

State Environmental Quality Review Findings Statement

Deer Management Plan Village of Cayuga Heights Tompkins County, New York

Adopted: April 4, 2011

This document is a Findings Statement prepared pursuant to and as required by 6 NYCRR Part 617.11 implementing the New York State Environmental Quality Review Act (SEQRA). This Findings Statement draws upon the information in the Village of Cayuga Heights record in connection with the Village's program for Deer Management as set forth on the Village's website, the Draft Environmental Impact Statement (DEIS) dated November 1, 2010, comments received on the DEIS at a duly noticed public hearing held on December 6, 2010, written comments received on the DEIS, a Final Environmental Impact Statement (FEIS) dated March 14, 2011, and comments between March 14, 2011 and ten days thereafter.

In preparing this Findings Statement the Village of Cayuga Heights Board of Trustees has given due consideration to the DEIS, FEIS, community and agency input and other documents reviewed and considered in conjunction with the SEQRA process. Further, this Findings Statement contains the facts and conclusions in the DEIS and FEIS relied upon by the Board of Trustees to support its decisions, and considers and balances the relevant environmental impacts with "social, economic and other considerations" which form the basis for its decision (6 NYCRR 617.11(d)).

Pursuant to Article 8 (SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Village of Cayuga Heights Board of Trustees as Lead Agency makes the following findings.

A. SEQR Process:

Acknowledging the need to reduce the number of deer in the Village of Cayuga Heights, the Village Board of Trustees put forth a proposal consistent with the recommendations of the Village's Deer Remediation Advisory Committee ("DRAC") to implement a Phased Options Approach ("POA") to deer management. This Findings Statement pertains to the proposed Deer Management Plan as described herein (the "Proposed Action").

In accordance with SEQRA (6 NYCRR Part 617), the following steps of the environmental process have been undertaken:

- Designation of the Village of Cayuga Heights Board of Trustees as Lead Agency;
- Issuance of a Positive Declaration by the Village of Cayuga Heights Board of Trustees;
- Preparation and review of a Draft EIS;
- Acceptance of the Draft EIS by the Lead Agency on November 10, 2010 and subsequent filing of the Draft EIS and a Notice of Completion and Notice of Public Hearing;
- Holding of a Public Hearing on the Draft EIS by the Lead Agency on December 6, 2010;
- Receipt of public comments on the Draft EIS for 10 calendar days following the close of the hearing (until December 16, 2010);
- Preparation and review of a Final EIS;
- Acceptance of the Final EIS (which incorporated the Draft EIS by reference) by the Lead Agency on March 14, 2011, and filing of the Final EIS and a Notice of Completion;
- Affording a public review on the Final EIS for 10 calendar days; and,
- Preparation, review and adoption of this Findings Statement by the Lead Agency.

B. Description of the Proposed Action:

The Mayor and the Board of Trustees of the Village of Cayuga Heights ("VCH") established a Deer Remediation Advisory Committee (the "DRAC") and requested that it research options for deer management in the VCH.

A proposal for deer management was developed based on the information gathered by the DRAC from experts in the field of deer management, plus feedback from open committee meetings and two public forums. The DRAC shared this data with the community via the website www.vchdeercommittee.com, and an 8-page information sheet delivered to residents in early March 2009. A copy of this material was provided in Appendix E of the Draft EIS and is available on the Village website.

The Proposal:

Acknowledging the need to reduce the number of deer in the Village of Cayuga Heights, the Village Board of Trustees put forth a proposal consistent with the recommendations of the DRAC to implement a Phased Options Approach ("POA") to deer management. The DRAC recommended that the Village begin the POA with the surgical sterilization of approximately 20-60 does (female deer) within a two-year period, followed by culling of the remainder of the herd in the year subsequent to completion of the sterilization program, followed by a program of ongoing maintenance of the herd size as necessary

through further sterilization and culling. It is expected that this program will, once implemented, result in a reduced and stable deer herd in approximately three to five years.

Specific Recommendations:

The recommendations of the DRAC are detailed below.

