

Decision and Finding of No Significant Impact for the Environmental Assessment: Mammal Damage Management in Kansas.

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

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1. Introduction

Wildlife in Kansas is an important part of the social fabric that comprises the human environment. Abundant wildlife populations interact with the 2.9 million citizens of the state every day. Wildlife brings joy and happiness, improves the quality of life, and at times, brings conflict, damage, and some frustration. As human populations expand and more land is used for human needs, there is also increased potential for conflicting human/wildlife interactions. The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) responds to requests from individuals, organizations, and agencies experiencing damage caused by mammals in Kansas. In Kansas, WS conducts its activities at the request of, and in cooperation with, other federal, state, tribal, and local agencies, as well as private organizations and individuals.

APHIS-WS in Kansas (WS-Kansas) prepared an Environmental Assessment (EA) evaluating the potential environmental impacts of alternatives for WS-Kansas involvement in mammal damage management activities (MDM) in the state. We prepared the EA in cooperation with the United States Fish and Wildlife Service (USFWS), Kansas Department of Wildlife and Parks (KDWP), and the Kansas Department of Agriculture (KDA) for activities proposed in this EA. This Decision document provides notification of WS-Kansas's choice of an alternative and determination regarding the environmental impacts of the chosen alternative.

2. Purpose and Need

The purpose of the proposed action is to reduce conflicts involving mammals that threaten human health and safety, damage infrastructure and property, prey on or harass livestock and wildlife, damage other agricultural resources and property, or impact wildlife species of management concern in Kansas. The mammal species included in the analysis are listed in Table 1.1 (EA Section 1.2). Details on the need for action to resolve these conflicts are provided in section 1.2 of the EA.

3. Public Involvement

On July 20, 2021, WS-Kansas solicited public comment on alternatives and issues addressed in the Pre-decisional Draft of the 2021 EA: Mammal Damage Management in Kansas. We only received one comment and that comment does not contain any substantive information that requires a response or change to the EA. We will make this Decision and Finding of No Significant Impact (FONSI), and the Final EA, available to the public using the same methods for the Pre-decisional EA.

4. Affected Environment

Mammal damage or threats of damage could occur statewide in Kansas wherever those species occur. Those mammal species addressed in the EA utilize a variety of habitats throughout the state. The mammal species addressed in the EA occur throughout the year across the state where suitable habitat exists for foraging, water, shelter, and reproducing.

5. Issues

We identified the following issues during the development of the EA and used them to drive the environmental analysis and compare the potential impacts of the alternatives.

1. Effects of Mammal Damage Management on Populations of Target Mammals – What might be the direct, indirect, and cumulative impacts of removing mammals on target mammal populations?
2. Effects of Mammal Damage Management on Non-target Wildlife Species Populations, Including T&E Species – What might be the direct, indirect, and cumulative impacts on non-target species, including T&E species and their ecosystems?
3. Effects of Damage Management Methods on Human Health and Safety - What are the potential risks and benefits of MDM methods to human and pet health and safety?
4. Humaneness and Animal Welfare Concerns of Methods – What are ethics and attitudes about wildlife damage management? How are euthanasia and humane killing defined? How are pain and suffering evaluated? What factors influence humaneness of trapping? What is APHIS-WS' approach to humaneness?

We considered 9 additional issues in the EA, but we did not analyze them in detail, as explained in Section 3.6 of the EA.

6. Alternatives Analyzed in Detail

Chapter 3 of the Final EA considered and analyzed 3 alternatives to address the 4 primary issues identified. The following is a summary of the damage management alternatives considered in detail in the EA. Section 2.5 of the EA summarizes each alternative and Chapter 3 provides analysis and comparison of the potential effects of each alternative.

Alternative 1: No Action Alternative – Continue the Current MDM Activities

This is the “No Action” Alternative, as defined by the Council on Environmental Quality for ongoing actions. Under this alternative, WS-Kansas uses a comprehensive range of legally available lethal and non-lethal methods in its MDM activities. All methods are detailed in Appendix B to the EA and are applied in accordance with applicable federal, state, and local laws and APHIS-WS Directives.

WS-Kansas personnel implement or recommend effective non-lethal and/or lethal damage management activities as early as possible to increase the likelihood of those methods achieving the appropriate level of damage reduction.

Under this alternative, WS-Kansas will continue to respond to requests for assistance by:

- Taking no action if warranted;

- Providing non-lethal and/or lethal MDM technical assistance to property owners or managers on actions they could take to reduce damage caused by mammals; or
- Providing non-lethal and lethal operational MDM assistance and when appropriate, technical assistance to a property owner or manager.

WS-Kansas would also continue to work with the National Wildlife Research Center (NWRC) and other professional entities to produce and distribute materials and provide educational programs on methods for preventing or reducing mammal damage.

