

Finding of No Significant Impact and Decision
for
Feral Swine Damage Management in Kansas

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program responds to a variety of requests for assistance from individuals, organizations, and agencies experiencing damage caused by wildlife in Kansas. WS activities are conducted in cooperation with other federal, state, and local agencies, as well as private organizations and individuals. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management (WDM) actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). However, WS prepared an environmental assessment (EA) to comply with APHIS NEPA implementing regulations and interagency agreements, to facilitate planning, interagency coordination, streamline program management, and to involve the public. The EA, released by the WS-Kansas Program (WS-KP) April 30, 2016, documented the need for feral swine damage management (FSDM) in Kansas and assessed potential impacts of various alternatives in relation to issues analyzed for responding to feral swine damage problems.

Additionally, APHIS has prepared a programmatic feral swine environmental impact statement (EIS) to evaluate alternatives for a nationally coordinated feral swine damage management program in the U.S., American Samoa, Guam and the Commonwealth of the Northern Mariana Islands, U.S. Virgin Islands, and Puerto Rico (*hereinafter* USDA 2015). The Record of Decision (ROD), issued July 2015, selected a nationally coordinated, integrated FSDM program. The selected alternative in the ROD incorporated all legally available FSDM methods and retained the flexibility to continue to work with local stakeholders under state or local level NEPA decisions, with local stakeholders to manage feral swine damage according to local feral swine management goals.

The proposed action was to continue the current federal FSDM program in Kansas which allows the use of all legal FSDM methods on any lands authorized in the State for the protection of agriculture, property, natural resources, and public safety. WS cooperates closely with the Kansas Department of Wildlife, Parks and Tourism (KDWPT), Kansas Department of Agriculture (KDA), Kansas State University Cooperative Extension Service (KSU-CES), and U.S. Fish and Wildlife Service (USFWS), and other agencies as necessary. In Kansas, feral swine are not protected. WS assists landowners, local governments, and organizations to resolve feral swine damage problems. WS would also assist public entities and Tribes with FSDM when requested.

The EA evaluated ways that FSDM could be carried out to resolve conflicts with feral swine in Kansas. FSDM is an important function of WS-KP. WS-KP is a cooperatively funded and service oriented program. Before operational FSDM is conducted, *Agreements for Control* or *WS Work Plans* must be signed by WS and the land owner/administrator. WS cooperates with private property owners and managers and with appropriate land and wildlife management agencies, as requested, with the goal of effectively and efficiently resolving wildlife damage problems in compliance with all applicable federal, state, and local laws.

Public Involvement

Three draft EAs were sent to agencies with professional expertise and regulatory authority covering different aspects of the EA for their review and comments. The comments that were received from these agencies were incorporated into the EA. Following interagency review of the draft EA, an EA

was prepared and released to the public for a 41-day comment period. A Notice of Availability which included a link to view the EA, as well as an address and phone number to obtain a hard copy of the EA, was sent directly to 3,150 interested parties on National mailing lists compiled from direct requests for WS EAs including Native American Tribes, agencies, interested groups, and individuals. A “Notice of Availability” of the predecisional EA was published in the Topeka Capital-Journal, the newspaper with statewide coverage, for 3 consecutive days, March 31 – April 2, 2016. The EA was also made available for public review at the WS State Office at 4070 Stagg Hill Road, Manhattan, Kansas 66502 or from requests received by personal contact at the office or via telephone (785 565-2727), mail, or e-mail. No member of the public requested a copy of the EA as a result of the legal “Notice of Availability.” The deadline for comments was May 10, 2016. Three comment letters were received in response to the Notices of Availability all on regulations.gov for the EA.

