

## DECISION AND FINDING OF NO SIGNIFICANT IMPACT

### ENVIRONMENTAL ASSESSMENT: MANAGING DAMAGE AND THREATS OF DAMAGE CAUSED BY BIRDS IN GEORGIA

#### I. INTRODUCTION

Animals provide many economic, recreational, emotional, and esthetic benefits to people. However, in some situations, the behavior of animals can cause damage to resources that people value, and they can pose threats to the health and safety of people. Wildlife damage management is the alleviation of damage or other problems caused by or related to the behavior of animals and can be an integral component of wildlife management. When animals cause damage or pose threats of damage, people may seek assistance from other entities. The mission of the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program is to provide federal leadership with managing damage and threats of damage caused by animals.

#### II. NEED FOR ACTION

In Georgia, WS has and continues to receive requests for assistance to reduce and prevent damage to agricultural resources, property, and natural resources along with reducing threats to human health and safety associated with several bird species. Those bird species include Canada geese (*Branta canadensis*), feral/free-ranging domestic fowl<sup>1</sup>, mallards (*Anas platyrhynchos*), wild turkeys (*Meleagris gallopavo*), rock pigeons (*Columba livia*), Eurasian collared-doves (*Streptopelia decaocto*), mourning doves (*Zenaidura macroura*), killdeer (*Charadrius vociferus*), ring-billed gulls (*Larus delawarensis*), double-crested cormorants (*Nannopterum auritum*), great blue herons (*Ardea herodias*), great egrets (*Ardea alba*), snowy egrets (*Egretta thula*), cattle egrets (*Bubulcus ibis*), black-crowned night-heron (*Nycticorax nycticorax*), yellow-crowned night-heron (*Nyctanassa violacea*), white ibis (*Eudocimus albus*), black vultures (*Coragyps atratus*), turkey vultures (*Cathartes aura*), osprey (*Pandion haliaetus*), American crows (*Corvus brachyrhynchos*), barn swallows (*Hirundo rustica*), cliff swallows (*Petrochelidon pyrrhonota*), European starlings (*Sturnus vulgaris*), American robins (*Turdus migratorius*), house sparrows (*Passer domesticus*), eastern meadowlarks (*Sturnella magna*), red-winged blackbirds (*Agelaius phoeniceus*), brown-headed cowbirds (*Molothrus ater*), common grackles (*Quiscalus quiscula*), and boat-tailed grackles (*Quiscalus major*). Table 1.1 in Section 1.2 of the Final Environmental Assessment (FEA) shows the resource types that those bird species could damage in Georgia.

In addition to those bird species, WS could receive 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. Damage and threats of damage associated with those species would occur primarily at airports where individuals of those species pose a threat of aircraft strikes. Appendix E in the FEA contains a list of species that WS could address in low numbers and/or infrequently when those species cause damage or pose a threat of damage. Table E-1 in Appendix E of the FEA shows the bird species that WS could address in low numbers and/or infrequently and the resources those bird species could damage in Georgia.

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<sup>1</sup>Free-ranging or feral domestic fowl refers to captive-reared, domestic, of some domestic genetic stock, or domesticated breeds of ducks, geese, swans, peafowl, chickens, and other fowl. Examples of domestic waterfowl include, but are not limited to, mute swans, Muscovy ducks, pekin ducks, Rouen ducks, Cayuga ducks, Swedish ducks, Chinese geese, Toulouse geese, khaki Campbell ducks, emden geese, and pilgrim geese. Feral ducks may include a combination of mallards, Muscovy ducks, and mallard-Muscovy hybrids.

### **III. NATIONAL ENVIRONMENTAL POLICY ACT AND WS' DECISION-MAKING**

Pursuant to the National Environmental Policy Act (NEPA), WS, in cooperation with the Tennessee Valley Authority (TVA), prepared an Environmental Assessment (EA) to document alternative approaches to meeting the need for action and to document the potential environmental effects associated with implementing those alternative approaches. The EA provides evidence and analysis to determine whether the potential environmental effects to the human environment might be significant requiring the preparation of an Environmental Impact Statement. Therefore, the analyses in the FEA helped inform agency decision-makers, including making an informed decision on whether the alternative approaches would require the preparation of an Environmental Impact Statement, or the EA process concludes with a Finding of No Significant Impact. This Decision document provides notification of WS' choice of an alternative approach to implement and determination regarding the environmental effects of the chosen approach. The FEA, along with this Decision, document WS' compliance with the NEPA, with the Council on Environmental Quality guidelines (see 40 CFR 1500), and with the implementing regulations for the NEPA of the USDA (7 CFR 1b) and the APHIS (see 7 CFR 372). WS and the TVA developed the FEA under the 1978 NEPA regulations and existing APHIS NEPA implementing procedures because WS and the TVA initiated the EA prior to the NEPA revisions that went into effect on September 14, 2020. In addition, WS and the TVA completed the analyses in the Pre-decisional Draft EA prior to the amendments made to the NEPA by the Fiscal Responsibility Act of 2023.

#### ***Public Involvement***

Another major purpose of the NEPA is to include the public during the planning process to support informed decision-making. WS and the TVA made the Pre-decisional Draft EA available to the public for review and comment by a legal notice published in the *Atlanta Journal-Constitution* newspaper from August 8, 2023 through August 10, 2023 and a notice of availability published on the APHIS website. WS and the TVA also made the Pre-decisional Draft EA available to the public for review and comment on the federal e-rulemaking portal at the regulations.gov website. WS also sent out direct mailings to local known stakeholders and an electronic notification to stakeholders registered through the APHIS Stakeholder Registry. The public involvement process ended on September 12, 2023.

During the public comment period, WS and the TVA received 11,532 comment responses from the public on the regulations.gov website related to the Pre-decisional Draft EA. WS considered all comments received. Appendix A of this decision document summarizes the comments received and provides WS' responses to the comments. WS will make this Decision and Finding of No Significant Impact and the FEA available to the public using the same methods that WS and the TVA used to notify the public that the Pre-decisional Draft EA was available for public comment.

### **IV. SCOPE OF ANALYSIS**

The geographic scope of the actions and analyses in the FEA cover the entire State of Georgia because many of the bird species discussed in Section 1.2 and Appendix E of the FEA occur throughout the state and damage and threats of damage can occur wherever those species occur, including properties owned or managed by the TVA. However, a property owner or manager would determine when assistance was required on their properties, including properties owned or managed by the TVA (see Section 1.1 and Section 1.2 in the FEA). If WS implements the proposed action alternative (Alternative 1), WS would only provide assistance when the appropriate property owner or manager requested assistance from WS and would only conduct direct operational assistance on properties where WS and the appropriate property owner or manager sign a work initiation document (see Section 1.4 and Section 2.4.1 in the FEA).

The standard WS Decision Model would be the site-specific procedure for individual actions conducted by WS in Georgia (see Section 2.4.1 in the FEA and WS Directive 2.201)<sup>2</sup>. In addition, decisions made using the model would be in accordance with WS' directives (see WS Directive 1.101) as well as relevant laws and regulations (see WS Directive 2.210).

