



## Finding of No Significant Impact Free-Ranging Cat Management Plan

### Recommended

*Myrna I. Palfrey*

Myrna Palfrey  
Superintendent  
San Juan National Historic Site

11/8/23

Date

### Approved

Mark A. Foust  
Regional Director  
Interior Region 2, South Atlantic – Gulf, National Park Service

Date

## Introduction

In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [USC] 4321 et seq); the 2020 and 2022 Council on Environmental Quality NEPA implementing regulations (40 Code of Federal Regulations [CFR] 1500-1508); the Department of the Interior NEPA regulations (43 CFR Part 46); and NPS Director's Order 12: *Conservation Planning, Environmental Impact Analysis and Decision-making* and its accompanying NPS NEPA Handbook, the National Park Service (NPS) prepared an environmental assessment (EA) to examine alternative actions and environmental impacts associated with a free-ranging cat (*Felis catus*) management plan at San Juan National Historic Site (the park) in San Juan, Puerto Rico. The National Park Service has concluded that this action will not have a significant effect on the human environment, as documented in this Finding of No Significant Impact (FONSI).

The Paseo del Morro National Recreational Trail (Paseo) follows the western coast of the island along the base of the historic fortification walls from the San Juan Gate to Castillo San Felipe del Morro, approximately 0.75-mile. Shortly after the construction of the Paseo in 1999, a population of free-ranging cats began to colonize the area, and this is where the existing cat colony is concentrated in the park. The free-ranging cat is an invasive species in any habitat.

The purpose of and need for this plan is to address free-ranging cat populations within San Juan National Historic Site to improve the safety of its visitors and employees, protect park resources and reduce impacts to native wildlife species associated with free-ranging cats, alleviate nuisance issues, align the visitor experience with the purpose of the park, and bring the park into compliance with existing authorities for invasive species.

The National Park Service is implementing this plan to bring the park into compliance with NPS policies and regulations related to invasive species, wildlife, and feeding animals within the park. Management actions will only be used on the localized population of free-ranging cats in the park. Other free-ranging cat populations throughout San Juan and the rest of Puerto Rico will not be affected by this management plan.

Free-ranging cats are an island-wide issue in Puerto Rico that requires collaboration. The National Park Service is committed to continue collaborating with the Municipality of San Juan, the Governor's office, the Tourism Company, animal welfare organizations, veterinary professionals, shelter personnel, the community, universities, and other interested parties to the extent possible. However, the National Park Service only has jurisdiction over the park and cannot stipulate actions outside park boundaries or for the Puerto Rican government or other organizations.

## Public Involvement

Members of the public were provided with several opportunities to comment during the planning process. The National Park Service presented the preliminary purpose and need for the project and preliminary alternatives (no-action alternative and the proposed action) during the public scoping period, October 24 through December 12, 2022. The National Park Service received 2,511 individual correspondences. During development of the EA, the National Park Service created the revised proposed action in response to the public scoping comments. The EA was released to the public for review on August 4, 2023, in English, the convention for the park when releasing NEPA documents. The comment period for review of the EA was open until September 5. At the request of participants at the public meeting (held August 23, 2023), the National Park Service translated the document into Spanish and extended the public comment

period through October 5, 2023. A summary of the comments received with NPS responses is provided in attachment A. Minor modifications to the EA as a result of public comments are provided in attachment B.

The statements and conclusions reached in this FONSI are based on the documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below. As required by NPS *Management Policies 2006*, a finding of non-impairment is included in attachment C. All page numbers and section/sentence locations referenced in this FONSI pertain to the English version of the EA published for public review in August 2023.

## **Selected Action and Rationale for the Decision**

Based on the analysis presented in the EA, the NPS selected alternative 3 (revised proposed action and NPS preferred alternative) for implementation. The selected alternative (selected action) will provide a phased approach to management of free-ranging cats, which will include continued trapping and removal efforts by an animal welfare organization, removal of all feeding stations in the park, monitoring, and additional removal efforts if deemed necessary.

To reduce the potential for pet abandonment in the park, the National Park Service will continue to close the entrance to the Paseo at night and have security guards present when the Paseo is open (under an agreement with the Department of Tourism). To provide additional security, the park is currently installing a new lighting system along the Paseo. The National Park Service will continue existing education efforts through messaging that informs visitors of the issues associated with abandoning cats, including abandonment in national park units. Additionally, the National Park Service will increase educational efforts through additional messaging, addressing the reasons cats cannot be abandoned in the park, and noting that the park does not provide food for abandoned cats.

**Choosing an Animal Welfare Organization.** The National Park Service will publish a request for letters of interest from animal welfare organizations interested in working with the park to perform cat removal. The request will include the National Park Service's implementation plan for the cat and feeding station removal actions. This implementation plan will include the 6-month timeline for cat and feeding station removal, permit and reporting requirements, and basic guidelines for management of the cats, including compliance with Puerto Rico animal welfare and invasive species laws (see appendix A of the EA, pages 53–55). Letters of interest must be received within one month of the request to be considered, and the National Park Service will select the animal welfare organization within one month of that deadline. The animal welfare organization will obtain applicable permits, as needed, for management and relocation of cats (i.e., relocation permit from the Puerto Rico Department of Natural and Environmental Resources). If no legitimate animal welfare organizations show interest, the National Park Service will move to the last phase of this alternative, which will employ an organization(s) or agency(s) to remove cats from the park (herein "removal agency"), as described for alternative 2 (see pages 13–15 of the EA).

**Continued Trapping and Removal Efforts and Removal of Feeding Stations.** An animal welfare organization will be permitted to humanely trap and remove cats from the park. The National Park Service will defer to the animal welfare organization to determine the best practice for removal of the cats, but the strategies below could be used to remove cats from the park and/or discourage cats from returning to the park. At any time, the park could employ these strategies to deter further colonization of the park by cats.

- **Live Trapping.** Live trapping devices (e.g., walk-in cage traps, soft net traps, and padded leg-hold traps) could be baited, scented, or placed along common travel lanes for the cats and will capture and restrain animals. Live trapping will likely be the primary method of removal. Use of these devices will be dependent on weather conditions, when they could be checked at least twice per day, and in accordance with applicable federal and Commonwealth laws. The following trapping guidelines will be followed:
  - Lures, trap placements, and capture devices will be strategically placed at locations likely to capture cats and minimize the potential of non-target animal captures.
  - Any non-target animal captured in live traps will be released unless it is determined that the animal will not survive and/or cannot be released safely.
  - Removal efforts will be conducted primarily during early morning or evening hours when the park is closed to the public, which will minimize impacts on park visitors. If removal activities must be conducted during daytime hours, the National Park Service will close visitor access to the target area to ensure worker and visitor safety.
  - Conspicuous, bilingual warning signs will be installed alerting visitors to the presence of and reason for the live traps, when needed. The signs will be placed at major access points to areas where active cat management operations are being conducted, so long as the signs will not impact the efficacy of the removal efforts.
- **Denning.** Dens could be sought out to capture adult cats and kittens. This method of finding a pregnant female or a female that has just given birth is time- and effort-intensive; however, this method could be used if feasible.
- **Habitat Modification.** Habitat modification involves changing the landscape to reduce the availability of food, water, and shelter. This method will be limited by the cultural landscape at the park. If used, this method will likely be implemented to discourage cat migration back into the park.
- **Exclusion Devices.** Exclusion devices can be used to keep cats from using buildings as shelter or for rearing kittens and include wire mesh or other material used to cover holes and other building and structure openings.
- **Repellents.** The US Environmental Protection Agency has approved several chemicals that provide a bitter taste and are used to keep cats away from items, such as garbage cans. Repellents could be used as a means of concentrating cats into certain areas to aid in trapping.

The animal welfare organization will be able to provide food to the cats in the park via continued use of the existing feeding stations for a discrete period of time (up to 6 months) to aid in the trapping and removal efforts. During this time, the animal welfare organization will gradually remove the feeding stations with all feeding stations within the park eliminated by the end of the 6-month period. At least one feeding station will be removed per month until all feeding stations have been removed. During this 6-month period, no new feeding stations will be added, and existing feeding stations will not be allowed to increase in size. The feeding stations will be removed completely and permanently from the park. All unauthorized feeding of the cats in the park is prohibited.

The animal welfare organization will be required to remove the cats from the park within the first 6 months of the implementation of the plan. The cats will be assessed for health and adoptability, transferring socialized cats to an adoptive or foster home, animal shelter, or animal welfare organization facility for adoption if kennel space is available at the time of removal/relocation. Using best professional judgment, the animal welfare organization will determine the appropriate outcome for unsocialized,

under-socialized, or unhealthy cats. All cat relocation will be conducted in accordance with the implementation plan and could include euthanasia, similar to current practices. No cats – whether trapped in the park or elsewhere – will be returned to or released in the park. Additionally, the abandonment and introduction of new cats within the park are prohibited.

The animal welfare organization will be required to provide monthly status reports to the National Park Service, documenting the removal of the feeding stations and cats. If the animal welfare organization is making substantial progress with removing the cats from the park, as determined by the National Park Service, the National Park Service will consider providing a 6-month extension, allowing the organization to continue to trap and remove cats from the park. Feeding stations or any other method of providing food for the cats in the park will not be permitted after the initial 6 months.

If the animal welfare organization fails to meet the deadlines described here and detailed in the forthcoming implementation plan, the National Park Service will terminate the implementation plan and move to the last phase of this alternative, employing a removal agency to remove the cats from the park, as described in alternative 2 (see pages 13–15 of the EA).

**Post-feeding Station Removal Monitoring.** Following removal of the feeding stations, the park will monitor to assess the presence, absence, and trends of any remaining cats within the Paseo. The purpose of monitoring is to confirm that the continued management by the animal welfare organization and the removal of feeding stations to reduce the cat population has been effective, such that there is no cat colony within the park after the initial 6-month period. This monitoring will inform future management needs (including removal).

**Additional Removal Activities.** The permanent removal of cats at the park may not be attained during the initial effort. If the monitoring indicates that there is a sustained presence of cats inside the park, the National Park Service will engage the animal welfare organization or a removal agency to remove the cats. The strategies for trapping and placement of the cats will be the same as described above if removal is carried out by the animal welfare organization or for alternative 2 (see pages 13–15 of the EA) if removal is performed by a removal agency. The use of long-term feeding stations will not be permitted for follow-on removal efforts, though lures and bait could be used to trap the cats. It is anticipated that multiple removal efforts will be needed.

## **Rationale for the Decision**

The selected action, revised proposed action / alternative 3, was selected because it best meets the purpose and need of the project. The selected action would remove free-ranging cats from the park; the free-ranging cat is a non-native species that adversely affects native species, as documented in numerous studies cited in the EA. The selected action would eliminate cat feeding stations within the park. The cat feeding stations violate NPS regulations that prohibit feeding of wildlife because they provide a non-natural food source for wildlife, including non-native species such as rats, as documented by the NPS camera-trap count survey for the cats (see appendix B in the EA). Removing the feeding stations will discourage animal abandonment within the park, which violates NPS regulations governing introduction of animals into a park unit. Removing free-ranging cats from the park will reduce the possibility of toxoplasmosis transmission both to wildlife and to visitors, which benefits human health and safety. Removing free-ranging cats and feeding stations also preserves the cultural landscape of the park, because it will minimize the non-contributing elements of the cultural landscape and reduce the potential for cats to adversely affect the park's key archeological resources. Lastly, the selected action addresses concerns about the fate of the cats raised during public scoping on the EA. Based on these comments, the National

Park Service revised the initial proposed action to allow an animal welfare organization additional time to trap and remove the cats from the park and provide the organization discretion on how to manage the cats after removal.

As described above, the selected action will bring the park into alignment with NPS *Management Policies* for exotic species, NPS regulations regarding feeding of wildlife and animal abandonment, the park's specific enabling authorities regarding cultural resource preservation, and other relevant laws, regulations, and policies regarding invasive species, including Executive Order 13751, *Safeguarding the Nation from the Impacts of Invasive Species* (see appendix A of the EA).

