



## **FINDING OF NO SIGNIFICANT IMPACT**

### **CHRONIC WASTING DISEASE DETECTION AND INITIAL RESPONSE PLAN/ENVIRONMENTAL ASSESSMENT**

#### **ANTIETAM AND MONOCACY NATIONAL BATTLEFIELDS, MARYLAND**

The National Park Service (NPS) is taking action at this time to address the potential threat of chronic wasting disease (CWD) at Antietam and Monocacy National Battlefields (the battlefields). The NPS has selected a plan that will guide future actions for detection of and initial response to CWD at the battlefields.

Until 2005, CWD was apparently isolated to the West and Midwest regions of the United States. However, in March 2005, the disease was identified in captive and free-ranging white-tailed deer in New York, and in September 2005, CWD was first identified in a road-killed deer in West Virginia. Subsequently, 37 deer have tested positive for CWD in West Virginia as of March 30, 2009. Both Antietam and Monocacy National Battlefields fall within a 60-mile radius of the confirmed West Virginia occurrences, which is the distance at which park units are to implement CWD surveillance actions per the 2002 NPS Director's CWD guidance memorandum. This memorandum also notes that environmental planning must be conducted prior to undertaking larger scale or multiple animal actions within a park. Therefore, a CWD detection and initial response plan is needed for Antietam and Monocacy National Battlefields at this time to address the following:

- The use of a range of CWD detection and initial response actions in light of recent detections in nearby geographic areas and their effect on the battlefields.
- Imminent or potential threats to park natural resources and components of the cultural landscapes, primarily white-tailed deer populations, from the establishment or spread of CWD.
- The desire to cooperate and coordinate with appropriate state and federal resource management agencies, as well as other interested parties, regarding prevention, detection, research, and initial response actions for CWD.

The NPS completed an environmental assessment (EA) that provides an analysis of the environmental consequences of the alternatives considered for the CWD detection and initial response plan.

### **SELECTED ALTERNATIVE**

The selected alternative is alternative B, as described and analyzed in the EA. Implementation of alternative B will include both detection and initial response options or "tools" that could be selected for use based on the distance that CWD is detected from the battlefields. The EA describes a system of "implementation zones" that will inform the use of detection and initial response tools under the selected alternative (see attached Table 1). If the nearest positive CWD detection is greater than 20 miles from the battlefield boundary, only detection tools will be available. If the nearest positive CWD detection is between 5 and 20 miles of the battlefield boundary, both detection and initial response tools will be available, with use informed by factors such as the number of positive CWD detections in the area and actions concurrently being taken by the state. If CWD is detected in or within 5 miles of the battlefield boundary, detection activities will end and only initial response tools will be available. With closer detections will come greater availability of the full suite of detection and initial response tools. In the event of multiple positive detections, actions will be informed by the distance of the closest CWD detection to the battlefield. A distinguishing feature of alternative B is that it includes the initial response option of a one-time population reduction to bring deer density inside the battlefields to a density similar to surrounding areas, if conditions are such that this action is warranted. The purpose of this option is to lessen the likelihood of CWD becoming established in the deer population.

## TOOLS FOR DETECTION AND INITIAL RESPONSE UNDER THE SELECTED ALTERNATIVE

Tools for detection will include:

- *Opportunistic Surveillance:* Opportunistic surveillance involves taking diagnostic samples for CWD testing from deer that have died in the battlefields due to disease, predators, vehicle collisions, other trauma-related mortality; those lethally removed from the battlefields for other purposes (e.g., research); and those that die in park units as a result of injuries from hunting outside the battlefields.
- *Targeted Surveillance:* This technique involves battlefield staff looking for deer showing clinical signs of CWD. If observed, these deer will be reported and possibly lethally removed for testing.
- *Live Test for CWD for Detection Surveillance:* The live test requires anesthetizing the animal, removing a small piece of tonsillar tissue, and telemetry-marking the animal so it can be tracked for removal should the deer be CWD positive. Live testing for CWD will only be available for use in detection efforts when deer are being collared in the park units (by either NPS or other researchers) as part of other projects.
- *Lethal Removal of Healthy-Appearing Deer for Detection Surveillance:* This option involves lethally removing deer that appear healthy and testing to detect CWD. If this option is utilized, samples from removals will be supplemented with samples from the state to be 95% confident that CWD will be detected if the disease is present in the population at 1% prevalence or greater (referred to as “95/1”). This level of sampling will be consistent with the efforts that are undertaken by the state of Maryland. Ultimately, the NPS could decide to test enough deer (with supplemental data from the state) to be 99% confident that CWD will be detected if it exists at 1% prevalence or greater (referred to as “99/1”). If utilized, this option is expected to result in the lethal removal of approximately 32–110 deer per surveillance effort at Antietam and 36–83 deer per surveillance effort at Monocacy, based on current and plausible future deer densities. The exact number of removals per detection effort will depend on factors such as desired sampling confidence level (i.e., 95/1 or 99/1) and differences in deer density between the battlefields and surrounding areas. Annual removals at each battlefield will not exceed annual recruitment, which is the number of fawns that survive from birth to fall each year. Deer surveys are completed by park staff in the spring and fall to determine deer density and annual recruitment. However, only adult (greater than one year of age) deer will be targeted for removal.

