DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
for
CANADA GOOSE DAMAGE MANAGEMENT
IN THE STATE OF NEW YORK

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS), Wildlife Services (WS) program 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). To evaluate and determine if any potentially significant impacts to the human environment from WS' planned and proposed program would occur, an environmental assessment (EA) was prepared. The EA documents the need for Canada goose damage management in New York and assessed potential impacts of various alternatives for responding to damage problems. The EA analyzes the potential environmental and social effects for resolving Canada goose damage related to the protection of resources, and health and safety on private and public lands in New York. WS' proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on public and private lands in New York. Comments from the public involvement process were reviewed for substantive issues and alternatives which were considered in developing this decision.

WS is the Federal program authorized by law to reduce damage caused by wildlife (Act of 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c) and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987. Stat. 1329-1331 (7 U.S.C. 426c), and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001, Public Law 106-387, October 28, 2000. Stat. 1549 (Sec 767). 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 uses an Integrated Wildlife Damage Management approach, commonly known as Integrated Pest Management (WS Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. WS wildlife damage management is not based on punishing offending animals but as one means of reducing damage and is used as part of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201). Resource management agencies, organizations, associations, groups, and individuals have requested WS to conduct Canada goose damage management to protect resources and human health and safety in New York. All WS wildlife damage management activities are in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

Consistency

The analyses in the EA demonstrate that Alternative 1: 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage while providing low impacts on non-target species, 4) balances the economic

effects to agricultural and natural resources, and property, and 5) allows WS to meet its obligations to government agencies or other entities.

Monitoring
The New York WS program will annually provide to the U.S. Fish and Wildlife Service (USFWS) and the New York State Department of Environmental Conservation (NYDEC) the WS lethal take of target and non-target animals to help ensure the total statewide take (WS and other take) does not impact the viability of target and nontarget wildlife species. In addition, the EA will be reviewed each year to ensure that it and the analysis are sufficient.

Public Involvement
The pre-decisional EA was prepared and released to the public for a 45-day comment period by a legal notice in the *Newsday* (NYC/Long Island), *The Post-Standard* (Syracuse), *Buffalo News*, and *The Albany Times Union*. The pre-decisional EA was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. A total of two comment letters were received by WS within the comment period. All comments were analyzed to identify substantial new issues, alternatives, or to redirect the program. Wildlife Services responses to specific comments are included in Appendix A of this Decision and FONSI. All letters and comments are maintained at the New York WS State Office, 1930 Route 9, Castleton, NY 12033-9653.

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 Target Canada Goose Populations
- Effectiveness of Canada Goose Damage Management
- Effects on Aesthetic Values
- Humaneness and Animal Welfare Concerns of Methods Used by WS
- Effects on Nontarget Wildlife Species Populations, Including T&E Species

Affected Environment
The proposed action will affect private and public lands in New York including, but not necessarily limited to property on or adjacent to airports, golf courses, athletic fields, recreational areas, swimming beaches, parks, corporate complexes, subdivisions, businesses, industrial parks, schools, agricultural areas, wetlands, restoration sites, and cemeteries.

Alternatives That Were Fully Evaluated
The following four alternatives were developed to respond to the issues. One additional alternative was considered but not analyzed in detail. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

Alternative 1: Integrated Wildlife Damage Management (Proposed Action/No Action)
The proposed action is for WS to continue to implement an Integrated Canada Goose Damage Management Program that responds to requests for the protection of property, agricultural resources, natural resources, quality of life, human health, and human safety in New York.

Requests for assistance may occur anywhere and anytime in New York. The program would include the use of legal techniques and methods, used singly or in combination, to meet requestor needs for reducing conflicts with Canada geese (*see* Appendix B of the EA). Cooperators requesting assistance would be provided with information regarding the use of effective nonlethal and lethal techniques. Nonlethal methods recommended or used by WS may include resource management, physical exclusion, deterrents or relocation—in specific situations. Lethal methods recommended or used by WS may include nest/egg destruction, live capture or transportation to a licensed poultry processing facility, live capture and euthanasia, and/or shooting. In many situations, the implementation of nonlethal methods such as manipulation of habitat, application of repellents, and installation of fencing, flagging, and exclusion devices would be conducted by the requestor. Wildlife damage management assistance regarding Canada geese would be conducted by WS in New York, when requested, on private and public property and facilities where a need exists and pursuant to an Agreement for Control.

