

## ADOPTION AND FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY BIRD DAMAGE MANAGEMENT IN KENTUCKY

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Kentucky Wildlife Services (WS) program, in cooperation with the Tennessee Valley Authority (TVA), conducts programs to resolve or prevent damage to agricultural resources, natural resources, and property, including threats to human safety, associated with birds in the State of Kentucky. The Tennessee Valley Authority (TVA) continues to experience damage or threats of damage associated with birds at facilities or properties they own in Kentucky and may request the assistance of WS to manage the damage or threats of damage at these properties.

WS prepared an Environmental Assessment (EA) to evaluate the cumulative effects of WS' actions conducted to manage damage and threats of damage associated with the Snow Goose (*Chen caerulescens*), Canada Goose (*Branta canadensis*), Mallard (*Anas platyrhynchos*), feral waterfowl, Wild Turkey (*Meleagris gallopavo*), Double-crested Cormorant (*Phalacrocorax auritus*), Great Blue Heron (*Ardea herodias*), Great Egret (*Ardea alba*), Snowy Egret (*Egretta thula*), Cattle Egret (*Bubulcus ibis*), Black-crowned Night-Heron (*Nycticorax nycticorax*), Black Vulture (*Coragyps atratus*), Turkey Vulture (*Cathartes aura*), Osprey (*Pandion haliaetus*), Mississippi Kite (*Ictinia mississippiensis*), Bald Eagle (*Haliaeetus leucocephalus*), Sharp-shinned Hawk (*Accipiter striatus*), Cooper's Hawk (*Accipiter cooperii*), Red-tailed Hawk (*Buteo jamaicensis*), Golden Eagle (*Aquila chrysaetos*), Killdeer (*Charadrius vociferous*), Ring-billed Gull (*Larus delawarensis*), Herring Gull (*Larus argentatus*), Rock Pigeon (*Columba livia*), Eurasian Collared-Dove (*Streptopelia decaocto*), Mourning Dove (*Zenaida macroura*), Snowy Owl (*Bubo scandiacus*), Common Nighthawk (*Chordeiles minor*), American Kestrel (*Falco sparverius*), Peregrine Falcon (*Falco peregrinus*), American Crow (*Corvus brachyrhynchos*), Cliff Swallow (*Petrochelidon pyrrhonota*), Barn Swallow (*Hirundo rustica*), American Robin (*Turdus migratorius*), European Starling (*Sturnus vulgaris*), Red-winged Blackbird (*Agelaius phoeniceus*), Eastern Meadowlark (*Sturnella magna*), Common Grackle (*Quiscalus quiscula*), Brown-headed Cowbird (*Molothrus ater*), House Finch (*Haemorhous mexicanus*), and House Sparrow (*Passer domesticus*).

In addition to those species, WS could also receives requests for assistance to manage damage and threats of damage associated with several other bird species, but requests for assistance associated with those species would occur infrequently and/or requests would involve a small number of individual birds of a species. Damages and threats of damages associated with those species would occur primarily at airports where individuals of those species pose a threat of aircraft strikes.

The Tennessee Valley Authority (TVA) also continues to experience damage and threats of damage associated with birds at facilities or properties we own or manage in Kentucky. Therefore, TVA could request the assistance of WS to manage damage or threats of damage at those facilities and properties. The goal of WS and TVA would be to conduct a coordinated program to alleviate bird damage on properties TVA owns or manages in accordance with plans and objectives developed by both agencies. The plans and objectives would outline the actions of each agency.

WS and TVA previously developed an EA that analyzed the need for action to manage damage associated with bird species in Kentucky. That EA identified the issues associated with managing damage that birds cause in Kentucky and analyzed alternative approaches to meet the specific needs identified in the EA while addressing the issues associated with managing damage. Changes in the need for action and the

affected environment have prompted WS and TVA to initiate new analysis in KY. Therefore, the analyses in this EA supersede the previous EA. TVA has independently reviewed the WS EA, provided comments on the document, and found it to be adequate. TVA is therefore adopting the new WS EA.

The new EA will assist in determining if the proposed management of damage associated with birds could have a significant impact on the environment for both people and other organisms. WS and TVA defined the issues associated with meeting the need for action and identified preliminary alternatives through consultation with the Kentucky Department of Fish and Wildlife Resources (KDFWR) and United States Fish and Wildlife Service (USFWS). The new EA analyzes three alternatives in detail to meet the need for action and to address the issues analyzed in detail.

### **Alternatives**

The current WS EA evaluated the potential environmental consequences under three alternatives. Alternative 1 would continue implementation of an adaptive methods approach utilizing non-lethal and lethal techniques, when requested, as deemed appropriate using the WS Decision Model, to reduce damage and threats caused by birds in Kentucky. Alternative 2 would limit WS's involvement to providing recommendations on methods that people could use to manage damage without any direct involvement by WS. Under Alternative 3, the WS program in Kentucky would not provide any assistance with managing damage associated with birds in the State.

### **Impacts Assessment**

WS and TVA developed six issues related to managing damage associated with birds in Kentucky. Each of the issues is discussed in the EA, as those issues relate to the possible implementation and environmental consequences of the three alternatives.