Tools for Initial Response will include:

- *Opportunistic and Targeted Surveillance:* Opportunistic and targeted surveillance for initial response will occur in the same manner described under detection; however, as an initial response action, the goals will be to provide samples from across the landscape for assessing the prevalence and distribution of the disease, and to remove a potential source of CWD prions from the environment (a prion is a microscopic particle similar to a virus that is thought to be the infectious agent for certain degenerative diseases of the nervous system such as CWD).
- *Live Test for Monitoring Surveillance:* The process for implementing live testing during the initial response phase will be the same as that described for the detection phase.
- *Lethal Removal of Healthy-Appearing Deer for Monitoring Surveillance:* This option involves lethally removing and testing deer to monitor and assess CWD prevalence and distribution. The use of this option gives the battlefields the ability to estimate the disease’s prevalence with confidence, understand its spatial distribution, and to more fully cooperate with the state in its assessment and monitoring efforts. If this option is utilized, the process for implementing lethal removal during the initial response phase will be similar to that described for the detection phase, including details of the individuals who could conduct the removals, the required health and safety practices used, and the sampling and disposal practices used. Similar to detection, this option, if utilized, is expected to result in the lethal removal of approximately 32–110 deer per surveillance effort at Antietam and 36–83 deer per surveillance effort at Monocacy, based on

current and plausible future deer densities. The exact number of removals per surveillance effort will depend on factors such as desired sampling confidence level and differences in deer density between the battlefields and surrounding areas. Annual removals at each battlefield will not exceed annual recruitment, which is the number of fawns that survive from birth to fall each year.

- *Lethal Removal of Healthy-Appearing Deer for One-Time Population Reduction Response:* This option could be implemented if CWD is found in or very near the battlefields, and involves a one-time population reduction to bring deer density inside the battlefields (for 2008, estimated at 115 and 155 deer per square mile at Antietam and Monocacy, respectively) to a density similar to surrounding areas (historically estimated at 25 to 45 deer per square mile). The purpose of this action is to reduce the likelihood of CWD becoming established if it is found in the local deer population. If utilized, the one-time population reduction option will be expected to take place over approximately one to three years and result in a reduction of 67–88% of the deer population at Antietam and 80–88% at Monocacy. Actual removals will depend on differences in deer densities between the battlefields and surrounding areas at the time the reduction was conducted (the NPS will work with the state to obtain the most accurate estimates of deer densities available), the duration of the reduction effort, and natural population growth during the effort. Deer removed lethally will be tested for CWD to estimate disease prevalence and distribution. If a one-time population reduction is implemented, lethal removals for monitoring surveillance could be conducted in subsequent years for prevalence and distribution assessment, as described above.

#### **CARCASS HANDLING**

Disposal of deer and associated response materials and equipment will be done to avoid the spread of prion-contaminated matter. Once test results are received, carcass disposition and possible decontamination will be addressed. The NPS will adopt the state's preference to landfill any diseased carcasses. However, if for some reason the landfills will not accept the carcasses, other options will be considered, including burial within the battlefields (in previously disturbed sites in or near developed areas of the battlefields, avoiding areas of known cultural resources), incineration, or other methods approved for disposal at the time this plan is implemented. Carcasses that are CWD negative will be allowed to decompose in place or will be disposed of using traditional methods (i.e., on-site burial in previously disturbed areas in or near developed areas of the battlefields or in landfills). Areas that may have been exposed to prion contamination will be decontaminated, to the extent practicable, by disposing of any remaining tissue, blood, or obviously contaminated (blood-soaked) soils. Hard surfaces used for storage will be cleaned with a solution of 50% bleach or similar agent.

If practicable, meat taken from healthy appearing deer will be stored and donated. The battlefields will secure refrigerated storage for carcasses from deer sampled for detection and initial response activities that remove a large number of deer, such as the one-time population reduction, if this can be done at a reasonable cost or provided for by a meat processor. If this is possible and allowable, given applicable policy, guidance, and any regulatory requirements in place at the time the removals are done (including NPS public health guidelines for donation of meat from areas affected by CWD), meat from CWD-negative deer will be donated to local food banks.

#### **EDUCATIONAL AND INTERPRETIVE MEASURES**

The CWD-related educational measures currently being conducted at the battlefields will be enhanced and expanded, as will public outreach efforts.

#### **AGENCY AND INTER-JURISDICTIONAL COOPERATION**

Agency and inter-jurisdictional reporting and cooperation will continue, including extensive information sharing and coordination with state and federal agencies for the purposes of communicating detections; assessing disease prevalence and distribution; and determining the extent of detection and initial response actions.

