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Via Electronic Mail

June 17, 2008

Ms. Jane Hendron
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Re: Comments on the Environmental Assessment for the San Nicolas Island Seabird Restoration Project

Dear Ms. Hendron:

I am writing on behalf of The Humane Society of the United States (HSUS) and our more than 10.9 million members and constituents, including the 1,225,175 in California. The HSUS appreciates this opportunity to offer the following comments on the Environmental Assessment titled "Restoration of San Nicolas Island's Seabirds and Protection of Other Native Fauna by Eradicating Feral Cats" dated May 2008 from the U.S. Department of Interior Fish and Wildlife Service (USFWS) and the U.S. Department of Defense Department of the Navy. The HSUS, a mainstream voice for the welfare of all animals, has a long history of involvement with inter-species conflict resolution actively promoting effective non-lethal strategies.

I. The EA Does Not Sufficiently Analyze Humaneness.

The Humane Society of the United States is the nation's largest animal protection agency and considers the Preferred Alternative of padded leg-hold traps and shooting cats as inhumane regardless of how this EA labels and defends this strategy.

However, the EA goes into some detail arguing that "humaneness" is subjective, thus avoiding serious consideration of this factor in its decision-making process. There are certain and definitive means by which people can identify and measure animal pain, suffering, stress, distress and other physiological and psychological factors associated with what can be called an animal's "welfare state." We note that unnecessary death is a significant issue in any proposed management action. Unnecessary death should be avoided unless compelling justification (immediate threat to human health and safety, for example) for actions exists. Similarly, the constraints imposed by current technology and funding are irrelevant in a discussion of welfare consequences. An action is not more or less humane because it is more or less technically feasible or more or less costly. If USFWS decides to implement the less humane but easier and/or less costly alternative, it must clearly characterize that choice for the public and the decision maker.

Although you indicate that minimal injuries were suffered by the foxes and cats during a field trial of the preferred alternative's trapping techniques and elaborate slightly on the injuries to the foxes, there is no detail about the injuries of the cats included in this EA. Clearly injuries to all species must be considered in evaluating the humaneness of the alternative.

Furthermore, the EA does not adequately consider the welfare of project dogs. The EA indicates that "While not working, dogs would be kenneled or leashed to prevent roaming on the island." We do not deem kenneling or leashing dogs for long periods of time to be humane management practices. Dogs are social animals and should spend the majority of their time with people and receive physical and mental stimulation. In addition, dogs who are leashed for long periods of time are typically more aggressive. The EA also fails to address a plan that lays out what will happen to dogs who flunk their training or the project is over. Although sleeping platform for the dogs will be provided in the holding kennels of the dogs in quarantine on San Nicolas Island, plywood sleeping platforms should not be used because disinfecting such porous material may prove difficult.

II. The EA Should Have Considered a Full Range of Capture Methods for Feral Cats, Including Trap-Neuter-Return.

Although the literature you cite indicates that cage traps have been determined to be inefficient at catching feral cats, such traps have successfully been used worldwide for at least 40 years to humanely trap feral cats. Although you anticipate that cage traps with bait or lures will result in an unacceptably high recapture rate for foxes, your summer 2006 field trail on Nicolas Island captured foxes 64 times (41 individual foxes captured by the padded leg-hold live traps; some more than once). During the 784 trap nights you only caught 14 cats. This is an incredibly small number which, I assume, necessitates your estimate of a year to eradicate the cats. Feral cat experts often catch more than 14 cats in one night's trapping.

There are many examples of Trap-Neuter-Return (TNR) effectively reducing the numbers of feral cats on the mainland despite the emigration of lost and abandoned owned cats into feral cat colonies; a factor which should not occur on San Nicolas Island and, therefore, make TNR there more effective more quickly.

One example of a successful TNR program is in Stone Harbor, New Jersey. At the tip of the peninsula of Stone Harbor is a sanctuary for piping plovers and an unmanaged feral cat colony lived there for years posing a constant threat. When wildlife officials proposed a campaign to trap and remove the cats, a public confrontation played out along the lines of the usual "cats versus birds" debate. Fortunately what resulted was an ordinance passed by Stone Harbor that banned the maintenance of feral cats in the sanctuary and in a buffer zone around it but authorized the practice of TNR everywhere else in the borough. TNR workers were then allowed to trap the feral cats in the prohibited zone and

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relocate them to more suitable parts of town.

From February 2005 to April 2005, twenty-six cats were removed from the bird sanctuary at Stone Harbor Point – twenty-one by Animal Control Officers and five by FWS. In 2006 no cats were found at the Point; six were trapped from the bird sanctuary. No cats were found in the Point in 2007. In 2008 one cat was removed from the bird sanctuary and none from the Point. The Point has been totally free of cats since April 2005.

Another example of a successful TNR collaboration is one between advocates of wildlife protection and feral cat advocates in Foster City, California. With just a handful of abandoned un-sterilized cats living along the Bay Trail in Foster City, the population quickly swelled to 174 cats. A partnership between Homeless Cat Network, the Sequoia Audubon Society and the City of Foster City created Project Bay Cat to *humanely* curb the homeless cat population through aggressive TNR and protect bird habitat.