1. The VCH should hire a part-time Deer Management Director (DMD).
2. The VCH should adopt the goal of the cultural carrying capacity of 15 deer/square mile, which would result in a total deer population in the Village of Cayuga Heights of approximately 30 deer for the Village's approximate 1.85 square miles.
3. The VCH should establish guidelines for confirming that the POA is reaching its goal of managing the VCH's deer herd to reduce ecological damage, traffic accidents, increased risk of Lyme Disease, and other unwanted deer-human interactions.
4. The VCH should implement the POA as soon as VCH has made its final determination that the community is supportive of the POA.
5. The VCH should recognize that any approach to deer management must be implemented without fail for each of the initial five years of the program, and the VCH Board of Trustees and its constituents must recognize that otherwise the program will fail.

The VCH acknowledges that long term monitoring and management may be necessary.

The following additional details expand upon the specific recommendations listed above.

The VCH can begin working toward implementation of the POA by hiring a part-time DMD who will report administratively to the Village Board of Trustees, while accomplishing the following:

- apply for grant monies on the basis that the VCH's deer population problem is part of a larger concern for ecosystem health;
- identify the number of properties needed for culling;
- work with the VCH treasurer and attorney to bid out and write contracts for all contractors hired;
- work with Cornell University personnel, especially Paul Curtis, a wildlife biologist familiar with the VCH deer situation, regarding capture and

- sterilization procedures; staff and facilities; and identifying the number of VCH sites to be used for trapping and sterilization.
- work with contractors to coordinate and implement timing, safety concerns, impact guidelines, etc.
 - work with the NYS Department of Environmental Conservation and Cornell University personnel to file permits and other paperwork as required.

It was recommended that the VCH Board make a long-term commitment to the POA. It will take three to five years to see the results of sterilization and culling of the VCH deer population, but the maintenance phase (periodic culling and/or sterilization) will be ongoing. The Board may also consider the use of additional methods to reduce deer-human conflict, such as roadway reflectors, and a re-examination of the VCH Fencing Ordinance (*see below regarding Lyme Disease and fencing*).

Under the POA, the sterilization will be implemented first, allowing for the capture of the "easy" or less wary does which is more efficient in time and costs. These are the does and families who would continue to live in the community and whose monitoring and maintenance would be ongoing. Paul Curtis' experience both in the VCH and at Cornell indicates that this first phase would take approximately two years at an average cost of approximately \$ 1,200/doe.

Once the core population of does is sterilized and tagged, the DMD would oversee the hiring of professional sharpshooters to shoot unsterilized deer at bait sites. It is estimated that approximately 6 to 10 sites will be required to complete the culling.

The DMD will work with the VCH Police Chief and the NYS Department of Environmental Conservation (the "DEC") officer to develop and oversee the culling protocol and hiring of professional sharpshooters. It is anticipated that the initial culling of the herd will be completed within the year after sterilization has been completed. The cost estimate for a bait and shoot method is approximately \$400 - \$500/deer.

It was estimated that an area of 18 acres will be necessary for each culling site. Permission will be needed from landowners to allow hunting within 500 feet of their businesses and homes to assemble the required area. While some Village residents have expressed their view that safety would be enhanced by publicizing the sites and times, for safety reasons, the DEC and the DRAC recommend against publicizing culling sites and times. The VCH Board may wish to consider enacting a local law making it illegal, and punishable by fine, to interfere in any portion of a culling operation.

Interim Action:

Given the length of time that will be required for the POA to effectively reduce the number of deer in the VCH, the DRAC recommended that the VCH Board of Trustees immediately focus attention on two specific matters.

Education Concerning the Transmission of Lyme Disease

Two species of ticks are responsible for transmitting Lyme Disease and conditions such as ehrlichiosis. Their larvae and nymphs pick up the bacteria when they feed on any small rodents whose blood has already been infected, and whose preferred cover is long grasses and shrubs. The white-footed mouse is the most common rodent carrier. Adult ticks move on to feed on a variety of larger mammals including humans and deer which are their preferred hosts.

Studies also show that the number of ticks in a local area is generally linearly correlated with the number of deer present. Recommended mitigation of deer-borne diseases includes fencing, reducing tick habitats (especially where properties are bounded by heavy vegetation), and the possible treatment of white-footed mice. Educating the public includes practicing "due diligence" in clothing for outdoor wear and learning to check for ticks after being outdoors.