## **V. AGENCIES ROLES AND REGULATIONS THAT COULD APPLY TO WS' ACTIVITIES**

Several governmental agencies would have roles and authorities that relate to WS conducting activities. Section 1.5 in the FEA provides brief discussions of the roles and authorities of other governmental agencies as those roles and authorities relate to conducting wildlife damage management. In addition to WS complying with the NEPA, several regulations and executive orders would be relevant to activities that WS could conduct when providing assistance. Section 1.7 in the FEA discusses several regulations and executive orders that would be relevant to WS' activities when providing assistance. All management actions conducted and/or recommended by WS would comply with applicable laws and regulations in accordance with WS Directive 2.210.

## **VI. DOCUMENTS RELATED TO THE EA**

Section 1.6 in the FEA provides a brief description of other documents that relate to the EA. This Decision and the associated 2023 FEA evaluating activities to manage bird damage in Georgia will supersede the 2005 EA evaluating activities to manage damage associated with multiple waterfowl species in Georgia, the 2004 EA evaluating activities to manage damage associated with rock pigeons, European starlings, and house sparrows in Georgia, and the 2011 EA evaluating activities to manage damage associated with several additional bird species in Georgia because the 2023 FEA re-evaluated activities conducted under the previous EAs.

## **VII. ISSUES CONSIDERED**

Issues are concerns regarding potential effects that might occur from a proposed activity (see Section 2.1 of the FEA). Federal agencies, including WS and the TVA, must consider such issues during the decision-making process of the NEPA. WS and the TVA identified several issues during the development of the Pre-decisional Draft EA. Section 2.1 of the FEA describes the issues considered and evaluated by WS and the TVA as part of the decision-making process. Section 3.2 of the FEA describes additional issues that WS and the TVA considered but did not analyze in detail within the FEA. The rationale for the decision not to analyze those issues in detail occurs in Section 3.2 of the FEA. WS and the TVA analyzed the environmental consequences of implementing the alternative approaches for each of the following issues.

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

A common concern when conducting activities to manage bird damage is the potential effects those activities would have on the populations of target bird species. Concern primarily occurs when using lethal methods to address bird damage because the removal of a bird or birds could result in local population reductions in the area where damage or threats were occurring, which could cause a species' population to decline depending on the magnitude of the impact. If impacts occurred to bird populations, additional concerns would include the potential impacts on the esthetic value of birds.

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<sup>2</sup>At the time of preparation, WS' Directives occurred at the following web address:  
[https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/SA\\_WS\\_Program\\_Directives](https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/SA_WS_Program_Directives).

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

When conducting activities to alleviate bird damage, there is potential for methods to inadvertently exclude, disperse, capture, or kill non-target animals, which could impact their populations depending on the magnitude of the number of animals impacted. In addition, impacts to threatened and endangered species, and species of conservation concern, from proposed activities are a concern.

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

The methods available to manage bird damage have the potential to pose a risk to human health and safety. In addition, WS could conduct activities to reduce risks to human health and safety associated with birds, such as aircraft striking birds at airports or birds causing a disease concern.

### ***Issue 4 - Humaneness and Animal Welfare Concerns of Methods***

The methods available to manage damage and threats of damage caused by birds can disperse, exclude, capture, or kill target bird species, which raises concerns regarding the humaneness of the methods and concerns for animal welfare.

## **VIII. ALTERNATIVE APPROACHES CONSIDERED**

The FEA evaluated four alternative approaches to respond to the need for action discussed in Section 1.2 of the FEA and the issues identified in Section 2.1 of the FEA. Section 2.4.1 of the FEA provides a description of the alternative approaches evaluated in detail. WS and the TVA also considered additional alternative approaches; however, WS and the TVA did not consider those alternative approaches in detail for the reasons provided in Section 2.4.2 of the FEA. WS and the TVA analyzed the environmental consequences associated with implementing the following four alternative approaches.

### ***Alternative 1 – WS would continue the current integrated methods approach to managing damage caused by birds in Georgia (Proposed Action/No Action)***

Implementation of Alternative 1 would continue the current integrated methods approach used by WS to manage damage and threats of damage caused by birds in the state. WS would continue to provide direct operational assistance and technical assistance after receiving a request to manage damage or threats of damage associated with birds. When responding to a request for assistance, WS' personnel would use the WS Decision Model to formulate a management strategy to address each request for assistance. Appendix B in the FEA discusses those methods that WS' employees would consider when evaluating management methods to alleviate damage or threats of damage associated with birds. When evaluating management methods and formulating a management strategy, WS' personnel would give preference to non-lethal methods when they determine those methods to be practical and effective.

### ***Alternative 2 – WS would continue the current integrated methods approach to managing damage caused by birds in Georgia using only non-lethal methods***

If WS implements Alternative 2, WS would continue to provide direct operational assistance and technical assistance similar to Alternative 1; however, WS' personnel would only use or recommend the use of non-lethal methods to alleviate bird damage in the state. Appendix B in the FEA discusses those non-lethal methods that WS' employees would consider when evaluating management methods to alleviate damage or threats of damage associated with birds. When evaluating management methods and

formulating a management strategy using the WS Decision Model, WS' personnel would only consider the use of non-lethal methods.

***Alternative 3 – WS would recommend an integrated methods approach to managing bird damage in Georgia through technical assistance only***

If WS implements Alternative 3, WS' personnel would only provide technical assistance when responding to requests for assistance. Technical assistance would provide people with information, demonstrations, and recommendations on available and appropriate methods available that they could use to alleviate bird damage or threats of damage. The implementation of methods and techniques to alleviate or prevent damage would be the responsibility of the requester with no direct involvement by WS.

***Alternative 4 – WS would not provide any assistance with managing damage caused by birds in Georgia***

WS would not provide any assistance with managing damage associated with bird species in Georgia if WS implemented Alternative 4. WS would refer people requesting assistance to the United States Fish and Wildlife Service (USFWS), Georgia Department of Natural Resources (GDNR), and/or other entities.

## **IX. MONITORING**

If WS implemented Alternative 1 or Alternative 2, WS would monitor activities to determine whether the analyses and determinations in the FEA adequately address current and anticipated future activities, and whether there is new information that warrants supplementing or replacing the FEA. The USFWS is the agency responsible for managing migratory bird populations. For most bird species, take can only occur after the USFWS has issued a permit or an authorization for take to occur (see Section 1.5.2, Section 1.7.1, and Section 2.2.5 in the FEA). The GDNR is the agency responsible for managing wildlife populations in Georgia and the take of bird species may require authorization from the GDNR (see Section 1.5.4, Section 1.7.2, and Section 2.2.6 in the FEA).

WS would submit activity reports to the USFWS and/or the GDNR, when required, so the USFWS and/or the GDNR have the opportunity to evaluate WS' activities and the cumulative take occurring for bird species. Conducting activities only when authorized and providing activity reports would ensure the USFWS and/or the GDNR have the opportunity to incorporate any activities WS conducts into population objectives established for wildlife populations in the state.

## **X. CLARIFICATIONS AND ADDITIONS TO THE PRE-DECISIONAL DRAFT EA**

Based on further review of the Pre-decisional Draft EA, WS incorporated minor editorial changes and updates into the FEA. Key clarifications and additions are:

- The national WS program has finalized programmatic human safety and ecological risk assessments for the use of exclusion methods and Avitrol that WS could use when managing bird damage. WS incorporated those final risk assessments into the FEA<sup>3</sup>.
- Updated Table C-1 in Appendix C of the FEA to include the Ocmulgee skullcap (*Scutellaria ocmulgee*), which the USFWS has proposed to designate as a threatened species in Georgia.
- Updated Section 3.1.2 in the FEA to address the USFWS proposing to designate the Ocmulgee skullcap as a threatened species in Georgia.