## **Changes to the Selected Action**

The National Park Service made a minor edit to the "Additional Removal Activities" element of the selected action but made no substantive changes. Specifically, the National Park Service revised the text regarding follow-up removal efforts to state that if monitoring indicates that there is a sustained presence of cats inside the park, the National Park Service could employ an animal welfare organization or a removal agency to remove the cats. This clarification is included in the description above, as well as in Attachment B: Errata.

## **Resource Protection Measures**

Best management practices are included in the description of the selected action to reduce the potential for impacts; however, additional resource protection measures may be required as stipulations of the permits acquired for management and removal of the cats.

## **Other Alternatives Considered**

In addition to the selected action, the EA analyzed the no-action alternative (alternative 1) and the original proposed action (alternative 2). These alternatives are briefly described in this section.

### **No-action Alternative**

The no-action alternative, described on page 12 of the EA, would not change the current management direction or level of management intensity. Under the no-action alternative, the park would continue with its current but limited efforts in managing the free-ranging cats. The National Park Service would continue working with Save a Gato (or another animal welfare organization) on the management of free-ranging cats through the trap-neuter-return (TNR) program with the ultimate goal being the reduction of free-ranging cats by natural attrition, such that feeding stations would no longer be needed.

The no-action alternative will not be selected for implementation because it violates NPS regulations and policies related to invasive species, abandonment, and feeding wildlife within the park. See the text on long-term TNR programs in the "Alternatives and Alternative Elements Considered but Dismissed" section of the EA (page 17) for more information on why a TNR program cannot be selected.

### **Alternative 2 – Original Proposed Action**

The original proposed action is described on pages 13–15 in the EA. The National Park Service would enter into an agreement with a removal agency for the management of free-ranging cats in the park. The approach would be phased, as described below.

**Cat Removal.** The removal agency could use one or more of the strategies described in the “Elements Common to the Action Alternatives” section in the EA (pages 13 and 14) to humanely remove the free-ranging cats from the park. Handling of the cats trapped in the park would be defined in the agreement between the National Park Service and the removal agency. The removal agency would assess the health and adoptability of the cats as they are trapped. Cats suitable for adoption could be relocated to a foster or adoptive home, an animal shelter, or an animal welfare organization facility for adoption; however, this would be dependent on available space in these locations at the time of the removal. Cats that are determined to be unadoptable due to health or behavioral concerns would be humanely euthanized. Cats may also be euthanized due to a lack of kennel space.

**Feeding Station Removal.** After the removal agency has completed trapping efforts in an area, the appropriate feeding stations would be immediately removed in that area to concentrate the remaining cats for trapping and removal. In this manner, all feeding stations would be gradually removed as trapping and removal efforts progress.

**Monitoring and Additional Removal Efforts.** Following removal of the feeding stations, the park would monitor to assess the presence, absence, and trends of any remaining cats within the park. The purpose of monitoring is to confirm that the removal efforts have been effective, such that there is no cat colony within the park. This monitoring would inform future management needs, including additional removal efforts. A sustained presence of cats would trigger additional cat removal efforts. In this situation, the removal agency would return to the park to conduct additional removal efforts. It is anticipated that multiple removal efforts would be needed.

## **Significance Criteria Review**

### **Potentially Affected Environment**

San Juan National Historic Site is approximately 75 acres and is surrounded by the city of Old San Juan, Puerto Rico, a congested urban center consisting of mixed commercial and residential areas with little open space (see figure 2 of the EA on page 4). Most of the park sits on a rocky peninsula rising over 80 feet above sea level with the Atlantic Ocean on the north side and San Juan Bay at the west and southwest edges of the park boundary. Much of the park boundary includes shoreline. The park’s grounds are mostly mowed/maintained; however, the park provides habitat for a variety of deciduous and evergreen trees, shrubs, vines, and herbaceous species, and wildlife. There is only one free-ranging cat colony at the park, concentrated along the Paseo, which follows the western coast of the island along the base of the historic fortification walls from the San Juan Gate to Castillo San Felipe del Morro (see figure 2 of the EA on page 4). Resources within the potentially affected environment that may be beneficially or adversely impacted include visitor experience, wildlife and wildlife habitat, and free-ranging cats.

### **Degree of Effects of the Action**

The National Park Service considered the following actual or potential project effects in evaluating the degree of the effects (40 CFR 1501.3(b)(2)) for the selected action.

#### ***Beneficial and Adverse, Short-term, and Long-term Effects of the Proposed Action***

The National Park Service did not identify any significant impacts to resources that would require analysis in an environmental impact statement. The impacts of the selected action, including direct, indirect, and cumulative effects do not reach the level of a significant effect. The management of free-ranging cats under the selected action will result in both beneficial and adverse impacts, as described below.

**Visitor Experience.** The selected action will have adverse and beneficial impacts on visitor experience, though whether the impact is beneficial or adverse depends on the visitor's perspective on cats in the park. Part of the purpose of the park is to interpret the oldest and largest Spanish fortification system in the United States. Free-ranging cats are not contributing elements to the historic landscape and should not interfere with the interpretation of the fortifications. Removal of the cats may require short-term closures of parts of the park during trapping efforts, which will have temporary adverse effects on visitation. Over the long term, the selected action will align with the National Park Service's intended interpretation of the park's fortifications, resulting in a long-term beneficial impact on visitor experience.

Because the cats have persisted at the park since the Paseo was constructed in 1999, some visitors perceive the cats as part of the park experience. The selected action will have an adverse impact on the experience for these visitors. These visitors may be reassured knowing that an animal welfare organization will have the opportunity to remove the cats and find appropriate placement for at least some of them (e.g., a home, kennel, sanctuary). All visitors will continue to be able to experience the free-ranging cats of Old San Juan or other parts of Puerto Rico, as this plan will only apply to lands under NPS jurisdiction and will not have a noticeable impact on the cat populations outside of the park. Cats can carry and transmit a variety of diseases and infections to humans. All visitors will benefit from the removal of a potential disease vector from the park.

The animal welfare organization will use best professional judgment on placement of the cats after removal from the park. If the cats are relocated to another area of Old San Juan or Puerto Rico, the cats could have adverse or beneficial impacts on tourism. The colony at the park has approximately 200 cats, and relocating the colony to another location could influence tourism and potentially affect visitors throughout Puerto Rico. The impact on visitors outside of the park is dependent on how the visitor feels about free-ranging cats, similar to the impact on visitors to the park. However, these potential impacts will be reduced through stipulations in the implementation plan that will require that the animal welfare organization comply with Puerto Rico laws regarding animal welfare and invasive species.

Overall, because the selected action will work to restore the National Park Service's intended interpretation of the park's resources, reduce potential health risks to visitors and park staff, and not noticeably affect the free-ranging cat populations in Old San Juan or other areas of Puerto Rico, the selected action will not result in significant adverse impacts on visitor experience, and will have overall beneficial effects.

**Wildlife and Wildlife Habitat.** The removal of the free-ranging cats at the park will have a long-term beneficial impact on native wildlife. Cats can prey on and carry and transmit a variety of diseases and infections to native wildlife species. Removing the cats will remove a potential disease vector and invasive predator species, resulting in long-term beneficial impacts. Native wildlife will have the opportunity to use the habitat currently occupied by the cats. Although other invasive species, particularly rats (*Rattus* spp.), could also benefit from increased habitat from cat removal, scientific literature indicates that removal of the cats will not necessarily cause an increase in populations of rats for a variety of reasons: there may be enough cats within the larger population to keep rat populations stable; the rat population is limited by competition, rather than predation by cats; or rats avoid using the same areas when cats are present. The removal of the feeding stations, thus removal of an easy, reliable food source, may result in a decrease in invasive species populations.

The animal welfare organization will use best professional judgment on placement of the cats after removal from the park. If the cats are relocated to another area of Old San Juan or Puerto Rico, the cats could have adverse impacts on the native wildlife in that area, as well as other free-ranging cats established in that area, and the community, depending on the area selected. As described in the EA on



page 32, cats can have devastating effects on native wildlife, and because there are many invasive species in Puerto Rico, and free-ranging cats are already present throughout Puerto Rico, the adverse effects on native wildlife species would be additive. However, the potential for adverse impacts will be reduced by the terms in the implementation plan, which will require that cats be relocated in compliance with Puerto Rico animal welfare and invasive species laws, including obtaining applicable permits, and not be relocated into sensitive wildlife habitats or areas where there are listed species.

Overall, the selected action will not have a significant adverse impact on wildlife and wildlife habitat and is likely to have beneficial impacts to native species. The selected action will remove an invasive predator and potential disease vector, allowing native wildlife to fill the niche that the cats currently occupy. There is a potential for indirect impacts on wildlife outside of the park depending on placement of the cats after they are removed, but the stipulations in the implementation plan will reduce the potential for adverse impacts.

**Free-Ranging Cats.** The selected action will adversely affect the free-ranging cats in the park through trapping and removal. Trapping will have short-term adverse impacts on the cats, but cats that are candidates for adoption will benefit long-term from sterilization, vaccination, and additional veterinary care. The selected action will provide the best opportunity for the cats in the park to be placed in foster/adoptive homes or animal welfare facilities (e.g., shelter, rescue facility, sanctuary). Some cats may be euthanized due to a lack of socialization or a lack of available space for placement after removal from the park. Humane euthanasia could be seen as an adverse impact because it is ending a viable life. It could also be interpreted as a beneficial impact because it prevents a cat from living a harsh life outdoors. Although the selected action will have an adverse impact on the cat colony at the park, it will not have a noticeable effect on the overall free-ranging cat population of Puerto Rico. As noted on page 36 of the EA, the estimated population of free-ranging cats in Puerto Rico in 2017 was one million cats. This plan will affect approximately 200 cats of that estimated one million.

The animal welfare organization will use best professional judgment on placement of the cats after removal from the park. If the cats are relocated to another area of Old San Juan or Puerto Rico, those cats may face new challenges in the form of competition, lack of resources, fighting, injury, and a lack of veterinary care, all of which will create a low quality of life. It could also affect the free-ranging cats already established in that area. However, these potential impacts will be reduced through stipulations in the implementation plan that will require that the animal welfare organization comply with Puerto Rico laws regarding animal welfare and invasive species.

Given the large population of free-ranging cats in Puerto Rico, the selected action will not have a significant impact on the overall local population, only affecting the one colony of cats located within the park. The selected action will have adverse impacts on the free-ranging cats in the park, but free-ranging cats are considered invasive, and per NPS *Management Policies 2006*, invasive species that are not maintained to meet an identified park purpose are to be managed, up to and including eradication.

### ***Degree to Which the Proposed Action Affects Public Health and Safety.***

The existing free-ranging cat colony at the park presents a potential health risk to visitors and park staff. Free-ranging cats carry diseases that can be transmitted to humans and wildlife (zoonotic diseases), such as toxoplasmosis, rabies, bartonellosis, plague, murine (flea-borne) typhus, and COVID-19 (see appendix D of the EA for more information on potential diseases that could be transmitted to humans by cats). Maintaining free-ranging cats on the landscape may increase the risk of disease transmission, and the

increased population density centered around feeding stations and supplemental feedings could affect the prevalence of pathogens. Cats can also cause direct injury by biting and scratching visitors and park staff.

The selected action will reduce these health hazards by removing the cats from the park, thus removing a potential disease vector, and reducing the potential for bites and scratches from interactions with the cats.

### ***Effects on Federal, State, Tribal or Local Environmental Protection Laws.***

The selected action does not violate any federal, state, or local law imposed for the protection of the environment. Failure to act would violate NPS regulations regarding feeding of wildlife and animal abandonment.

There are several laws in the Commonwealth of Puerto Rico that apply to animal welfare. Puerto Rico Act Number 154, *Animal Protection and Welfare Act* was enacted to protect animal welfare, and Law Number 36, *Law of the State Animal Control Office Attached to the Department of Health*, established the need for animal shelters to sterilize animals and act as adoption centers for homeless animals.

The National Park Service is aware of and considered these laws in the development of the plan; however, if local laws are inconsistent with federal laws, the National Park Service is required to follow federal laws on federal land. The National Park Service will strive to be consistent with Puerto Rico Act Number 154 and Law Number 36 in implementing the plan to the degree possible, requiring that the animal welfare organization and removal agency comply with these laws, when applicable.

