

Summary of Public Comments on the Environmental Impact Statement Scope June 2011

Background

The National Environmental Policy Act (NEPA) and its regulations require Federal agencies to involve the public when preparing environmental documentation on proposed actions. On February 15, 2011, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) published a notice in the *Federal Register* (FR) of APHIS' intent to prepare an environmental impact statement (EIS) and to hold public meetings (76 FR 8709–8710). The notice also requested comments for delineating the scope of the EIS and APHIS' intent to examine alternatives to the proposed action and significant environmental effects and issues. APHIS invited public comments through meetings, the Federal eRulemaking portal at www.regulations.gov, and postal mail or commercial delivery. APHIS requested comments by March 17, 2011.

APHIS held four public meetings between March 7 and March 10, 2011, seeking public comments on the scope of the EIS. These meetings were held in Rio Grande City, Zapata, Laredo, and Eagle Pass, Texas. The question-and-answer sessions during each meeting generated numerous comments from attendees. APHIS has also received comments through the Regulations.gov Web site.

Purpose

This document summarizes the comments APHIS received on the proposed action and alternatives for a tick control barrier (TCB) using game fencing. The summary does not propose alternatives or describe any significant environmental effects and issues that will be examined in much greater detail in the EIS. APHIS staff will review all comments, explore their merit, and consider appropriate alternatives to the proposed action and environmental effects that APHIS will analyze in the EIS.

APHIS also received comments and questions outside the EIS scope, some of which relate to the Cattle Fever Tick Eradication Program operations. Although unrelated to the EIS, these comments are also summarized.

Comments on Alternatives

The NEPA regulations require that an EIS consider other reasonable alternatives in addition to the proposed action. Suggested alternatives received include the following:

- Locate the proposed TCB game fencing closer to the Rio Grande (versus along the current boundary) for the official cattle fever tick quarantine line along the south side of U.S. Highway 83 (for Zapata and Starr Counties).

- Locate the proposed TCB game fencing on the north side of U.S. Highway 83 in Starr and Zapata Counties (the former Texas Animal Health Commission quarantine line) versus along the current boundary for the quarantine line.
- Locate the proposed TCB game fencing along the highway or road right-of-way in proposed locations versus on privately owned land.
- Coordinate the TCB game fencing effort with the U.S. Customs and Border Patrol (CBP) efforts.
- Use other tick control methods or technologies in areas where APHIS proposes to leave gaps in TCB game fencing.
- Collaborate on tick control efforts with organizations and agencies (such as USDA's Natural Resource Conservation Service and Texas' Soil and Water Conservation District) that work with farmers and ranchers on land management and water conservation. Collaborative efforts can include agencies that carry out other types of actions in the same areas to accomplish their missions.
- Work with the government in Mexico to eradicate the ticks there.
- Provide insecticide to farmers of northern Mexico to control the ticks.
- Consider aerial spraying [to control ticks].
- Take no action; do not install additional game fencing anywhere.
- Consider all proposed actions related to cattle fever tick eradication in a programmatic EIS.

Comments on Environmental Effects and Issues

NEPA regulations require that an EIS examine the significant environmental effects and issues on the human environment from the proposed action or its alternatives. APHIS received comments on potential environmental effects and issues to examine further in the EIS. The following is a list of environmental effects and issues by category and includes those that the public suggested or inquired about during the scoping process:

Wildlife and vegetation

- Impacts of fencing on federally listed and State-listed threatened or endangered species, including ocelots.
- Effects on both game and nongame animals from lost connectivity to areas north of the proposed fencing and from genetic isolation of species between the fencing and the Rio Grande.
- Mitigation measures that would avoid, reduce, or compensate for unavoidable impacts to State resources and federally listed threatened or endangered species.
- Impacts on species from game fencing if cut off from access to the Rio Grande for water.

- Impacts caused to wildlife from habitat loss.
- Effectiveness of game fencing in restricting deer movements considering that gaps in the TCB game fencing, as proposed, would remain.
- Potential for increasing deer density due to restricted deer movement and potential result of exacerbating fever tick problem.
- Consideration of deer populations and density and wildlife management plan for deer isolated between the proposed TCB game fencing locations and the Rio Grande.
- Cumulative effects on wildlife including threatened or endangered species and habitat, with consideration for effects on wildlife from constructed and proposed segments of the CBP border fence.
- Indirect effects, including spread of invasive plants, use of trails or roads along newly constructed fences, lack of wildlife access to freshwater resources, and reduced wildlife movement during flood events.
- Impacts on migratory birds during nesting season.