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<sup>3</sup>The available human health and ecological risk assessments for some of the methods that WS could use are located at [https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/programs/nepa/ct-ws-risk\\_assessments](https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/programs/nepa/ct-ws-risk_assessments).

The edits and clarifications made in the FEA are consistent with the analyses, conclusions, and material presented in the Pre-Decisional Draft EA and enhanced the understanding of the EA, but did not change the analysis provided in the Pre-decisional Draft EA.

## **XI. USE OF THE BEST AVAILABLE SCIENCE**

In order to conduct efficient and effective activities to manage bird damage and stay aware of new information, WS and the TVA used the best available data and information from wildlife agencies having jurisdiction by law, as well as scientific literature, especially peer-reviewed scientific literature, to inform its decision-making. The FEA uses the best available information from those sources to provide estimates of bird population size and status, assess risks to non-target animals, assess risks to human health and safety, assess method humaneness and animal welfare concerns, and discuss ecological impacts.

## **XII. ENVIRONMENTAL CONSEQUENCES**

Section 3.1 of the FEA analyzes the environmental consequences of the four alternative approaches in comparison to determine the extent of actual or potential direct, indirect, and cumulative effects on the issues. Section 3.1 of the FEA provides information needed to make informed decisions. Alternative 1 serves as the baseline for the analysis and the comparison of expected impacts among the alternative approaches. The discussion below provides a summary of the environmental consequences of the four alternative approaches for each of the issues analyzed in detail.

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

Maintaining viable populations of species is a concern of the public and of biologists within governmental agencies, including WS and the TVA. Therefore, a common concern is whether activities to manage damage caused by wildlife would adversely affect the population of a species. If WS implemented Alternative 1, Alternative 2, or Alternative 3, WS could provide direct operational assistance and/or technical assistance to entities requesting assistance; therefore, the activities WS could conduct and/or that WS could recommend may have direct, indirect, and/or cumulative effects on the population of a bird species. If WS implemented Alternative 4, WS would have no effect on the population of a bird species because WS would not provide any assistance when the request for assistance involved those bird species addressed in the FEA.

If WS implemented Alternative 1, WS would incorporate non-lethal and lethal methods into an integrated methods approach in which WS' personnel could employ all or a combination of methods to resolve a request for assistance. Appendix B of the FEA describes the methods that would be available for WS' personnel to use when addressing requests for assistance to manage bird damage. When addressing damage or the threat of damage associated with those bird species addressed in the FEA, the use of non-lethal methods could capture, disperse, or exclude birds.

The use of non-lethal methods that capture, disperse, or exclude birds would have minimal effects on the population of a bird species because birds would generally be unharmed. Non-lethal methods that disperse and/or exclude birds would not be employed over large geographical areas or applied at such intensity that essential resources (*e.g.*, habitat, sources of food) would be unavailable for extended durations or over such a wide geographical scope that long-term adverse effects would occur to the population of a bird species. WS does not anticipate any adverse effects would occur to bird populations from the use of live-capture methods because WS could release captured birds unharmed. Therefore, if WS implemented Alternative 1, Alternative 2, or Alternative 3, the use of non-lethal methods that

capture, disperse, or exclude birds would not have significant direct, indirect, and/or cumulative effects on the population of a bird species.

Nicarbazin is the only reproductive inhibitor available to manage localized populations of certain target species. WS would use nicarbazin primarily to reduce localized populations of rock pigeons, which are a non-native species in Georgia. WS would not use reproductive inhibitors at a magnitude, frequency, or over a wide geographical extent that significant adverse effects would occur to the population of a target bird species.

The Migratory Bird Treaty Act (MBTA) prohibits the take, possession, or transport of migratory birds. Most target bird species addressed in the FEA are a migratory bird species protected by the MBTA (see 50 CFR 10.13), except native resident bird species (*e.g.*, wild turkey) and non-native species (*e.g.*, domestic waterfowl, house sparrows, European starlings). The USFWS is responsible for managing and protecting migratory bird species pursuant to the MBTA. The USFWS can authorize people and entities to take, possess, and/or transport migratory birds protected by the MBTA (see Section 1.5.2, Section 1.7.1, and Section 2.2.5 in the FEA). The take of those migratory bird species by WS that the MBTA protects would only occur after the USFWS authorized the take. The GDNR may also require authorization before conducting activities that lethally removes or captures a target bird species, including their nests and eggs (see Section 1.5.4, Section 1.7.2, and Section 2.2.6 in the FEA). When addressing golden eagles and bald eagles, WS would conduct activities pursuant to the Bald and Golden Eagle Protection Act.

Therefore, WS' activities would only occur when authorized by the USFWS and/or the GDNR, when required, and take would not exceed the levels authorized. Many non-native species, such as rock pigeons, European starlings, and house sparrows, do not require authorization from the USFWS or the GDNR to use lethal methods or live-capture methods. In general, the use of non-lethal methods to disperse and/or exclude birds does not require a depredation permit or authorization from the USFWS or the GDNR because dispersing and/or excluding birds using non-lethal methods does not meet the definition of take.

Lethal methods can remove specific birds that WS' personnel have identified as causing damage or that are posing a threat to human health and safety. The number of birds removed from a population by WS using lethal methods would be dependent on the number of requests for assistance received. In addition, the number of birds removed would be dependent on the number of birds involved with the associated damage or threat, the efficacy of methods employed, and the number of individual birds the USFWS and/or the GDNR authorizes WS to remove, when required. The analyses in Section 3.1.1 and Appendix E of the FEA include the anticipated annual take level for each species by WS, which WS based on previous requests for assistance associated with the species and in anticipation of future requests for assistance. WS' anticipated annual take level for each species is not a prescribed take level but is a maximum take level that WS anticipates could occur annually to alleviate damage. Based on those quantitative and qualitative parameters addressed in the FEA, the anticipated number of birds that WS could lethally remove annually to address requests for assistance under Alternative 1 would be of low magnitude when compared to population trend data, population estimates, and/or harvest data (see Section 3.1.1 and Appendix E in the FEA).

WS would submit activity reports to the USFWS and/or the GDNR, when required, so the USFWS and/or the GDNR have the opportunity to evaluate WS' activities and the cumulative take occurring for bird species. Conducting activities only when authorized and providing activity reports would ensure the USFWS and/or the GDNR have the opportunity to incorporate any activities WS conducts into population objectives established for bird populations in the state.

The lack of direct involvement by WS does not preclude the lethal removal of birds by those persons experiencing damage or seeking assistance from other entities. Those people experiencing damage or threats could remove birds themselves or seek assistance with removal from other entities under any of the alternative approaches when the USFWS and/or the GDNR authorize the removal, when authorization is required. In some cases, a landowner or their designee can lethally remove individual birds of certain species at any time they cause damage without the need to have specific authorization from the USFWS (e.g., depredation orders, control orders, unprotected species) or the GDNR.