The National Park Service acknowledges that the purpose of Law Number 36 was to establish municipal shelters to further the protection of homeless animals by acting as spay and neuter clinics, as well as adoption centers. The intent was to have shelters in each of Puerto Rico's municipalities; however, there are too few municipal shelters to handle the number of homeless pets in Puerto Rico's 78 municipalities.

Euthanasia is a necessary reality of animal control, especially in areas that lack appropriate resources. Law Number 36, Article 8 states "In those cases in which it is determined that an animal deserves euthanasia, this will be carried out humanely by a veterinarian," and Section 13(a) of Act Number 154 states that the "termination of the life of an animal may only be conducted by a veterinarian or by properly trained personnel under the supervision of a veterinarian, through techniques approved by the AVMA (American Veterinary Medical Association)..." Euthanasia may be required under the selected action. When performed according to the techniques outlined by the AVMA, euthanasia is humane treatment.

## **Conclusion**

As described above, the selected action does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement. The selected action will not have a significant effect on the human environment in accordance with section 102(2)(c) of NEPA. Based on the foregoing, the National Park Service has determined that an environmental impact statement is not required for this project and, thus, will not be prepared.

## Attachment A: Response to Public Comments

The Free-Ranging Cat Management Plan Environmental Assessment (EA) was available for public review and comment between August 7 and September 5, 2023. In response to comments received at the public meeting for the review of the EA, the document was translated into Spanish and made available for public review from September 6 through October 5, 2023. The National Park Service (NPS) received 552 pieces of correspondence during the public review period. All comments were read and analyzed to identify substantive comments. Section 4.6 of the NPS National Environmental Policy Act (NEPA) Handbook defines a substantive comment as a comment that does one or more of the following:

- Question, with reasonable basis, the accuracy of information in the NEPA document
- Question, with reasonable basis, the adequacy of the environmental analysis
- Present reasonable alternatives other than those presented in the NEPA document
- Cause changes or revisions in the proposal

In other words, substantive comments raise, debate, or question a point of fact or analysis. Comments that merely support or oppose a proposal or that merely agree or disagree with NPS policy are not considered substantive and do not require a formal response.

The following text summarizes the substantive comments received during the comment period and is organized into concern statements and responses. All page numbers contained herein refer to the English version of the Free-Ranging Cat Management Plan EA that was released for public review.

### NEPA Process

- 1. Concern Statement:** The process for this plan has been disingenuous for a variety of reasons. During the scoping period, the no-action alternative was presented as a viable option, but the EA stated that the National Park Service would not be able to select the no-action alternative for implementation. Additionally, one commenter noted that the National Park Service promised that euthanasia would not be a part of the plan, but both action alternatives lean heavily on euthanasia for management of the cat colony at the park. Some members of the planning team do not speak Spanish or live in Puerto Rico, limiting their understanding of the culture. It appears that the National Park Service has already decided how the cats at the park will be managed and that the feelings or desires of the local residents or tourists who support the cats in all of Old San Juan were not taken into consideration. The meeting for the review of the EA was held during hurricane season at a hotel, rather than at the park, and without notice to the Spanish press. The way this process has been handled reinforces locals' mistrust of the federal government.

**Agency Response:** The National Park Service has engaged the public for their input throughout the planning process. See chapter 4 of the EA for a description of the scoping process, and pages 12 and 13 of chapter 2 for an explanation of how the scoping comments were analyzed and resulted in changes to the alternatives analyzed.

The alternatives presented during the public scoping period were preliminary options. The intent of scoping is to gather information and ideas to ensure that the EA covers a reasonable range of alternatives and that the appropriate park resources are analyzed. The public scoping comments were considered, and the alternatives were fully developed for use in the analysis. Based on public comments, alternative 3 was created to allow an animal welfare organization to become involved in management efforts, including trapping and removing cats from the park for placement, which could

reduce the need for euthanasia. As noted in the EA, the intent of this management plan is to bring the park into compliance with NPS regulations and policies. As the planning team worked on the development of the alternatives, it became clear that the no-action alternative would not achieve that goal. NEPA regulations require that the no-action alternative be included (40 CFR 1502.14(c)); therefore, the National Park Service analyzed the no-action alternative in the EA but clearly stated that it could not be selected for implementation.

Although some members of the planning team are not bi-lingual and do not live in Puerto Rico, the park staff, who live locally and understand the culture, were fully involved in the entire process for this project. The team made great efforts in planning the public meeting (e.g., avoiding the first week of school, monitoring the weather, etc.). The meeting was held at the Sheraton Hotel to ensure the National Park Service was able to accommodate all participants since the scoping meetings were heavily attended and exceeded the seating capacity of the visitor center's theater. The National Park Service was expecting a similar turnout and planned accordingly to accommodate a large audience for a hearing-style meeting. Additionally, many scoping meeting participants complained about accessibility and parking issues at the visitor center. The Sheraton Hotel provided elevators, accessible entry ways and meeting rooms, and onsite parking, which addressed these concerns.

The press release announcing the availability of the EA for review and the public meeting was distributed in both English and Spanish to the park's mailing list, including media outlets; this was done for the release of the English version of the EA as well as the version translated to Spanish. The National Park Service also extended the public comment period by one month to provide an additional thirty days to review a Spanish version of the EA.

2. **Concern Statement:** The National Park Service should publish the document in Spanish for those people in Puerto Rico who are not fluent in speaking and reading English and that the comment period be extended to allow for review of the Spanish version of the document. Another public meeting should be held following the release of the Spanish version.

**Agency Response:** The EA was originally released in English only, as this has been the convention used by the park for NEPA documents to date. The rationale for this is to avoid any inconsistencies between the English and Spanish versions of the document. However, when concerns were raised at the public meeting, the National Park Service committed to translating the EA, posting it for public review, and extending the public comment period by another thirty days. The Spanish version of the EA was posted to PEPC on September 6 and the comment period was open through October 5.

Federal agencies are not required to hold public meetings for EAs. However, the National Park Service organized one public meeting during the comment period for the EA and had a bilingual court reporter present to record the oral comments, which were then incorporated into PEPC and analyzed. The public meeting was almost entirely in Spanish. For these reasons, the National Park Service did not hold a second public meeting after the Spanish version of the EA was released.

3. **Concern Statement:** The full details of the implementation plan should be made available to the public. An ethics committee should review the plan and their conclusions should be part of the public record.

**Agency Response:** The EA includes the implementation details for each alternative, which has been made available to the public, whereas the implementation plan will address basic logistical and operational requirements needed so that an animal welfare organization can effectively implement the selected action, as described in the EA. The National Park Service has made some minor edits to the selected action based on public comments. The Finding of No Significant Impact (FONSI) provides

the revised description of the selected action, and the portions of the text that were changed are presented in the errata (attachment B of the FONSI).

The implementation plan will be part of the package available to all animal welfare organizations that wish to bid on the work to help manage the cats at the park under this Free-Ranging Cat Management Plan. The National Park Service is not required to have an ethics committee review the implementation plan; however, the document will undergo review by subject matter experts within the National Park Service to ensure that the implementation plan remains consistent with all NPS regulations and policies, as well as Puerto Rico laws on animal welfare and invasive species.

4. **Concern Statement:** The National Park Service should be transparent about the handling of public comments, especially the comments received from local residents and businesses, indicating whether they will be made public and how they are considered in the decision-making process.

**Agency Response:** The National Park Service has been transparent throughout this NEPA process. The public scoping comments were made available on the project's PEPC site, as requested by several commenters. The EA details how the comments were considered and that the range of alternatives was refined based on the content of the scoping comments, including the addition of alternative 3. Based on public comments, the National Park Service has made some minor edits to the selected action. These changes are presented in the errata, attachment B of the FONSI.

5. **Concern Statement:** Commenters in favor of the management plan are afraid to speak up for fear of attack from the people who want the status quo.

**Agency Response:** The National Park Service does not require commenters to provide any personally identifiable information when submitting a comment on PEPC, and the agency tries to remove personally identifiable information from public correspondence when posting comments to PEPC. However, as noted on PEPC, entire comments (including personally identifiable information) may be made publicly available at any time.

## Need for the Project

6. **Concern Statement:** The National Park Service has not demonstrated that this plan has been requested by any stakeholders. Without site-specific data documenting issues associated with the cats or cost/benefit analyses, the EA does not properly establish a need for this management plan. If there have been requests to remove the cats, the National Park Service should make them public.

**Agency Response:** National park system units are managed to a national standard. Feeding and abandonment of free-ranging cats in the park is an activity that also does not align with NPS authorities, the park's specific enabling authorities, and other relevant laws, regulations, and policies regarding invasive species. A lack of requests or complaints from stakeholders is not a prerequisite to preparing this plan to manage free-ranging cats and activities associated with them in the park. However, the National Park Service received comments during both the public scoping and EA review comment periods requesting that the National Park Service reduce or entirely remove the cat colony at the park.

7. **Concern Statement:** The regulation concerning invasive species that is at least partially guiding this plan is a national one. The National Park Service should seek amendments to that regulation, as the conditions for this park in an urban setting are different from those at parks with more natural ecosystems that likely require greater natural resource protection.

**Agency Response:** National park system units are managed to a national standard. Feeding and abandonment of free-ranging cats in the park is an activity that also does not align with NPS authorities, the park's specific enabling authorities, and other relevant laws, regulations, and policies regarding invasive species.

## **Pet Abandonment**

8. **Concern Statement:** Alternative 1 should not be dismissed until the National Park Service has addressed pet abandonment. The National Park Service should install lighting and cameras at the Paseo and nearby areas, better manage the vegetation along the Paseo, and monitor the area with NPS-appointed security guards. The National Park Service should enforce the laws on abandonment; the fines collected from pet abandonment violations could be a source of funding that would aid in continued trap-neuter-return (TNR) efforts. Violations should be publicized so residents understand the severity of abandoning their pets.

**Agency Response:** The park currently implements security measures, such as the presence of security guards when the Paseo is open, closing the gate at night, and performing regular vegetation management. The park is in the process of installing a new lighting system along the Paseo. The National Park Service is currently looking into the potential for funding for additional security along the Paseo and intends to further train security personnel and issue violations for pet abandonment within the park. However, these efforts to reduce pet abandonment in the park are somewhat separate from actual cat management, as retaining the cats and providing feeding stations in the park conflict with NPS regulations and policies. When fines are paid, the funds go directly to the US Department of the Treasury; the National Park Service does not have control over how those funds are used.

9. **Concern Statement:** Pet abandonment is the root of the cat overpopulation issue at the Paseo and the reason that TNR does not appear to be successful. The growth of the cat colony at the Paseo from 120 in 2005 to nearly 200 in 2021 is very low considering the number of cats that are abandoned by their owners, as well as disruptions in the program due to natural disasters and the pandemic. This is evidence that TNR has been working at the park.

**Agency Response:** The National Park Service acknowledges that pet abandonment contributes to the issues at the park. However, the TNR program at the park may also be contributing to pet abandonment, as people see that the cats are fed and provided some veterinary care and consider abandoning their cats at the park a better option than surrendering them to one of Puerto Rico's overwhelmed municipal shelters. The National Park Service entered into the agreement with Save a Gato for the TNR program with the intent of eliminating the cat population at the park. Given the lack of results over an 18-year period under the TNR program, the National Park Service must implement other actions at this time to bring the park into compliance with NPS regulations and policies.

10. **Concern Statement:** The document notes that the Puerto Rican government has issues including natural disasters and COVID but does not indicate that the volunteers that care for the cats face the same issues.

**Agency Response:** The EA has been edited to add a statement acknowledging that the animal welfare organizations face similar challenges as the government related to natural disasters, storms, and the pandemic, though the scale is quite different for the government (see errata, appendix B of the FONSI).

## Laws and Regulations

- 11. Concern Statement:** Puerto Rico Act Number 154, *Animal Protection and Welfare Act* was enacted to protect animal welfare. This law speaks clearly about the abuse and mistreatment of animals and indicates that all animals have a right to life. Euthanization of healthy cats violates this law.

**Agency Response:** The National Park Service is aware of and considered Puerto Rico Act Number 154 in the development of the plan; however, if local laws are inconsistent with federal laws, the National Park Service is required to follow federal laws on federal land. The National Park Service will strive to be consistent with Puerto Rico Act Number 154 in implementing the plan to the degree possible, requiring that the animal welfare organization and removal agency comply with this law, when applicable.

