

MARLON REIS
FIRST GENTLEMAN



EXECUTIVE CHAMBERS
136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

October 25th, 2019

Director Dan Prenzlw
Colorado Parks and Wildlife

Commissioner Kate Greenberg
Colorado Department of Agriculture

Executive Director Jill Ryan
Colorado Department of Public
Health and Environment

Executive Director Shoshona Lew
Colorado Department of Transportation

Executive Director Dan Gibbs
Colorado Department of Natural
Resources

Dear, Director Prenzlw, Commissioner Greenberg, Executive Director Gibbs, Executive Director Ryan, Executive Director Lew:

As you are aware, today – October 25th, 2019 – concludes the public comment period on the report prepared by Wildlife Services (WS), a program within the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS), entitled, "Environmental Assessment for Bird Damage Management in Colorado".

Many Coloradans published comments on the proposed management plan using the online form provided on the United States Department of Agriculture Animal and Plant Health Inspection Service website, including the Audubon Colorado Council (ACC), a coordinated effort of all Colorado Audubon chapters.

However, owing to the character limit restricting the length of comments submitted electronically, the ACC comment was unable to be submitted in-full.

In an effort to offer for your Agency's consideration, a more complete range of opinions concerning the proposed management plan, I am enclosing the full text of the ACC comment*.

Please feel free to contact my office with any questions or comments.

Best Regards,

A handwritten signature in cursive script that reads "Marlon z. Reis".

Marlon Reis
First Gentleman of Colorado

**The views and opinions expressed herein are solely those of the Audubon Colorado Council (ACC), and may not represent those of the State of Colorado nor the Office of the Governor of Colorado*

Enclosed: Comment on “Environmental Assessment for Bird Damage Management in Colorado” as proposed by USDA-Wildlife Services, submitted by Audubon Colorado Council (ACC).

Audubon Colorado Council (ACC), representing 25,000+ members/supporters from all Audubon chapters in the state, is providing comments on Wildlife Services’ Environmental Assessment for its Bird Damage Management Plan. 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.”

ACC recognizes 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 black birds, 1,300 red-tailed hawks, 19,900 mourning doves, 10,000 double-crested cormorants, 2,000 mallard ducks, 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, cow birds, 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 nor any of the toxicants (e.g., Avitrol) currently employed by Wildlife Services is accepted as causing a humane death by animal welfare organizations.

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 2008), 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, nicarbazin, 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, an action that angered animal lovers statewide.

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).

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. Full analysis of the cumulative impacts of all activities is needed.

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.”

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, 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, ACC recommends:

1. Building a Wildlife Services agency that truly works to enable co-existence between people and wildlife
2. Using non-lethal control methods first and foremost
3. Using the most humane and effective lethal control when absolutely necessary, e.g., rabies

4. Analyzing the cumulative impacts of states' programs to fully comply with the intent of NEPA
5. Eliminating fee-for-service to decrease killing
6. Being 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. Providing broad public benefits, not those of private interests
8. Focusing on educating customers on sound animal husbandry and measures to mitigate loss
9. Stopping the use of DRC-1339, Avitrol, and other poisons/toxicants
10. Adhering to animal protection laws
11. Using the best available science, not politics, to guide the agency's actions
12. Recognizing that indiscriminate killing of wild animals/birds results in ecological destruction and loss of biodiversity
13. Recognizing 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.

Thank you,

A handwritten signature in black ink that reads "Peg Rooney". The signature is written in a cursive, flowing style.

Dr. Peg Rooney
Vice President & Conservation Committee Chair
Audubon Colorado Council