In addition, a resource owner could seek assistance from private businesses to remove birds causing damage or they could remove certain bird species (e.g., waterfowl) during the regulated hunting seasons in the state. Therefore, involvement in the lethal removal of those birds under Alternative 1 by WS would not be additive to the number of birds that could be removed by other entities in the absence of involvement by WS. The number of birds lethally removed annually would likely be similar across the alternative approaches because the removal of birds could occur by other entities even if WS implemented Alternative 2, Alternative 3, or Alternative 4 (see Section 3.1.1 in the FEA). WS does not have the authority to regulate the number of birds lethally removed annually by other entities.

An indirect effect of using lethal methods when targeting waterfowl and other bird species that people can harvest in the state is the potential effect on the ability of people to harvest those species. The magnitude of lethal removal addressed under Alternative 1 of harvestable bird species (e.g., waterfowl, northern bobwhite) would be low when compared to the mortality of those bird species from all known sources. Based on the limited removal proposed by WS and the oversight by the USFWS and/or the GDNR, annual removal by WS would have no effect on the ability of people to harvest certain bird species during the regulated harvest season. Similarly, WS would have no impact on the ability to harvest those species during the annual hunting seasons under Alternative 2, Alternative 3, or Alternative 4 because WS would have limited or no involvement with managing damage associated with those species. The USFWS and/or the GDNR could continue to regulate bird populations through adjustments in allowed removal during the regulated harvest season and through permits or authorizations to manage damage or threats of damage.

Birds may provide esthetic enjoyment to some people, such as through observations, photographing, and knowing they exist as part of the natural environment. Methods available that could be employed under each of the alternative approaches would result in the dispersal, exclusion, or removal of individuals or small groups of birds to resolve damage and threats. Therefore, the use of methods often results in the removal of birds from the area where damage was occurring or the dispersal of birds from an area. Because methods available would be similar across the alternatives, the use of those methods would have similar potential impacts on the esthetics of birds. However, the dispersal and/or lethal removal of birds under the alternative approaches would not reach a magnitude that would prevent the ability to view those species outside of the area where damage was occurring. The effects on the esthetic values of birds would therefore be similar across the alternative approaches and would be minimal.

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

WS' personnel have experience with managing animal damage and receive training in the use of methods. If WS implemented Alternative 1, Alternative 2, or Alternative 3, WS' employees would use the WS Decision Model to select the most appropriate methods to address damage caused by birds and to reduce the risks to non-target animals. Despite efforts by WS to minimize risks to non-target animals, the potential for WS to live-capture, exclude, disperse, or lethally remove non-target animals exists when applying both non-lethal and lethal methods to manage damage or reduce threats to human health and safety. The use of many methods would require WS' personnel to be present on-site during their use



(e.g., pyrotechnics, firearms, nets). Although the use of non-lethal methods could exclude, disperse, or capture non-target animals, long-term adverse effects would not occur to a species' population because WS would not employ non-lethal methods over large geographical areas or at such intensity levels that resources (e.g., food sources, habitat) would be unavailable for extended durations or over a wide geographical scope. Similarly, the use of low-flying aircraft or unmanned aerial vehicles by WS would not occur at such magnitude, frequency, or over a wide geographical extent that significant adverse effects would occur. The use of non-lethal methods would have minimal impacts on overall populations of animals because those methods would not cause mortality.

Most of the methods discussed in Appendix B of the FEA would be available under all the alternative approaches analyzed. Impacts to non-target animals from the use of those methods would be similar to the use of those methods under any of the alternative approaches. If people or other entities use those methods available as intended, risks to non-target animals would be similar to those risks described for Alternative 1. If other entities apply methods available incorrectly or apply those methods without knowledge of animal behavior, risks to non-target animals could be higher under any of the alternative approaches. If frustration from the lack of available assistance causes those persons experiencing bird damage to take illegal actions, risks to non-target animals could be higher. Risks to non-target animals could be higher because those entities would likely have no regard for potential impacts of their actions on non-target animals. No lethal removal of non-target animals occurred by WS during prior activities to manage damage caused by birds in Georgia.

During the development of the Pre-decisional Draft EA, WS reviewed the current list of species designated as threatened or endangered in Georgia as determined by the USFWS and the National Marine Fisheries Service. Based on the use patterns of methods currently available and based on current life history information for those species under the jurisdiction of the USFWS, WS has made a no effect determination for several species currently listed in the state (see Table C-1 in Appendix C of the FEA). For several species listed within the state, WS has determined that the proposed activities “*may affect*” those species but those effects would be solely beneficial, insignificant, or discountable, which would warrant a “*not likely to adversely affect*” determination. Based on those determinations, WS initiated informal consultation with the USFWS for those species that a “*may affect, not likely to adversely affect*” determination was made (see Table C-1 in Appendix C in the FEA). The USFWS concurred with WS' determination that activities conducted pursuant to the proposed action alternative (Alternative 1) would not likely adversely affect those species (P. Maholland, USFWS, pers. comm. 2023). Based on the use pattern of the methods and the locations where WS could implement damage management activities, the implementation of Alternative 1 would have no effect on those threatened or endangered species in Georgia under the jurisdiction of the National Marine Fisheries Service, including any designated critical habitat.

The USFWS has also designated critical habitat in Georgia for some of the species listed as threatened or endangered. Table C-2 in Appendix C of the FEA provides a list of those species with critical habitat designated in Georgia along with WS' effects determination. WS has determined implementation of Alternative 1 would not destroy or adversely modify any critical habitat designated in Georgia. WS based the effects determinations on a review of the activities that WS could conduct if WS implemented Alternative 1. The USFWS concurred with WS' effects determination for critical habitats designated in Georgia (P. Maholland, USFWS, pers. comm. 2023). WS would continue to review the species listed as threatened or endangered by the USFWS and the National Marine Fisheries Service and would continue to consult with the USFWS and/or the National Marine Fisheries Service as appropriate. Since WS consulted with the USFWS, the USFWS has proposed designating the Ocmulgee skullcap (*Scutellaria ocmulgee*) as a threatened species in Georgia. WS addressed the Ocmulgee skullcap and documented WS' effects determination in Section 3.1.2 of the FEA.

Appendix D in the FEA shows the list of species the State of Georgia has designated as threatened or endangered, along with species that are rare in the state. WS would continue to review the species the State of Georgia considers threatened, endangered, and rare and would consult with the GDNR, as appropriate, when WS determines activities may adversely affect the populations of those species.

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

The threats to human health and safety from methods would be similar across the alternative approaches because most of the methods would be available for use. If people used methods incorrectly or without regard for human safety, risks to human safety would increase under any of the alternative approaches that people employed those methods. The expertise of WS' employees in using the methods available would likely reduce threats to human health and safety because WS' employees would receive training and would be knowledgeable in the use of methods.

In addition, WS' personnel would use the WS Decision Model when assessing a request for assistance (see WS Directive 2.201). As part of the WS Decision Model, WS' personnel would consider risks to human health and safety when evaluating the methods available to manage the damage or threat of damage associated with a request for assistance. WS' personnel must also adhere to WS' directives when conducting activities (see WS Directive 1.101) and many of the directives address safety or relate to the safe use of methods (*e.g.*, see WS Directive 2.401, WS Directive 2.430, WS Directive 2.445, WS Directive 2.450, WS Directive 2.605, WS Directive 2.615, WS Directive 2.620, WS Directive 2.625, WS Directive 2.627, WS Directive 2.630, WS Directive 2.635, WS Directive 2.640). WS has also completed programmatic human safety and ecological risk assessments for some of the methods that WS could use to manage bird damage. In human health and ecological risk assessments of WS' use of cage traps, cable devices, foothold traps, aircraft, firearms, lead, nets, quick-kill traps, dog use, egg addling, DRC-1339, hand capture, pyrotechnics (explosives), exclusion, Avitrol, and carcass disposal the risks to human health and safety were low<sup>4</sup>.