Section 13(a) of Act Number 154 states that the “termination of the life of an animal may only be conducted by a veterinarian or by properly trained personnel under the supervision of a veterinarian, through techniques approved by the AVMA (American Veterinary Medical Association)...” This may apply to activities conducted by an animal welfare organization outside of NPS jurisdiction.

Although it is a part of animal welfare that is unpleasant, euthanasia is a necessary reality of animal control. The number of pets outnumber the homes that are available to them. The number of shelters, animal rescue facilities, and sanctuaries are also insufficient for the number of homeless pets. When performed according to the techniques outlined by the AVMA, euthanasia is humane treatment.

- 12. Concern Statement:** Law Number 36, *Law of the State Animal Control Office Attached to the Department of Health*, established the need for animal shelters to sterilize animals and act as adoption centers for homeless animals. Euthanasia, as required under alternatives 2 and 3, violates Law Number 36.

**Agency Response:** The National Park Service is aware of and considered Law Number 36 in the development of the plan; however, the National Park Service is required to follow federal laws on federal land, if inconsistent. The National Park Service will strive to be consistent with Law Number 36 in implementing the plan, to the degree possible. The National Park Service acknowledges that the purpose of Law Number 36 was to establish municipal shelters to further the protection of homeless animals by acting as spay and neuter clinics, as well as adoption centers. The intent was to have shelters in each of Puerto Rico’s municipalities; however, there are five municipal shelters in all of Puerto Rico’s 78 municipalities (Save a Sato 2023<sup>1</sup>). Law Number 36, Article 8 also states “In those cases in which it is determined that an animal deserves euthanasia, this will be carried out humanely by a veterinarian.” Although it is a part of animal welfare that is unpleasant, euthanasia is a necessary reality of animal control, especially in areas that lack appropriate resources.

- 13. Concern Statement:** The Puerto Rico Tourism Company has provided funding in the past to the National Park Service to help with the construction of the Paseo and the management of the fortifications. The Tourism Company continues to support the National Park Service by providing security and cleaning services on the Paseo. All of this support is considered public funds, which should only be used for legitimate public purposes. No funding from the Tourism Company should be used to support the Free-Ranging Cat Management Plan.

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<sup>1</sup> Save a Sato. 2023. “Our Mission.” Available online: <https://thesatoproject.org/our-mission-tsp>. Accessed October 9, 2023.



**Agency Response:** The National Park Service will not use any funds from the Puerto Rico Tourism Company to help fund the actions of the plan associated with trapping and removing the cats from the park.

## Comments Related to the Alternatives

- 14. Concern Statement:** The action alternatives are not viable due to the limited space available at Puerto Rico's municipal shelters and other animal welfare facilities. Additionally, most of the cats would be euthanized once removed from the park because few are socialized well enough to be placed for adoption. This could cause an increase in inhumane animal treatment across the island, as other municipalities and residents could look upon the park's resolution of euthanasia as a solution in other areas; others may not follow humane euthanasia protocols, resorting to tactics such as poisoning. The National Park Service has an opportunity to serve as an example to Puerto Ricans on how to manage cat populations proactively and humanely throughout the island.

**Agency Response:** The EA recognizes the potential for euthanasia in the description of the action alternatives in chapter 2, as well as throughout the impacts analysis in chapter 3. Based on information from Save a Gato personnel, it is clear that the most adoptable cats are trapped and removed from the park and placed for adoption, once sterilized and vaccinated. The remainder of the cats will be unlikely candidates for adoption because they are not well-socialized. These are the cats that will face euthanasia, as described in the EA if sanctuary space on the mainland or elsewhere cannot be secured.

Although the National Park Service is unable to control the actions of Puerto Rico municipalities or individuals outside of its jurisdiction, the National Park Service will require that relocation and euthanasia of the cats removed from the park be handled humanely. Through an implementation plan, the selected action will require that actions taken outside the park by the animal welfare organization, such as relocating cats, be in compliance with Puerto Rico invasive species and animal welfare laws, including Puerto Rico Act Number 154, *Animal Protection and Welfare Act*. Section 13(a) of Act Number 154 states that the "termination of the life of an animal may only be conducted by a veterinarian or by properly trained personnel under the supervision of a veterinarian, through techniques approved by the AVMA (American Veterinary Medical Association)..."

- 15. Concern Statement:** Alternative 1 should not be dismissed until the National Park Service has provided additional resources for TNR efforts. The money that would be used to remove cats under the plan should be used to support Save a Gato's TNR and adoption efforts.

**Agency Response:** Allowing for the continuation of the TNR program will retain the cat colony and the feeding stations in the park, which conflicts with NPS regulations and policies. For these reasons, the National Park Service is unable to select the no-action alternative for implementation, as noted on page 12 of the EA.

- 16. Concern Statement:** The National Park Service should disclose the funding that is currently spent on cat management and the funding/resources that would be used under the action alternatives, including the monitoring and follow-on cat management that would be necessary, as well as any funding that would be allocated to the animal welfare organization for the management of relocated cats. Commenters requested that a cost/benefit analysis be conducted for the preferred alternative. There should be funding provided by the National Park Service, as well as other facets of the government (federal, state, and municipal), for the following: education, animal welfare facilities, support of rescues throughout Puerto Rico working to control free-ranging cat populations, and addressing the



problems of overpopulation and abandonment through free or low-cost sterilization and other veterinary care.

**Agency Response:** To date, the National Park Service has only spent money on this NEPA process, and no other money has been set aside specifically for cat management at the park, although maintenance, educational, and law enforcement activities at the Paseo benefit cat management indirectly. Although the National Park Service is committed to assisting with the removal activities, the National Park Service cannot determine the full funding amount until after the FONSI (and therefore the selected action) is fully approved, including selection of an animal welfare organization.

The National Park Service is now evaluating funding to support actions directly associated with removing the cats from the park, including supplies that the animal welfare organization would need to trap the cats (e.g., nets, traps). The selected action will also continue educational efforts through messaging, informing visitors about issues associated with abandoning cats, including abandonment in national park units, as noted on page 11 of the EA. This education will continue within the park, but educational efforts outside of the park cannot be funded by the National Park Service.

The National Park Service also cannot fund other actions once the cats are removed, such as veterinary care or transportation costs for the relocation of the cats. Additionally, the National Park Service is unable to control funding of any type outside its jurisdiction, including other federal funding or funding from Puerto Rico or the municipality of San Juan. The National Park Service is not required to conduct a cost/benefit analysis for actions that will align the park with NPS regulations and policies.

- 17. Concern Statement:** The vacuum effect occurs when a portion of an animal population is permanently removed from their home range and the population rebounds to fill that niche. If the existing cat colony is removed, more cats will move into the vacated area along the Paseo, even with the removal of the feeding stations. Studies have shown that removing cats from an area actually results in a higher number of cats moving into that area. The new cats that move into the Paseo would likely be unaltered and unvaccinated and harder to trap during subsequent efforts because they would be less habituated to people. The vacuum effect makes the action alternatives infeasible and/or extremely cost- and effort-intensive.

**Agency Response:** The EA addresses the vacuum effect in several areas. On page 17, the EA notes that there is scientific literature both supporting and refuting the vacuum effect. On page 34, the EA acknowledges the potential for cats in Old San Juan to move into the park after the existing colony is removed. However, the National Park Service intends to incorporate a variety of management techniques in addition to removal efforts, including removal of feeding stations, habitat modification, exclusion devices, repellents, and denning. This integrated approach is intended to reduce the potential for a new colony forming at the park. Following the removal actions by the animal welfare organization, park staff will continue to monitor the park for a sustained presence of cats and initiate additional removal efforts if deemed necessary.

### **Suggestions for Revision to Alternative 3, the Preferred Alternative**

- 18. Concern Statement:** The National Park Service should define what is meant by “legitimate organization” and what would be considered noncompliance with the implementation plan.

**Agency Response:** The National Park Service will consider all animal welfare organizations that showed interest in performing cat removal under the implementation plan of the selected action. The National Park Service will research the organizations to ensure that each has experience trapping free-

ranging cats for the purposes of providing veterinary care, sterilizing them, and/or placing the cats for adoption. As noted on page 16 of the EA, noncompliance with the deadlines established in the EA will be considered non-compliance and will require the National Park Service to engage a removal agency to remove the cats from the park, as described for alternative 2 (pages 14 and 15 of the EA).

- 19. Concern Statement:** The National Park Service should revise alternative 3 to allow for more time to trap, remove, and safely place the cats. Commenters recommended at least one year but up to two years to allow the animal welfare organizations time to remove the difficult-to-trap cats, secure additional funding, and find placement (e.g., shelter kennel, sanctuary spot, foster home) so that the number of cats euthanized can be reduced. The animal welfare organization should also be given more leniency when it comes to removing the feeding stations. Since cats feel more comfortable in areas with a reliable food source, the feeding stations allow for easier trapping. The National Park Service and the animal welfare organization could work together to determine an appropriate timeline for removing the feeding stations in the implementation plan. The feeding stations would be fully and permanently removed after the trapping period, but the restriction of removing one feeding station per month and all feeding stations within six months should be eliminated.

**Agency Response:** The timeline for trapping and removing cats is detailed in the EA on page 16. The animal welfare organization will have 6 months from the signing of the implementation plan to trap and remove as many cats as possible from the park. The animal welfare organization will be able to continue to use feeding stations to aid in the removal, but they will have to remove at least one feeding station per month with all feeding stations removed at the end of the initial 6 months. The animal welfare organization will provide the National Park Service with monthly status reports, documenting the removal of the feeding stations and cats. If the National Park Service determines that the animal welfare organization is making substantial progress with removing the cats from the park based on these reports, the National Park Service will consider providing a 6-month extension for trapping and removal of additional cats from the park.

- 20. Concern Statement:** The animal welfare organization should be permitted to install cameras along the Paseo to help monitor the Paseo and identify cats that need to be trapped.

**Agency Response:** The National Park Service is unable to allow an outside organization to install cameras in the park for monitoring purposes.

- 21. Concern Statement:** Following the removal of the feeding stations, the animal welfare organization should be given at least six months to monitor the park for cats that have emigrated into the park or those that evaded capture during the trapping period.

**Agency Response:** As noted on page 16 of the EA, the National Park Service will conduct monitoring to ensure that the removal efforts have been effective, such that there is no cat colony within the park after the removal efforts.

- 22. Concern Statement:** The National Park Service should allow any cats trapped and removed from the park during follow-on removal efforts to be transferred to the animal welfare organization for proper assessment and placement.

**Agency Response:** The National Park Service has revised the text regarding follow-up removal efforts to indicate that if monitoring indicates that there is a sustained presence of cats inside the park, the National Park Service could employ an animal welfare organization or a removal agency to remove the cats. This change is provided in the description of the selected action in the FONSI, as well as the errata (attachment B of the FONSI).

## Suggestions for New Alternatives or Alternative Elements

- 23. Concern Statement:** The National Park Service should require that the animal welfare organization guarantee all cats trapped in the park will be adopted or fostered (or kenneled until they are) under alternative 3 to ensure the humane treatment of the cats.

**Agency Response:** This is unrealistic, as noted in chapters 2 and 3 of the EA and public comments. Save a Gato monitors the cats at the park and works to trap and sterilize all cats without an ear tip (which indicates that the cat has been sterilized). During this process, Save a Gato removes any well-socialized cats and places them in adoptive homes. Thus, there are likely few cats at the park that are appropriate for adoption.

The animal welfare organization will have the opportunity to relocate cats from the park to animal welfare facilities and sanctuaries with available space. The animal welfare organization will be required to follow all Puerto Rico laws regarding animal welfare, which will include the humane handling of the cats removed from the park. The animal welfare organization will be able to use its best professional judgment regarding placement of the cats, as well as the amount of information they release to the public regarding the placement of the cats.

- 24. Concern Statement:** The National Park Service should detail the procedure for ensuring that pet cats trapped at the park are returned to their owners and not placed for adoption or euthanized.

**Agency Response:** Although Save a Gato has noted in their public comments that they are familiar with the cats present from years of feeding them, the National Park Service and the animal welfare organization performing the removal efforts will have no definitive way of knowing whether a cat is a pet cat or who the original owner was.