Under this alternative, methods used could include a variety of frightening devices, ground shooting, aerial MDM, denning, toxicants, various trap devices, and foot snares (EA Appendix B). Alternative 1 is the baseline against which all other alternatives are compared, as explained in Section 3.1 in the EA.

Alternative 2: Non-lethal Mammal Damage Management Only by WS.

WS would be restricted to only using non-lethal methods to resolve damage caused by mammals. These non-lethal methods include exclusions, habitat management, animal behavioral modifications (*e.g.* human effigies, harassment), and live capture and translocation (EA Appendix B).

Lethal methods could continue to be used under this alternative by those persons experiencing damage from mammals without involvement by WS. In situations where non-lethal methods were impractical or ineffective to alleviate damage, WS could refer requests for information regarding lethal methods to the KDWP, USFWS, local animal control agencies, or private businesses or organizations.

Property owners or managers might choose to implement WS' non-lethal recommendations on their own or with the assistance of WS, implement lethal methods on their own, or request assistance (non-lethal or lethal) from a private or public entity other than WS. WS-Kansas would only loan equipment or implement those non-lethal methods legally available for use by the requester and advise them of any permits needed.

This alternative reallocates the immediate responsibility of any lethal mammal damage management work and any environmental compliance responsibilities to the resource owner, other governmental agencies, and/or private businesses. Private individuals or companies are not obligated to conduct NEPA analyses, engage in consultations under the ESA, or engage in formal monitoring.

Alternative 3: No Mammal Damage Management Conducted by WS.

Under this alternative, WS-Kansas would not be involved in any MDM efforts, including lethal and non-lethal technical assistance, or operational damage management actions. Other legally-authorized entities could implement MDM, such as KDWP, USFWS, property owners, wildlife control operators, hunters, family members (EA Sections 1.6 and 2.5). Entities experiencing mammal damage could continue to resolve damage by employing whatever methods they chose.

MDM occur despite the lack of involvement by WS-Kansas. The lethal removal of mammals could occur through the issuance of permits by KDWP, when required, and during the hunting or trapping seasons for regulated game species. All methods described in Appendix B would be available for

use by those persons experiencing damage or threats except for the use of immobilizing drugs and euthanasia chemicals.

Requesters would need to seek MDM information on existing and new methods (including methods developed and tested by the APHIS-WS NWRC) from sources such as KDWP, University Extension Service offices, conservation districts, or pest control companies

Private individuals and companies are not obligated to conduct any NEPA analyses, engage in consultations under the ESA, or conduct formal monitoring.

7. Monitoring

Under Alternative 1, WS-Kansas will monitor program activities annually to determine whether the analyses and determinations in the EA adequately address current and anticipated future activities, and whether there is new information that warrants supplementing or replacing the EA.

8. New Information

We are not aware of any significant new information that has become available since the EA was made available to the public. All studies and publications provided to us have been reviewed and incorporated in the final EA, where applicable. WS-Kansas developed this EA under the 1978 NEPA regulations and existing APHIS procedures since this EA was initiated prior to the September 14, 2020 NEPA revisions.

9. Use of the Best Available Science

WS-Kansas used the best available data and information from wildlife agencies having jurisdiction by law (KDWP, KDA, and USFWS; 40 CFR § 1508.15), as well as scientific literature, especially peer-reviewed scientific literature, to inform its decision-making. The EA uses the best available information from those sources to provide estimates of wildlife population size and status, assess risks to human safety, discuss MDM strategies and tools, and discuss ecological impacts.

10. Review of Alternatives

The EA conducted a detailed analysis of the alternatives based on the issues identified in Section 2.1. Chapter 3 of the EA details the environmental effects from the alternatives and issues identified in Chapter 2. Our analysis showed that none of the alternatives would have a significant impact on the human environment. After reviewing the EA and carefully evaluating all alternatives, WS-Kansas has determined that Alternative 1 offers the greatest opportunity to meet our purpose and need for action within current regulatory constraints. Alternative 1 enables development of effective site-specific MDM strategies that accommodate resource owner/manager objectives and minimize the risk of adverse impacts on the human environment.

The restrictions on WS-Kansas's ability to use any strategy or combination of methods to alleviate human-wildlife conflicts under Alternatives 2 and 3 could result in less effective and less environmentally responsible resolution of MDM issues, as described throughout Chapter 3 of the EA. Non-WS entities may provide MDM, but there is large variability in the quality of the services and the accountability to the public. Should WS-Kansas be unable to provide MDM, some level of MDM would likely be available to those experiencing damage, and WS-Kansas has analyzed the effects of

reasonably foreseeable non-WS participation. Alternative 2 and 3 of the EA discussed and compared how other entities may meet the need for MDM when WS-Kansas is limited or absent.

