



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

Decision and Finding of No Significant Impact

Proposal to Establish Operational/Experimental General Swan Hunting Seasons in the Pacific Flyway

1. Introduction

The U.S. Fish and Wildlife Service has authorized take of a limited number of Trumpeter swans in the previously existing Tundra swan seasons in the Pacific Flyway (excluding Alaska) since the 1995-1996 hunting season. The regulations establishing this limited take were based on two previous Environmental Assessments (Bartonek et al.: 1995-1996 to 1999-2000 and Trnst et al. 2000-2001) and previous Findings of No Significant Impact regarding these Environmental Assessments issued by the Service. Several actions occurred during the past year that have contributed to the Service revising and reissuing both a draft and final Environmental Assessment on this issue. The Service received a petition in October 1999 (after hunting regulations were established) to list as threatened or endangered Trumpeter swans breeding in the Greater Yellowstone Region of Montana, Idaho, and Wyoming as a distinct population segment of the Rocky Mountain Population of Trumpeter Swans. Additionally, the Service and cooperators conducted a comprehensive survey of the number and distribution of breeding Trumpeter swans throughout their known North American breeding range during the summer of 2000, providing new information on the status and population trends of Trumpeter swans. Finally, the Service was challenged in a lawsuit directed at its decision to allow a limited take of Trumpeter swans in the 2000-2001 swan hunting season in the Pacific Flyway and as part of the settlement agreement in that suit agreed to re-initiate the NEPA process.

Purpose

The purpose of this proposed action is to establish regulatory options and management direction for Trumpeter (*C. buccinator*) and Tundra (*C. columbianus*) swans based on past experience with limited Trumpeter swan hunting in the Pacific Flyway. In addition, new information gathered over the past year will be used to reassess Trumpeter swan population status and the potential impact of limited hunting seasons.

2. Background

A legal season that also permitted the take of a limited number of Trumpeter swans in the Pacific Flyway was instituted in 1995. Prior to that time and beginning in 1962 a Tundra swan season had been in effect. During the Tundra swan seasons it was known that some number of Trumpeter swans were taken by swan hunters who mistook them for Tundra swans. This limited

take was authorized in an attempt to reconcile potentially conflicting strategies for managing two swan species in the Pacific Flyway. The potentially conflicting strategies are: (1) to enhance the winter range distribution of the less abundant Rocky Mountain Population (RMP) of Trumpeter swans by severely restricting or eliminating swan hunting in portions of the Pacific Flyway currently open to hunting these species, and (2) to optimize hunting of the more numerous and widely distributed Western Population (WP) of Tundra swans in the Pacific Flyway.

The U.S. Fish and Wildlife Service (Service) issued a finding of no significant impact in August of 1995 and again in July of 2000 after assessing impacts in two previous Environmental Assessments on this issue (Hartonek et al. 1995, Frost et al. 2000). The proposed actions in these Environmental Assessments represented a balance between the two competing management strategies by establishing a general swan season in portions of Montana, Utah, and Nevada that allowed the taking of any species of swan (*Cygnus* sp.) subject to the following conditions:

- (1) a limited quota on the take of Trumpeter swans, which, upon being reached, would trigger the cessation of all swan hunting in the designated area.
- (2) modification of the already limited take and restricted seasons on Tundra swans to enhance the likelihood that Trumpeter swans would be successful in expanding their winter range, and,
- (3) the development and implementation of a program to monitor the effectiveness of this action.

3. Issues

The following issues were identified during the interagency and public involvement processes during the development of this and previous EA's on this issue:

- Impacts of limited harvest on the Rocky Mountain Population of Trumpeter swans.
- Impacts of limited harvest on Trumpeter swans nesting in the Tristate Region of Montana, Wyoming and Idaho.
- Impacts of limited harvest on Trumpeter swans nesting in Yellowstone National Park.
- Impacts of limited Trumpeter swan harvest on efforts to expand the wintering distribution of the Rocky Mountain Population of Trumpeter swans.
- Impact of field identification difficulty between Trumpeter and Tundra swans.
- Impact of adequacy of harvest management monitoring programs.
- Population status of the Rocky Mountain Population of Trumpeter swans.
- Population status of Trumpeter swans nesting within the Tristate Region of Montana, Idaho, and Wyoming.
- Adequacy of plans/programs directed at expanding the winter distribution of the Rocky Mountain Population of Trumpeter swans.

- Potential for weather (drought and cold weather) impacts on swan numbers and distribution

These issues were determined to be important and were used to focus the environmental analysis and compare the impacts of the alternatives.

4. Decision and Rationale

The alternative courses of action (Alternatives) were developed with input from the cooperating agencies and the public, and were analyzed in the EA in concert with the issues noted above in item 3. A summary of the impacts and the reasons for selecting or not selecting the alternatives is discussed.

Actions Common to All Alternatives:

Although not directly related to the issue of hunting seasons, the Service will continue to provide a leadership role in attempting to enhance Trumpeter swan status and breeding distribution within the Pacific Flyway through increased efforts directed at establishment of breeding Trumpeter swans in suitable habitats throughout the Pacific Flyway. Support has most recently taken the form of funding for production of cygnets for later reintroduction into suitable habitat.

The Service would also continue to support cooperative efforts to address the winter distribution issues by working with State, Non-governmental organizations (NGO) and individual partners. The Service would support limited winter capture and translocation on a case by case basis when circumstances develop that warrant such activity. The Service does not plan to employ winter translocations as the primary method to address the winter distribution problem of RMP Trumpeter swans. Rather translocation will be employed as a method to limit risk to swans from direct over-winter mortality, on an as needed basis.