As noted on page 55, Law Number 241, *New Wildlife Act of Puerto Rico*, defines wildlife, and pets that become feral and no longer rely on humans to survive are considered wildlife. Cats that are abandoned or left outside by their owners would be considered wildlife under this definition. Free-ranging cats are also considered wildlife, as defined by NPS regulations.

Broadly speaking, the National Park Service encourages cat owners to keep their cats inside for their safety and the safety of native wildlife. Pet cats that have the potential to visit the Paseo should be kept inside during removal efforts. Owners are also encouraged to keep collars on their pet cats and microchip them.

- 25. Concern Statement:** The National Park Service would require a permit from the Department of Natural and Environmental Resources for removal of the cats, as only reserves, wildlife refuges, and regulatory forests are exempt from the permit under Puerto Rico law.

**Agency Response:** See page 13 of the EA. Under either action alternative, all applicable permits pertaining to the management of cats at the park will be obtained. This will apply to the animal welfare organization and the removal agency, if needed, under the selected action.

- 26. Concern Statement:** The National Park Service should consider an alternative that works collaboratively with other organizations and people willing to help reduce the cat overpopulation problem. The money that would be used under alternative 2 for a removal agency could instead be used to fund the spay or neuter of the remaining unsterilized cats at the park, as well as further education, and spay/neuter services and veterinary care elsewhere on the island. There are a multitude of people who would volunteer their time to help trap cats, educate residents, and provide care for the cats, including veterinarians and veterinary students. Because this is an issue that extends beyond the

boundaries of the park, the effort must also extend throughout the island. A concentrated, collaborative effort would become a long-term solution.

**Agency Response:** As stated on page 11 of the EA, the National Park Service is committed to continue collaborating with the Municipality of San Juan, the Governor's office, the Tourism Company, animal welfare organizations, veterinary professionals, shelter personnel, the community, universities, and other interested parties to the extent possible. However, the National Park Service only has jurisdiction over the park and cannot stipulate actions outside park boundaries or for the Puerto Rican government or other organizations. The National Park Service is implementing this plan to bring the park into compliance with NPS policies and regulations related to invasive species, wildlife, abandonment and feeding wildlife within the park.

- 27. Concern Statement:** The National Park Service should consider an alternative that allows for continued TNR with greater restrictions, including removal of a certain number of cats to get the population to a prescribed size and a target percentage of sterilized cats. These goals should be based on peer-reviewed literature that documents TNR programs that were successful in greatly reducing colony size. This alternative should also gradually move the feeding stations and the cat colony out of the park. This would continue to allow the cats to perform pest management and would allow other fauna to slowly move into the niche vacated by the cats.

**Agency Response:** The TNR program, even if modified to reduce the number of cats, violates NPS regulations and policies. The National Park Service must implement other actions at this time to bring the park into compliance with existing authorities on invasive species and abandonment and feeding wildlife.

- 28. Concern Statement:** The National Park Service should consider an alternative that would slowly reduce the food given at the feeding stations, eventually eliminating the food. Under this alternative, the TNR program should continue with only animals suffering from incurable disease or injury being euthanized. This would reduce the misconception that cats are cared for at the park (thus working to reduce abandonment) and eliminate a food source for other invasive species, such as rats and iguanas. Under this alternative, many cats would adapt to prey on other animals (e.g., rats, birds, lizards) and others would migrate outside the park boundary to more convenient food sources.

**Agency Response:** Removal of the feeding stations as a stand-alone action was considered but dismissed in the EA. In the absence of the feeding stations, the cats could switch to feeding on live prey, such as native birds and reptiles. The potential impact on park resources is noted as one reason this alternative could not be considered for implementation. Please see pages 16 and 17 for additional details. The National Park Service must implement other actions at this time to bring the park into compliance with existing authorities on invasive species.

- 29. Concern Statement:** To remove nuisance issues, provide waste bags for volunteers to collect and remove cat waste or work with local animal welfare organizations to produce another solution.

**Agency Response:** This suggestion will continue to allow cats in the park and violates NPS regulations and policies. The National Park Service must implement other actions at this time to bring the park into compliance with existing authorities on invasive species.

- 30. Concern Statement:** The National Park Service should declare the Paseo a sanctuary for the cats or request donations for the creation of a sanctuary elsewhere. Alternatively, a portion of the park could be fenced off to contain the cats in a sanctuary-type setting but also keep the cats from other portions of the park. In this manner, all visitors could enjoy the park whether they prefer to interact with the

cats or have a cat-free experience. Sanctuaries not only protect the cats, but can also provide education, encourage engagement and volunteerism, and promote the humane treatment of animals.

**Agency Response:** National park system units, such as San Juan National Historic Site, are not sanctuaries for invasive species. Retaining the cats and feeding stations in the park conflicts with NPS regulations and policies. Funding a sanctuary outside of the park boundary is beyond NPS funding abilities and jurisdiction. Additionally, installing a fence at the park will result in an adverse impact on the park's cultural resources.

- 31. Concern Statement:** The National Park Service should manage the cat population over the long term by allowing a certain number of breeding pairs.

**Agency Response:** This suggestion will continue to allow cats in the park and violates NPS regulations and policies. The National Park Service must implement other actions at this time to bring the park into compliance with existing authorities on invasive species.

- 32. Concern Statement:** Place the cats from the park up for sale to the public.

**Agency Response:** Under the selected action, the animal welfare organization will be allowed to place cats removed from the park in adoptive homes, using their best professional judgment. Please see page 16 of the EA.

- 33. Concern Statement:** The organizations that oppose the proposed action should take full responsibility for the Paseo cats.

**Agency Response:** Under the selected action, an animal welfare organization will be given time to trap and remove from the park as many cats as possible. By removing the cats, the animal welfare organization will be taking ownership of the cats and will use best professional judgment when relocating the cats. However, the implementation plan under the selected action will require that the animal welfare organization follow all Puerto Rico laws regarding animal welfare and invasive species.

- 34. Concern Statement:** Regularly maintained feeding stations should be established in appropriate areas to reduce waste and other issues that conflict with visitor experience.

**Agency Response:** Save a Gato currently manages feeding stations under the existing TNR program, as described in the EA on pages 5 and 6 (Background of Free-Ranging Cat Management at the Park) and page 12 (no-action alternative/alternative 1). Continuation of this program violates NPS regulations and policies. The National Park Service must implement other actions to bring the park into compliance with existing authorities on invasive species, abandonment, and feeding wildlife.

## **Use of the Term Invasive to Describe San Juan's Cats**

- 35. Concern Statement:** The term *invasive* should not be used to describe the San Juan cats. Without site-specific data, the term *invasive* does not align with the definition in Executive Order 13751, "Safeguarding the Nation From the Impacts of Invasive Species," as the National Park Service cannot definitively conclude that the cats are causing harm to the environment, economy, or human, animal, or plant health. The National Park Service would need to conduct a cost/benefit analysis examining the effects of removing the cats to determine if the cats should be classified as an invasive species. Commenters state that the cats have been residents of Puerto Rico for centuries and have become a naturalized part of the ecosystem, heritage, and economy.

**Agency Response:** Under Executive Order 13751, “*invasive species* means, with regard to a particular ecosystem, a non-native organism whose introduction causes or is likely to cause economic or environmental harm, or harm to human, animal, or plant health” and “*non-native species* or *alien species* means, with respect to a particular ecosystem, an organism, including its seeds, eggs, spores, or other biological material capable of propagating that species, that occurs outside of its natural range.” Based on these definitions, the National Park Service recognizes the free-ranging cat as an invasive species. The impacts that free-ranging cats have on ecosystems, public health, and visitor services are well-documented in scientific literature. A cost/benefit analysis is not required.

- 36. Concern Statement:** The National Park Service is inconsistent in its application of its regulations and policies in Puerto Rico and elsewhere. The ponies of Assateague Island National Seashore are also invasive, but they have been at the seashore for a shorter period than the cats have been in San Juan and the ponies are protected by the National Park Service.

**Agency Response:** Although all parks are managed under the same set of policies, each park has a different purpose and unique enabling legislation pertaining to management of resources within their boundaries. Every park strives to manage invasive species. At San Juan National Historic Site, the feeding of cats or introduction of nonnative species is not allowed under existing NPS regulations and policies nor consistent with the purpose of the park.

## Natural Resources, Impacts, and Processes

- 37. Concern Statement:** The EA notes environmental concerns from the presence of cats, but there are no site-specific data to indicate that the cats are contributing to those concerns in this park (e.g., species that are being harmed or displaced by the cats). The National Park Service does not attempt to study or quantify the impact of this specific managed cat colony on birds or other species. The EA also does not identify any threatened or at-risk species that have been harmed by cats. The EA uses scientific papers to support claims about cat impacts on native species; however, the articles cited are not comparable to the situation in Old San Juan. Before implementing the plan, the National Park Service should conduct scientific studies to determine what environmental impacts the cats are causing.

**Agency Response:** The park is a historic site that maintains its landscapes to properly interpret the fortifications. Although habitat is limited at the park, urban green areas can provide important and often diverse habitats, provide watershed protection, and allow natural processes to occur. Although the cats at the Paseo are fed regularly, even fed cats hunt live prey. Cats are a threat to native species, through both predation and displacement, as some species likely avoid areas that the cats inhabit.

The National Park Service acknowledges that site-specific data are not available to describe the current conditions or the impacts of cats on native species and notes these data gaps in the EA, but NEPA does not require new studies, especially where there are existing authoritative studies that already document the impacts of free-ranging cats. To further study an issue where abundant existing information exists would be a waste of scarce government resources. The EA uses reliable existing data and resources, including the best available information to describe the habitat and wildlife of the park, using citizen science from iNaturalist and eBird, as noted in the “Affected Environment” section of chapter 3 and Appendix E: Flora and Fauna Species List. In the absence of site-specific information on the cats’ effect on native species, the EA cites available scientific literature to describe potential impacts.



The diversity of the wildlife at the park is evidenced by the long list of species observed by citizen scientists (see appendix E in the EA). Cats prey on a wide variety of species and are indiscriminate in what they kill. Many birds, reptiles, and invertebrates could be affected by cats' hunting behaviors, which are well-documented in the scientific literature (Bonnaud et al. 2011<sup>2</sup>, Doherty et al. 2015<sup>3</sup>). Although these studies were not performed in Puerto Rico, the same behaviors can be expected of cats living in Puerto Rico.

- 38. Concern Statement:** Commenters state that the cats are linked to the arrival of the Spanish in San Juan, approximately 500 years ago. The cats are unique in that they have adapted to living on the island of San Juan and provide an example of how an ecosystem can come into balance within human habitation. The cats have been part of the environment of Old San Juan for centuries and should be considered part of the urban ecosystem, San Juan's cultural heritage, and the experience at the park. Removing the cats may destabilize the existing ecosystem, which could have unintended adverse impacts. Commenters compared the removal of the cats at San Juan National Historic Site to the removal of wolves at Yellowstone National Park, indicating that removal of the cats could change the ecosystem of the park.

**Agency Response:** Wolves are natural predators and are not an invasive species. The reintroduction of wolves in Yellowstone National Park led to ecosystem restoration, whereas the impacts of cats have been authoritatively documented in scientific literature as harmful to native species and ecosystems. Given the length of time that cats have been present in San Juan, the natural conditions are unknown, but based on scientific literature, it is safe to conclude that cats have had a substantial impact on native species through predation and displacement.

As noted on page 1 of the EA, the Paseo (where the cats are concentrated) was constructed in 1995 as a dirt path that served as a maintenance access route. In 1999, the paved walking path was built, and the Paseo was designated a national recreation trail in 2001. The area adjacent to the fortification wall where the Paseo exists now has evolved. See the figures below for some example photographs showing the changes. At the turn of the 20<sup>th</sup> century, the waters of San Juan Bay interacted directly with the southern fortification wall, rendering the area inaccessible to cats. In the 1990s, riprap was placed adjacent to the wall and the Paseo was constructed. The cats may have been in Puerto Rico since the arrival of the Spanish, but based on this history, they could not have started inhabiting the area adjacent to the fortification walls until the early 1990s.

