

1.0 INTRODUCTION

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617. The FEIS provides responses to public comments received by the lead agency on the Draft Environmental Impact Statement (DEIS). The lead agency for this action pursuant to SEQRA is the Village of Cayuga Heights. The Village Board of Trustees is the decision-maker regarding the implementation of the Village's Deer Management Plan. SEQRA prescribes that the lead agency is responsible for the adequacy and accuracy of this FEIS.

The FEIS consists of this volume -- and its appendices, and referenced technical data -- and the DEIS, which is hereby incorporated by reference into this FEIS.

SEQRA Background

The Project Sponsor prepared a DEIS in response to a Positive Declaration issued by the Village of Cayuga Heights Board of Trustees. The Village Board issued a Notice of Completion of the DEIS on November 8, 2010 and opened and closed a public hearing on the DEIS on December 6, 2010. Written comments were received until December 16, 2010.

In accordance with SEQRA, this FEIS provides written responses to substantive and relevant comments on the DEIS received by the lead agency during the public review period. Complete copies of all written agency comments received on the DEIS are included in Appendix A of this FEIS. A transcript of the public hearing is also provided in Appendix A.

In responding to comments, the lead agency notes that there may be conflicting scientific opinions on a particular issue. When conflicting opinions have arisen, the Village recognized the existence of the different views and has provided a good-faith, reasoned evaluation in response thereto. However, it is noted that a final environmental impact statement need not achieve scientific unanimity on the desirability of proceeding with the proposed action.

It has consistently been the intention of the Village of Cayuga Heights Board of Trustees to take a hard look at this deer management plan and its implications and apply a rule of reason thereto.

Summary of 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.

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, incidents 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 will be likely.

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.

A more detailed description of the protocols for sterilization and culling is provided in Chapter 4 of the DEIS.

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 recommends 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.

Review of VCH Fence Ordinance

Because the results of the POA will take several years to achieve, an interim means to reduce human/deer interaction could result from reviewing and amending the VCH ordinance concerning fence heights. Currently, property owners are allowed to erect a fence of up to 4' high at the boundary line of their properties, or erect a higher fence the same distance from the property boundary as required for a building, that is, 25' from the front boundary line of the property and 15' from the side or rear property line.

The Village Board is currently considering a proposed local law that would expand the options for additional fencing, a copy of which is provided in Appendix F of this Final EIS.

Format

This FEIS is arranged in sections, with comment summaries and responses arranged by subject area similar to the DEIS. The format of the comments and responses is as follows:

Comment # (Source): Comment summary text.

Response #: *Response text.*

Listing of Permits and Approvals Required

As the Lead Agency, the Village of Cayuga Heights Board of Trustees has primary responsibility for review of this matter. The only other involved agency who would have decision making authority over this matter is the New York State Department of Environmental Conservation, who issues deer management permits.