Effects of Damage Management on Populations of Target Mammal Species (EA Section 3.2)

The EA indicates that WS-Kansas's use of non-lethal and lethal methods would not have significant impacts on target species populations under any of the alternatives analyzed. For all species included within the scope of the EA, the annual statewide known cumulative take is below the annual maximum sustainable harvest level. Moreover, WS-Kansas's analysis of impacts on target species is predicated on conservative estimates of population size.

We anticipate that cumulative target take by WS-Kansas and non-WS entities will be similar across all alternatives. Under Alternative 1, WS-Kansas provides non-lethal assistance where it is appropriate and may use lethal methods when non-lethal options are determined to be inappropriate or are unsuccessful.

Under Alternative 2 and 3, where WS-Kansas cannot provide lethal assistance, we anticipate that cumulative lethal take will remain similar to Alternative 1 because people will continue to use lethal remedies if nonlethal efforts are not successful. The difference between Alternatives 1 compared to Alternative 2 and 3 is primarily who provides the lethal management because landowners, private wildlife control operators, and KDWP are capable of providing lethal MDM if WS-Kansas cannot provide it. Under all alternatives, we expect that non-WS entities will provide MDM assistance if WS-Kansas is not available, however other entities are not required to report all take to KDWP or conduct NEPA analyses and ESA consultations on their actions.

The restrictions on WS-Kansas's ability to use any strategy or combination of methods to alleviate human-wildlife conflicts under Alternatives 2 and 3 could result in less effective and less environmentally responsible resolution of MDM issues, as described in Section 3.2, 3.3, 3.4, and 3.5 of the EA.

Effects of Mammal Damage Management on Non-target Wildlife Species Populations, Including T&E Species (EA Section 3.3)

We have concluded that none of the three alternatives have a significant impact on non-target species. Under alternatives where WS-Kansas does not provide the full range of MDM assistance to all requesters (Alternatives 2 and 3), non-WS entities may conduct MDM and do not have the same skill levels, equipment, experience, or obligations under NEPA. Under these alternatives, there is likely to be slightly greater or unreported impacts to non-target species. WS-Kansas activities have a high level of selectivity in the application of MDM strategies and methods.

No non-target mammal species were taken between FY 2016-2020 by WS-Kansas personnel conducting MDM operations. Any limited unintentional capture and take of nontarget species while conducting MDM activities by WS-Kansas is not expected to have a negative effect on nontarget species' populations in Kansas.

We have concluded that none of the three alternatives will have a significant impact on T&E species. WS-Kansas completed ESA consultations under Section 7 with USFWS for activities in the EA, ensuring there will not be significant effects to those species. These consultations and the protective measures associated with them apply to WS-Kansas MDM activities under Alternatives 1 and 2. Non-federal entities are not required to conduct ESA consultations on their actions, nor are they bound by these protective measures, and their activities may have a greater impact on state-listed threatened or

endangered species or ESA-listed species. Therefore, Alternative 3 presents a greater risk to both state-listed and ESA-listed threatened and endangered species than Alternative 1 and 2.

WS-Kansas works with federal and state resource managers, communicating the risks of MDM and evaluating effects on nontarget and T&E species to further ensure that cumulative take of any species would not have negative effects on the population. For these reasons, there would not be adverse cumulative effects on nontarget species populations.

Effects of Mammal Damage Management Methods on Human Health and Safety (EA Section 3.4)

We have determined that none of the alternatives have a significant impact on the environment (soil, water, and terrestrial and aquatic species) or human and pet safety. Alternatives that limit WS-Kansas's involvement in MDM (Alternatives 2 and 3) may result in increased MDM by less skilled non-WS entities, which could result in increased adverse effects compared to Alternative 1, the Proposed Alternative.

Risks to human health and safety from WS-Kansas's actions were determined to be low under all the alternatives. WS formal Risk Assessments for the proposed methods support this determination. WS-Kansas adheres to a variety of operating policies, which further reduces risks to humans and the environment from these methods, as described in EA Section 2.3 and 2.4.

Humaneness and Animal Welfare Concerns of Methods (EA Section 3.5)

In Section 3.5 of the EA, WS-Kansas evaluated MDM methods for humaneness. The analysis in the EA determined that Alternative 1 is likely to be the most humane, with Alternatives 2-3 being less humane/ethical corresponding to the amount of MDM that would likely be conducted by less skilled, non-WS personnel under each. We based this determination largely on the professional skills and commitment of the APHIS-WS to humaneness (WS Directive 1.301) that are less likely to be consistently replicated by non-WS entities. The EA discussed perspectives on humaneness and ethics related to MDM, and it evaluated each MDM method for humaneness and selectivity. Although ethical perspectives and perceptions of humaneness vary depending upon individual values and experiences, the EA considered the available science and professional guidance (e.g., Association of Fish and Wildlife Agencies) on the subject.