C. Summary of Findings

The Village of Cayuga Heights Board of Trustees finds, upon due consideration of the Draft and Final EIS, and information derived from other documents and public hearings and Board meetings during the course of this SEQRA review, that the project will not have any significant negative impact upon land use, public safety, accident rates, community health, community socioeconomic, community biodiversity or other areas of environmental concern, and will have positive impacts on several of these areas, based on the following information:

Background

The Village of Cayuga Heights (VCH) is a relatively mature residential community that consists primarily of single family homes amidst mature trees, landscaped areas, play fields and lawns. The VCH is approximately 1.85 square miles in area. The population of the Village at the time of the 2000 census was approximately 3,273 persons. There were 1,561 housing units in the Village, the majority of which were single family homes.

A summary report of the Cayuga Heights Deer Study Committee that was prepared around 2001 was provided in the DEIS. It discusses the background of this situation, describes some of the historic surveys, and summarizes the existing impacts of deer in Cayuga Heights. As early as 1999, people attending public meetings expressed that they would accept the use of lethal means to kill deer if reproduction control was not found to be a feasible management option.

The existing population of deer in the VCH exceeds what is viewed as a desired density. The existing population is estimated to be between 160 and 200 deer in the Village, whereas a desired population would be 30 deer or less. (The Trustees have acknowledged satisfaction with this estimate and will monitor and track deer population further after the Deer Management Program is implemented.)

The VCH deer population at the current density results in a variety of impacts which could be tied to land use activities such as the use of local roads, aesthetics, and the use and enjoyment of residential yards and gardens. These existing issues are discussed further below.

Deer/Vehicle Accidents

When deer density increases in urban and suburban areas, deer vehicle accidents also increase. Numerous reports and studies have been presented in the Village's SEQRA proceedings to support this view. The results of high deer densities are elevated impacts to public health and safety, elevated costs associated with auto repairs and personal injuries, and elevated numbers of injured or dead deer.

Habitat/Landscape and Biodiversity Conditions

A mature whitetail deer consumes approximately 3 to 6 pounds of vegetation each day. If there are 160 to 200 deer in the VCH, daily vegetation consumption is on the order of 500 to 1,200 pounds per day. This level of vegetative consumption has a noticeable impact on both a forest and a suburban landscape and affects landscape aesthetics.

In forests, this rate of consumption has an impact on biodiversity. A forest cannot regenerate its vegetation fast enough to support this level of density of deer. The herbaceous and shrub understories are permanently eliminated, certain trees are unable to regenerate and biodiversity is adversely impacted.

A suburban landscape such as the VCH appears able to support higher densities because the landscape has already been altered from a forested condition and contains plantings rich in food for deer.

When foliage drops and the herbaceous understory declines in the fall and winter, deer become aggressive feeders on landscape materials, as food supply is much more scarce.

In addition to the heavy consumption of vegetation, deer feces are deposited daily in the local watershed and the majority of it is washed into local watercourses and storm sewers, contributing to higher biological oxygen demand in local water systems and increased levels of organic nutrients.

Deer Ticks and Lyme Disease

Various public health agencies have investigated the link between Lyme Disease and deer densities and have concluded the following:

- Lyme disease incidence parallels deer population growth
- Reducing deer numbers reduces tick numbers
- Reducing deer to below 8 to 10 per sq mile breaks the tick life cycle and prevents the spread of Lyme disease

The Tick Management Handbook, prepared by the Connecticut Agriculture Experiment Station reports as follows:

*"Some communities have explored the reduction of white-tailed deer through regulated hunting or controlled hunts to reduce problems associated with deer overabundance, particularly related to Lyme disease. A major question has been how far deer densities must be lowered to reduce tick exposure and human disease. The incremental removal, reduction or elimination of deer has clearly been shown to substantially reduce tick abundance in many studies. Observational studies and computer models suggest that a reduction of deer densities to less than twenty deer per square mile may significantly reduce tick bite risk, while lower levels (~8 deer/mi²) would interrupt the enzootic cycle of Lyme disease and transmission of *B. Burgdorferi* to wildlife and humans. Fewer ticks have been reported at deer densities less than 18 animals/mi² in one study. Because of issues related to locations where most deer reduction studies have been conducted and limited human case reports, data on the impact on human disease are more limited. However, reductions in human tick-associated disease with the lowering of deer densities have been reported."*