The National Park Service acknowledges that the cats are held in sentimental regard for many residents and visitors; however, the National Park Service must bring the park into compliance with existing authorities on invasive species, abandonment, and feeding wildlife. The cats and the feeding stations are not considered contributing elements to the historic landscape and should not interfere with the interpretation of the fortifications. The plan will not have an appreciable effect on the cats of Old San Juan outside the park's boundaries. Visitors and residents will still be able to interact with and provide care for these cats.

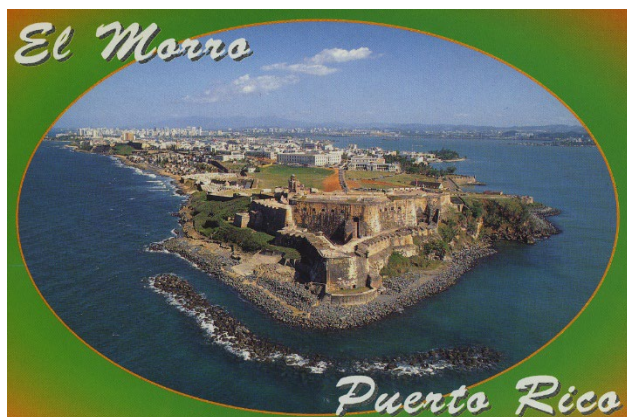
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<sup>2</sup> Bonnaud, E., F.M. Medina, E. Vidal, M. Nogales, B. Tershy, E. Zavaleta, C.J. Donlan, B. Keitt, M. LeCorre, and S.V. Horwath. 2011. The diet of feral cats on islands: a review and a call for more studies. *Biological Invasions* 13(3): 581–603.

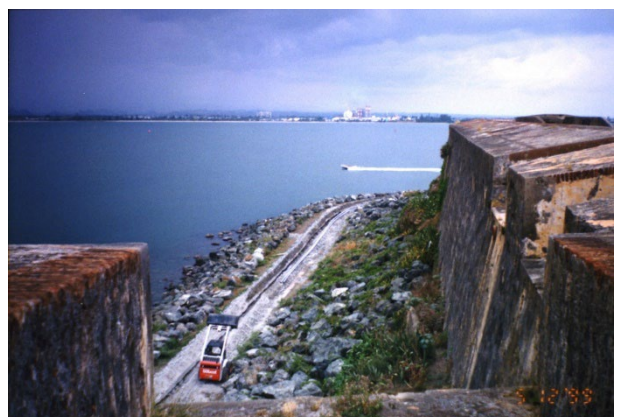
<sup>3</sup> Doherty, T.S., R.A. Davis, E.J. van Etten, D. Algar, N. Collier, C.R. Dickman, G. Edwards, P. Masters, R. Palmer, and S. Robinson. 2015. A continental-scale analysis of feral cat diet in Australia. *Journal of Biogeography* 42(5): 964-975.



*Photograph of the Fortification Wall Adjacent to San Juan Bay in 1903 (Source: Library of Congress)*



*Postcard of Castillo San Felipe del Morro with Riprap Placed Adjacent to the Fortification Walls in the 1990s (Source: National Park Service)*



*Photograph of the Paseo del Morro being Constructed Adjacent to San Juan Bay in 1999 (Source: National Park Service)*



**39. Concern Statement:** Since the current cat colony has ready access to food, the cats have less incentive to go after birds and other animals. If the existing cat colony and feeding stations are removed and feral cats move into the vacated space, the new, unfed cats would likely have a larger effect on wildlife due to the need to hunt to eat.

**Agency Response:** Although the cats at the Paseo are fed regularly, even well-fed cats hunt live prey. Cats are a threat to native species, through both predation and displacement, as some species likely avoid areas that the cats inhabit. The diversity of the wildlife at the park is evidenced by the long list of species observed by citizen scientists, and many of the birds, reptiles, and invertebrates could be affected by cats' hunting behaviors, as cats are found to hunt a wide variety of prey species.

**40. Concern Statement:** The cats control pest populations, the level of which will not be understood until the cats are removed. Removing the cats would result in an increase in pest species, specifically mice, rats, and insects, and would potentially increase health risks from transmission of rodent-borne diseases. In the absence of the cats, the National Park Service would need to develop a plan to control pests and those plans should be made available to the public. Control methods, such as traps, poisons, and pesticides, could have additional unintentional consequences, including environmental contamination and harm to non-target animals and humans. Removing the cats would result in trading issues associated with cats (waste, odors, disease) with similar issues associated with rodents. The National Park Service should conduct a study to determine the consequences of removing a rodent predator from its habitat, including an assessment of what species would fill the cats' niche and whether the rodents harbor diseases or parasites that could harm humans. This should be performed and presented to the public before a plan to remove the cats is implemented.

**Agency Response:** The EA discussed the potential impacts of removing cats from the park in relation to the rat population (see page 34). Scientific studies indicate that cats may keep rats out of an area, but it is likely that the rats are simply avoiding the cats. This means that cats are likely not preying on rats regularly — cats are not controlling the number of rats, just the locations of rats (Parsons et al. 2018<sup>4</sup>, Glass et al. 2009<sup>5</sup>). Other studies have concluded that cats are unlikely to prey on adult rats frequently enough to control rat populations. Cats eat a large variety of food and will generally hunt easier prey when it is available. A 2021 study (Piontek et al.<sup>6</sup>) determined that cats in urban areas depend largely on anthropogenic food – trash – with small vertebrates (e.g., rodents, birds, voles) making up only 17% of urban cats' diets. This information, compared with the food provided at the feeding stations at the Paseo (which is also a documented food source for rats), indicates that cats are likely not controlling the rat population at the park via predation. Rather, the feeding stations could be increasing the rat population.

This is important to note because if cats are not controlling the number of rats and if the feeding stations are increasing the rat population, the assumption that the population, and thus potential zoonotic diseases, will explode if the Paseo cats and feeding stations are removed is unsubstantiated. It is also important to consider that the well-documented impacts of cats on other wildlife likely outweigh the potential small benefit of pest control.

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<sup>4</sup> Parsons, M.H., P.B. Banks, M.A. Deutsch, and J. Munshi-South. 2018. Temporal and Space-Use Changes by Rats in Response to Predation by Feral Cats in an Urban Ecosystem. *Frontiers in Ecology and Evolution* 6:146.

<sup>5</sup> Glass G.E., L.C. Gardner-Santana, R.D. Holt, J. Chen, T.M. Shields, M. Roy, S. Schachterle, and S.L. Klein. 2009. Trophic Garnishes: Cat-Rat Interactions in an Urban Environment. *PLoS ONE* 4(6): e5794.

<sup>6</sup> Piontek, A.M. E. Wojtylak-Jurkiewicz, K. Schmidt, A. Gajda. M. Lesiak, I.A. Wierzbowska. 2021. Analysis of cat diet across an urbanisation gradient. *Urban Ecosystems* 24:59-69.

NEPA does not require the National Park Service to conduct new site-specific studies. The EA clearly notes the presence of data gaps and attempts to use the best available information. To this end, the EA relies on scientific literature to assess the potential impacts of the management of free-ranging cats at the park.

- 41. Concern Statement:** Commenters noted a rat epidemic in Puerto Rico. One commenter noted an increase in rats in the 1950s and 1960s and cats were brought in to control the rats. Another commenter stated that street cats were culled in the 1960s and were overtaken by rats until the 1980s.

**Agency Response:** The National Park Service was unable to find documented information about these events, and the commenters did not provide relevant articles or studies about these events. However, based on NPS knowledge of the history of San Juan, an infestation in the 1950s and 1960s is reasonable to assume due to the conditions of the city at that time. The social circumstances and the industrialization of Puerto Rico at the time pushed many to move from the countryside of the island to San Juan, creating overcrowded and unsanitary conditions, which could have supported an infestation of rats. The National Park Service does not have any information about cats being brought to the city to combat the rats and is therefore unable to substantiate this information.

- 42. Concern Statement:** One study (Elton 1953<sup>7</sup>) showed that retaining a number of cats in an area can prevent rat infestations.

**Agency Response:** The National Park Service acknowledges the findings of this study — the presence of several cats reduced rat infestations in rural settings. However, this study noted that cats were effective in keeping rat numbers low after an eradication effort but were not as successful in reducing an infestation without removal efforts. This supports more recent studies that conclude rats avoid areas where cats are present, but cats are not preying on rats at a rate that would reduce populations (Parsons et al. 2018, Glass et al. 2009).

- 43. Concern Statement:** The cats at the park are fed regularly. This probably makes them less likely to hunt for food, thus reducing their efficiency as a control mechanism for rats.

**Agency Response:** Although the cats at the Paseo are fed regularly, even fed cats hunt live prey. However, scientific literature indicates cats are likely not preying on rats enough to control their populations, rather the presence of the cats drives the location of the rats (Parsons et al. 2018, Glass et al. 2009). The feeding stations and trash in Old San Juan likely make up the majority of the diets of the cats in the park.

- 44. Concern Statement:** The document notes that no water quality assessments of San Juan Bay are available, but there are data available from the US Environmental Protection Agency and the San Juan Bay Estuary Program.

**Agency Response:** The National Park Service appreciates the correction. Water quality data reported by the San Juan Bay Estuary Program indicate that water quality in the bay is good. This is based on testing for a variety of water quality parameters, including turbidity, nitrogen, phosphorous, and fecal coliform. Only oils and fats exceeded the target values, likely due to fuel spills at the port (San Juan Bay Estuary Program 2013<sup>8</sup>). The text has been edited to include this information (see the errata, attachment B in the FONSI). However, the reference to water quality in the EA on page 9 relates to

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<sup>7</sup> Elton, C.S. 1953. The use of cats in farm rat control. *The British Journal of Animal Behaviour* 1(4): 151-155.

<sup>8</sup> San Juan Bay Estuary Program. 2013. Third Report on the Environmental Condition of the San Juan Bay Estuary. Available online: <https://estuario.org/wp-content/uploads/2021/02/Ebook-SOB-2013-compressed.pdf>. Accessed October 9, 2023.

the discussion of *Toxoplasma gondii*, and this added information does not change the discussion of *T. gondii*.

- 45. Concern Statement:** The EA cites a study relating manatee deaths to toxoplasmosis, but this does not tell the entire story. Another study concluded that toxoplasmosis was absent from seagrass beds at 17 sites around Puerto Rico. Information should be included comparing the presence of toxoplasmosis near the Paseo to other locations in Puerto Rico, as well as showing information from other areas where manatees do not have the parasite. Additionally, people should be tested before and after visiting the Paseo to show the potential for infection.

**Agency Response:** The commenter is correct – a study of the seagrass beds in 17 locations around Puerto Rico was performed (Wyrosdick et al. 2017<sup>9</sup>). This study is mentioned on page 66 of the EA. Ingestion of *T. gondii* oocysts from contaminated water or seagrass is presumed to be the primary mode of infection of *T. gondii* in Antillean (*Trichechus manatus manatus*) and Florida (*T. m. latirostris*) manatees. No samples were taken from within San Juan Bay. The three sample locations closest to the Paseo were Punta Salinas, Escambrón, and Cataño; manatee toxoplasmosis mortalities have been documented at Escambrón and Cataño. No *T. gondii* was detected in the seagrass samples collected. This was the first study to investigate the potential oocyst contamination of the manatee diet, and similar studies are important for understanding the epidemiology of *T. gondii* in herbivorous marine mammals. This suggests that manatees may have become infected by *T. gondii* by another source. This information had been added to the discussion on page 32 of the EA (see the errata, attachment B in the FONSI), but this does not result in a change to the discussion of the impacts in the EA. This seagrass study was the first of its kind and further information is needed to determine where the manatees contracted *T. gondii*. The Paseo, where cats are concentrated, is directly adjacent to San Juan Bay, which was not sampled, resulting in a data gap. Regardless, removing the cats, and thus reducing the potential for *T. gondii*, will benefit any manatees that inhabit San Juan Bay.

- 46. Concern Statement:** A large number of the cats removed from the park would likely be euthanized. Beyond the impacts on the cats themselves, this would create other impacts, including adverse impacts from incineration.