Although risks do occur from the use of those methods available, when people use those methods in consideration of human health and safety, the use of those methods would pose minimal risks. No adverse effects to human health and safety occurred from WS' use of methods to alleviate bird damage in the state from FY 2017 through FY 2022. Based on the use patterns of methods available to address damage caused by birds and the experience/training that WS' personnel receive, the implementation of the alternative approaches would comply with Executive Order 12898, Executive Order 13045, and Executive Order 13985.

### ***Issue 4 - Humaneness and Animal Welfare Concerns of Methods***

WS also identified the humaneness of available methods and animal welfare as an issue. Because most methods addressed in Appendix B of the FEA would be available under all of the alternative approaches, the issue of method humaneness and animal welfare would be similar for those methods across all the alternative approaches. The ability of WS to provide direct operational assistance under Alternative 1 and Alternative 2 would ensure WS' personnel employed methods as humanely as possible (see WS Directive 1.301, WS Directive 2.505). Under the other alternative approaches, other entities could use methods inhumanely if used inappropriately or without consideration of animal welfare. However, the skill and knowledge of the person implementing methods to resolve damage would determine the efficacy and humaneness of methods.

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<sup>4</sup>The available human health and ecological risk assessments for some of the methods that WS could use are located at [https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/programs/nepa/ct-ws-risk\\_assessments](https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/programs/nepa/ct-ws-risk_assessments).

A lack of understanding of the behavior of birds or improperly identifying the damage caused by birds along with inadequate knowledge and skill in using methodologies to resolve the damage or threat could lead to incidents with a greater probability of people perceiving the action as inhumane under Alternative 3 and Alternative 4. Despite the lack of involvement by WS under Alternative 4 and WS' limited involvement under Alternative 3, many of those methods perceived as inhumane by certain individuals and groups would still be available for others to use to resolve damage and threats caused by birds. WS would continue to evaluate methods and activities to minimize the pain and suffering of methods when attempting to resolve requests for assistance with the goal of using methods as humanely as possible to resolve requests for assistance (see Section 3.1.4 and Section 3.3 in the FEA).

### **XIII. DECISION**

I have carefully reviewed the FEA prepared to meet the need for action and input resulting from the public involvement process. I find the proposed action/no action alternative (Alternative 1) to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of management agencies, property owners, advocacy groups, and the public. The analyses in the FEA adequately address the identified issues, which reasonably confirm that no significant impact, individually or cumulatively, to animal populations or the quality of the human environment are likely to occur from implementing Alternative 1, nor does implementing Alternative 1 constitute a major federal action. Therefore, the analyses in the FEA do not warrant the completion of an Environmental Impact Statement.

Based on the analyses in the FEA, implementation of Alternative 1 would best address the issues identified in Section 2.1 of the FEA. Alternative 1 successfully addresses managing damage using a combination of the most effective methods and does not adversely impact the environment, property, human health and safety, target species, and/or non-target species, including threatened or endangered species. Alternative 1 offers the greatest chance of maximizing effectiveness and benefits to resource owners and managers and implementation of Alternative 1 presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety. Implementing Alternative 1 would offer a balanced approach to the issues of humaneness, animal welfare, and esthetics when considering all facets of those issues. Changes that broaden the scope of damage management activities in the state, changes that affect the natural or human environment, or changes from the issuance of new environmental regulations would trigger further analysis. Therefore, it is my decision to implement Alternative 1 as described in the FEA.

### **XIV. FINDING OF NO SIGNIFICANT IMPACT**

Based on the analyses provided in the FEA, there are no indications that implementing Alternative 1 would have a significant impact, individually or cumulatively, on the quality of the human environment. I agree with this conclusion and therefore, find that an Environmental Impact Statement should not be prepared. I base this determination on the following factors:

1. WS' activities to manage bird damage in the state under Alternative 1 would not be regional or national in scope (see Section 1.4 of the FEA). WS' activities would only occur in areas where a property owner or manager requests WS' assistance and only on properties where WS and the property owner or manager sign a work initiation document or a similar document that allows WS to conduct activities on the property they own or manage (see Section 1.4 in the FEA).
2. Based on the analyses in the FEA, the methods available under Alternative 1 would not adversely affect human health and safety based on their use patterns (see Section 3.1.3 in the FEA). In some cases, WS may conduct activities to reduce risks to human health and safety caused by bird species. WS is not aware of members of the public harmed by WS' activities to reduce damage

and threats of damage caused by birds in Georgia. In addition, WS has conducted human health and ecological risk assessments of WS' use of cage traps, cable devices, foothold traps, aircraft, firearms, lead, nets, quick-kill traps, dog use, egg addling, DRC-1339, hand capture, explosive material (*e.g.*, pyrotechnics), exclusion, Avitrol, and carcass disposal. Risks to human health and safety and the environment from WS' use of those methods were low.

3. Alternative 1 would not significantly affect unique characteristics, such as parklands, prime farmlands, wetlands, wild and scenic areas, or ecologically critical areas. The use pattern of the methods available to manage damage caused by birds do not significantly affect the physical environment. WS' adherence to applicable laws and regulations would further ensure that activities conducted under Alternative 1 would not harm the environment (see Section 3.2.1, Section 3.2.2, and Section 3.2.3 in the FEA).
4. The effects on the quality of the human environment under Alternative 1 are not highly controversial. Although some people are opposed to aspects of managing bird damage, the failure of a particular special interest group or person to agree with every act of a federal agency does not result in a controversy. Methods and impacts of implementation of Alternative 1 are not controversial among experts in the field of managing conflicts caused by wildlife (see Section 1.1, Section 1.3, Section 1.5, Section 1.7, Section 2.2.5, and Section 2.2.6 in the FEA). WS' activities would only occur when authorized by the USFWS and/or the GDNR, when required, and take would not exceed the levels authorized.
5. Based on the analysis documented in the FEA, the effects of implementing Alternative 1 on the quality of the human environment are not highly uncertain and do not involve unique or unknown risks (see Section 1.3, Section 2.2.5, Section 2.2.6, Section 3.1, and Section 3.2 in the FEA). Although exact population estimates are not available for most target bird species, the FEA uses the best information available. Consultation and coordination with the USFWS and the GDNR who have management responsibility for preserving sustainable populations of target and non-target species and ecosystems and project monitoring helps to ensure that program activities would not have significant unintended adverse impacts. The proposed activities are routinely employed to alleviate bird damage by WS. Methods/strategies proposed for use are not new or untested and WS' employees receive training and have experience in their application. In addition, WS has conducted human health and ecological risk assessments of WS' use of cage traps, cable devices, foothold traps, aircraft, firearms, lead, nets, quick-kill traps, dog use, egg addling, DRC-1339, hand capture, explosive material (*e.g.*, pyrotechnics), exclusion, Avitrol, and carcass disposal. Risks to human health and safety and the environment from WS' use of those methods were low.
6. Alternative 1 would not establish a precedent for any future action with significant effects or represent a decision in principle about future considerations. WS would make management decisions in Georgia based on the analyses in the FEA. The FEA does not set a precedent for making decisions in other states. Decisions on activities to manage bird damage in other states are made independently and are based on state-specific information on wildlife populations and ecosystems; state-specific land use patterns; state, local, and tribal regulations and policies; state specific wildlife management plans and objectives; and, other state and local factors, including the types of activities requested and authorized by federal, tribal, state, and local (*e.g.*, county) management entities.
7. The FEA did not identify significant cumulative effects associated with implementing Alternative 1. The FEA analyzed cumulative effects and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State of Georgia (see

