United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services

Record of Decision for the Environmental Impact Statement for the Cattle Fever Tick Eradication Program – Tick Control Barrier in Maverick, Starr, Webb, and Zapata Counties, Texas

INTRODUCTION

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services (USDA) intends to implement the proposed action alternative of the Cattle Fever Tick Eradication Program (CFTEP) as described and analyzed in the final environmental impact statement (EIS) for a tick control barrier in Maverick, Starr, Webb, and Zapata Counties, Texas.

The purpose of the proposed action is to enhance the protection of American agriculture and ecosystems by curtailing the spread of cattle fever ticks (*Rhipicephalus* (*Boophilus*) spp. [Acari: Ixodidae]) by free-ranging animals into the tick-free area in southern Texas. The proposed action is the installation of up to 50 miles of non-contiguous game fence in Maverick, Starr, Webb, and Zapata Counties. Recurrent cattle fever tick outbreaks are increasing in locations either within the Permanent Tick Quarantine Zone or outside of the zone in the cattle fever tick-free area of South Texas. The proposed fence would help prevent reinfestation of areas where the pest has been or is being eliminated. This action would assist the CFTEP in suppressing the movement and dissemination of ticks.

The USDA is the author of the final EIS effective July 2, 2018. USDA cooperated in the development of the final EIS with the Texas Animal Health Commission (TAHC) and the U.S. Fish and Wildlife Service (USFWS). The final EIS was prepared in accordance with: (1) the National Environmental Policy Act of 1969 (NEPA), as amended (42 United States Code (USC) §§ 4321-4347); regulations of the Council on Environmental Quality (CEQ) for implementing the procedural provisions of NEPA (40 Code of Federal Regulations (CFR) parts 1500-1508); (3) USDA regulations implementing NEPA (7 CFR §§ 1b, 2.22(a)(8), 2.80(a)(30)); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). USFWS provided subject matter expertise to the USDA during development of the final EIS, and assisted in identifying appropriate methods to meet the management objectives while minimizing potential impacts to threatened and endangered species.

The USDA protects and improves the health, quality, and marketability of U.S. animals, animal products, and veterinary biologics by (1) preventing, controlling, and/or eliminating animal diseases, and (2) monitoring and promoting animal health and productivity, based on the authority given in the Animal Health Protection Act (7 USC §§ 8301-8317).

This Record of Decision (ROD) documents USDA's decision to implement the proposed action alternative, which is the preferred alternative in the final EIS. This alternative

proposed to add segments of fencing (as a tick barrier) in a way that integrates with prior and ongoing tick eradication efforts in Texas. This ROD: (a) states the USDA decision; (b) identifies the alternatives considered in reaching this decision, specifying the environmentally preferable alternative based on relevant factors, and identifying and discussing the factors which were balanced by USDA in making its decision; and (c) states whether all practicable means to avoid or minimize environmental harm from implementation of the selected alternative will be adopted (40 CFR § 1505.2).

BACKGROUND

Cattle fever ticks are agricultural pests of concern for U.S. livestock because they can cause devastating economic losses. If there was an extended tick outbreak, the overall economic impact, including control costs, could exceed $1.2 billion. These ticks reduce animal wellness by feeding on blood and inducing anemia. Ticks also spread protozoan parasites that cause disease. Since bovine babesiosis was eradicated from the United States in 1943, there has been no need to vaccinate cattle against the disease. All U.S. herds are considered "naïve hosts" because they have not been exposed to or vaccinated against ticks and the diseases they carry. Consequently, U.S. cattle are more susceptible to extreme illness if infected.

The Permanent Tick Quarantine Zone is an approximately 580-mile-long stretch of land from Del Rio to Brownsville, Texas, ranging in width from almost 125 yards (0.07 miles) to about eight miles. The Permanent Tick Quarantine Line defines the boundary between the Permanent Tick Quarantine Zone and the tick-free area. It is defined in the TAHC regulations and incorporated by reference from the CFR. In general, this line runs along existing roads and highways near the Mexico-U.S. border, and through eight South Texas counties (Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron).

DEVELOPMENT OF THE FINAL EIS

USDA began preparing an environmental assessment for this proposed action, including an analysis of the context and intensity factors to determine "significance" as described in the CEQ requirements for implementing NEPA (40 CFR § 1508.27). Among other considerations, USDA determined there were federally listed threatened or endangered species or critical habitat reported in the proposed project area. Ultimately, USDA found evidence that there could be significant environmental impacts associated with the proposed program, and determined an environmental impact statement needed to be prepared.

On February 15, 2011 we published in the Federal Register a notice of intent to prepare a cattle fever tick EIS as *Environmental Impact Statement; Proposed Cattle Fever Tick Control Barrier in South Texas* (76 Federal Register (FR) 8709). This notice solicited comments from the public, and identified four public meetings that APHIS would host concerning the scope of the EIS and pertinent issues to address, and other alternatives and environmental impacts or issues that should be considered for further examination in the EIS. USDA posted a summary of the scoping comments on the web page for the EIS at http://www.USDA-APHIS.usda.gov/animal_health/animal_diseases/tick/.

