

Colorado Audubon Chapters Ask For Wildlife Management Changes

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The collective Colorado Audubon chapters asked the United States Department of Agriculture, Wildlife Services Program in Colorado (WS-Colorado) to change the way they manage birds and other wildlife in Colorado. Audubon Colorado Council (ACC), representing 25,000+ members/supporters from all Audubon chapters in the state, including Evergreen Audubon, provided these comments on the Wildlife Services' Environmental Assessment for its Bird Damage Management (BDM) Plan for Colorado.

Audubon's mission is "to protect birds and the places they need, today and tomorrow, throughout the Americas using science, advocacy, education, and on-the-ground conservation."

We recognize that there is a legitimate case to be made for a federal program that helps to solve wildlife conflicts, prevent bird strikes at airports, and control the spread of rabies. Wildlife Services' mission statement says it "provides training and research on best practices with an emphasis on innovation and non-lethal solutions, and advances co-existence," as well as, "protecting ecosystem health," as stated in its Strategic Plan.

Ah that it were so. Rather, Wildlife Services seems to ignore its mission and strategic plan, exterminating wildlife for private ranchers and other special interests, using inhumane and ineffective methods, while taxpayers foot a large share of the bill (over \$100 million per year).

ACC does not support "business as usual" which is the preferred alternative in the Environmental Assessment. ACC supports Wildlife Services using non-lethal control and education for its customers and living up to its written mission statement and strategic plan.

Wildlife Services should be a global leader in both the theory and practice of non-lethal wildlife and bird damage management. It has both the resources and the opportunity to make such approaches a first priority. Infuriatingly, it seems determined to continue to follow outdated practices in which killing always seems the preferred choice.

According to the agency in 2018, its trappers and field operatives killed more than 1.5 million native animals to benefit private agriculture, big game management interests, the livestock industry, aquaculture operations, commercial fish farms, the timber industry, public lands grazers, and golf course operators. The list includes about 515,000 Red-winged Blackbirds,

1,300 Red-tailed Hawks, 19,900 Mourning Doves, 10,000 Double-crested Cormorants, 2,000 Mallards, hundreds of owls and herons, Canada Geese, American Coots, Bald and Golden Eagles, not to mention thousands of mammals.

The majority of the animals killed by Wildlife Services were poisoned; nearly all (98.6%) were birds. Fifteen million birds have been killed since 2000. Birds are killed at feedlots, dairies, on and near airports, and at aquaculture facilities.

Millions of birds are poisoned with DRC-1339, a slow-acting poison used on blackbirds, starlings, pigeons, crows, ravens, magpies, grackles, sparrows, cowbirds, and gulls. The poison is mixed with food, then put out where the birds feed. Much of this poisoning is targeted to kill birds around dairies and feedlots to keep them out of animal feed. Poisoned birds die slowly, usually over a period of one to three days depending on their body size. DRC-1339 can poison non-target scavenging birds including owls, eagles, and peregrine falcons (U.S. EPA 1995a). Neither this avicide or any of the toxicants (e.g., Avitrol) currently employed by Wildlife Services is accepted as causing a humane death by animal welfare organizations.



Red-winged Blackbirds (c) Bob Webster

The Environmental Assessment states: “Protective Measures for bird damage management in Colorado...ensure risks to non-target wildlife species, including threatened and endangered species, would be reduced or prevented under the proposed action alternative.... To limit the possibility that birds which died from DRC-1339 are scavenged by non-targets, WS-Colorado would retrieve all dead birds to the extent possible and dispose of them in accordance with WS Directive 2.515.”

Because DRC-1339 is slow-acting and poisoned birds are difficult or impossible to retrieve, there is no way to know what birds are really killed. Wildlife Services uses models to estimate mortality (Johnston et al. 2005). Therefore, the millions of targeted and non-targeted birds reported killed are, at best, estimates.