The program has also helped to protect birds living nearby, while also reducing debris along the trail. Ten wooden feeding stations were built for the cats by Homeless Cat Network and installed along the trail away from bird habitats. The program's effectiveness is a result of keeping the cats well-fed and concentrated away from avian nesting sites. "There are fewer cats on the Foster City Bay Trail now, and those that remain appear healthier," said Robin Winslow Smith, Conservation Committee Chairperson of the Sequoia Audubon Society. "Thanks to the feeding stations and the spay/neuter effort, the cats seemed to have settled into the program and don't need to hunt for dinner since they have it in their feeding stations." As further evidence of the program's effectiveness for the protection of the birds, Sequoia Audubon Society recently found that the endangered California Clapper Rail, which lives in a nearby marsh, is thriving and is not impacted by the cats.

There are also studies, which you have omitted in your EA, of TNR effectively reducing the numbers of feral cats on the mainland despite the sustained emigration of lost and abandoned cats to established feral cat colonies.^{1,2,3,4,5,6,7,8} Omission of this substantial and extremely pertinent science is a very significant flaw in the EA's analysis.

¹ Gibson, D.L., K. Keizer and C. Golding. 2002. A trap, neuter, and release program for feral cats on Prince Edward Island. *Can Vet J* 43: 695-698.

² Hughes, K.L, M.R. Slater and L. Haller. 2002. The Effects of Implementing a Feral Cat Spay/Neuter Program in a Florida County Animal Control Service. *Journal of Applied Animal Welfare Science* 5(4): 285-298.

³ Levy, J.K. and P.C. Crawford. 2004. *Journal of the American Veterinary Medical Association* 225(9): 1354-1360.

⁴ Levy, J.K., D.W. Gale and L.A. Gale. 2003. *Journal of the American Veterinary Medical Association* 222(1): 42-46.

⁵ Patronek, G.J. 1998. Free-roaming and feral cats – their impact on wildlife and human beings. *Journal of the American Veterinary Medical Association* 212(2): 218-226.

⁶ Slater, M.R. 2004 Understanding issues and solution for unowned, free-roaming cat populations. *Journal of the American Veterinary Medical Association* 225(9): 1350-1354.

⁷ Stoskopf, M.K. and F.B. Nutter. 2004. Analyzing approaches to feral cat management – one size does not fit all. *Journal of the American Veterinary Medical Association* 225(9): 1361-1364.

⁸ Zaunbrecher, K.I. and R.E. Smith. 1993. Neutering of feral cats as an alternative to eradication. *Journal of the American Veterinary Medical Association* 203(3): 449-452.

III. The EA Failed to Fully Analyze Alternatives to Eradication.

Pursuant to the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*, an agency is required to prepare an Environmental Assessment (“EA”) or Environmental Impact Statement to consider any “major Federal actions significantly affecting the quality of the environment.” 42 U.S.C. § 4332(C). However, an EA may be inadequate if the agency fails to present and consider a full range of reasonable and feasible alternatives. *Id.* § 4332(2)(E); 40 C.F.R. § 1508.9(b).

The EA fails to fully consider the alternative of Trap and Transport for relocation which might be possible if the situation on San Nicolas Island involves a small number of cats. Dr. Julie Levy and the Association for Contraception in Cats and Dogs have developed and are refining immunocontraceptive agents for cats that are administered via injection and therefore would not target other species. The HSUS urges USFWS to more fully investigate this option which we believe you have dismissed without the fullest possible information.

The EA dismissed and failed to adequately analyze the alternative for enclosing the cats on San Nicolas Island. It was dismissed because of the cost and long-term management required. When they are fed, feral cats tend to form a stable group. In addition, neutering results in less aggression between male cats in a colony and less aggression between neighboring colonies. An enclosure along with aggressive TNR program of humane box trapping, spaying and neutering, and vaccinating against rabies along with feeding stations within the enclosure would protect the cats, the birds and other wildlife including the island foxes.

According to my HSUS colleague in our Sacramento office, Our Rural Area Veterinary Services (RAVS) has more than five years of experience setting up mass spay/neuter clinics around the world and is interested in a possible TNR project on San Nicolas Island. RAVS could offer at no cost experienced veterinarians and students who could sterilize upwards of 90 cats per day. In addition, our Emergency Services division and

regional office staff could help with humane trapping. TNR of the cats would stop reproduction and enclosing the cats and providing food would prevent predation

IV. The EA Omitted Important Information.

A. Previous Feral Cat Eradications Have Proven Unsuccessful.

Large numbers of feral cats were reported living on the 31.5 square mile island of San Nicolas since the late 1950s. Eradicating them over the next year is likely driven by the fact that if you do not remove at a minimum 70 percent of the cats, the rate of reproduction will outpace your efforts of removal. The EA cites examples of successful feral cat eradications on three islands, but does not provide all the details. Although the number of cats on Marion Island (estimated at over 3,000) was greater than those estimated on San Nicolas Island and the size of Marion Island is larger (115 square miles), eradication took 19 years and included poisoning, introducing viral disease, night hunting and trapping.