Section 3.1 and Section 3.3 in the FEA). WS' activities involving the take of birds would only occur when authorized by the USFWS and/or the GDNR, when required, and take would not exceed the levels authorized (see Section 1.3, Section 1.5, Section 1.7, Section 2.2.5, and Section 2.2.6 in the FEA). Analyses of direct, indirect, and cumulative impacts on target and non-target species indicates that the impacts associated with WS implementing Alternative 1 are not of significant duration, scope, or magnitude to result in sustained reductions in target bird populations and the populations of non-target animals (see Section 3.1.1, Section 3.1.2, and Section 3.3 in the FEA). Risks to human health and safety from implementation of Alternative 1 would be low (see Section 3.1.3 and Section 3.3 in the FEA). WS would continue to evaluate methods and activities to minimize the pain and suffering of methods when attempting to resolve requests for assistance with the goal of using methods as humanely as possible to resolve requests for assistance (see Section 3.1.4 and Section 3.3 in the FEA).

8. Alternative 1 would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would Alternative 1 likely cause any loss or destruction of significant scientific, cultural, or historical resources (see Section 1.7.1 and Section 3.2.4 in the FEA). In general, the activities that WS could conduct when implementing Alternative 1 would not have the potential to affect historic resources. If WS anticipates that responding to a request would affect historic resources, WS would engage in the appropriate consultation.
9. WS has consulted with the USFWS pursuant to Section 7 of the Endangered Species Act and the USFWS has concurred with WS' effects determination (see Section 3.1.2 in the FEA). Based on the use pattern of the methods and the locations where WS could implement damage management activities, the implementation of Alternative 1 would have no effect on those threatened or endangered species under the jurisdiction of the National Marine Fisheries Service, including any designated critical habitat.
10. WS' activities conducted under Alternative 1 would comply with all applicable laws and regulations (see Section 1.7 in the FEA and WS Directive 2.210).

I based this decision on several considerations. This decision takes into account public comments, social/political and economic concerns, public health and safety, and the best available science. The foremost considerations are that 1) WS would only conduct activities at the request of property owners/managers, 2) management actions would be consistent with applicable laws, regulations, policies, and orders, and 3) the analyses did not identify significant effects to the human environment. As a part of this Decision, WS would continue to provide effective and practical technical assistance and direct management techniques that reduce damage and threats of damage in Georgia.

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Keith Wehner, Director-Eastern Region  
USDA/APHIS/WS  
Raleigh, North Carolina

## APPENDIX A

### SUMMARY OF PUBLIC COMMENTS ON THE ENVIRONMENTAL ASSESSMENT: MANAGING DAMAGE AND THREATS OF DAMAGE CAUSED BY BIRDS IN GEORGIA AND WS' RESPONSES TO THE COMMENTS

During the public involvement process for the EA, Wildlife Services (WS) received 11,532 comment responses during the public involvement process. The comments were a form letter containing nearly identical comments or slight variations of the same comments. WS has reviewed the comments to identify additional issues, alternative approaches, and/or concerns that were not addressed in the EA. WS summarized the comments received during the public involvement process below along with responses to the comments.

**Comment – WS should prepare an Environmental Impact Statement.**

**Response:** WS discussed complying with the National Environmental Policy Act in Section 1.3.1 and provided the rationale for preparing an Environmental Assessment (EA) rather than an Environmental Impact Statement in Section 1.3.2 of the Final Environmental Assessment (FEA). Section 1.3.3 of the FEA discussed how WS would use the FEA to inform WS' decisions and the decisions to be made.

**Comment – WS' activities would interfere with recreational activities. Birds help people emotionally and spiritually and people enjoy watching and listening to birds.**

**Response:** Section 3.1.1 in the FEA addresses the effects of the proposed action on the public's esthetic enjoyment of birds.

**Comment - Birds have an inherent right to exist and people should coexist with birds. Birds should be preserved for future generations and should be left alone. WS should spend more money on educating people to coexist.**

**Response:** The mission of WS is to provide federal leadership and expertise in resolving wildlife conflicts to allow people and wildlife to coexist by balancing the needs of people and the needs of wildlife. WS recognizes that wildlife is an important public resource greatly valued by people (see WS Directive 1.201). However, wildlife is a highly dynamic and mobile resource that can cause damage to agriculture and property, pose risks to human health and safety, and affect natural resources. WS' vision is to improve the coexistence of people and wildlife by reducing the negative aspects of human-wildlife interactions and by valuing and supporting wildlife's positive aspects. When providing technical assistance, WS educates and promotes coexistence with wildlife.

The public trust doctrine is the foundation of state and federal wildlife management programs in North America. The public trust doctrine establishes that wildlife is a natural resource that belongs to the public and that should be maintained through government programs in trust for the people, including future generations. The current strategic plan for WS states, "...[WS]...embraces the Public Trust Doctrine and the North American Model of Wildlife Conservation to ensure that native wildlife populations are conserved and conflicts are managed" (United States Department of Agriculture 2019). The public trust doctrine is a key principle of the North American Model of Wildlife Conservation (Organ et al. 2012). The Wildlife Society (2017) has stated, "...wildlife damage management is an important part of modern wildlife management".

**Comment - WS should consider an alternative approach that requires the use of all non-lethal methods before using lethal.**

**Response:** WS considered this alternative approach, but WS did not consider this approach in detail for the reasons provided in Section 2.4.2 of the FEA.

**Comment – WS needs an accurate assessment of current bird populations. The wild turkey population in Georgia is unknown.**

**Response:** WS used the best qualitative and quantitative information available on bird populations when evaluating potential impacts to a species' population. WS used available information from many sources. Section 2.1.1 in the FEA describes some of the qualitative and quantitative information available on bird populations that WS used to evaluate impacts. Although a wild turkey population is not currently available in Georgia, the analysis relied on additional population data, such as trend data from the Breeding Bird Survey and the Christmas Bird Count. Data from the Breeding Bird Survey and the Christmas Bird Count indicate the number of wild turkeys observed in areas of Georgia surveyed are increasing. In addition, people can harvest wild turkeys in Georgia during an annual hunting season. From 2017 through 2021, people harvested an average of 12,362 wild turkeys per year in Georgia. Despite the annual harvest of wild turkeys, the number of wild turkeys observed continues to increase based on trend data from the Breeding Bird Survey and Christmas Bird Count. WS' anticipated annual take of wild turkeys to alleviate damage would represent a small percentage of the number of wild turkeys that people harvest in the state each year.

In addition, the take of most bird species requires a permit or authorization from the USFWS and/or the GDNR. Therefore, take of most bird species by WS would only occur when authorized by the USFWS and/or the GDNR and only at levels authorized (see Section 1.6, Section 1.7, Section 2.2.5. Section 2.2.6).