11. Accomplishment of Goals and Objectives

By evaluating the ability of the alternatives to meet the overall goals and objectives, we were able to compare the results to the environmental consequences of the alternatives on the human environment to help make an informed decision that would best meet the competing needs for MDM. The goal of WS-Kansas is to respond in a timely and appropriate way to all requests for assistance. WS-Kansas also developed objectives for implementing MDM to protect various resources and evaluate impacts on the human environment. The EA incorporates these objectives (Section 1.4) throughout the document.

Only Alternative 1, the Proposed Action, met all objectives for WS-Kansas MDM activities.

Alternative 2 would not allow the use of the Decision Model to develop a strategy using lethal methods for MDM. Alternative 2 only allows WS-Kansas to provide technical assistance and nonlethal methods which would restrict our available methods and ability to meet our goals and objectives.

Alternative 3 would eliminate WS involvement in MDM in Kansas. WS would not provide direct operational or technical assistance and requestors of WS services would have to conduct their own MDM without WS input. This alternative would not restrict other agencies or private individuals/hunters from using lethal or non-lethal control methods, but fails to meet the goals and objectives stated in Section 1.4.

12. Decision

I have carefully reviewed the EA prepared to meet the need for action. I find the Proposed Action alternative (Alternative 1) to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of management agencies, landowners, advocacy groups, and the public. The analyses in the EA adequately addresses the identified issues, which reasonably confirm that no significant impact, individually or cumulatively, to the quality of the human environment are likely to occur from the proposed action, nor does the proposed action constitute a major federal action. Therefore, the analysis in the EA does not warrant the completion of an Environmental Impact Statement.

Based on the analyses in the EA, the issues identified are best addressed by selecting Alternative 1 (Proposed Action) and applying the associated operating policies discussed in Chapter 2 of the EA. Alternative 1 would successfully address mammal damage management using a combination of the most effective methods and would not adversely affect the environment, property, human safety, and/or non-target species, including threatened or endangered species. Alternative 1 would offer the greatest chance of maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative effects on the quality of the human environment that might result from the program's effect on target and non-target species' populations. In addition, Alternative 1 would present the greatest chance of maximizing net benefits while minimizing adverse effects to public health and safety. Alternative 1 would also offer a balanced approach to the issues of humaneness and ethics when all facets of those issues were considered. Further analysis would be triggered if changes occur that broaden the scope of MDM activities that affect the natural or human environment, or from the issuance of new environmental regulations. Therefore, it is my decision to implement the proposed action alternative (Alternative 1) as described in the EA.

13. Finding of No Significant Impact

The analysis in the EA indicates that Alternative 1, the Proposed Action, does not constitute a major federal action significantly affecting, individually or cumulatively, the quality of the human environment. I agree with this conclusion and, therefore, determine that an Environmental Impact Statement (EIS) will not be prepared. This determination is based on consideration of the following factors:

- A. The proposed activities will occur on sites across the state of Kansas as requested by landowners and managers. The proposed activities are not national or regional in scope.
- B. The proposed activities will not significantly affect public health and safety. The methods used are target specific and not likely to affect public safety.
- C. The proposed activities will not have an impact on unique characteristics of the geographic area such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and

scenic rivers, or ecologically critical areas. The nature of the methods proposed for reducing mammal damage do not affect the physical environment.

- D. The effects on the quality of the human environment of the proposed activities are not highly controversial. Although some people may oppose lethal methods, the methods and impacts are not controversial among experts, are not highly uncertain and do not involve unique or unknown risks because methods and techniques have been successfully deployed.
- E. The proposed activities do not establish a precedent for actions with future significant effects or represent a decision in principle about a future consideration and activities will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment
- F. There are no significant cumulative effects identified by this assessment. MDM activities will be coordinated with KDWP and other land management authorities (EA section 1.6). There are no irreversible or irretrievable resource commitments identified by this assessment, except for a minor consumption of fossil fuels for routine operations.
- G. The proposed activities will fully comply with the Endangered Species Act of 1973, as amended. The proposed activities would either have no effect, or would not be likely to adversely affect, or not likely to jeopardize federally listed threatened and endangered species, EA section 3.3.
- H. The proposed activities will not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places nor will it cause a loss or destruction of significant scientific, cultural, or historical resources.

For additional information regarding this decision, please contact Thomas Halstead, State Director, USDA-APHIS-Wildlife Services, 4070 Stagg Hill Road, Manhattan KS 65502.

Keith Wehner
Director, Western Region
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Date