Former Wildlife Services employees state that Wildlife Services agents routinely fail to include all non-target animals killed in their reports, especially non-target threatened and endangered species (Niemeyer 2010, NRDC 2013, Predator Defense 2014). “Shoot, shovel, and shut up” is how Ketcham (2019) puts it.

The Environmental Assessment states: “An additional issue often raised is the potential risks to human health and safety associated with the methods employed to manage damage caused by birds. Both chemical and non-chemical methods have the potential to have adverse effects

on human health and safety. Risks can occur both to persons employing methods and persons coming into contact with methods...WS would follow all label requirements and this eliminates the risk.”

This statement recognizes the inherent risks to human health and safety and casually mentions that reading the label is the answer. The Environmental Assessment fails to acknowledge that poisons/toxicants are “mobile and persistent in soils and water” (EPA 2007), and can poison non-target species like meadowlarks, songbirds, reptiles, amphibians, domestic animals, and perhaps, people.

This Environmental Assessment states: “WS personnel that use DRC1339 would be certified as pesticide applicators by the Colorado Department of Agriculture and be required to adhere to all certification requirements set forth in FIFRA and Colorado pesticide control laws and regulations.” However, Ketcham (2019) interviewed a Wildlife Services whistleblower who stated that “some supervisors would help employees cheat on their tests to get certified to use poison in the field.” This type of report does nothing to instill confidence that Wildlife Services employees are adequately trained to apply poisons in the safest, most appropriate manner.

Wildlife Services has failed to remain current by refusing to integrate new findings and information into their management guidelines and standards. Wildlife Services’ Programmatic Environmental Impact Statement does not take into account up-to-date science, including research conducted by its own National Wildlife Research Center (NWRC). For example, NWRC researched and developed a contraceptive drug for birds, ncarbazine, which was registered with the EPA to reduce flock size of resident Canada geese in urban and suburban areas. However, Wildlife Services never used this approach to resolve conflicts with geese and instead captures and kills them when they are flightless during the annual molt, as they recently did in Denver, to the consternation of the public.

Scientists and working wildlife professionals outside Wildlife Services have added updated information on bird damage management (and wildlife damage management) in the last two decades that Wildlife Services ignores in their programmatic approach, and which cannot simply be compensated for by Environmental Assessments that Wildlife Services issues for parts of its program in individual states (Hone 1996, 2007, Eggleston et al. 2003, Littin & Mellor 2005, Mason & Littin 2003, Meerberg et al. 2008, Cowan & Wharburton 2011).

The Environmental Assessment states: “WS-Colorado only uses lethal methods at the request of the cooperator seeking assistance...WS-Colorado’s BDM activities are conducted year-round and may include both resident and migratory bird populations.”

State-level Environmental Assessments leave large gaps in coverage, fail to adequately address cumulative impacts, and do not address the broader programmatic issues that guide all aspects of program operations. There is no broad look at how operations in individual states affect the whole. Additionally, it has been years since Wildlife Services did a NEPA

analysis, choosing instead to use piecemeal Environmental Assessments for individual states. This leads to no analysis of the cumulative impacts which flies in the face of what NEPA seeks to guard against. A full analysis of the cumulative impacts of all activities is needed.

It's unfortunate that Wildlife Services receives customer fees which serve as an incentive to kill to satisfy the paying customer who wants quick, cheap, and final methods employed. This perverse fee-for-service encourages lethal methods over non-lethal means of control. Asking paying customers to adopt even simple actions to avoid killing large numbers of birds at feedlots, such as a hood over the feeding troughs, is not even considered because "it would be too costly to the customer." Removing customer fees might reduce the incentive to kill. Wildlife Services' activities should benefit the broad public, not private interests.

The Environmental Assessment states: "Public comments have raised the concern that the lethal removal of any wildlife represents irreparable harm. Although an individual bird or multiple birds in a specific area may be lethally removed by WS BDM activities, this does not in any way irreparably harm the continued existence of these species."