Major Issues

Cooperating agencies and the public helped identify a variety of issues deemed relevant to the scope of this EA. These issues were consolidated into four primary issues that were considered in detail in the predecisional EA:

- Effects of FSDM on Target Feral Swine Populations
- Effects of FSDM on Nontarget Species, Including Threatened and Endangered (T&E) Species
- Effects of FSDM on Public and Pet Safety and the Environment
- Humaneness of Methods Used in FSDM

Affected Environment

The proposed action was to continue conducting FSDM where feral swine are causing damage to agriculture, property, natural resources or public health and safety to private, public, and Tribal properties and resources in Kansas. FSDM will only be conducted where the appropriate *Agreement for Control* or *Work Plan* is in place allowing FSDM methods to be used and at the request of private landowners, KDWPT, KDA-AHD, Tribe, or other agency that manages land or resources in need of protection. The current program’s goal and responsibility is to provide service when requested within the constraints of available funding and manpower.

Alternatives Analyzed in Detail

Four potential alternatives were developed to address the issues identified above. Two additional alternatives were given, but not analyzed in detail. A detailed discussion of the anticipated effects of the alternatives on the objectives and issues is described in Chapter 4 of the EA. The following summary provides a brief description of each alternative and its anticipated impacts.

Alternative 1. Continue the Current Federal FSDM Program (No Action/Proposed Action).

The “No Action” Alternative is a procedural NEPA requirement (40 CFR 1502.14(d)), and is a viable and reasonable alternative that could be selected. Consideration of the No Action Alternative is required under 40 CFR 1502.14(d), and provides a baseline or the environmental *status quo* for comparing the potential effects with the other alternatives. In this EA, the No Action Alternative is consistent with CEQ’s definition.

In the case of the FSDM EA for Kansas, the No Action Alternative was the equivalent to the Proposed Action Alternative which was the Current Program. The current program’s goal is to

eliminate or, at least suppress, individual and populations of feral swine, an invasive species, wherever found in the state.

Alternative 1 was determined to benefit individual resource owners/managers, while resulting in only low levels of impact to nontarget wildlife populations including T&E species, very low risks to or conflicts with the public, and would be carried out as humanely as possible given the circumstances for each field situation. Current lethal methods available for use are selective for target species and appear to present a balanced approach to the issue of humaneness when all facets of the issue are considered. WS responds to requests for FSDM to protect human health and safety, agricultural crops and resources, property, natural resources, T&E species, and forestry in Kansas.

To meet the goal, WS has the objective of responding to all requests from individual and corporate landowners, other public agencies and Tribes for assistance with, at a minimum, technical assistance or self-help advice, or, where appropriate and where cooperative or congressional funding is available, direct damage management assistance with professional WS Specialists conducting damage management actions. An Integrated Wildlife Damage Management (IWDM) approach would be implemented which allows the use of any legal technique or method, used singly or in combination, to meet the needs of requestors for resolving conflicts with feral swine. Agricultural producers and others requesting assistance would be provided with information regarding the use of effective nonlethal and lethal techniques. In many situations, the implementation of nonlethal methods such as exclusion-type barriers would be the responsibility of the requestor to implement which means that, in those situations, WS-KS only function would be to implement methods difficult for the requestor to implement, if determined to be necessary. FSDM implemented by WS-KS would be allowed in the State, when requested, on private property sites, public facilities or other locations where a need has been documented, upon completion of an *Agreement for Control*. All management actions would comply with appropriate and applicable Federal, state, and local laws.

Alternative 2. Nonlethal FSDM Only By WS. Under this alternative, KWSP would not kill any feral swine because lethal methods would not be used. Nonlethal activities conducted by KWSP might intensify, but most likely would result in similar levels of nonlethal FSDM activities as conducted under Alternative 1 because feral swine eradication and suppression are the objectives of KDA-AHD and other State agencies rather than just damage reduction. It is likely that State agencies and private individuals and entities would see WS-KS as ineffective in achieving population objectives. Thus, these agencies and private individuals would likely increase lethal efforts to reduce feral swine. Depending on the level of effort, the lethal take of feral swine would likely be less than that under the proposed action. KWSP could offer advice on lethal FSDM methods that could be used. The primary difference in the level of take would be that aerial shooting would not be used and, thus, the efficiency of feral swine removal would be reduced. More effort by non-federal entities with lethal FSDM methods would likely be needed to take the same number of feral swine since aerial shooting could not be used. As a result, the State's objective of eliminating feral swine in Kansas may not be achieved.

