative 2. Only Non-lethal CDM by Federal Agencies

Under this alternative, the Federal agencies would only use and permit non-lethal techniques for DCCO management. WS would not assist with the site evaluations and completion of WS Form 37 required by the USFWS for a MBP. The USFWS would not issue MBPs for lethal techniques to resolve conflicts with DCCOs. Permits are not required from the USFWS for non-lethal CDM techniques. Entities requesting CDM assistance for damage concerns from the lead and cooperating agencies would only be provided information and assistance with non-lethal methods such as harassment, empty nest destruction, exclusionary devices, or habitat alteration. Depending upon which agency(ies) select(s) this alternative, information on lethal CDM methods could still be available through sources such as USDA Agricultural Extension Service offices, USFWS, ODNR, universities, or pest control organizations.

The PRDO authorizes agencies to take less than 10% of a specific DCCO breeding colony without first seeking approval from the USFWS (USFWS 2003). Thus, decisions made by the USFWS in this EA cannot affect this type of CDM action on non-Federal land. Therefore, the

ODNR would use lethal methods to take up to 10% of local DCCO breeding colonies in combination with non-lethal methods to try and meet management goals (Section 1.5.6.3) at all sites under its jurisdiction (i.e., not at WSINWR). Only non-lethal methods could be used for CDM at WSINWR because Federal agency (USFWS) approval would be needed to work there. Overall management goals for the Lake Erie islands and near shore areas would be as described for Alternative 1.

Alternative 3. Only Technical Assistance by Federal Agencies

The lead and cooperating agencies considered two ways to design this alternative. In one design, the Federal agencies would not conduct operational CDM, but all permitting including giving other agencies (ODNR) permission to work on Federal lands would be considered a form of technical assistance and would be allowed. Impacts of this alternative would have been similar to Alternative 1 and would have provided little new information. In the second design, the Federal agencies would not conduct operational CDM and would not permit CDM on Federal lands. The agencies selected this design for the EA because it allowed consideration of the impacts of an intermediate level of CDM not analyzed in any of the other alternatives and also allowed the agencies to consider the impacts of having CDM conducted at some but not all sites that were under consideration in Alternative 1. Analysis of the second design of this alternative also gave the agencies the opportunity to address concerns of individuals opposed to CDM on a National Wildlife Refuge (See Section 2.2.3).

Under this alternative, the Federal agencies would not be able to conduct operational CDM in Ohio, and would only provide technical assistance. WS would be able to assist with site evaluations and completion of WS Form 37 required by the USFWS for a MBP. Issuing permits is a type of technical assistance, so the USFWS would still be able to issue MBPs and grant approval for PRDO projects anticipated to take more than 10% of local DCCO breeding colonies. However, operational CDM would not be conducted on Federal lands (e.g., WSINWR). Cormorant conflict management for the protection of public resources on the remaining Lake Erie islands and near shore areas and the inland colonies could only be conducted by ODNR, and would be the same as described for Alternative 1. WS would not be involved in operational CDM.

Alternative 4. No CDM by Federal Agencies

Under this alternative, the Federal agencies would not participate in CDM. WS would not conduct the consultations or complete the forms required by the USFWS to issue MBPs and the USFWS would not issue MBPs. Non-lethal CDM techniques could still be used without a permit. Depending upon the agency(ies) that select(s) this alternative, information on CDM methods would still be available through other sources such as USDA Agricultural Extension Service offices, USFWS, ODNR, universities, or pest control organizations.

As with Alternative 2, the USFWS would not grant approval for actions conducted under the PRDO that propose the take of more than 10% of any DCCO breeding colony. The selection of this alternative by the USFWS would not affect ODNR's use of lethal CDM methods under the

PRDO that would result in the take of less than 10% of the DCCOs in a breeding colony. The ODNR has made it clear that it would use lethal methods to take less than 10% of DCCOs in breeding colonies in combination with non-lethal methods to try and meet management goals (Section 1.5.6.3) at all sites under its jurisdiction (i.e., not at WSINWR). No CDM would be conducted at WSINWR because Federal agency (USFWS) approval would be needed to work there.