Obviously, this cavalier statement was written before the article, "North America Has Lost Nearly 3 Billion Birds Since 1970" was published in the journal, *Science* (Sept. 2019). Researchers found that threatened species aren't the only birds suffering population loss. In fact, common birds—including "beloved backyard companions like sparrows and blackbirds"—are taking the biggest hit. The results of an analysis of 529 avian species revealed that: "A total of 419 native migratory species experienced a net loss of 2.5 billion individuals. More than 90 percent of the total loss can be attributed to just 12 bird families, including sparrows, warblers, blackbirds, larks, and finches.... Grassland birds, such as meadowlarks and grasshopper sparrows, took the biggest hit. They've lost 700 million individuals across 31 species, equivalent to a 53 percent population loss since 1970.... Industrial agriculture may present an even bigger challenge. Morrissey notes that the species disappearing most rapidly—sparrows, blackbirds, larks—are associated with agriculture."

This startling revelation requires—demands—that Wildlife Services rethink their practices of indiscriminate poisoning of birds to benefit industries that refuse to employ non-lethal methods of bird damage control. Wildlife Services' current practices are ethically and biologically ineffective.

In conclusion, here are the actions that the Audubon Chapters in Colorado recommend:

1. Build a Wildlife Services agency that truly works to enable co-existence between people and wildlife.
2. Use non-lethal control methods first and foremost.
3. Use the most humane and effective lethal control when absolutely necessary, e.g., rabies.
4. Analyze the cumulative impacts of states' programs to fully comply with the intent of NEPA.

5. Eliminate fee-for-service to decrease killing.
6. Be transparent and open to the public; moving from “an opaque bureaucracy proven to be remarkably immune to reform” (Ketcham 2019) to one that values public scrutiny.
7. Provide broad public benefits, not those of private interests.
8. Focus on educating customers on sound animal husbandry and measures to mitigate loss.
9. Stop the use of DRC-1339, Avitrol, and other poisons/toxicants.
10. Adhere to animal protection laws.
11. Use the best available science, not politics, to guide the agency’s actions.
12. Recognize that indiscriminate killing of wild animals/birds results in ecological destruction and loss of biodiversity.
13. Recognize that people who are not Wildlife Services’ customers also have a say. The American public, and Coloradans specifically, will not tolerate cruel and inhumane practices any longer.

Another concern commonly expressed in comments on prior EAs involves the degree to which the potential impacts are “highly uncertain or involve unique or unknown risks” (40 CFR 1508.27 (b)(5)). Commenters have suggested that uncertainty in any aspect of our analyses, including risks, requires the preparation of an EIS, based on the CEQ regulations at 40 CFR 1508.27 (b)(5). However, this regulation states that such uncertainty or unique or unknown risks “should be considered” (40 CFR 1508.27 (b)). The existence of any level of uncertainty, or unique or unknown risks, do not in themselves require a determination of significant impact. The degree of uncertainty and the level of any unique or unknown risk must be evaluated. Throughout the analyses in Chapter 3 of this EA, WS-Colorado uses the best available data and information from wildlife agencies having jurisdiction by law (CPW and USFWS; 40 CFR 1508.15), as well as the scientific literature, especially peer-reviewed scientific literature, to inform its decision-making. Where there is uncertainty, we consider this in our analysis and in our assessment of significant impact. If either of these factors would result in significant impacts, our analysis in Chapter 3 will reflect that.

According to the EPA (2013), as temperatures continue to increase, the habitat ranges of many species are moving into northern latitudes and higher altitudes. Species adapted to cold climates may struggle to adjust to changing climate conditions (e.g., less snowfall, range expansions of other species). WS-Colorado recognizes that climate change is an ongoing concern and may result in changes in species range and abundance. Climate change may also impact agricultural practices. The combination of these two factors over time may lead to changes in the scope and nature of wildlife-human conflicts in Colorado. Because these types of changes are an ongoing process, this EA has developed a dynamic system including mitigations and standard operating procedures that allow the agencies to monitor for and adjust to impacts of ongoing changes in the affected environment

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