**Comment - Avitrol and DRC-1339 pose risks to non-target animals, including companion animals. Pesticides move through the food chain and impact raptors, scavengers, and other predators. Pesticides pollute the environment, are indiscriminate, and kill unintended victims. WS does not care about chemical use and non-target animal risks.**

**Response:** The FEA discusses risks to non-target animals associated with the methods in Section 3.1.2. When using DRC-1339 and Avitrol, WS would retrieve carcasses to the extent possible and in accordance with label requirements. WS would dispose of those carcasses collected after using DRC-1339 and Avitrol in accordance with WS Directive 2.515, which would also make those carcasses unavailable for other animals to scavenge (see Section 3.1.2 of the FEA). The FEA discusses secondary risks associated with scavengers feeding on birds killed after ingesting the avicide DRC-1339 and Avitrol in Section 3.1.2.

WS has completed risk assessments for the use of DRC-1339 and Avitrol and concluded the use of those methods pose a low risk to the environment (see Section 3.1.2). DRC-1339 and Avitrol are only available to manage damage associated with certain bird species and many label requirements minimize risks to non-target animals. In addition, DRC-1339 is not currently registered for use in Georgia and WS did not use DRC-1339 and Avitrol in Georgia from FY 2014 through FY 2022. WS anticipates using DRC-1339 and Avitrol infrequently.

**Comment - Avitrol and DRC-1339 pose risks to children.**

**Response:** Section 3.1.3 in the FEA evaluates the risks to human health and safety associated with the methods available that could be available for WS to manage bird damage. WS has completed risk

assessments for the use of DRC-1339 and Avitrol and concluded the use of those methods pose a low risk to human health and safety (see Section 3.1.3). In addition, DRC-1339 is not currently registered for use in Georgia and WS did not use DRC-1339 and Avitrol in Georgia from FY 2014 through FY 2022. WS anticipates using DRC-1339 and Avitrol infrequently. DRC-1339 and Avitrol are only available to manage damage associated with certain bird species and many label requirements minimize risks to human health and safety, including children.

**Comment - Avitrol and DRC-1339 are a horrible way to die. WS should use humane methods and killing is inhumane.**

**Response:** Section 2.1.4 and Section 3.1.4 in the FEA discusses the humaneness and animal welfare concerns of methods.

**Comment - Birds play an important role in the ecosystem and removing birds impact the delicate balance. Birds remove insects, pollinate different crops, spread seeds, and they are prey for other species. Managing one species causes another to increase.**

**Response:** The FEA addresses the importance of birds and the damage that birds can cause in Section 1.1 and Section 1.2. A common issue when addressing damage caused by wildlife is the potential impacts of management actions on the populations of target species (see Section 2.1.1 in the FEA). The FEA evaluates the effects of implementing the alternative approaches on target bird populations in Section 3.1.1 and Appendix E. Most target bird species addressed in the FEA are a migratory bird species protected by the Migratory Bird Treaty Act (MBTA) (see 50 CFR 10.13), except native resident bird species (*e.g.*, wild turkey) and non-native species (*e.g.*, domestic waterfowl, house sparrows, European starlings). Activities that involve the take of migratory bird species protected by the MBTA require authorization (*e.g.*, depredation permit, depredation order, control order) from the USFWS (see Section 1.7.1 and Section 2.2.5 in the FEA). The take of resident bird species may require authorization from the GDNR (see Section 1.7.2 and Section 2.2.6 in the FEA). WS' activities would only occur when authorized by the USFWS and/or the GDNR, when required, and take would not exceed the levels authorized. Therefore, lethal take by WS would occur pursuant to the MBTA.

Based on the best available information, the analyses in Section 3.1.1 and the information discussed in Appendix E indicate the direct, indirect, and cumulative effects on target bird populations associated with implementing Alternative 1 would be of low magnitude. The cumulative lethal removal of target bird species from all known sources of mortality would not reach a threshold that would cause a decline in their respective populations.

**Comment - Humans are overpopulated and destroying the natural environment. People are the problem and causing extinctions. Excessive lighting from urban sprawl is impacting the migratory behavior of birds.**

**Response:** WS does not have the statutory authority to regulate human behavior and human development. Therefore, managing the behavior of people is outside the scope of the FEA.

**Comment - Bird populations are declining, and bird populations are mere remnants of populations just 10 years ago. Fires, droughts, floods, climate change, pesticide use, building strikes, habitat destruction, toxic chemicals, poaching, hunting, trapping, and disease are causing bird populations to decline. Activities will cause mass extinctions.**

**Response:** A common issue when addressing damage caused by wildlife is the potential impacts of management actions on the populations of target species (see Section 2.1.1 in the FEA). The FEA



evaluates the effects of implementing the alternative approaches on target bird populations in Section 3.1.1 and Appendix E of the FEA. If WS selected an alternative approach to meeting the need for action that allows WS to provide assistance (see Section 2.4 in the FEA), WS would monitor activities, in context of the issues analyzed in detail, to determine if the need for action and the associated impacts remain within the parameters established and analyzed in the FEA. If WS determines that a new need for action, changed conditions, new issues, or new alternatives having different environmental impacts warrant a new or additional analysis, WS would supplement the analysis or conduct a separate evaluation pursuant to the NEPA.

Through monitoring, WS can evaluate and adjust activities as changes occur over time. In addition, most target bird species addressed in this FEA are a migratory bird species protected by the MBTA (see 50 CFR 10.13), except native resident bird species (*e.g.*, wild turkey) and non-native species (*e.g.*, domestic waterfowl, house sparrows, European starlings). Activities that involve the take of migratory bird species protected by the MBTA require authorization (*e.g.*, depredation permit, depredation order, control order) from the USFWS (see Section 1.7.1 and Section 2.2.5 in the FEA). The take of resident bird species may require authorization from the GDNR (see Section 1.7.2 and Section 2.2.6 in the FEA). Therefore, WS' activities would only occur when authorized by the USFWS and/or the GDNR, when required, and take would not exceed the levels authorized. WS would submit activity reports to the USFWS and/or the GDNR, when required, so the USFWS and/or the GDNR have the opportunity to evaluate WS' activities and the cumulative take occurring for bird species. Conducting activities only when authorized and providing activities reports would ensure the USFWS and/or the GDNR have the opportunity to incorporate any activities WS' conducts into population objectives established for wildlife populations in the state.

**Comment - No killing birds for natural behavior, such as defecating. WS has no right to kill birds.**

**Response:** The FEA addresses the behavior of birds and the damage that birds can cause in Section 1.1 and Section 1.2. Section 1.1 of the FEA discusses the statutory authority of WS, and the FEA discusses the need for action in Section 1.2. WS considered several alternative approaches to meet the need for action (see Section 2.4). In addition, most target bird species addressed in the FEA are a migratory bird species protected by the MBTA (see 50 CFR 10.13), except native resident bird species (*e.g.*, wild turkey) and non-native species (*e.g.*, domestic waterfowl, house sparrows, European starlings). Activities that involve the take of migratory bird species protected by the MBTA require authorization (*e.g.*, depredation permit, depredation order, control order) from the USFWS (see Section 1.7.1 and Section 2.2.5 in the FEA). The take of resident bird species may require authorization from the GDNR (see Section 1.7.2 and Section 2.2.6 in the FEA). Therefore, WS' activities would only occur when authorized by the USFWS and/or the GDNR, when required, and take would not exceed the levels authorized.