## **SELECTION OF ALTERNATIVE B**

Alternative B was selected because it provides a full range of options, including a one-time population reduction under certain circumstances, providing more flexibility than other alternatives to effectively and efficiently address CWD and coordinate with state actions. This flexibility also provides the greatest opportunity to take appropriate actions when necessary based on the ongoing evaluation of CWD risk factors. As discussed in the EA, alternative B best protects the deer herd in the long term. As a result, it will also provide the most benefit to this component of the cultural landscapes; to visitors by minimizing the potential for seeing CWD-infected deer; and to socioeconomics by minimizing potential impacts to hunting opportunities outside the battlefields by promoting a viable deer herd in the long term.

Alternative B fully meets all objectives of the plan as described in the EA, with the exception of minimizing impacts to park management and operations. But even though there will be impacts on park operations and management, the NPS will still be able to manage and operate the battlefields to meet their missions.

## **OTHER ALTERNATIVES CONSIDERED**

The EA prepared for this project also analyzed the no action alternative (alternative A) and alternative C, CWD Detection and Monitoring Response.

Under the no action alternative, alternative A, the battlefields would have continued to acquire samples for CWD detection through opportunistic and targeted surveillance. If at all possible, sampled carcasses would have been removed and taken to a temporary storage area located in an existing maintenance/storage yard (far removed from any historic structures or visitor use areas). In particular, all attempts would have been made to remove any carcasses of deer that displayed signs consistent with CWD from the environment, along with any blood or blood-soaked soils. There would have been continued educational and interpretive measures and continued agency and inter-jurisdictional cooperation. However, alternative A failed to meet or fully meet many objectives of the plan, or the purpose and need for action. It did not provide a range of CWD detection and initial response actions to address threats to park natural resources and components of the cultural landscapes, primarily white-tailed deer populations, from the establishment or spread of CWD.

Alternative C would have offered the battlefields a limited set of tools for CWD detection and initial response. Detection activities would have been aimed at determining whether CWD was present in the battlefields and assisting the state in its detection efforts. Initial response activities would have occurred after a positive CWD detection was made in or very near the battlefields. Under alternative C, initial response would have been exactly the same as those described for alternative B, except that lethal removal for one-time population reduction would not have been an option; response would have been focused solely on monitoring and providing samples to coordinate with state efforts and assess the prevalence and distribution of the disease. Like alternative B, the implementation of detection and initial response tools would have been based on the proximity of the nearest CWD detection to the battlefields, and in the event that there were CWD detections in multiple zones, the detection and/or initial response actions taken would have corresponded with those proposed for the zone closest to the park. Alternative C was not chosen because it did not provide a full range of options, therefore limiting the flexibility for the NPS to effectively and efficiently address CWD and coordinate with state actions. Furthermore, alternative C would not have protected the deer herd in the long term to the extent of alternative B.

## **ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in Section 101 of the National Environmental Policy Act (NEPA). The environmentally preferable alternative is determined by applying the criteria identified in Section 101 of NEPA to each alternative considered. The criteria include

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

2. Assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
4. Preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
5. Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Simply put, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources (CEQ, *NEPA's 40 Most Asked Questions*, 6a). After completing the environmental analysis, alternative B was identified as the environmentally preferable alternative because it best protects the deer herds of the battlefields and surrounding lands from CWD. Deer are an important natural resource, they are also an important component of the cultural landscapes in the battlefields, as well as an important regional environmental resource. Although both alternatives B and C provide the same means for early detection, initial response under alternative B includes the possibility of a one-time population reduction that will bring deer densities within the battlefields to similar levels found outside the park units. This will better address an important CWD amplification risk factor. If the disease were detected in or near the battlefields, the option of a one-time population reduction would also better prevent environmental (soil) contamination that contributes to CWD transmission by removing the greatest number of deer that could be sources of CWD prions which contribute to CWD transmission. Alternative A was not considered the environmentally preferable alternative because it is the least likely to prevent the amplification, spread, and establishment of CWD, which could have long-term, deleterious effects on the survival of the deer herds.

## MITIGATION MEASURES

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, the mitigation measures identified below will be implemented as part of the selected action. The NPS will provide an appropriate level of monitoring throughout the process to help ensure that protective measures are being properly implemented and are achieving their intended results.

If at all possible, sampled carcasses will be removed and taken to a temporary storage area located in an existing maintenance/storage yard (which is far removed from any historic structures or visitor use areas). All attempts will be made to remove any carcasses of deer that displayed signs consistent with CWD from the environment, along with any blood or blood-soaked soils. However, if the entire carcass cannot be immediately moved, the head will be taken and the remainder of the carcass will be left in the field and marked by global positioning systems (GPS) so that it can be readily retrieved at a later date if necessary. Once test results are received, carcass disposal and possible decontamination will be addressed. The NPS will adopt the state's preference to landfill any diseased carcasses. However, if for some reason the landfills will not accept the carcasses, other options will be considered, including burial within the battlefields, incineration, or other methods approved for disposal at the time this plan is implemented. Carcasses that are CWD negative will be allowed to decompose in place or will be disposed of using traditional methods (i.e., on-site burial in previously disturbed areas in or near developed areas of the battlefields or in landfills).

Areas that may have been exposed to prion contamination will be decontaminated by disposing of any remaining tissue, blood, or obviously contaminated (blood-soaked) soils. Hard surfaces used for storage will be cleaned with a solution of 50% bleach or similar agent.