Alternative 5. - Integrated CDM Program, Excluding Implementation of the PRDO (No Action)

As defined by the CEQ, the no action alternative can be interpreted as the continuation of current CDM practices. None of the action agencies have taken action under the PRDO, so the USFWS would not conduct/authorize CDM under the PRDO. CDM could still be conducted under MBPs and WS could provide technical and operational assistance with CDM conducted under MBPs. Migratory Bird Permits could be requested and issued for the reduction of DCCO impacts on sensitive species or their habitats (e.g., vegetation), but, with the exception of research projects, would generally not be issued for birds taking free-swimming fish from public waters. MBPs would be issued for damage to private property and for alleviation of human health and safety issues.

The management goals set for this EA were established to protect vegetation and co-nesting birds, so overall objectives for the Lake Erie islands and near shore areas will be the same as described for Alternative 1. WSINWR could grant approval for CDM conducted under MBPs.

FINDING OF NO SIGNIFICANT IMPACT

Many of the issues analyzed in the EA were also analyzed in the FEIS (USFWS 2003). The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this preferred alternative. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Cormorant damage management as conducted by WS and the other action agencies in Ohio is not regional or national in scope. The impacts of cormorant management that are regional or national in scope have been addressed and analyzed in the FEIS.

2. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).

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. 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.

4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to CDM, this action is not highly controversial in terms of size, nature, or effect. Public controversy over cormorant management has been acknowledged and addressed in the FEIS and the EA.

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. The issue of uncertainty about effects of DCCO management in general has also been addressed in the FEIS.

6. The preferred alternative would not establish a precedent for any future action with significant effects.

7. No significant cumulative effects were identified through this assessment. The EA discussed 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. The FEIS analyzed the potential for significant cumulative impacts on national and regional DCCO populations and other species from implementing CDM activities and has determined that such impacts would not be significant.

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. 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 (Section 1.9.2 of EA).

9. The USFWS has determined that the proposed program would have no effect on or is not likely to adversely affect any federally-listed threatened or endangered species. This determination is based upon Intra-Service Section 7 Biological Evaluations completed by the USFWS for the FEIS and this EA. WS and the other action agencies will abide by the conservation measures provided in 50 CFR 21.48(d)(8) and the Intra-Service Section 7 Biological Evaluation for CDM in Ohio to avoid adverse impacts to the Lake Erie watersnake, bald eagle and piping plover. In addition WS and the ODNR have determined that the proposed program will not adversely affect any Ohio State-listed threatened or endangered species.

10. The proposed action would be in compliance with all Federal, State, and local laws. The proposed action is consistent with the Ohio Coastal Zone Management Program

DECISION AND RATIONALE

I have carefully reviewed the EA prepared for this proposal and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 1 - Integrated CDM Program, including implementation of the PRDO (Preferred Alternative) and applying the associated standard operating procedures discussed in Chapter 3 of the EA. Alternative 1 is selected because (1) it offers the greatest chance at maximizing effectiveness and providing benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (2) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and (3) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. The comments identified from public involvement were considered, and where appropriate, changes were made to the EA. The revisions that were made to the EA did not substantially change the analysis. Therefore, it is my decision to implement the preferred alternative as described in the EA.

Copies of the EA are available upon request from the USDA Wildlife Services Office, 6929 Americana Parkway, Reynoldsburg, OH, 43068, phone: (614) 861-6087, FAX: (614) 861-9018, on the USFWS Regional Office website at: http://www.fws.gov/midwest/MidwestBird/cormorants.htm, or from the U.S. Fish and Wildlife Service, Division of Migratory Birds, 1 Federal Drive, Fort Snelling, MN 55111-4056.

Robert Hudson

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

3-29-06
Date

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