Under this alternative, risks to the public, and nontarget and T&E species, on the whole, including private efforts at FSDM, would probably be greater than Alternative 1, but slightly less than or about the same as Alternative 3 or 4 because WS would provide some assistance. Program effectiveness would probably be lower than Alternative 1. Personnel experienced in FSDM often already know when and where practical nonlethal control techniques would work. Therefore, this alternative could result in the use of methods that are known to be ineffective in particular situations. Selectivity of FSDM methods under this alternative would likely be less than Alternative 1 if reduced effectiveness leads to greater FSDM efforts by less experienced and

proficient private individuals, but greater than Alternatives 2 and 3. The hypothetical use of illegal methods could occur as under Alternative 4, but be similar or slightly higher than under Alternative 1

Alternative 3. Technical Assistance Only. Under this alternative, WS would not provide any direct control assistance to persons experiencing feral swine damage problems, but would instead provide advice, recommendations, and limited technical supplies and equipment. Lethal FSDM would likely be conducted by persons with little or no experience and training, and with little oversight or supervision. Risks to or conflicts with the public, wetlands, nontarget, and T&E species would probably be more than Alternative 1 and 2, but slightly less than or about the same as Alternative 4. The effectiveness of WS and selectivity of FSDM methods would probably be lower than Alternatives 1 and 2. Finally as discussed above, frustrated resource owners that have endured recurring losses may resort to the use of illegal or inappropriate techniques that could result in unknown consequences.

Alternative 4. No Federal WS FSDM. This alternative would consist of no federal involvement in FSDM in Kansas. Neither direct operational FSDM nor technical assistance on FSDM techniques would be available from WS. The majority of the federal FSDM assistance would be borne by KDA or other State agency. Private individuals could increase their efforts if KDA were unable to respond adequately which means more FSDM would be conducted by persons with less experience and training, and with little oversight or supervision. Risks to the public, nontarget and T&E species, and wetlands would probably be greater than under Alternative 1, and effectiveness and selectivity would probably be lower but similar, but even slightly higher than under Alternatives 2 and 3. It should be noted that resource owners would be the most frustrated under this Alternative, especially those that have endured recurring losses may resort to the use of illegal or inappropriate techniques that could result in unknown consequences, and would likely be highest under this alternative.

Alternatives Considered, but Not Analyzed in Detail

1. Compensation for Feral Swine Damage Losses
2. Develop a Statewide Bounty Program for Feral Swine

Public Comments

Three comment letters were received through the public comment process and included the following specific comments.

Comments Regarding the Need for Action

The EA provided ample evidence of the need to control feral swine to protect all resources. Thank you for your comment.

Comments Regarding the Issues

WS uses inhumane methods to control wildlife. The EA discussed this issue in detail in Sections 2.2.4 and for each alternative in Section 4.1.4. We believe the issue is adequately addressed in the EA in these sections and refer the commenter to those particular sections.

Comments Regarding the Alternative Selection

Two commenters gave comments regarding alternative selection. Comments included: 1) Continue with current program and these were each discussed in detail; and 2).

Continue with Current Program: The current program is effective (Proposed Action) and better than the other 3 alternatives. Thank you for your comment.

No Federal WS-KP: WS should not have a federal program to kill feral swine. Thank you for your comment.

Comments Outside the Scope of the EA

A public meeting should be held in Louisiana. This EA discussed FSDM as it pertains to Kansas, and therefore, a meeting in Louisiana was outside the scope of the EA. We were unsure whether this was aimed at this EA or another document in regulations.gov.