Mitigation measures will be taken to ensure archeological resources are protected if off-site disposal is not possible. Carcasses could be buried annually in pits located in previously disturbed areas within the battlefields, avoiding areas of known cultural resources. If needed, additional pits could be excavated with heavy equipment within the battlefields. In order to ensure that previously unrecorded subsurface archeological resources are not disturbed, surveys will be conducted prior to any ground disturbance, and work will be stopped if any artifacts were discovered during excavation.

In order to mitigate any impact to visitor use and experience, visitors will be notified of the locations and reasons for any closures, and any burial pits will be located away from visitor use areas. To maintain visitor safety, a few trail areas may be temporarily closed if deer are lethally taken during normal operating hours.

Some state-listed plant species of special concern occur within the battlefields which could be impacted by trampling during CWD detection and initial response activities. However, the locations of these plants are known and will be avoided during implementation of the selected action.

### **WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

***Impacts that may be both beneficial and adverse and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an Environmental Impact Statement (EIS):*** As described in the EA, several resource areas will experience beneficial and adverse impacts during the implementation of the selected alternative; however, no significant impacts were identified that would require analysis in an EIS.

Detection and initial response actions will have short-term, negligible to minor, adverse impacts on the white-tailed deer population and their habitat from temporary disturbances during implementation, meaning that impacts will be detectable but not outside the natural range of variability. After implementation, impacts on deer density will have long-term, beneficial effects, especially from the possibility of reduced CWD amplification risk associated with a one-time reduction in deer densities at the battlefields.

Detection and initial response actions will have short-term, negligible to minor, adverse impacts on vegetation from temporary disturbances during implementation, meaning that the overall viability of the plant community will not be affected and, if left alone, will recover. After implementation, reductions in deer density, especially if a one-time population reduction occurs, will have long-term beneficial effects on vegetation from reduced browsing and grazing pressure.

Detection and initial response actions will have short-term, negligible to minor, adverse impacts on wildlife and wildlife habitat from temporary disturbances during implementation, meaning impacts will be detectable but not outside the natural range of variability. After implementation, reductions in deer density, especially if a one-time population reduction occurs, will have long-term beneficial effects by reducing browsing and grazing pressure on vegetation that provides food and cover for other wildlife.

Actions taken under the selected alternative will result in short-term, negligible to minor, adverse impacts to socioeconomic resources, with the level of adverse impacts dependent upon the perceptions of visitors and hunters, the number of deer potentially affected by CWD, and the actions the state has taken in the communities surrounding the battlefields in response to CWD. The effect on neighboring landowners or other socioeconomic conditions will be slight but not detectable outside the neighboring lands. Long-term beneficial effects could occur, primarily if initial response activities help prevent CWD from becoming established, offsetting potential losses in hunting-related tourism. Reductions in deer density, especially if a onetime population reduction occurs, will result in a long-term beneficial effect to crops and landscapes due to the corresponding reduction of deer caused damage from browsing.

Actions associated with opportunistic and targeted surveillance will have short-term, negligible to minor, adverse impacts on visitor use and experience, while lethal removal of healthy-appearing deer for

detection and/or monitoring surveillance will have short-term, minor, adverse impacts. The minor impact will result in a slight change in visitor use and experience, but visitor satisfaction will not be measurably affected. Due to the need for more frequent temporary trail or area closures and the likely increase in visitors impacted by the closures, a one-time population reduction, if implemented, will result in short-term, minor to moderate, adverse impacts to visitor use and experience because of the potential need for more frequent temporary or area closures. Long-term beneficial effects will occur from reduced deer densities that will create a more natural, healthy environment for the deer population at the battlefields; from decreased potential for CWD to become established; and from knowing that the NPS is taking actions to protect the deer herds in the battlefields.

Detection and initial response actions will have short-term, negligible to moderate, adverse impacts on park management and operations, with the more intense impacts related to the removal actions included in the selected alternative and the need for additional public education and outreach, particularly if the one-time population reduction response is implemented. The range of impact intensity will mean that impacts to park operations could remain unaffected (negligible) or readily apparent, requiring increased staff and funding or the reduction of other park operations (moderate) to implement the proposed actions. However, if moderate impacts occurred, they would not prevent the battlefields from meeting their missions.

***Degree of effect on public health or safety:*** Opportunistic and targeted surveillance activities employed under alternative B will result in long-term, negligible, adverse impacts on public health and safety as will live testing. To ensure the safety of all personnel involved, only law enforcement rangers or natural resource management staff qualified to use firearms will lethally remove deer in targeted surveillance activities. If any activities involving firearms take place during daytime operating hours, areas in the vicinity of firearms use will be closed to protect visitor safety. If implemented, the lethal removal of healthy-appearing deer for both detection and monitoring surveillance and for a one-time population reduction response will have negligible to minor adverse effects, meaning slight injuries could occur but only first aid provided by park staff would be required for any injury. Because of the larger efforts associated with such lethal removals, authorized agents who are non-NPS personnel may be used to supplement NPS personnel. To ensure the safety of all personnel involved, requirements for all authorized agents will include a specific level of firearm proficiency and experience in the use of firearms for wildlife removal. If any activities involving firearms take place during daytime operating hours, areas in the vicinity of firearms use will be closed to protect visitor safety.

***Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas:*** No wild and scenic rivers, ecologically critical areas, or sites sacred to American Indians or other significant ethnographic resources have been identified within Antietam or Monocacy National Battlefields. While wetlands and prime farmlands do exist within the two battlefields, the implementation of CWD detection and initial response activities will not have any effects on these resources.

Actions associated with opportunistic and targeted surveillance, supplemented with live tests and lethal removal of healthy appearing deer will have long-term minor, adverse impacts on archeological resources from ground disturbances during implementation. These actions will have short-term negligible to minor adverse impacts on cultural landscapes from temporary disturbances during implementation, meaning any alteration will not diminish the overall integrity of the landscape. There will be long-term, beneficial effects as a result of benefits to the deer herd, which are a component of the cultural landscapes of the battlefields.

***Degree to which effects on the quality of the human environment are likely to be highly controversial:*** Under Department of Interior NEPA regulations, Code of Federal Regulations Title 43, Part 46 (43 CFR 46.30), controversial refers to circumstances where a substantial dispute exists as to the environmental consequences of the proposed action and does not refer to the existence of opposition to a proposed action, the effect of which is relatively undisputed. In the present instance, no substantial dispute exists as to the environmental consequences of the selected alternative. No commenters identified any omitted or

mischaracterized environmental impacts during the public engagement efforts associated with the plan, including the EA comment period.

***Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks:*** No highly uncertain, unique or unknown risks were identified during either preparation of the EA or the public comment period.

***Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:*** The selected alternative neither establishes a NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Other parks may follow with similar CWD management plans, but no alternatives considered in this plan will have significant effects or will preclude other parks from taking different actions.

***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:*** Implementing the selected alternative will have no significant, cumulative impacts. The EA addressed cumulative impacts for each of the impact topics affected by the preferred alternative (white-tailed deer, vegetation, other wildlife and wildlife habitat, cultural landscapes, socioeconomics, visitor use and experience, health and safety, and park management and operations). As described in the EA, there will be both adverse and beneficial contributions to cumulative impacts on white-tailed deer populations. However, overall cumulative impacts will be long-term, minor to moderate, and adverse. Cumulative impacts on vegetation will be long-term, minor to moderate, and adverse for detection and initial response actions. Cumulative impacts on wildlife and wildlife habitat will be long-term, minor, and adverse for detection and initial response actions. The selected alternative will have minimal contributions to cumulative impacts on cultural landscapes, which will be long-term, negligible and adverse. Cumulative impacts on socioeconomics will be long-term and beneficial. The selected alternative will have minimal contributions to long-term, negligible to minor, adverse cumulative impacts on archeological resources. Cumulative effects on visitor use and experience will be long-term and beneficial. The selected alternative will have negligible contributions to cumulative impacts on public health and safety, which will be long-term, minor to potentially moderate, and adverse. Cumulative effects on park management and operations will be long-term, moderate, and adverse.

***Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:*** As described in the EA, both Antietam and Monocacy National Battlefields are designated as national battlefields because of the important roles they played during the American Civil War. Antietam National Battlefield was listed in the National Register of Historic Places for military, conservation, and politics/government significance and place in national events of the time period 1850–1874 (36 CFR 60.4 – criterion (a)). Monocacy National Battlefield was also listed in the National Register of Historic Places for its military significance and place in national events of the time period 1850–1874 (36 CFR 60.4 – criterion (a)).

Although historic structures at the battlefields are listed or eligible for listing on the National Register of Historic Places, there will be no impacts on these structures from implementing CWD detection and initial response activities.

Actions associated with opportunistic and targeted surveillance, supplemented with live tests and lethal removal of healthy appearing deer will have short-term, minor, adverse impacts on cultural landscapes from temporary disturbances during implementation. There will be long-term, beneficial effects as a result of benefits to the deer herd, which are a component of the cultural landscapes.

In accordance with Section 106 of the National Historic Preservation Act, potential adverse impacts (as defined in 36 CFR 800) on cultural landscapes and archeological resources listed on or eligible for listing on the National Register of Historic Places have been coordinated between the National Park Service and the State Historic Preservation Officer (SHPO). The SHPO has concurred with the finding of no adverse effect after reviewing the plan/EA. No additional mitigation measures will be necessary. Continuing implementation of the Cultural Resource Management Guideline and adherence to NPS *Management*



*Policies 2006* and the 2008 Servicewide programmatic agreement with the Advisory Council on Historic Preservation and National Conference of State Historic Preservation Officers will all aid in reducing the potential to adversely impact historic properties.

***Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:*** As described in the EA, the implementation of CWD detection and initial response activities will not have impacts on species listed or proposed to be listed under the *Endangered Species Act*, or their designated critical habitat, because none has been identified in the battlefields.