**Comment - Killing birds hastens climate change.**

**Response:** Section 3.1.1 and Appendix E of the FEA discuss the potential impacts to bird populations associated with implementation of the alternative approaches. Section 2.2.7 discusses the potential impacts of climate change on bird populations. The lethal take of most bird species requires authorization or a permit from the USFWS and/or the GDNR (see Section 2.2.5, Section 2.2.6). Based on the best available information, the analyses in Section 3.1.1 and the information discussed in Appendix E indicate the direct, indirect, and cumulative effects on target bird populations associated with implementing Alternative 1 would be of low magnitude. The cumulative lethal removal of target bird species from all known sources of mortality would not reach a threshold that would cause a decline in their respective populations. Based on the low magnitude of take that could occur by WS, there is no evidence that lethal take would hasten climate change.

**Comment - Please realize that psychiatrists have well documented that there's a direct link between animal abuse/cruelty and serial killers and harm of humans. Killing birds is evil and deranged people abuse, torture, and kill animals.**

**Response:** The actions of people as it relates to the treatment of animals is outside the authority of WS and the FEA except to the extent that WS would be available to provide assistance to people in Georgia. If direct operational assistance is not available from WS or other entities, people may resort to conducting damage management activities themselves. A lack of understanding regarding the behavior of birds or methods used could lead to an increase in situations perceived as being inhumane to wildlife despite the method used. In addition, it is possible that frustration caused by the inability to reduce damage and associated losses could lead to an increase in the illegal use of methods and take. People have resorted to the illegal use of chemicals and methods to resolve wildlife damage issues (*e.g.*, see White et al. 1989, USFWS 2001, United States Food and Drug Administration 2003). WS Directive 1.301 provides WS' personnel ethical guidelines for use in promoting and preserving the professional standards of the WS program, including showing exceptionally high levels of respect for wildlife. WS would continue to evaluate methods and activities to minimize the pain and suffering of animals when attempting to resolve requests for assistance with the goal of using methods as humanely as possible to resolve requests for assistance (see Section 3.1.4 and Section 3.3 in the FEA).

**Comment - Consider cost of non-lethal methods compared to lethal methods.**

**Response:** WS addressed the cost effective of methods in Section 2.2.3 in the FEA.

**Comment - WS always chooses lethal and cruel methods. WS wants to destroy birds until they are extinct. WS wants to eradicate birds.**

**Response:** When formulating management strategies after receiving a request for assistance, WS would give preference to non-lethal methods when practical and effective (see WS Directive 2.201). Section I in Appendix B of the FEA discusses many non-lethal methods that WS could consider when formulating strategies to resolve damage caused by birds in Georgia when someone requests such assistance. WS also considered in detail an alternative approach that would require WS to use only non-lethal methods when managing damage and threats of damage (see Section 2.4.1 in the FEA). As discussed in Section 3.1.1 of the FEA, WS has used non-lethal methods when conducting activities to manage bird damage in Georgia. For example, from FY 2017 through FY 2021, WS used non-lethal methods to disperse an average of 302 cattle egrets per year in the state to alleviate damage or threats of damage (see Table 3.9 in Section 3.1.1 of the FEA).

**Comment - No taxpayer funding for damage management activities. No public funds should be used for private interests.**

**Response:** Section 1.1 of the FEA discusses the statutory authority of WS. The WS program is the lead federal agency responsible for managing conflicts between people and wildlife. WS would only provide assistance after receiving a request for such assistance and funding was available. WS may receive funding through federal appropriations, state funding, and/or through money received from the entity requesting assistance. WS considered an alternative approach that would require cooperators completely fund activities (*i.e.*, no taxpayer money); however, WS did not consider the alternative approach in detail for those reasons discussed in Section 2.4.2 of the FEA. People that request assistance from WS likely pay taxes.

The public trust doctrine is the foundation of state and federal wildlife management programs in North America. The public trust doctrine establishes that wildlife is a natural resource that belongs to the public

and that should be maintained through government programs in trust for the people, including future generations. The current strategic plan for WS states, "...[WS]...embraces the Public Trust Doctrine and the North American Model of Wildlife Conservation to ensure that native wildlife populations are conserved and conflicts are managed" (United States Department of Agriculture 2019). The public trust doctrine is a key principle of the North American Model of Wildlife Conservation (Organ et al. 2012). The Wildlife Society (2017) has stated, "...wildlife damage management is an important part of modern wildlife management".

**Comment - Birds are protected by the MBTA.**

**Response:** The FEA discussed the MBTA in Section 1.7.1 along with the Depredation Order for blackbirds, cowbirds, grackles, crows, and magpies, the control order for Muscovy ducks, the depredation/control orders for Canada geese, and the Bald and Golden Eagle Protection Act. The authorization of migratory bird take by the USFWS occurs in Section 2.2.5 in the FEA.

**Comment - Birds removed will only be replaced by other birds.**

**Response:** The impacts to a bird species' populations from implementation of the alternative approaches occurred in Section 3.1.1 and Appendix E of the FEA. As discussed in Section 2.2.3 of the FEA, the objective of WS is to reduce damage and threats of damage associated with birds after receiving a request for such assistance and not to manage bird populations. The return of birds to an area after removal and/or dispersal activities does not mean individual management actions or methods were unsuccessful, but that periodic management may be necessary.

**Comment – There needs to be more research on non-lethal methods, such as reproductive inhibitors.**

**Response:** Section 2.2.4 in the FEA discusses the National Wildlife Research Center, which is the research unit of the national WS program. The National Wildlife Research Center conducts studies on many different topics associated with wildlife, including the development and testing of non-lethal methods to manage wildlife damage. The National Wildlife Research Center was involved with the development and testing of nicarbazin, which is the only reproductive inhibitor available for birds. Nicarbazin is currently only available to manage local populations of rock pigeons, European starlings, and certain species of blackbirds, grackles, and cowbirds. One of WS' current strategic goals is to continue developing methods for integration into wildlife damage management programs and to increase the use of new/improved methods.

**Comment - Confined livestock and industrial farms are the problem.**

**Response:** WS does not have the statutory authority to regulate human behavior and agricultural production. Therefore, managing the behavior of people and agricultural production is outside the scope of the FEA.

**Comment - Interagency consultation (including Section 7 of the Endangered Species Act) is needed.**

**Response:** Several governmental agencies have roles and authorities that would relate to WS conducting activities (see Section 1.5, Section 2.2.5, Section 2.2.6), including federal and state regulations (see Section 1.7). WS has and would continue to consult with federal and state agencies. WS consulted with the USFWS pursuant to Section 7 of the Endangered Species Act (see Section 3.1.2).

**Comment - Killing birds increases crime. WS should teach empathy and compassion to decrease shootings.**

**Response:** WS is unaware of any correlation between conducting bird damage management activities and crime or that teaching empathy and compassion would decrease shootings. The commenters did not provide any literature or other direct evidence demonstrating that conducting bird damage management activities increases crime.

**Comment - WS ignores facts.**

**Response:** WS used the best available information during the development of the EA, including quantitative and qualitative data on bird populations (see Section 2.1.1) and risk assessments for several methods that WS could use to manage bird damage (see Appendix A). The commenter did not provide any specific examples of facts that were not considered in the EA.

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