**Agency Response:** The action alternatives for the Free-Ranging Cat Management Plan may have some indirect impacts from the incineration process, which uses fossil fuel and produces carbon dioxide, carbon monoxide, nitrogen oxides, sulfur dioxide, small particulate matter, and volatile organic compounds. The amount of fuel and the levels of emissions do not appear to be well studied for pet/small animal cremation, and the totals will depend on the number of cats that will have to be humanely euthanized. However, crematorium equipment is manufactured to meet emission standards for the state/territory in which they are operated, and given the overall low numbers, this impact will be de minimus.

- 47. Concern Statement:** The list of wildlife at the park may be incomplete, as coqui species (*Eleutherodactylus* spp.) would be expected. Additionally, green sea turtles (*Chelonia mydas*) use San Juan Bay and waters adjacent to the Paseo.

**Agency Response:** The EA uses best available information to describe the habitat and wildlife of the park, using citizen science from iNaturalist and eBird as noted in the “Affected Environment” section of chapter 3 and Appendix E: Flora and Fauna Species List. Although coqui species could occur at

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<sup>9</sup> Wyrosdick, H.M., R. Gerhold, C. Su, A.A. Mignucci-Giannoni, R.K. Bonde, A. Chapman, C.I. Rivera-Pérez, J. Martinez, and D.L. Miller. 2017. Investigating seagrass in *Toxoplasma gondii* transmission in Florida (*Trichechus manatus latirostris*) and Antillean (*T. m. manatus*) manatees. *Diseases of Aquatic Organisms* 127: 65-69.

the park, they have not been recorded as observations. Green sea turtles have been recorded in San Juan Bay via iNaturalist, but sightings are located in the southeast part of the bay, a good distance from the park. Similar to manatees, removing the cats, and thus reducing the potential for *T. gondii*, will benefit any sea turtles that inhabit San Juan Bay.

## Tourism and Visitor Experience

- 48. Concern Statement:** The document notes the need to “align the visitor experience with the purpose of the park” but does not explain how the cats affect the ability of the park to interpret the fortifications. Before implementing the plan, the National Park Service should conduct a study specific to this cat management plan that documents the impacts on visitor experience.

**Agency Response:** The current management of the cats along the Paseo includes seven feeding stations, which are comprised of large plastic bins with holes cut in the sides for the cats to enter. Inside the bins are smaller bins of kibble. In most cases, there are also separate containers used as water bowls for the cats situated next to the feeding stations. Additional water bowls are located sporadically along the Paseo. At certain times, there are also piles of kibble and/or cat food cans located on the sign at the beginning of the Paseo, as well as on riprap and the low walls/benches along the Paseo. All of these items are non-historic visual intrusions to the cultural landscape. From a cultural resources perspective, the cats themselves are also not contributing elements to the cultural landscape. The nomination form for the Old San Juan Historic District (NPS 2012<sup>10</sup>) details the elements of the historic district. Although there are some modern features listed as contributing elements, such as the Paseo del Morro, the cats are not listed as contributing to the historic district, and as noted above, were not historically part of this area because San Juan Bay covered the area where the Paseo is today.

- 49. Concern Statement:** Before implementing the plan, the National Park Service should conduct a study specific to this cat management plan that documents the impacts on visitor experience.

**Agency Response:** NEPA does not require the National Park Service to conduct new studies. The EA documents the impacts on visitor experience on pages 27 – 30. The purpose of San Juan National Historic Site is to preserve, protect, and interpret the oldest and largest Spanish fortification system in the United States. Some visitors may have come to expect cats as part of the park experience; however, this is inconsistent with the park’s purpose. The National Park Service must take action at this time to bring the park into compliance with NPS regulations and policies, as well as the park’s intended purpose.

- 50. Concern Statement:** The National Park Service does not support its claim that “removal of the cats at the park would not noticeably affect the population of cats in Old San Juan and would therefore not result in any large or long-term changes to the economics of the local community.” This plan has the potential to harm Puerto Rico’s tourism. Although the plan is limited to the cats in the park, this action would likely have an impact on the rest of Old San Juan and its business owners as well. Many tourists travel to San Juan specifically to see the cats, which some consider fundamental to the visitor experience. Removing the cats could also result in an increase in rats, which would decrease the attractiveness of Old San Juan to tourists. Removing the cats would result in poor public perception and tourists may opt to avoid spending their time and money in Puerto Rico.

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<sup>10</sup> National Park Service (NPS). 2012. *National Historic Landmark Nomination for Old San Juan Historic District/Distrito Histórico Del Viejo San Juan*.

**Agency Response:** As thoroughly discussed in the EA, this Free-Ranging Cat Management Plan will only address the cat colony at the park. Given the large number of free-ranging cats within Old San Juan and its environs, this plan will not have a noticeable effect on the overall population. Visitors who enjoy seeing the cats will be able to do so by walking through Old San Juan or other areas of Puerto Rico, as noted on pages 28 and 29 of the EA. Visitors, as well as business owners in Old San Juan, will continue to benefit from the presence of the free-ranging cats.

- 51. Concern Statement:** The National Park Service should take advantage of the cats' popularity to promote tourism to Puerto Rico and the park. Visitors could support the cats by donating towards their care, purchasing cat-related merchandise, or adopting cats. The National Park Service could install feeders that dispense cat food/treats for a fee or build a cat cafe.

**Agency Response:** The National Park Service cannot continue to provide support for cats in the park, as this violates NPS regulations and policies, including existing authorities on invasive species, abandonment, and feeding wildlife. The National Park Service cannot dictate or direct the action of entities outside the park boundary such as local businesses. Although the National Park Service is looking into the potential for funding removal efforts and furthering education about free-ranging cats, this plan is meant to manage free-ranging cats within the park only.

- 52. Concern Statement:** This plan could also affect people's perception of the National Park Service and the Department of the Interior. It would also result in a loss of respect from the community.

**Agency Response:** The National Park Service understands that this plan may not be popular with some members of the community, but as described in the EA, cat management at the park through the TNR program was implemented with the goal of complete removal, as agreed to with Save a Gato. Because these long-term removal efforts have failed, and because the National Park Service cannot allow the introduction of non-native species or feeding of wildlife, the National Park Service has proposed to take additional action. The National Park Service hopes to work directly with an animal welfare organization for humane removal, as described in the EA under alternative 3, the preferred alternative.

## Culture of San Juan

- 53. Concern Statement:** This plan sends a message that is inconsistent with the local culture. From the outside, it would appear that the people of San Juan do not value animals.

**Agency Response:** The EA states that the Free-Ranging Cat Management Plan intends to bring the park into compliance with existing authorities on invasive species, abandonment, and feeding wildlife. The National Park Service developed alternative 3 (the selected action) to provide an animal welfare organization an opportunity to trap the cats and place them in animal welfare facilities or homes, as appropriate and in accordance with Puerto Rico laws regarding invasive species and animal welfare, when applicable. Alternative 3 also includes additional educational efforts through messaging, informing visitors about issues associated with abandoning cats, including abandonment in national park units.

## Health and Safety

- 54. Concern Statement:** The EA states that cats pose a risk to human health due to a variety of zoonotic diseases that they can carry, as well as the potential to cause physical harm through biting and scratching. Other wildlife poses the same risk to human health. The EA does not address this inconsistency. Further, as stated in the EA, removal of the cats would not result in an appreciable

impact on the environment, meaning that any health and safety issues associated with the cats that could be encountered at the park could be encountered elsewhere in San Juan.

**Agency Response:** The National Park Service agrees with this assumption. Wildlife – both native and invasive – have the potential to carry diseases that can be transmitted to humans or other wildlife. They can also bite or scratch, causing physical harm. It is safe to assume that there is always a level of risk when interacting or sharing space with wildlife, although in this context the risk is much higher with cats due to frequent human interaction and habituation, and due to the high numbers of cats in a small area of the Paseo. In this case, cats in any area of Puerto Rico have the potential to transmit diseases or cause harm, as discussed in appendix D of the EA. The EA presents relevant information based on scientific literature in the absence of site-specific data. The cats concentrated along the Paseo have the potential to transmit zoonotic diseases and cause physical harm, and removing the cats lowers the potential for impacts on visitors and park staff. This Free-Ranging Cat Management Plan is not intended to entirely remove the risk, only to bring the park into compliance with existing authorities on invasive species, abandonment, and feeding wildlife.

- 55. Concern Statement:** Removal of the cats from the park could have a detrimental impact on the mental wellness of those who care for them and those who enjoy visiting them. The process of removing the cats could also have an adverse impact on those who are tasked with carrying out the removal.

**Agency Response:** The National Park Service is implementing this plan to bring the park into compliance with NPS regulations and policies for invasive species, abandonment, and feeding wildlife within a national park system unit. The National Park Service acknowledges that some visitors enjoy seeing and caring for free-ranging cats. Visitor experience was analyzed in detail on pages 27 – 30 of the EA.

Under alternative 3, an animal welfare organization will have the opportunity to place as many cats as possible in animal welfare facilities or homes in compliance with Puerto Rico laws on animal welfare and invasive species. Those with concerns about the cats could volunteer their time with the chosen animal welfare organization to help trap and relocate the cats. There are many aspects that volunteers could assist with, from making phone calls to doing the physical work of trapping and transporting cats.

Once the plan is implemented and the cats are removed from the park, those who find mental health benefits from helping homeless animals could volunteer to help with any aspect of animal welfare with an organization that works in Puerto Rico. These organizations are currently understaffed and overwhelmed and will likely welcome the support.

- 56. Concern Statement:** With nearly every person carrying a phone with the ability to connect to social media, the removal efforts would likely be captured in pictures and videos and posted to social media. The safety of park staff, animal welfare organization volunteers, and removal agency staff must be considered in this scenario.

**Agency Response:** The National Park Service acknowledges that cat management is an emotional topic and must be approached with sensitivity. However, the National Park Service, the animal welfare organization, and the removal agency will all be acting within the law and will handle cats with empathy.

**57. Concern Statement:** The number of cats at the park is unacceptable, and the odors associated with their waste are experienced throughout El Morro. The cats pose health threats to humans and pets.

**Agencies' Response:** The National Park Service agrees that the cats in the park need to be managed to reduce potential health and safety impacts, as well as nuisance issues. Given the results over an 18-year period under the TNR program, the National Park Service is proposing to implement other actions to bring the park into compliance with NPS regulations and policies.

## **Environmental Justice**

**58. Concern Statement:** Removing the cats would result in an environmental injustice.

**Agency Response:** Executive Order 12898, "Environmental Justice" directs federal agencies to identify and address disproportionately high and adverse human health or environmental effects on low-income and minority populations. The commenter does not include the rationale for why they feel that the proposed action will result in impacts on environmental justice. The National Park Service does not consider removal of cats from within the boundaries of the park an adverse impact on environmental justice.



## Attachment B: Errata

This errata contains corrections and minor revisions to the Free-Ranging Cat Management Plan Environmental Assessment (EA) for San Juan National Historic Site. Page numbers and section/sentence locations referenced in this errata pertain to **the English version of the EA** published for public review in August 2023. The edits and corrections in this errata do not result in any substantial modification being incorporated into the selected action, and it has been determined that the revisions do not require additional environmental analysis. The errata, when combined with the EA, comprises the only amendments deemed necessary for completing compliance and documentation for the project.

Original text from the EA is included to provide context and to allow for comparison to the text changes. Additions to the text are underlined and deleted text is shown in ~~strikeout~~.

### Summary, 2nd paragraph, page i

This EA presents two action alternatives for managing free-ranging cats, and a no-action alternative to describe the current conditions and management activities. The EA describes the affected environment that could be impacted by the alternatives if they were implemented, as well as an analysis of potential environmental consequences that could result from each alternative. Under the no-action alternative (alternative 1), no changes would be made to the current management of free-ranging cats. Under the original proposed action (alternative 2), the National Park Service would enter into an agreement with an organization(s) or agency(s) to remove the cats (herein “removal agency”) and feeding stations from the park. Following public scoping, the National Park Service added an alternative that revised the original proposed action. The revised proposed action (alternative 3 / NPS preferred alternative) would allow an animal welfare organization six months to trap and remove cats from the park with the use of the current feeding stations, after which time the feeding stations would be permanently removed from the park. If monitoring indicates that a cat population persists at the park, the National Park Service would reengage with the animal welfare organization or ~~then~~ enter into an agreement with a removal agency for further management of the cats. Ongoing monitoring and management would be anticipated under both action alternatives.