USDA published a notice of availability (78 FR 44521-44522) for the prepared draft EIS on

July 24, 2013 (in regulations.gov as APHIS-2010-0100-0016), and invited public comment through August 30, 2013. Responses to those comments are in the final EIS. On May 25, 2018 the U.S. Environmental Protection Agency (EPA) published the notice of the availability of the final EIS (83 FR 25451-25452; in regulations.gov as APHIS-2010-0100-0022), and invited public review through July 2, 2018. Following the public review period, the USDA concluded the document fully analyzed the environmental effects of the proposed action, the issues covered by the draft EIS, as well as those issues and suggestions raised during the comment periods.

CONSIDERATION OF ALTERNATIVES IN THE USDA ROD

For this ROD, the USDA considered the alternatives that were examined fully in the final EIS:

The No Action Alternative, would continue current program operations for cattle that help prevent the spread of ticks and potential exposure to disease. These activities include inspection of livestock, patrols for stray or smuggled livestock, vacating premises, and pesticide treatment on tick-host livestock (primarily cattle and horses) on quarantined premises.

The Proposed Action Alternative, which is the preferred alternative, would involve the installation of game fences in areas with landowner consent along the Permanent Tick Quarantine Line in Maverick, Starr, Webb, and Zapata Counties. The properties proposed for game fences are privately owned lands in rural locations and are primarily used for cattle ranching. The minimum cost is expected to be $22,000 per mile of game fencing. USDA would sign a Memorandum of Understanding with landowners, and terms would ensure compliance with environmental laws. This proposed fencing would connect with 8-foot game fencing already nearby and parallel to the Permanent Tick Quarantine Line. The majority of the proposed fence locations border U.S. Highway 83.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Increased cattle fever tick eradication efforts are essential to prevent tick reestablishment and potential disease outbreaks. Outbreaks would lead to increased use of pesticides, the development of pesticide-resistant strains, increased control costs, and quarantines throughout the country. The use of game fences as an additional tool against cattle fever tick reinfestation would reduce the economic burden that extends to the U.S. Government and taxpayers by reducing the potential for pest entry. Game fences would reduce CFTEP chemical use and benefit workers by reducing their exposure and subsequent risk. An overall reduction in the need for chemical control measures would have an incremental beneficial cumulative impact to the livestock industry by reducing costs, labor, and stress to the animals associated with the use of pesticides. The proposed fence is expected to create a minimally intrusive pest control measure that augments existing federal programs. Livestock would benefit from game fencing by reducing the likelihood of tick infestation from wildlife.

The potential effects on the quality of the human environment during construction of fence segments would involve only transient and minimal impacts to soil, air, water, vegetation, and local residents along the corridor of installation arising from site clearing, soil erosion, and stormwater runoff. The continued presence of game fence segments (post construction) is not

expected to alter land use, permanently impact water use or drainage (including floodplains and wetlands), or have visual impacts. Limited inadvertent dispersal of invasive species could occur during construction. The proposed fencing has the potential to impact federally listed threatened and endangered species in South Texas: fence construction under this alternative would incorporate the results from formal consultation with the USFWS. Although game fence segments may hinder the access of larger-sized wildlife to forage and water resources during seasonal migrations, the discontinuous placement of fence segments would not prevent animal movement. Wildlife may collide with or become ensnared in the fencing, but this risk is minimized by use of woven-wire without barbs. Impacts to migratory birds would be minimized by adopting the fence construction measures identified in the final EIS.

DECISION

After fully considering the analysis of potential environmental impacts presented in the final EIS, USDA decided to employ the fence barrier alternative, which is the proposed action alternative and the preferred alternative. This is also the environmentally preferred alternative.

RATIONALE FOR DECISION

Selection of the proposed action alternative allows the agency to help fulfill the USDA mission and statutory responsibilities, while giving consideration to economic, environmental, technical, and other factors. Livestock would benefit from game fencing by reducing the likelihood of tick infestation from wildlife. Construction of fence segments would involve transient and minimal impacts to soil, air, water, vegetation, and local residents arising from site clearing, soil erosion, and stormwater runoff as fence segments are installed. After construction, the continued presence of game fence segments would not alter land use, permanently impact water use or drainage (including floodplains and wetlands), or have visual impacts.

The no action alternative was not selected because it does not adequately address the need to reduce tick entry and the risks posed by increasing tick habitat, increasing host home ranges, and increasing tick populations. Under the no action alternative, tick outbreaks would be met with increased use of pesticides, which are associated with increasing pesticide resistance in ticks. Establishment of pesticide-resistant tick populations would lead to decreasing efficacy of these compounds. Eradication efforts depending on pesticide use are less likely to be successful over time.

Other alternatives were considered in the final EIS, but were eliminated from further consideration because they either were not economically or technically feasible or practical, or they did not substantially meet the purpose of and need for the Proposed Action. For example, construction of game fencing along the entire 500 miles of the Permanent Tick Quarantine Line is inconsistent with the current funding level. Location of fencing in the right-of-way of the proposed locations along U.S. Hwy 83 is inconsistent with the current funding level and would be impractical to maintain. USDA determined that some tick control methods may not be suitable for use in certain environments because of the proximity to human populations or environmentally sensitive areas. Other tick control technologies would be impractical to deploy because of the device density needed to be effective.