***Whether the action threatens a violation of federal, state, or local environmental protection law:*** The selected alternative violates no federal, state, or local environmental protection laws. The selected alternative will be consistent with all existing local, state, and federal regulations.

## IMPAIRMENT OF PARK RESOURCES OR VALUES

The National Park Service Organic Act of 1916 and related laws mandate that the units of the national park system must be managed in a way that leaves them “unimpaired for the enjoyment of future generations.” These laws give the NPS the management discretion to allow certain impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values. Director’s Order 12 states that environmental documents will evaluate and describe impacts that may constitute an impairment of park resources or values. In addition, the decision document will summarize impacts and whether or not such impacts may constitute an impairment of park resources or values. An impact will be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

1. necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park,
2. key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
3. identified as a specific goal in the park’s general management plan or other relevant NPS planning documents.

The NPS has determined that implementation of the selected alternative will not constitute an impairment to Antietam and Monocacy National Battlefield’s resources or values. This conclusion is based on a thorough analysis of the environmental impacts described in the Chronic Wasting Disease Detection and Initial Response Plan/Environmental Assessment, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in *NPS Management Policies 2006*. The analysis concluded no major adverse effects will result from the implementation of the selected alternative, and there will be no impact to park resources or values that will reach the level of impairment. Impacts of the action on park resources and values will all be within the range of natural variability and will not threaten the stability or viability of any resources or values. Adverse impacts that will occur are typically localized, short-term responses to an action that will help preserve the integrity of park resources over the long term.

## PUBLIC INVOLVEMENT

Public involvement for this project was quite extensive and included several public meetings with opportunities for comment at various stages throughout the project. Initially, two public scoping meetings were held, which included an open house, presentation by the NPS, and an opportunity for formal public comment. The first meeting was held on February 12, 2007, at the Antietam National Battlefield Visitor Center. Due to an ice storm, a scheduled February 13, 2007 meeting at Monocacy National Battlefield was rescheduled and was instead held on February 20, 2007, at the battlefield’s Gambrill House. At the Antietam meeting, 11 people signed in, representing mostly private individuals. One representative from the U.S. Fish and Wildlife Service National Conservation Training Center also attended. At the Monocacy National Battlefield meeting, seven people signed in, all private individuals. The purpose of these meetings was to provide the public information about the disease and the planning process and to solicit public input. Notices of the meetings were posted on the NPS Planning, Environment, and Public

Comment (PEPC) website. Additionally, a newsletter was mailed to the project's preliminary mailing list of government agencies, organizations, businesses, and individuals. The newsletter announced the public scoping meetings and summarized the purpose, need, and objectives for the plan.

The comment period for the public scoping information, which was extended due to the delay in the Monocacy National Battlefield meeting, ended on March 27, 2007. During this time, all NPS scoping materials available at the meetings, including the newsletter, were posted on the NPS PEPC website for download. This provided another opportunity to review and comment on the purpose, need, objectives, and preliminary alternatives, especially for those stakeholders who could not attend the meetings.

During the first comment period four pieces of correspondence were received. One comment was received through the PEPC website, and the remaining three comments were received as letters to the park. Three comments discussed the different methods of detection and/or initial response presented at the meetings, and one comment was a request to be kept updated on the progress of the project.

A second set of public meetings was held on December 3 and 4, 2008, to solicit public input on the draft alternative approaches to CWD detection and initial response at the battlefields. Twenty people signed in at the December 3, 2008, meeting, which was held at the Antietam National Battlefield Visitor Center. Fourteen people signed in at the December 4, 2008, meeting, which was held at the Gambrill House at Monocacy National Battlefield. The meetings included presentations about the alternatives being considered and an open house forum where comments from the public were recorded on flipcharts. Following the public meetings, eight pieces of correspondence were sent to the park. A number of comments received at the meetings and during the second comment period suggested incorporating public hunting into lethal removal efforts. Other comments were related to sharing information about the deer herd and the disease and its effects, as well as concerns about the use of skilled volunteers for hunting, deer damage to agricultural crops, the implementation of deer dispersal as an alternative, and donation of meat.

After release of the EA for public comment on August 10, 2009, two public meetings were held to inform the public of the plan and solicit comments. The first meeting was held on August 31, 2009 at the Antietam National Battlefield Visitor Center, from 6:00 to 8:00 PM. The second meeting was held on September 1, 2009 at the Monocacy National Battlefield Visitor Center from 6:00 to 8:00 PM. Additionally, the NPS distributed newsletters to the mailing lists maintained by the battlefields, providing background information on the purpose, need, and alternatives for CWD detection and initial response, as well as the information about the public meetings. During this time, all NPS materials available at the meetings, including the EA, were posted on the NPS Planning, Environment, and Public Comment (PEPC) website for download. This provided another opportunity to review and comment on the document, including the alternatives, especially for those stakeholders that could not attend the meetings.