In summary, the implications of the density of the existing deer herd in the VCH include the following:

- Higher likelihood of deer / vehicle incidents
- Higher likelihood of injured deer within the local population
- Loss of native and imported landscape and garden plants resulting in impacts on local aesthetic values
- Reduction in biodiversity and ecological damage
- Higher likelihood for larger tick population and potential increased incidents of tick-borne disease

Policies and Laws Relating to Deer Management

Discussions, meetings and proposals to address what is viewed as an unhealthy overpopulation of deer in the VCH have been ongoing since approximately 1998. A 2001 study (Summary Report of Cayuga Heights Deer Study Committee) did not result

in any long term policies or new laws. However, the Committee's recommendations lead to a two-year research trial, which according to a subsequent report, helped reduce the local deer populations. Funding constraints became an issue. In 2005 an attempt at using contraceptives was undertaken. That failed due to a faulty vaccine.

The herd subsequently repopulated and a revised fencing ordinance was proposed in 2007 but never enacted.

In 2008 a Deer Remediation Advisory Committee ("DRAC") was formed. The DRAC held two public forums. The recommendations of the DRAC, which may be implemented at the conclusion of these proceedings, were summarized above.

At the present time, it is unlawful to discharge a firearm or a bow within the municipal boundaries of the VCH, except by police. No deer hunting is thus allowed by any means in the Village. Deer management involving sterilization or culling can only occur at the present time if the New York State DEC issues a suburban deer permit and local law is enacted to allow such action, including amendment of the local law concerning discharge of firearms.

Community Perspectives

In the VCH community, there are two general viewpoints regarding the deer population. One perspective is that the herd is too dense and needs to be managed for the various reasons and benefits described above. The primary means of doing that are sterilization and culling.

The other viewpoint is that culling is, in and of itself, not desirable and that the deer population is either acceptable or other means of management would be less objectionable.

Numerous individual specific perspectives have been presented at public forums and in writing to the Village Board and considered by the Board in developing management proposals.

Controversy over animal treatment and programs to manage wildlife has occurred for many years in the United States, and Cayuga Heights is no exception. Ample reading material can be found at the web site www.cayugadeer.org, which is a site that provides a forum for objection to the Village's plan and promotes alternatives to the plan presently under consideration by the Village Trustees.

It is not known specifically how many people support the plan of the Village versus how many people oppose it. However, the Trustees that presently sit on the Village Board are entertaining the proposed action, and those individuals have been elected by an overwhelming majority of those voting in the largest election turnout in the history of the Village. In each of the Village's past three election cycles, every candidate who

expressed support for reducing the Village's deer population was elected, and every candidate who opposed reduction of the Village's deer population was defeated.

Controversy occurs when people publicly disagree and opposition can then be expressed in many ways and forums. When someone opposes a specific action (the killing or sterilization of deer, for example), the topics that are pulled into the fray are wide and many points and counter-points are presented during the airing of the matter. If agreements cannot be reached, those that oppose the action may pursue many avenues of objection and protest.

People in opposition to this management plan have stated that the Village's plan is expensive, dangerous, and "bizarre". This represents one perspective and differs from the perspective of those who wish to implement the plan set forth in these proceedings.

Taking no action can be expensive and dangerous (increased car/deer accidents). With respect to public safety, there is substantial experience in culling of deer using sharpshooters. Injuries to human have been historically nonexistent in connection with the use of sharpshooters culling deer herds. Therefore, the danger to humans associated with the proposed action has not been validated.

The Board of Trustees has acknowledged that there are multiple points of view on management of the deer population. This diversity in viewpoint was made clear during the Draft EIS public hearing and comment period and brought out in considerable detail in the Final EIS.

The State of New York has long and well-established policies for wildlife management. Under the laws of the State of New York, the Village has the right to take action to reduce the impacts of a high density deer population, and that action is consistent with current public policies and programs as regulated by the New York State Department of Environmental Conservation.