Cumulative impacts from the proposed action alternative are not expected to comprise a significant contribution to impacts on ecological resources based the presence of pre-existing fencing and trails, combined with current large-scale loss of habitat from agriculture, energy production, and impacts of highway construction and expansion. Consultation under the Endangered Species Act designed to minimize impacts to listed species, such as the ocelot and other mammals, led to mitigation measures built into the program and listed on pesticide labels.

USDA gave adequate opportunity for Tribal involvement under Executive Order 13175. In response to USDA inquiries, the Tonkawa Tribe of Oklahoma notified USDA they would like USDA to notify them if something is inadvertently uncovered during the fence installation process. In response to comments on the published Draft EIS, USDA also sent letters of inquiry to Tribes with ceded lands in the proposed action area (Comanche Nation of Oklahoma and Kiowa Tribe of Oklahoma) and three other federally recognized tribes (Alabama-Coushatta Tribe of Texas, Kickapoo Traditional Tribe of Texas, and Ysleta del Sur Pueblo). USDA reviewed the input from Tribal entities, and USDA finds additional outreach attempts do not appear to be needed at this time. USDA activities associated with the implementation of this action would not have direct or indirect effects on registered national historic or cultural resources based on the lack of ground disturbance or potential impacts to Section 106 historic resources. USDA will consult with land management agencies and Tribal representatives on an as-needed basis if USDA desires to place fence segments on their lands.

USDA determines the action alternative would not create foreseeable direct or indirect deleterious environmental justice effects. USDA finds selection of the proposed action alternative would not create any disproportionately high or adverse impacts to any community with environmental justice concerns.

AVOID OR MINIMIZE ENVIRONMENTAL HARM / OTHER

The final EIS incorporates appropriate mitigation measures to minimize environmental harm during construction and maintenance of the proposed game fencing. These include limitations or restrictions on locations (site-selection), materials, and techniques. For example, proposed fence locations near colonias will incorporate outreach wherever possible to address the needs of this segment of the human population. The fence footers are shallow, small in area, and not numerous in comparison to the total acreage with the potential to be impacted.

Construction and maintenance activities will occur during daylight hours to avoid noise and light impacts to ocelot (*Leopardus (=Felis) pardalis*), and Gulf Coast jaguarundi (*Herpailurus yagouaroundi cacomitli*). Double fencing will be removed as it is replaced by the high game fence to improve chances of passage by these species. Breaks in the fence for roads, streams, and canals will provide crossing areas and access to freshwater. Removal of wetland habitat, dense thorn scrub, or riparian vegetation will be avoided or minimized. USDA will report to USFWS if there is direct take of ocelot/Gulf Coast jaguarundi, and will document their presence in project and activity areas. All contractors and employees must attend training on conservation measures to avoid and minimize impacts to listed species. The CFTEP supervisor must meet onsite with fence crews prior to the initiation of construction to ensure familiarity with the endangered species requirements.

There will be an avoidance of construction activities at Falcon Reservoir in Starr and Zapata Counties during the least tern (*Sterna antillarum* interior population) breeding season (May through August) to eliminate the potential for disturbance of nesting terns. To avoid impacts to other species of migratory birds, construction will conduct nest surveys during nesting season (March 15 to August 15), and avoid vegetation removal and use of loud equipment if nesting birds are present. If a nest containing eggs or unfledged birds is on a branch or other vegetation that must be removed, USDA will obtain a permit to move the nest to a licensed wildlife rehabilitator or else wait until the birds have fledged to remove the vegetation.

Since the publication of the draft EIS, several houses were constructed within the area proposed for fencing that changed the availability of land for the installation of game fencing. With this reduction in land, USDA proposes to install as much game fencing as landowner cooperation and money allows. USDA no longer intends to cost-share the installation of the game fence because initial installation estimates are for fewer than two miles of fencing. Regardless of the actual mileage that becomes fenced, the proposed game fencing will restrict tick mobility and reduce restrictions on the movement of cattle by ranchers.

The combined efforts of the CFTEP as described in the FEIS incorporate all practical means to avoid or minimize adverse environmental effects in the action alternative. Tick populations will be monitored, while the triggers for additional tick mitigation activities will not be altered as a result of the construction of additional fencing. Disturbance to wildlife species will be minimized by sequential staging and construction of fence segments, rather than simultaneously constructing fencing in all areas. Closure of highways during program implementation to minimize potential impacts to human safety is not needed because of the proposed positioning of the fence segments relative to the highways. Personnel will adhere to all agency safety standards and training.

CONCLUSION

I find it necessary for USDA to implement effective measures to prevent cattle fever tick entry and reduce tick populations. I find USDA CFTEP personnel are well-trained and capable of incorporating additional game fencing into the CFTEP program. I find it appropriate for USDA to install as much game fencing as landowner cooperation and money allows. In summary, I find the proposed action alternative provides the course of action that best serves the public interest. This ROD is the USDA's final action under the NEPA process.

RESPONSIBLE OFFICIAL

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