A total of 18 comments were received by the NPS during the EA comment period. Three comments expressed support for alternative A instead of alternative B. One comment opposed hunting on NPS lands while three comments opposed lethal removal of deer as an option for initial detection and removal. Six comments discussed the current status of the deer population, the impacts that population has on farming, and the impact CWD will have. Two comments expressed concern over the demographics of the deer population that will be targeted, mainly mature bucks. One comment stated that the habitat for deer is limited by increased development. The remaining three comments discussed the use of Montgomery County model for sampling, the desire for farmers to allow citizen hunters on their land, and to have local hunters bring in samples to assist in initial detection. All comments were received from private individuals. The NPS has identified several concerns as substantive comments and has prepared responses. These responses are included in the errata sheet attached hereto and made a part of this document.

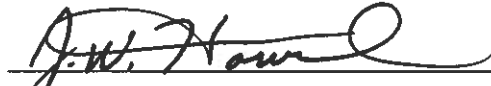
## **CONCLUSION**

The NPS has selected alternative B for implementation. The selected alternative is described on pages 41-44 of the EA. The impacts that will result from the selected alternative (alternative B) will not impair any park resources or values necessary to fulfill specific purposes identified in the national park's enabling legislations.

The selected alternative does not constitute an action that normally requires preparation of an EIS. The selected alternative will not have a significant effect on the human environment. Adverse environmental impacts that could occur are minor to moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, cultural landscapes listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this action and thus will not be prepared.


Recommended:

  
John Howard  
Superintendent,  
Antietam National Battlefield

Nov. 13, 2009

Date

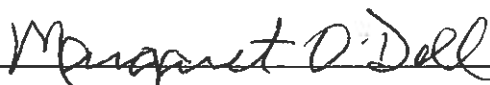
Recommended:

  
Susan Trail  
Superintendent,  
Monocacy National Battlefield

Nov. 17, 2009

Date

Approved:

  
Margaret O'Dell  
Regional Director,  
National Capital Region

Jan 15, 2010

Date

**CHRONIC WASTING DISEASE DETECTION AND INITIAL RESPONSE PLAN/ENVIRONMENTAL  
ASSESSMENT  
ANTIETAM AND MONOCACY NATIONAL BATTLEFIELDS, MARYLAND**

**TABLE 1: POTENTIAL CWD DETECTION AND INITIAL RESPONSE ACTIONS BY IMPLEMENTATION ZONE**

| Zone   | Detection Activities   | Initial Response Activities  |
|--|--|--|
| <b>Zone 4</b><br>(Positive CWD detection greater than 60 miles from park unit)                 | <ol style="list-style-type: none"> <li>1. Opportunistic surveillance</li> <li>2. Targeted surveillance</li> </ol> <p><i>(these actions are encouraged per NPS guidance)</i></p>  | None – only detection will occur if CWD is found within this zone  |
| <b>Zone 3</b><br>(Positive CWD detection between approximately 20 and 60 miles from park unit) | <ol style="list-style-type: none"> <li>1. Opportunistic surveillance</li> <li>2. Targeted surveillance</li> <li>3. Live test</li> <li>4. Lethal removal – <i>appropriate within the park unit only if certain criteria that indicate an increased risk or need for additional samples are met, for example:</i> <ul style="list-style-type: none"> <li>The state is increasing surveillance</li> <li>There are multiple detections in the zone</li> <li>The 5-mile state surveillance areas within the zone are expanding towards the battlefields</li> <li>A 5-mile state surveillance area includes a part of Zone 2.</li> </ul> </li> </ol> | None – only detection will occur if CWD is found within this zone  |
| <b>Zone 2</b><br>(Positive CWD detection between approximately 5 and 20 miles from park unit)  | <ol style="list-style-type: none"> <li>1. Opportunistic surveillance</li> <li>2. Targeted surveillance</li> <li>3. Live test</li> <li>4. Lethal removal –<i>appropriate within the park unit to meet detection goals</i></li> </ol>  | <ol style="list-style-type: none"> <li>1. Opportunistic surveillance</li> <li>2. Targeted surveillance</li> <li>3. Live test</li> <li>4. Lethal removal –<i>appropriate within the park unit in response to state actions, to coordinate with the state, or if conditions warrant more intense response in this zone; intensity of response will depend on location of positive CWD detection in relation to park</i></li> </ol> |
| <b>Zone 1</b><br>(Positive CWD detection within 5 miles of the park unit)                      | None – assume CWD is within park unit and move to initial response   | <ol style="list-style-type: none"> <li>1. Opportunistic surveillance</li> <li>2. Targeted surveillance</li> <li>3. Live test</li> <li>4. Lethal removal –<i>appropriate within the park unit, using all available options</i></li> </ol>   |

**CHRONIC WASTING DISEASE DETECTION AND INITIAL RESPONSE PLAN/ENVIRONMENTAL  
ASSESSMENT  
ANTIETAM AND MONOCACY NATIONAL BATTLEFIELDS, MARYLAND  
ERRATA**

As required by National Park Service (NPS) Director's Order 12, the following errata respond to all substantive comments submitted on the Chronic Wasting Disease Detection and Initial Response Plan/Environmental Assessment (plan/EA). Substantive comments from various individuals have been grouped as concern statements. Concerns are statements that summarize the issues identified in similar comments. None of the comments received resulted in changes to the text of the plan/EA.