Continued progress toward development and implementation of the requested implementation plan (Frost et al. 2000, FR Vol. 65, No. 188, pg 58517) has occurred. The Service has completed its portion of this plan (Appendix A) and believes the actions outlined in this plan can help address concerns regarding the number of swans nesting in the Tristate area and help establish new winter distribution patterns. Evidence suggests current and past management activities have made progress toward improving the winter distribution situation (Bouffard 2000). We expect that further actions will continue to improve the status and distribution of RMP Trumpeter swans. Implementation efforts will be continued by the Service under each of the alternatives to the greatest extent possible.

Alternative 1: Proposed Action

The Service would continue to establish a hunting season for tundra swans with an

authorization of a small take of trumpeter swans in designated portions of Montana, Utah and Nevada, within the Pacific Flyway. Constraints imposed upon swan hunting seasons described in the Supplemental Environmental Assessment on this issue (Trost et al. 2000) would be continued. Specific areas open to swan hunting in Montana, Utah and Nevada would remain as defined under the preferred alternative in the Supplemental Environmental Assessment on this issue (Trost et al. 2000).

Alternative 2: No Action Alternative

Under the No Action Alternative, the management scenario used prior to 1994 would be re-instituted. The Service would continue to establish open seasons on Tundra swans in all of Utah and parts of Montana and Nevada, while not allowing take of Trumpeter swans. There would be no closure of areas where Tundra and Trumpeter swans overlap in their fall/winter distribution.

Alternative 3:

Under Alternative 3, the Service would close areas to Tundra swan hunting in those parts of Montana, Utah, and/or Nevada that are likely to be used by Trumpeter swans

5. Public Involvement

This Environmental Assessment is an expanded and revised version of two previous Environmental Assessments (Bartonek et al. 1995, Trost et al. 2000). Extensive consultations were conducted in the development and implementation of these original Environmental Assessments. Previous consultations are summarized in those documents. Service representatives have conducted discussions in conjunction with annually scheduled Flyway meetings and at the Trumpeter Swan Society Conference, September 15-18, 1999, in Idaho Falls, Idaho, where this issue was discussed at length. Additional input has been received from numerous groups and organizations. Two public meetings were held in Idaho Falls, Idaho and Salt Lake City, Utah specifically to accept public comments on the Supplemental Environmental Assessment prepared for the 2000-2001 hunting season. The Service has continued to receive comment on the issue of management of RMP Trumpeter swans from various public and private sources and has considered those comments in preparing the predecisional EA.

A notice of availability of the predecisional EA was published in the Federal Register on April 25, 2001 (FR Vol 66, No. 80 page 20828). In addition, the predecisional EA was posted on the Division of Migratory Bird Management's web page and mailed to all organizations and private individuals who requested copies.

All public comments were reviewed carefully by the Service. The comments were considered in light of the analysis in the EA. The EA addressed all substantive comments received during the

30-day comment period.

FINDING OF NO SIGNIFICANT IMPACT

A careful review of the IEA indicates that there will not be a significant impact on the quality of the human environment as a result of this proposal under the meaning of section 102(2)(C) of the National Environmental Policy Act. 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:

1. The proposed activities will occur in isolated and localized areas within a limited number of counties in three States open to swan hunting. The proposed activities are not national or regional in scope.
2. The proposed activities will not significantly affect public health and safety. Swan hunting is a voluntary activity that has no affect on public health and safety.
3. The proposed activities will not have an impact on unique characteristics of the geographic area such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas. The nature of the proposed action will not affect the physical environment or any historic or cultural resources of national park lands (pg 48).
4. The effects on the quality of the human environment of the proposed activities are not highly controversial. The Service acknowledges opposition to the proposed activities, but concludes that this opposition does not rise to the level of significant controversy regarding the impacts of the proposed action. The Service notes that those voicing opposition to the Service's preferred alternative do not provide data or evidence to refute the numeric estimates of loss (pg 42-45) and the related potential for distributional impacts (pg 29-31), which the Service has concluded are not of a magnitude to threaten the RMP Trumpeter swans, or any component of this population suggested by those in opposition.
5. The possible effects of the proposed activities on the quality of the human environment are not highly uncertain and do not involve unique or unknown risks. The Service assessment has determined that the number of birds to be taken under the proposed action is small and below any reasonable potential for adverse impact under even a worst case scenario (pg 42-45). Additionally, the Service implemented further reductions on swan seasons in Utah in 2000, and proposes to maintain these restrictions for the period of this assessment to further reduce any potential for negative impacts (pg 5-7).

6. The proposed activities do not establish a precedent for actions with future significant effects or represent a decision in principle about a future consideration. Regulations with regard to take in sport hunting seasons are determined annually and all waterfowl harvest regulations are reviewed, based on new biological information, prior to finalizing the annual decision.
7. There are no significant cumulative effects identified by this assessment. Managed and limited harvest of swan populations has been shown to be consistent with long term population maintenance and enhancement and the action is not irreversible.
8. 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. Managed sport harvest does not cause the loss of cultural, or historic resources.
9. The proposed activities will fully comply with the Endangered Species Act of 1973, as amended. The proposed alternative does not include the take of any federally listed species and annual hunting regulations undergo section 7 regulatory review.
10. There are no irreversible or irretrievable resource commitments identified by this assessment, except for a minor consumption of fossil fuels for routine operations.
11. The proposed activities will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

For additional information concerning this decision, please contact:

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Approved by

_____ 6-14-01
Date


ACTING Director