### Issues and Resource Topics Dismissed from Detailed Analysis, Water Resources, page 9

The results of the 2021 camera trap survey show that the free-ranging cats in the park are concentrated along the Paseo, which is immediately adjacent to the shoreline. Water quality data reported by the San Juan Bay Estuary Program indicate that water quality in the San Juan Bay is good. This is based on testing for a variety of water quality parameters, including turbidity, nitrogen, phosphorous, and fecal coliform. Only oils and fats exceeded the target values, likely due to fuel spills at the port (San Juan Bay Estuary Program 2013<sup>11</sup>). This testing did not include an analysis of the presence of *T. gondii*. A study of the seagrass beds in 17 locations around Puerto Rico was performed in relation to several manatee deaths related to toxoplasmosis (Wyrosdick et al. 2017; Bossart et al. 2012). This study did not identify *T. gondii* in the seagrass samples collected; however, no samples were taken from within San Juan Bay

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<sup>11</sup> San Juan Bay Estuary Program. 2013. Third Report on the Environmental Condition of the San Juan Bay Estuary. Available online: <https://estuario.org/wp-content/uploads/2021/02/Ebook-SOB-2013-compressed.pdf>. Accessed October 9, 2023.



(Wyrosdick et al. 2017<sup>12</sup>). Although ~~no the~~ site-specific studies on water quality ~~have been performed in~~ San Juan Bay are limited and do not provide information on *T. gondii* in the bay, it is likely that cat waste is ~~likely~~ affecting San Juan Bay. *T. gondii* not only affects terrestrial species, it also infects aquatic species, including manatees and sea otters (Bossart et al. 2012; Miller et al. 2004; Miller et al. 2023; Conrad et al. 2005; Mazzillo et al. 2013). As *T. gondii* is shed by cats, it is carried into aquatic habitats by upland runoff, and it is very persistent in the environment (Shapiro et al. 2019). The impacts of *T. gondii* on aquatic wildlife will be covered under the “Wildlife and Wildlife Habitat” resource topics; therefore, water resources has been dismissed as a stand-alone resource topic.

## Revised Proposed Action (Alternative 3 / NPS Preferred Alternative), page 16

**Additional Removal Activities.** If the monitoring indicates that there is a sustained presence of cats inside the park, ~~the National Park Service would engage the animal welfare organization or a removal agency other than the animal welfare organization would be employed~~ to remove the cats. ~~The removal agency could use the~~ strategies described in the “Elements Common to the Action Alternatives” section ~~would be used~~ to remove cats from the park, and placement of the cats would be the same as described above if removal is carried out by the animal welfare organization or for alternative 2 if removal is performed by a removal agency. ~~The use of long-term feeding stations would not be permitted for follow-on removal efforts, though lures and bait could be used to trap the cats.~~ It is anticipated that multiple removal efforts would be needed.

**Table 1. Comparison of the Three Alternatives for the Free-Ranging Cat Management Plan at San Juan National Historic Site, Monitoring, 9th row, page 23**

| Alternative Element | Alternative 1<br>No-action Alternative  | Alternative 2<br>Original Proposed Action   | Alternative 3<br>Revised Proposed Action<br>(NPS Preferred Alternative)  |
|---------------------|---|---|--|
| Monitoring          | <ul style="list-style-type: none"> <li>– The animal welfare organization would conduct population surveys quarterly and provide written reports to the park.</li> </ul> | <ul style="list-style-type: none"> <li>– The park would monitor for cats after removal of the feeding stations and initiate additional removal efforts by the removal agency if there is a sustained presence of cats inside the park.</li> </ul> | <ul style="list-style-type: none"> <li>– The park would monitor for cats after removal of the feeding stations and initiate removal efforts by <u>the animal welfare organization or a removal agency</u> <del>other than the animal welfare organization</del> if there is a sustained presence of cats inside the park.</li> </ul> |

<sup>12</sup> Wyrosdick, H.M., R. Gerhold, C. Su, A.A. Mignucci-Giannoni, R.K. Bonde, A. Chapman, C.I. Rivera-Pérez, J. Martinez, and D.L. Miller. 2017. Investigating seagrass in *Toxoplasma gondii* transmission in Florida (*Trichechus manatus latirostris*) and Antillean (*T. m. manatus*) manatees. *Diseases of Aquatic Organisms* 127: 65-69.

### **Environmental Consequences, Impacts of the Revised Propose Alternative (Alternative 3 / NPS Preferred Alternative) on Visitor Experience, 4th paragraph, page 29**

Alternative 3 would be similar to alternative 2 in that the ultimate removal of the cats from the park would remove a potential vector of zoonotic diseases, resulting in beneficial effects on visitors and park staff. Short-term closures of portions of the park may also be required for trapping efforts. Because alternative 3 would first allow an animal welfare organization to trap and remove cats, then require additional actions by the animal welfare organization or a removal agency for follow-on removal efforts if needed, a greater number of temporary closures, and possibly closures at different times of day, may be needed in comparison to alternative 2.

### **Wildlife and Wildlife Habitat, Affected Environment, 10th paragraph, page 32**

Free-ranging cats can transmit zoonotic diseases to wildlife, including toxoplasmosis, rabies, bartonellosis, plague, and parasites. Recently, there has been evidence of *T. gondii* in Antillean manatees (*Trichechus manatus manatus*) in Puerto Rico (Bossart et al. 2012). In response to this information, a study of the seagrass beds in 17 locations around Puerto Rico was performed (Wyrosdick et al. 2017). Ingestion of *T. gondii* oocysts from contaminated water or seagrass is presumed to be the primary mode of infection of *T. gondii* in Antillean and Florida (*T. m. latirostris*) manatees. No samples were taken from within San Juan Bay. The sample locations closest to the Paseo were Punta Salinas, Escambrón, and Cataño; manatee toxoplasmosis mortalities have been documented at Escambrón and Cataño. No *T. gondii* was detected in the seagrass samples collected. This suggests that manatees may have become infected by *T. gondii* by another source; however, this was the first study to investigate the potential oocyst contamination of the manatee diet. With a colony of cats at the park concentrated along the Paseo near San Juan Bay, there is a potential that runoff ~~could~~ carrying feces containing *T. gondii* could enter the bay and ~~which would~~ present a threat to manatees and other aquatic mammals. Additional studies are needed to understand the epidemiology of *T. gondii* in herbivorous marine mammals.

### **Environmental Consequences, Impacts of the Revised Proposed Alternative (Alternative 3 / NPS Preferred Alternative) on Free-ranging Cats, 2nd paragraph, page 40**

When trapped, the cats would experience the same stress as described for alternative 2, and the cats available for adoption or placement of some kind would likely receive the same benefits from sterilization, vaccination, and additional veterinary care. If monitoring indicates that cats remain in the park after the animal welfare organization's initial efforts, the National Park Service would engage with the animal welfare organization again to perform additional removal efforts with the same adverse or beneficial impacts as the initial efforts, or have a removal agency remove the remaining cats, with similar impacts related to trapping and humane treatment as previously discussed under alternative 2, including placement of adoptable cats if possible and euthanasia of the remaining cats.

## **Appendix A: Applicable Laws, Regulations, and Policies, General Authorities, 7th paragraph, page 53**

**Executive Order 13112, *Invasive Species*, amended by Executive Order 13751, *Safeguarding the Nation from the Impacts of Invasive Species*** – Under Executive Order 13751, “invasive species means, with regard to a particular ecosystem, a non-native organism whose introduction causes or is likely to cause economic or environmental harm, or harm to human, animal, or plant health” and “non-native species or alien species means, with respect to a particular ecosystem, an organism, including its seeds, eggs, spores, or other biological material capable of propagating that species, that occurs outside of its natural range.” Based on these definitions, the National Park Service recognizes the free-ranging cat as an invasive species.

This executive order requires federal land management agencies to manage invasive species where practical and allowed by law. Management includes prevention, early detection/rapid response, control, monitoring, restoration, and public education. Research and development of prevention and control methods are also included. The domestic cat ~~is an invasive species that~~ has been introduced around the globe and contributes to anthropogenic impacts on native wildlife species.

## **Appendix C: Past, Present, and Reasonably Foreseeable Future Actions, 10th paragraph, page 62**

**Pet Abandonment** – Pet abandonment is an ongoing issue in Puerto Rico that is rooted in a variety of causes, including lack of access to affordable veterinary care and natural disasters that force people to leave Puerto Rico for the mainland and leave their pets behind, and the misconception that organizations, such as Save a Gato (SAG) and the Sato Project will care for their abandoned cats and dogs. Companion animals that are abandoned are often not spayed or neutered, and those animals contribute to the cycle of reproduction and unwanted pets. When back-to-back disasters occur (e.g., hurricanes, earthquakes, and the COVID-19 pandemic), the government must prioritize its efforts, and restoring utilities and rebuilding infrastructure become more urgent than the pet abandonment problem. Though the scale is much different, volunteers face similar issues as the government. When the island is hit with repeated natural disasters and restrictions from a pandemic, volunteers are limited in the work they can do to care for the cats, including newly abandoned cats, as they face safety hazards and social distancing requirements as well as handling the needs of their own families, homes, pets, etc. During the public scoping comment period, commenters noted that prior to the COVID-19 pandemic Puerto Rico held mass cat and dog sterilization events that provided spay and neuter services at a lower cost to pet owners. The lack of events like these increases the likelihood of reproductively intact animals becoming free-ranging and contributing unwanted litters to the population.

## **Attachment C: Determination of Non-Impairment**

### **The Prohibition on Impairment of Park Resources and Values**

NPS *Management Policies 2006*, section 1.4.4, explains the prohibition on impairment of park resources and values: “While Congress has given the Service management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the 1916 Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them. The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.”

### **What is Impairment?**

NPS *Management Policies 2006*, Section 1.4.5, “What Constitutes Impairment of Park Resources and Values,” and Section 1.4.6, “What Constitutes Park Resources and Values,” explain impairment.

“Impairment is an impact that, in the professional judgment of the responsible NPS manager, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values.” Section 1.4.5 of NPS *Management Policies 2006* states: “An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified as a goal in the park’s general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated. An impact that may but would not necessarily lead to impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.” Per section 1.4.6 of NPS *Management Policies 2006*, park resources and values at risk for being impaired include:

- “the park’s scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural

landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.”

## **Non-Impairment Determination for the Selected Action**

This determination of non-impairment has been prepared for the NPS selected action described in the finding of no significant impact for the Free-Ranging Cat Management Plan Environmental Assessment. For the selected action, a determination of non-impairment is typically made for each of the impact topics carried forward for detailed analysis in the EA. However, the impairment determination does not include a discussion of impacts on visitor experience or free-ranging cats. Visitor experience is not considered a park resource or value subject to the non-impairment standard, and free-ranging cats are an invasive species that is subject to removal via lethal and non-lethal methods under this plan. Therefore, an impairment determination was only made for wildlife and wildlife habitat. Impacts on these resources will be reduced to the extent possible through resource protection measures.

**Wildlife and Wildlife Habitat** – The selected action will ultimately remove the free-ranging cat colony from the park. Removing the cats will alleviate the pressures of predation, displacement, and potential disease on native wildlife. Although removing the cats could also present an opportunity for other invasive species to use the habitat in the park, populations of rats (*Rattus* spp.) and green iguanas (*Iguana iguana*) and their distributions in the park are not expected to increase and could decrease with the removal of supplemental food in the form of feeding stations. Once removed from the park, the placement of the cats by the animal welfare organization could affect wildlife and wildlife habitat outside of the park, but the terms of the implementation plan (e.g., obtaining applicable permits, compliance with Puerto Rico animal welfare and invasive species laws) will limit these impacts. Overall, the selected action will benefit the wildlife and wildlife habitat within the park and allow visitors to enjoy a park experience without the presence of an invasive species. Therefore, the selected action will not result in the impairment of wildlife and wildlife habitat.

## **Summary**

The adverse effects and environmental impacts anticipated as a result of implementing the selected action on resources or values whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, key to the natural or cultural integrity of the park, or to opportunities for enjoyment of the park, or identified as significant in the park, general management plan, or other relevant NPS planning documents will not rise to levels that will constitute impairment of park values and resources in San Juan National Historic Site.