*Concern: One commenter discussed how the use of private citizen hunters could aide in the initial detection of Chronic Wasting Disease (CWD).*

**Response:** In the area of Antietam and Monocacy National Battlefields, the states of Maryland, Virginia, West Virginia, and Pennsylvania have developed response plans to address CWD in white-tailed deer populations. These four jurisdictions have been testing for CWD and implementing surveillance programs in recent years. The NPS would attempt to coordinate any CWD activities at Antietam and Monocacy National Battlefields with the states. Any deer killed by private citizen hunters on non-NPS land could contribute to the sampling and testing conducted by their specific jurisdiction. The NPS will work in conjunction with these jurisdictions to coordinate sampling and testing during the on-going detection phase of the plan.

*Concern: One commenter stated their opposition to hunting within the National Battlefields.*

**Response:** NPS regulations, 36 CFR 2.2, and NPS *Management Policies 2006* state that hunting is prohibited in national parks unless specifically authorized as a discretionary activity under federal statutory law or treaty rights and may take place only after the NPS has determined that it is consistent with resource management principles. The enabling legislation for both Antietam and Monocacy National Battlefields does not allow hunting. Therefore, the use of hunting was dismissed from further consideration. The use of lethal removals included in this plan/EA, including the potential participation of private individuals as skilled volunteers, does not constitute hunting because the lethal removal of deer described in the alternatives is an administrative activity that, if implemented, will be conducted in accordance with an approved resource management plan. In contrast to hunting, removal activities described in the alternatives are not recreational in nature, do not involve personal taking of meat or other portions of the animal, and are not bound by the principles of fair chase. It is recognized that this action will disrupt the peacefulness enjoyed by visitors to the battlefields, but on a short-term basis, and this minor to moderate impact to visitor use and experience is discussed further in the analysis on page 146 of the plan/EA.

*Concern: Commenters discussed the lethal removal option, asking the NPS to not target specific demographics of the deer population, namely mature bucks.*

**Response:** The option of demographic-based removal during initial response was dismissed as an alternative. As described on page 66 of the plan/EA, because CWD prevalence among sex and age classes is likely influenced by human related factors such as hunting practices outside the battlefields, it did not make sense to use demographic factors to influence lethal removal decisions with one notable exception: when in the CWD detection phase, adult deer will be targeted for removal because the prion has never been found in a free-ranging, naturally exposed, animal younger than five months. If the one-time population reduction option is implemented, all available deer may be targeted for lethal removal due to logistical constraints of meeting population reduction objectives. At the time of a reduction action, however, the NPS could choose to leave older bucks so long as that decision does not interfere with the CWD detection and initial response goals.

*Concern: Commenters stated that lethal removal should not be included as an option.*

**Response:** The lack of any lethal removal options would prevent the battlefields from reaching CWD detection and monitoring surveillance goals. The lack of the one-time population reduction option would prevent the battlefields from having a tool to minimize the potential for CWD to become established. The proximity of positive CWD detections, as well as the intensity of and need to coordinate with state actions, will be considered when implementing any lethal removal action. The one-time population reduction option will not be considered unless CWD is detected in or very near the battlefields.

*Concern: Commenters stated their request to adopt alternative A (no action alternative) instead of alternative B (NPS preferred alternative).*

**Response:** Alternative A (no action) fails to meet or fully meet many objectives of the plan/EA, or the purpose and need for action. It does not provide a range of CWD detection and initial response actions to address threats to park natural and cultural resources from the establishment or spread of CWD. As described in the plan/EA on page 67, Alternative B fully meets all objectives of the plan/EA, with the exception of minimizing impacts to park management and operations.

*Concern: Several commenters discussed the current status of the deer population, the impacts that deer population has on farming, and the impact CWD would have.*

**Response:** The plan/EA acknowledges the density of the current deer population and the impact the population has on the environment and surrounding land uses, including crops. While the plan/EA includes actions that involve population reductions, it is not a long-range deer population management plan. A deer management plan for both parks will be a future planning action, scheduled to begin following the conclusion of the CWD detection and initial response plan/EA process.

*Concern: One commenter suggested an existing CWD detection model that the NPS should follow.*

**Response:** The NPS has reviewed and considered other CWD detection plans and models when forming this plan/EA.

*Concern: One commenter suggested that private landowners allow hunting on their lands to contain the deer population.*

**Response:** The NPS will coordinate its efforts with local agencies and landowners. However, the NPS cannot direct private landowners on what to allow on their lands.

*Concern: One commenter stated that the habitat for deer is limited by increased development and the deer should not be lethally removed due to a lack of available habitat.*

**Response:** The NPS acknowledges that adjacent development encroaches on deer habitat. However, lethal removal options, including the option of a one-time population reduction, are not intended as population management strategies. The purpose of lethal removal options, including the one-time population reduction option, is to meet CWD detection and initial response goals and objectives. A deer management plan for both parks will be a future planning action, scheduled to begin following the conclusion of the CWD detection and initial response plan/EA process.