Humans

- Game fencing may help prevent ranchers, who are now subject to quarantines, from becoming an “endangered species.” [Note: This comment means that fewer cattle producers are willing to stock cattle on their premises because of the expense in gathering and treating cattle and the inconvenience of having their premises under quarantine.]
- Economic impact on ranchers from costs in controlling ticks on cattle [cattle fever ticks and southern cattle ticks], such as from dipping every 14 days. Game fencing would be a benefit to them.
- Advantages and disadvantages of game fencing to landowners (including areas where cattle do not graze).
- Impacts of game fencing on hunting opportunities, including lease-for-hunt landowners.
- Impacts on colonia residents near areas of proposed locations of game fencing. [Note: A *colonia* is a specific type of residential area along the Texas-Mexico border that may lack some of the most basic living necessities, such as potable water and sewer systems, electricity, paved roads, and safe and sanitary housing. Texas has both the largest number of colonias and the largest colonia population.]

Tick control

- Game fencing efficiency or effectiveness on tick control, including consideration that gaps for roads, arroyos, and floodplains will exist between fencing segments allowing deer and other wildlife to move beyond the fencing and that ticks can crawl beyond game fencing.

- Potential for exacerbating the cattle fever tick and southern cattle tick problem if the fencing causes increased density in deer populations.
- Other methods or technologies for controlling ticks should be considered where there will be gaps in fencing.
- High fencing has been an effective tool for impeding deer movement.
- Effectiveness of fencing to prevent ticks from moving beyond it.
- Habitat management beyond or within the fenced areas is important as another tick control tool.
- Consider the condition and effectiveness of aging existing fencing before adding fencing.
- Educate landowners about the need to properly manage the deer population.

Other agency missions and considerations

- Work with CBP to determine the location of gates to access roads on privately owned land.
- Work with International Boundary and Water Commission if fencing is proposed to occur in floodplain areas.

Comments on Matters Outside the EIS Scope

- Cost-share of game fencing would be a burden on landowners, including local ranchers already burdened by the costs imposed from tick infestations and quarantine. Landowners may not be interested in agreeing to fencing on their land if they have to pay part of the fencing cost.
- Responsibility of game fencing maintenance is an issue that needs to be worked out; responsibility should not fall to the landowner.
- APHIS needs to make nearby rural communities more aware of cattle fever tick program requirements concerning moving horses they own and the movement of hunted deer for hides and capes that may carry ticks.
- Consider regulatory flexibility benefits to cattle producers, such as releasing areas from quarantine if they have high fencing or install high fencing, when a temporary blanket quarantine is imposed nearby.
- While the EIS effort is proceeding and research continues on potential tools to help with protecting cattle from cattle fever, find ways to accommodate ranchers, such as being more flexible and relaxing existing rules and regulations to enable them to coexist with present cattle fever tick and southern cattle tick infestations. Find ways to help ranchers continue in the cattle business without costly expenses associated with existing regulations.
- Participants expressed interest in continuing current control tools or methods used against fever ticks and potential new control tools to use against fever ticks.

- Participants asked if APHIS is considering using tick control methods between the proposed fencing and the river.
- Participants expressed concern about the time involved in the environmental process and whether the proposed fencing would ever be implemented.
- The cattle fever tick force is doing an excellent job, and they go out of their way to help ranchers, which helps the ranchers stay in business.
- Participants asked about budget cuts and impacts on the cattle fever tick program and the proposed fencing.
- They expressed concern about whether, in addition to cost-share and maintenance, there would be restrictions or other impacts (e.g., easements) imposed on landowners who agree to the fencing.

Closing Remarks

APHIS will continue to seek further input from stakeholders, including those not yet identified. APHIS will also seek clarification as needed from individuals who provided comments during the official comment period while developing the draft EIS. Additional comments and clarification requests may be sent via e-mail to VS_Tick.Barrier.EIS@aphis.usda.gov.