Finding of No Significant Impact

The April 2016 Kansas FSDM EA is accepted as the final EA as all concerns have been addressed. The EA analyzed high levels of take and eradication in Kansas and found that WS would not significantly impact feral swine. WS-KP along with other agencies would prefer eradication of feral swine populations in Kansas. WS-KP only can hope that this level of population control will continue. Thus, I hereby accept this as the Final EA for FSDM in Kansas and that eradication of invasive populations of this species could occur. The analysis in the EA indicated that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of the proposed action. I agree with this conclusion and an Environmental Impact Statement need not be prepared for the Kansas WS-Kansas FSDM program. This determination is based on the following factors:

1. FSDM, as conducted by WS in Kansas, is not regional or national in scope. It is a statewide program and the scope was discussed in the EA. Under the proposed action in the EA, WS would continue to assist individuals and entities with feral swine damage as necessary. Even if WS-KP were not involved, under state law most FSDM would be conducted by private individuals or entities, or state and local government that are not subject to compliance with NEPA.
2. The proposed action would pose minimal risk to public and pet safety. No injuries to any member of the public are known to have resulted from WS-KP FSDM activities. In addition, minimal risks to the risks to the public, pets, and nontarget wildlife species. This issue was addressed in the EA and the Proposed Action Alternative was found to have the least impacts.
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected except positively.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to bird control, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA, the effects of the proposed FSDM program on the human environment would not be significant. The effects of the activities under the proposed action are not highly uncertain and do not involve unique or unknown risks. If WS were unable to respond

adequately under the other alternatives, a potential exists that could involve unique and unknown risks by non-professionals implementing FSDM and frustrated property owners that have been ineffective with FSDM methods resorting to the illegal or unwise use of FSDM methods such as chemicals.

6. The proposed action would not establish a precedent for any future action with significant effects. All issues under the proposed action were discussed thoroughly, and these would not add cumulatively to any known future actions that would result in significant effects.

7. No significant cumulative effects on the quality of the human environment were identified through the EA.

8. The proposed FSDM activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources. If anything, the proposed action would have beneficial effects on these resources.

9. This action will have no adverse effect on T&E species as supported a Section 7 consultation between WS (2015) and USFWS (2015). WS reviewed the current list of T&E species to ensure that these findings are still valid.

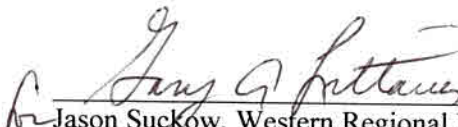
10. The proposed action would be in compliance with all federal, state, and local laws imposed for the protection of the environment. The proposed activity does not violate the Endangered Species Act or any other law. As allowed by state and federal law, FSDM could be conducted by private individuals or entities, or state and local agencies that are not subject to compliance with NEPA if WS were not involved.

11. There were no irreversible or irretrievable resource commitments identified in this EA, except for a minor consumption of fossil fuels for routine operations.

Decision

I have carefully reviewed the EA, interagency comments, and lack of public input resulting from the public involvement process. I believe the issues and objectives identified in the EA would be best addressed through implementation of Alternative 1 (the Proposed or No Action Alternative to continue the current program). Alternative 1 is therefore selected because (1) it offers the greatest chance at maximizing effectiveness and benefits to affected resource owners and managers within current program funding constraints; (2) it will maximize selectivity of methods available; (3) it offers a balanced approach to the issue of aesthetics when all facets of the issue are considered; (4) it will continue to minimize risk to or conflicts with the public and pets; and (5) it will minimize risks to nontarget and T&E species. WS will continue to use an IWDM approach in compliance with all the applicable standard operating procedures listed in Chapter 3 of the EA.

For additional information regarding this decision, please contact Thomas Halstead, USDA-APHIS-WS, 4070 Stagg Hill Road, Riley, KS 66502, (785) 537-6855.


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9/1/16
 Date

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