On 47 square mile Macquarie Island, the Australian Government funded an intensive trapping program between 1997 and 2001 to eradicate cats from the island. Between 1974 and 2000, a total of 2,450 cats were caught on the island. A total of 246 cats were located and captured by spotlighting and trapping, and were then humanely destroyed. Towards the end of the program, specially trained dogs were used to make sure that no cats were missed. This successful project took even longer than the Marion Island project.

On 35 square mile Ascension Island, it took 6 years to eradicate an estimated 600 to 800 feral cats through culling.

The Preferred Alternative schedule is unrealistically short when judged against similar actions in other locations, successful mainland TNR programs and common sense. It is based on the assumption that the schedule must be short to forestall reproduction, and therefore reduce the total number of cats removed. However, this concern is completely eliminated in the TNR Alternative where reproduction is forestalled humanely. This unrealistically short schedule, driven by the perceived need for speed to forestall reproduction, appears to be driving USFWS towards the extremely cruel and publicly unacceptable Preferred Action that includes shooting cats.

B. The Agencies Failed to Consult with Animal Welfare and Feral Cat Groups.

The omission of animal welfare and feral cat groups in the scope of agencies, organizations and persons consulted represents a huge gap in the knowledge and resources brought to this EA⁹.

C The Source of Toxoplasmosis Infections is Unknown.

Over the past decade, toxoplasma infection has appeared in a variety of sea mammals including beluga whales, dolphins, sea lions and seals. It has also become a major cause of death in sea otters living off the coast of California. It is estimated that approximately 17 percent of sea otter deaths can be attributed to toxoplasma. While many believe fresh water runoff contaminated with cat feces is to blame, there is no definitive science on the source of infection.

Researchers at California Polytechnic State University have discovered what may be a clue to the mystery of why marine mammals around the world are succumbing to a parasite that is typically only associated with cats. Having shown that anchovies can filter oocysts from the water, the next step is to determine the infectivity of exposed anchovies to mammals.

As anchovies are considered prey for practically every major predatory marine fish, mammal and bird, if the exposed anchovies harbor infectious oocysts, this could present a possible transmission path of *T. gondii* in the marine environment.¹⁰

⁹ Perry, D. and G. Perry. 2008. Improving Interactions between Animal Rights Groups and Conservation Biologists. *Conservation Biology* 22(1): 27-35.

V. Shooting Cats is Inhumane.

Shooting cats is not an acceptable method of euthanasia according to the AVMA Guidelines on Euthanasia, which the EA claims will be followed for this action. When shooting, it would be difficult, at least, to ensure the following required by the Guidelines: "...the firearm should be aimed so that the projectile enters the brain, causing instant loss of consciousness. ...Accurate targeting for a gunshot to the head in various other freely roaming animals, the preferred target area should be the head. The appropriate firearm should be selected for the situation, with the goal being penetration and destruction of brain tissue without emergence from the contralateral side of the head. A gunshot to the heart or neck does not immediately render animals unconscious and thus is not considered to meet the panel's definition of euthanasia." In fact, we expect that in practice it will be very rare that hunters shooting free-roaming cats will achieve the required precision and penetration. In absolutely no case should USFWS shoot cats on San Nicolas Island.

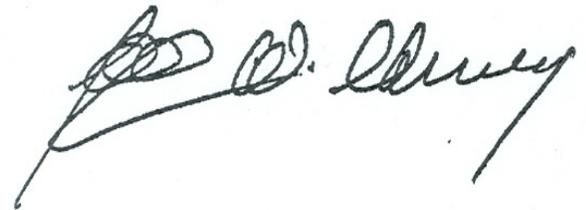
VI. Conclusion

The Humane Society of the United States strongly urges USFWS to revise and reorient its Preferred Alternative by adopting a combined strategy consisting of: more effective *Celebrating Animals, Confronting Cruelty*

and humane alternatives of trapping with cage traps instead of leg-hold traps; behavioral screening and adoption of young and moderately tame cats; surgical sterilization of all cats; and management of sterilized cats who cannot be adopted either in an enclosure on San Nichols Island or at another location. Specifically, The Humane Society of the United States hereby proposes to conduct a cooperative program with USFWS headed by Jane Garrison, a noted feral cat expert, and staffed by our Rural Area Veterinary Services (RAVS) unit, our Emergency Services unit and other HSUS experts, together with FWS personnel. The HSUS will supply staff and experts as noted at no cost to the Service to develop and implement a cooperative program to accomplish agreed upon FWS objectives through a humane non-lethal program which would serve as a model for future efforts.

¹⁰ Black, M. and G. Massie. 2008. Unravelling The Mystery Of The Kitty Litter Parasite In Marine Mammals. Presented at the 108th General Meeting of the American Society for Microbiology in Boston

Sincerely,



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