The Village Trustees have taken all opposing and supporting views into consideration during their review and development of the current proposal, as well as these SEQRA proceedings.

Socio-economics

The VCH has an annual budget of approximately \$3.3 million.

At the present time, deer management is not an expense item in the VCH annual budget. Minor municipal expenditures may occur in connection with the existing deer population and are limited to accident reporting, clean up and disposal of deer hit by cars and potential replacement of landscaping destroyed by deer.

Based on studies carried out in the State of Connecticut, there are financial implications to a high density deer population. They include traffic accidents, destruction of

vegetation and landscaping, and tick borne disease prevention and care. A report prepared by the Department of Health Policy and Management School of Health Science and Practice at the New York Medical College was prepared in May of 2010 entitled "Economic Impacts of Deer Overpopulation.

That study reviewed the economic impact of deer in Fairfield County, Connecticut. A total of 23 towns were reviewed. The annual costs per capita were lower in the more densely populated urban areas like Bridgeport and Stamford. They ranged from \$37 per capita (Bridgeport) to \$524 per capita (Sherman). Average costs per capita based on a population of 883,557 in the study area was \$203. Average costs per single family residence was \$894.

Using the per capita costs from this study of Connecticut towns and applying it to the population of the VCH, annual costs associated with a high deer population would be on the order of \$665,000. Using the number of single family homes in the Village (920 based on the 2000 census), the number would be even higher at \$822,000.

While the exact correlation between the VCH and the towns that were reviewed in the Connecticut study cannot be determined, the community costs of a high deer population is likely substantial based on known studies. Most of these costs do not come out of a municipal budget, but rather represent all the expenses that would be associated with deer-related incidents and are therefore expended by individuals, insurance companies or others.

The Village presently has a placeholder for the initial phase of deer management in its 2011-2012 budget. Those moneys will only be spent if the Deer Management Plan is approved.

Potential Impacts Reviewed in the EIS

Land Use

Since most of the land in the VHC is privately owned, land use impacts from implementation of the Cayuga Heights Deer Management plan will involve a short term disruption to suburban activities when the sterilization and culling activities actually occur.

It is anticipated that sterilization would take place over a two year period and involve approximately 20 to 60 does. Given this schedule, it would not be expected that the physical activities to achieve sterilization would be significantly disruptive as they would be of a short duration over several months annually.

It would be expected that two to three sites would be established for capturing the deer. The work is done in the evening hours or pre-dawn time frame when deer are actively feeding.

Sites would need to be established with local property owners. The short-term impact of these activities on land use would be minor. Technicians would man the drop nets or set up the clover traps depending on which approach was selected, and remove and sterilize deer based on the number of targeted sterilizations to take place.

After the procedure is completed and the animals tagged, they would be returned to the area of trapping and released.

Depending on decisions made by the Trustees, the sterilization effort could take place over one or more seasons.

The above activities are not expected to have any long term adverse impact on resident's ability to engage in the customary land use activities in the vicinity of the netting sites or elsewhere in the Village.

The DMD will work with the VCH Police Chief and the Department of Environmental Conservation officer to develop and oversee the culling protocol and hiring of licensed professional sharpshooters. There are private contracting companies that perform these kinds of operation and it is expected that such a contractor may be hired to carry out the culling task.

The protocol for culling varies from situation to situation. Generally a meeting is held with participating volunteer landowners so they may understand what is involved in a remote euthanasia program. Once deer distribution is assessed, access to private properties is obtained and then safe shooting areas are selected.

A baiting program is established to pattern the deer and bring them to the selected areas. Shooting lanes are then cleared to ensure that there are no obstructions in the trajectory of the bullet. Patterns of human activity in the site vicinity are recorded to ensure maximum safety and discretion. Specialized weapon systems designed for select site characteristics may then be selected based on maximal shooting range, acceptable noise, proximity to homes and deer abundance.

Deer are euthanized with a single shot to the head to ensure a humane kill and minimize the likelihood of the deer exiting the culling area. Frangible rounds are used that fragment on impact and rarely leave the animal's body.

Permission will be needed from landowners to allow the discharge of a fire arm within 500 feet of their businesses and homes to assemble the required area. It is estimated that an area of 18 acres will be necessary for each culling site.