The proposed program would be conducted pursuant to applicable laws and regulations authorizing take of Canada geese and their nest and eggs, developed through partnerships among WS, the USFWS, and the NYSDEC, and as requested by and through coordination with requestors of assistance. All management actions would comply with applicable federal, state, and local laws.

Alternative 2: Technical Assistance Only by WS

This alternative would not allow for WS operational Canada goose damage management in New York. WS would only continue to provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, or others could conduct Canada goose damage management using any legal lethal or nonlethal method. If Alpha-Chloralose becomes registered for use in NY, Alpha-Chloralose would only be available for use by WS employees. Therefore, use of this chemical by private individuals would be illegal and unavailable for use. Appendix B of the EA describes a number of methods that could be employed by private individuals or other agencies after receiving technical assistance advice under this alternative.

Alternative 3: Non-lethal Only by WS

This alternative would require WS to use or recommend nonlethal methods only to resolve Canada goose damage problems. Persons receiving technical assistance could still employ lethal methods that were available to them. If Alpha-Chloralose becomes registered for use in NY, it would only be available for use by WS employees. Therefore, use of this chemical by private individuals would be illegal and unavailable for use. Appendix B of the EA describes a number of nonlethal methods available for use by WS under this alternative.

Alternative 4: No Federal WS Waterfowl Damage Management

This alternative would eliminate WS involvement in Canada goose damage management in New York. WS would not provide direct operational or technical assistance and requesters of WS services would conduct damage management activities without WS input. Information on Canada goose damage management methods may be available to producers and property owners through other sources such as the NYSDEC, USDA Agricultural Extension Service offices, universities, or pest control organizations. If Alpha-Chloralose becomes registered for use in

NY, Alpha-Chloralose would only be available for use by WS employees. Therefore, use of this chemical by private individuals would be unavailable for use.

Alternative Considered but not Analyzed in Detail:

Non-lethal Methods Implemented Before Lethal Methods

This alternative is similar to Alternative 1 except that WS personnel would be required to always recommend or use nonlethal methods prior to recommending or using lethal methods to reduce Canada goose damage. Both technical assistance and direct damage management would be provided in the context of a modified IWDM approach. Alternative 1, the Proposed Action, recognizes nonlethal methods as an important dimension of IWDM, gives them first consideration in the formulation of each management strategy, and recommends or uses them when practical before recommending or using lethal methods. However, the important distinction between the Nonlethal Methods First Alternative and the Proposed Alternative is that the former alternative would require that nonlethal methods be recommended or used before any lethal methods are recommended or used.

While the humaneness of the nonlethal management methods under this alternative would be comparable to the Proposed Program Alternative 1, the extra harassment caused by the required use of nonlethal methods that may be ineffective could be considered less humane by some. As local Canada goose populations increase, the number of areas negatively affected by geese would increase and greater numbers of geese would be expected to congregate at sites where management efforts were not effective. These larger concentrations may ultimately result in greater numbers of geese being killed to achieve the local Wildlife Acceptance Capacity (WAC) than if lethal management were immediately implemented at problem locations (Manuwal 1989). Once lethal measures were implemented, Canada goose damage would be expected to drop relative to the reduction in the local populations of Canada geese causing the damage. Most sites are chronic in nature; they receive Canada goose damage yearly. Some people would, therefore, consider prolonged uses of ineffective, nonlethal methods to be a waste of time and resources.

Because this alternative would result in greater numbers of geese being killed to achieve the local WAC, at a greater cost to the requester and result in a delay in reaching the local WAC in comparison to the Proposed Alternative, the Nonlethal Methods Implemented Before Lethal Methods Alternative is not included in further discussion in this document.