- Issue 1 - Effects of damage management activities on target bird populations;
- Issue 2 - Effects on non-target wildlife species populations, including threatened and endangered species;
- Issue 3 - Effects of damage management methods on human health and safety;
- Issue 4 - Effects on the aesthetic values of birds;
- Issue 5 - Humaneness and animal welfare concerns of methods;
- Issue 6 - Effects of bird damage management activities on the regulated harvest of birds.

#### **Issue 1 - Effects of Damage Management Activities on Target Bird Populations**

WS personnel could employ non-lethal and/or lethal methods to resolve a request for assistance. Non-lethal methods consist of capturing, dispersing, excluding, or making an area unattractive to birds causing damage; thereby, potentially reducing the presence of those birds at the site and potentially the immediate area around the site. Lethal methods can remove specific birds that personnel of WS identify as causing damage or posing a threat to human safety. Neither method would adversely affect the populations of the target species under any of the alternatives.

#### **Issue 2 - Effects on Non-Target Wildlife Species Populations, Including Threatened and Endangered Species**

To reduce the likelihood of dispersing, capturing, or removing non-target animals, WS would employ the use of attractants that were as specific to the targeted species as possible. WS would use standard operating procedures to reduce any potential adverse effects on non-target animals. These methods are “*not likely to adversely affect*” threatened or endangered species or their designated critical habitats in the State. USFWS concurred with the effects determination made by WS during consultation. This applies to all alternatives.

### **Issue 3 - Effects of Damage Management Methods on Human Health and Safety**

WS' employees would consider risks to human safety when conducting available methods of managing damage caused by birds. The type of wildlife species responsible for causing damage or threats and WS' directives would also be considered. The threats to human safety from the use of methods would be similar across the alternatives.

### **Issue 4 - Effects on the Aesthetic Values of Birds**

Birds may provide aesthetic enjoyment to some people in the State, such as through observations, photographing, and knowing they exist as part of the natural environment. Methods available WS could use under each alternative could result in the dispersal, exclusion, live-capture, or lethal removal of individuals or small groups of birds to resolve damage and threats. However, these methods would not reach a magnitude that would prevent ability to view birds outside the area where damage was occurring. The aesthetic values of birds would be minimal across the alternatives.

### **Issue 5 - Humaneness and Animal Welfare Concerns of Methods**

The EA also analyzed the issue of humaneness and animal welfare concerns in relationship to methods available under each of the alternatives. The ability of WS to provide direct operational assistance under Alternative 1 would ensure WS' personnel employed methods as humanely as possible. Under the other alternatives, other entities could use methods inhumanely if used inappropriately or without consideration of target animal behavior. However, the skill and knowledge of the person implementing methods to resolve damage would determine the efficacy and humaneness of methods.

### **Issue 6 - Effects of Bird Damage Management Activities on the Regulated Harvest of Birds**

Based on the limited removal proposed by WS and the oversight by the USFWS and/or the Kentucky Department of Conservation and Natural Resources (ADCNR), annual removal by WS would have no effect on the ability of those persons interested to harvest certain bird species during the regulated harvest season. The WS program would have no impact on the ability to harvest those species during the annual hunting seasons under Alternative 2 and Alternative 3 since the WS program would have limited involvement with managing damage associated with those species. However, resource/property owners and other entities may remove birds resulting in impacts similar to Alternative 1 under Alternatives 2 and 3. The USFWS and/or the ADCNR could continue to regulate bird populations through adjustments in allowed removal during the regulated harvest season and through permits to manage damage or threats of damage.

### **Cumulative Impacts of the Proposed Action**

No significant cumulative environmental impacts are expected from any of the three alternatives, including TVA and WS's preferred alternative (Alternative 1). The analysis in the EA adequately addressed the identified issues, which reasonably confirmed that an integrated methods approach would not result in significant cumulative adverse effects on the quality of the human environment.

The preferred alternative contemplates that, for any request for assistance, WS will apply the Decision Model which assesses the problem, evaluates management methods available, and then formulates a management strategy and continues to monitor that strategy. Any decision made using the Decision Model would be in accordance with WS' directives and standard operating procedures as well as relevant laws and regulations. The WS EA states, "The monitoring of activities by WS would ensure the EA remained appropriate to the scope of activities conducted by WS in Kentucky and damage management activities that WS could conduct on property owned or managed by the TVA under the selected alternative."

**Public Involvement**

WS made the EA available to the public for review and comment by a legal notice published in *The State Journal* newspaper from December 22, 2014, through December 24, 2014. WS made the draft EA available to the public for review and comment on the APHIS website on January 20, 2016 and on the regulations.gov website beginning on December 17, 2014. WS also sent a notice of availability directly to agencies, organizations, and individuals with probable interest in managing bird damage in the State. The public involvement process ended on January 30, 2015. During the public comment period, WS received one comment related to the draft EA resulting in minor changes, but did not change the analysis provided in the EA. A finding of no significant impact (FONSI) was signed by USDA/APHIS/WS director on June 3, 2015.

**Conclusion and Findings**

Due to TVA’s involvement with WS concerning bird damage control and management in Kentucky, TVA independently reviewed the current WS EA and found it to be adequate. Based on the analyses in the EA and the findings documented above, TVA concludes that contracting with WS for bird damage management services on TVA facilities and properties in Kentucky as described under Alternative 1 above would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required. If needed, TVA may request the assistance of WS to manage damage or threats of damage at those facilities and properties as assessed under the 2015 Managing Damage Caused by Birds in the Commonwealth of Kentucky Environmental Assessment.



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Date Signed