For safety reasons, the DEC and the DRAC have recommended against publicizing culling sites and times. Some Village residents have expressed their view that safety would be enhanced by publicizing the sites and times.

The impacts on land use associated with culling activities would be short-term and occur only during the actual culling events. Culling sites would be closely monitored to deter human activity during the operation. During those times, land use activities in the culling sites may be highly restricted. Carrying out the operation at night reduces the impact of the restrictions however. Noise associated with firearm discharge will represent a short term disruption to the night time ambient noise conditions, which is typically low in the suburban environment.

Impacts on the deer population from culling will be the immediate reduction in deer numbers resulting from the culling operation. The smaller deer population will likely reduce deer/car accidents, which is a benefit for the deer and a benefit for the Village (deer are often injured and not killed by such accidents).

It is expected that in the long term, local vegetative diversity and wildlife habitat will improve and therefore more food would be available to remaining deer than is currently present due to the over-browsing in the deer's range.

Culling activities are likely to involve the discharge of firearms in the VCH. Based upon the research obtained by the VCH, the VCH has not identified any precedent of harm to people, nontarget animals or property in connection with culling activities.

The noise from firearms will represent a short term disruption to local ambient conditions, especially if it occurs after dark or in the pre-dawn hours. Given the goals for annual culling numbers, the actual number of firearm retorts will be minor and occur over a relatively short period of time.

With no record of incidents, together with oversight by the NYSDEC and local police, the likelihood of a significant adverse impact to normal human activities from culling activities as anticipated and described herein is projected to be very low.

Potential Policy Impacts

The proposed action will require a permit from the New York State Department of Environmental Conservation. It is expected that the permit will have a duration as well as specific conditions attached to it that will represent a variance from current State and Village law relative to deer management (see letter from NYSDEC in Appendix H).

Thus, the proposed action represents a policy change that will permit the sterilization and culling of deer in the Village - activities that require specific permission under New York State law.

Community Viewpoints

Because of the polarization of views on the matter of deer density and management, it is likely that any action taken (including no-action) will have some impact on community views.

Actual implementation of the proposed program may result in deeper polarization within the community and possibly further protest and objection. It is possible that implementation of the proposed program will require involvement of the VCH Police Department to enforce the law and protect public safety.

While the culling of deer, as proposed by the Village, may be experienced as a potential significant impact to the social conscience of a portion of the VCH community, under the rules of the New York State Environmental Quality Review Act, community controversy is not a criteria for determining significance.

Socioeconomic Impacts

The proposed program of sterilization and culling is budgeted to cost approximately \$150,000 per year. These expenditures will occur for a five-year term and will bring about most of the sterilization and culling anticipated as part of this program.

The result of a successful sterilization and culling program will be a stabilized deer herd of approximately 30 animals. The overpopulation issues described above will be substantially reduced, and it is anticipated that the costs associated with the high density deer population (ecological damage, vehicular accidents, tick borne diseases, landscape loss, etc.), will be substantially reduced as well.

Alternatives Considered

SEQR calls for a description and evaluation of reasonable alternatives to the proposed action that are feasible considering the objectives and capabilities of the project sponsor. The Trustees have considered the following alternatives to the proposed project:

No Action Alternative

Under this alternative, no management of the deer herd would take place. The DRAC has determined that No Action will result in continued growth of the deer herd. Given the complaints about the deer population and the ongoing impacts of ecological damage, deer/vehicle incidents, landscape destruction and tick borne diseases, the No Action alternative will simply exacerbate the current situation.

It is possible that if the herd grows significantly, lack of food will either result in deer malnutrition and disease or result in increased density of the deer population outside the VCH.

If the No Action alternative is selected, certain activities associated with sterilization and culling identified during the SEQRA process will not occur.

While the costs of the deer management program would not be expended from the Village budget, the ongoing costs of ecological damage, vehicular accidents, landscape loss and replacement and Lyme disease treatment would remain similar to existing conditions or potentially increase as the density of the herd increases.

The No Action alternative would likely have far more adverse impact than the proposed action.