Capture and Relocation

Smith (1996) reported that relocating groups of juvenile geese to rural settings can effectively remove geese from urban areas, retain geese at the release site, include them in the sport harvest, and expose them to higher natural mortality. Smith (1996) also reported that multiple survival models indicated that survival estimates of relocated juveniles were half of those of urban captured and released birds. Relocating adult geese is often ineffective because the birds have a strong tendency to return to areas where they previously nested or may create conflicts in release areas. The NYSDEC does not allow relocation of Canada geese under the migratory bird depredation permit in the State of New York. Ultimately, some believe that the relocation of resident Canada geese from metropolitan communities can assist in the reduction of overabundant populations (Cooper and Keefe 1997); while this practice has been accepted by the

general public as a method of reducing goose populations to socially acceptable levels (Fairaizl 1992), it still does not resolve damage issues.

Relocation of resident geese has the potential to spread disease into populations of other and/or migrating waterfowl. The AAWV (undated) "discourages the practice of relocating nuisance or excess urban ducks, geese and swans to other parks or wildlife areas as a means of local population control." The Atlantic Flyway Council (1999) states that relocation of geese is generally not permitted now, as it does little to suppress population size and there are few areas where additional geese are desired. As resident goose populations are established in almost every state and province, creating problems for these areas, there are no known unoccupied areas where releases are desired.

Finding of No Significant Impact

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 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. Canada goose damage management as conducted by WS in New York is not regional or national in scope.

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 WS's standard operating procedures and adherence to laws and regulations will 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 wildlife 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 this assessment. The number of Canada geese killed by WS, when added to the total known other take of this species, would fall within population management objectives supported by the NYDEC and the

U.S. Fish and Wildlife Service. The EA discussed cumulative effects of WS on target and nontarget species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.

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 threatened or endangered species. This determination is based on the conclusions made by the USFWS during their 1992 programmatic consultation of WS activities and subsequent Biological Opinion (USDA 1997, Appendix F); the Eastern Region consultation and concurrence letter of a "not likely to adversely affect" determination on lynx provided to WS by the USFWS (5/9/01); and a no effect determination by WS on those T&E species not included in the 1992 Biological Opinion. In addition, WS has determined that the proposed program would not adversely affect any New York State listed threatened or endangered species.

10. The proposed action would be in compliance with all federal, state, and local laws.

Decision and Rationale

I have carefully reviewed the Environmental Assessment (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 Wildlife Damage Management Program (Proposed Action/No Action) and applying the associated mitigation measures discussed in Chapter 3 of the EA. Alternative 1 is selected because (1) it offers the greatest chance at maximizing effectiveness and 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 nontarget 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 minor and did not change the analysis. Therefore, it is my decision to implement the proposed action as described in the EA.

Copies of the EA are available upon request from the New York WS State Office, 1930 Route 9, Castleton, NY 12033-9653.

3/15/04

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

Date

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APPENDIX A

Response to Comments to the Environmental Assessment Canada Goose Damage Management in The State of New York

1. ***Nonlethal methods and elimination of goose nesting (egg oiling) are preferred over lethal methods to resolve damage and conflicts with Canada geese. Practical and effective nonlethal methods should be used prior to using lethal control.***

Program Response: As described in Sections 1.1.1; 3.2.1; and 4.1 of the EA, the Proposed Action (Alternative 1) would allow WS to use, implement, and recommend an integrated program that would include lethal and nonlethal Canada goose damage management methods and approaches. "Nonlethal Methods Implemented Before Lethal Methods" was evaluated and eliminated from further discussion in Section 3.4 of the EA. The Proposed Action will consider practical and effective non-lethal methods as part of an overall IWDM program. However, nonlethal methods may not always be applied as a first response to each damage problem. The most appropriate response may often be a combination of nonlethal and lethal methods, or there may be instances where application of lethal methods alone would be the most appropriate strategy.

In some NY locations, implementation of nonlethal methods and on-site elimination of goose nesting has not reduced goose damage to tolerable levels. In some situations, combined use of nonlethal methods and egg destruction is not sufficient to reduce goose-related damage to tolerable levels. In those and similar cases, implementation of lethal methods is accepted by the requestor as the preferred approach in order to protect human health and safety and resources. Elimination of goose nesting does not reduce the number of adult geese associated with the site, although it may render adult geese somewhat more responsive to harassment since they are not attached to nests and goslings. To equal the effect of removing an adult bird from a population, all eggs produced by that goose during its entire lifetime must be removed (Smith et al. 1999). Furthermore, egg removal efforts must be nearly complete in order to prevent recruitment from a small number of surviving nests that would offset control efforts (Smith et al. 1999). Cooper and Keefe (1997), Rockwell et al. (1997), and Schmutz et al. (1997) reported that goose egg destruction is only fractionally effective in attaining population reduction objectives, and that nest/egg destruction is not an efficient or cost-effective damage management or population reduction approach.

The Atlantic Flyway Resident Canada Goose Management Plan (Atlantic Flyway Council 1999), states to effectively reduce resident goose populations, an increase in adult and immature mortality rates, combined with reproductive control, is necessary. Reproductive control alone can not reduce the population in an acceptable time; treatment of 95% of all eggs each year would result in only a 25% reduction over 10 years (Allan et al. 1995). In contrast, reducing annual survival of resident geese by just 10% would reduce a predicted growth rate of

+15%/year to a stable population, assuming moderate recruitment (Atlantic Flyway Council 1999).

2. *What means or methods will WS use to determine whether geese are impacting a specific resource and that the course of action taken will reduce impacts to acceptable levels?*

Program Response: As described in section 3.3.2 of the EA, WS uses a decision model which involves evaluating each request for assistance, taking action and evaluating and monitoring results of the actions taken.

3. *U.S. taxpayer dollars should not be spent on managing Canada goose damage and conflicts.*

Program Response: WS is aware of concerns that wildlife damage management should not be provided at the expense of the taxpayer, or that it should be fee-based. WS was established by Congress as the agency responsible for providing wildlife damage management to the people of the United States. Funding for WS comes from a variety of sources in addition to Federal appropriations. Such non-Federal sources include State general appropriations, Local government funds (county or city), livestock associations, Indian tribes, and private funds which are all applied toward program operations. Federal, State, and Local officials have decided that some wildlife damage management by WS should be conducted by appropriating funds. Additionally, wildlife damage management is appropriate for government programs, since wildlife management is a government responsibility. A commonly voiced argument for publicly funded wildlife damage management is that the public should bear responsibility for damage to private property caused by public wildlife.

Issue 4: ***The EA is inadequate and that a full Environmental Impact Statement (EIS) is warranted.***

Program Response: WS has determined that the analysis in the EA showed no significant impact on the quality of the human environment. The EA took a hard look at the need for action, the issues, alternatives, and environmental consequences, and resulted in a FONSI that discussed, under each of the ten CEQ points of significance, why each was not significant. WS carefully considered all comments from respondents to the public involvement efforts. The agency followed CEQ NEPA regulations, and Agency NEPA implementing procedures. Thus, the EA resulted in a FONSI that specified why an EIS was not required.

Issue 5: ***The EA does not satisfy the site-specificity requirement of the National Environmental Policy Act (NEPA).***

Program Response: Site specificity is addressed in Section 1.6.4 and 2.4.1 of the EA. Some individuals might question whether preparing an EA for an area as large as the State of New York would meet the NEPA requirements for site specificity. Wildlife damage management falls within the category of federal or other agency actions in which the exact timing or location of individual activities cannot usually be predicted well enough ahead of time to accurately describe such locations or times in an EA or EIS. Although WS can predict some of the possible

locations or types of situations and sites where some kinds of wildlife damage will occur, the program cannot predict the specific locations or times at which affected resource owners will determine a damage problem has become intolerable to the point that they request assistance from WS. In addition, the WS program would not be able to prevent such damage in all areas where it might occur without resorting to destruction of wild animal populations over broad areas at a much more intensive level than would be desired by most people, including WS and state agencies. Such broad scale population management would also be impractical or impossible to achieve within WS policies and professional philosophies.

If a determination is made through this EA that the proposed action would have a significant environmental impact, then an EIS would be prepared. In terms of considering cumulative impacts, one EA analyzing impacts for the entire state provides a better analysis than multiple EA's covering smaller zones or individual actions.