Sterilization Only, No Culling

Under this alternative, no culling would take place and greater numbers of deer would need to be sterilized in order to stabilize the herd at the numbers recommended by the DRAC. This option is slower and more expensive than culling alone or the combined approach of sterilization and culling. It would take three to five years to stabilize the herd, and herd reduction would not be evident for five to six years, based on projections by the DRAC.

No culling would take place and thus community objections to this aspect of the proposed program would be placated. No discharge of firearms would occur within the Village.

Firearm Culling Only, No Sterilization

This is the most cost effective method (in the short-term) to reduce deer herd and also the most controversial. Maintenance of the herd size through continued culling would be required at a higher level, according to the DRAC, because the remaining deer would continue to breed. Culling would most likely need to be ongoing and would disrupt Village harmony, potentially for an extended period. Under this alternative, the continued discharge of firearms to maintain desired herd size would take place, and the circumstances associated with that activity as described in this SEQRA proceeding would continue on and off for the foreseeable future.

Sterilization and Culling by Trapping

At the present time, trapping and killing deer is not permitted under the wildlife regulations of the State of New York. However, if relief could be secured from that provision via the deer management permit, an alternative to using firearms to cull deer would be to trap deer and use a captive bolt gun. This device kills the animal instantly allegedly without causing pain. A captive bolt gun has a steel bolt that is powered by either compressed air or a blank cartridge. The bolt is driven into the animal's brain. It has the same effect on the animal as a firearm with a live bullet. A captive bolt gun is safer than a firearm and is considered to be an effective form of euthanasia by the American Veterinarian Medical Association.

This is a slower process than culling and more labor intensive. Multiple traps could be employed and deer could be culled over an extended period with minor disruption to the local community.

The costs of this process are not known. If such work is carried out by a deer management person retained by the Village or by the Village Police, it is possible that the costs would be less expensive than retaining contractors to shoot deer. If this alternative were to be pursued, a more detailed review of costs would be warranted.

The Trustees have also reviewed and considered the deer management options set forth in Appendix E of the Draft EIS. These include the following:

- No Population Control (hands-off policy, similar to No Action Alternative above),
- Damage Control (fencing, repellents and frightening devices, tick control using 4 poster technology, strieter-lite highway warning reflector systems, alternative plants, wrapping plants.
- Non-Lethal (habitat alteration, capture and relocate) – which is not legal in New York State.
- Fertility Control (contraception, surgical sterilization in a mobile or stationery lab)
- Lethal (predator introduction, parasite or disease introduction, poisons, capture and kill, bait and shoot with options, traditional hunting, controlled hunting).

Required Permits & Approvals:

As the Lead Agency, the Village of Cayuga Heights has primary responsibility for review of this proposal. The only other agency that has permitting authority is the New York State Department of Environmental Conservation, who has authority to grant the requisite wildlife management permit.

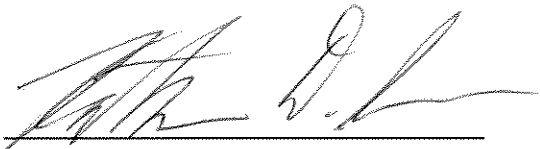
D. Conclusions

The Village of Cayuga Heights Board of Trustees finds and certifies that:

- The Village Board has given due consideration to the Draft and Final EIS, and information derived from other documents and public hearings and Trustee meetings during the course of this SEQRA review process;
- This Findings Statement has been prepared pursuant to and as required by 6 NYCRR Part 617;

- Consistent with social, economic and other essential considerations of the proposed action, the No Action condition and other reasonable alternatives, the proposed action assessed in the Draft EIS and Final EIS, is an action that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and,
- Consistent with social, economic and other essential considerations, to the maximum extent practicable, potential adverse environmental effects revealed in the environmental impact statement process will be avoided or minimized by various plans and policies and procedures that will be incorporated into the Deer Management Plan and POA as identified as likely and practicable in the Draft EIS, Final EIS, and this Findings Statement.
- The Trustees as the Lead Agency have considered reasonably related long-term, short-term, direct, indirect, and cumulative impacts, including other simultaneous or subsequent actions and determined that there are no significant long-term cumulative impacts.

Village of Cayuga Heights Board of Trustees



Signature of Responsible Official

Kate Supron

Name

Mayor

Title

4/4/2011

Date