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January 9, 2006

Mr. Brian Amme
PEIS Project Manager
Nevada State Office
1340 Financial Blvd.
P.O. Box 12,000
Reno, NV 89520-0006

Re: Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Draft
Programmatic Environmental Impact Statement
NMGF Doc. No. 10457

Dear Mr. Amme:

- 1 The New Mexico Department of Game and Fish (Department) has reviewed the Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Draft Programmatic Environmental Impact Statement (DPEIS). According to the 10 November 2005 Federal Register Notice of Availability for Public Review and Comment, this national, draft programmatic EIS is intended to provide a comprehensive analysis of BLM's use of chemical herbicides in its various vegetation treatment programs related to hazardous fuels reduction, noxious weed and invasive terrestrial plant species management, resource rehabilitation following catastrophic fires and other disturbances. Page 4-61 states that the overall goal of treating vegetation would be to restore natural fire regimes and to reduce or eliminate populations of undesirable vegetation.
- 2 The Preferred Alternative (Expand Herbicide Use and Allow for Use of New Herbicides in 17 Western States), would authorize the use of 17 herbicides (as opposed to 20 currently authorized), and would allow for the use of newer, more effective and less toxic (to non-target species) herbicides in the future. This alternative would authorize herbicide treatments on 932,000 acres annually, as compared with current authorization of treatment of 305,000 acres under the No Action Alternative.
- 3 The Department recognizes the need for the BLM to use herbicides to control noxious and invasive non-native plants to restore native plant communities and ecosystem processes. In

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cont. general, the DPEIS is well-written, and provides much informative information on the potential impacts of the different herbicides proposed for use on important natural resources of concern to the Department, such as aquatic (wetland and riparian) habitats, and aquatic and terrestrial wildlife species. The DPEIS also includes a Human Health Risk Assessment and an Ecological Risk Assessment. In general, the Department supports the stated goals of the herbicide treatment program, and without supporting any particular alternative at this time, supports the authorization of the BLM to use newer herbicides that are more target-specific and less toxic to non-target organisms.

4 However, the DPEIS fails to address two major issues, which preclude the document from meeting the intent of the National Environmental Policy Act (NEPA) Council on Environmental Quality regulations 1500.1(b), which states that NEPA documents must concentrate on the issues that are truly significant to the action in question, and 1500.2(f), which states that Federal agencies, to the fullest extent possible, shall use all practicable means, to... avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

5 The first of these two major omissions is that the PDEIS fails to address the potential lethal impacts to amphibians from glyphosphate, one of the herbicides proposed for use by the Preferred Alternative, and which is also currently used. Recent research has demonstrated that Roundup, a glyphosate formulation, applied at the manufacturer's recommended rate, may cause extremely high rates of mortality to anuran amphibians (frogs) at both the larval (aquatic tadpole) and post-metamorphic (terrestrial adult and juvenile) stages, which could lead to population declines (Relyea 2005a ,b, c). Therefore, we request that additional information be included to address these potential impacts, and that modified or additional standard operating procedures and mitigation actions be considered in light of this research.

6 Ecological research has also established that many pesticides (including herbicides) can adversely affect amphibian behavior, growth and reproduction (Bridges 1997, 1999, Hayes et al. 2002, *in* Relyea 2005c). However, the PDEIS does not identify, analyze or address any of these potential impacts of proposed herbicide uses on amphibians, as indicated by these studies.

7 Potential impacts of herbicides to amphibians is a "truly significant" issue to this DPEIS, as amphibian population declines are a world-wide phenomena, and most native ranid leopard frog species in New Mexico are exhibiting rapid declines (C. Painter, pers. Comm.).

8 The second major omission in the DPEIS is the failure of the document to analyze or address the long-term persistence (fate) of these chemicals in the environment, particularly as they pertain to adverse affects to groundwater resources and amphibians. Many of the herbicides discussed in the DPEIS have been identified as groundwater contaminants. As a likely result of the long-term persistence of some of these chemicals in the environment, recent research has implicated atrazine, an herbicide currently approved for use by the BLM, in causing reproductive malformations in frogs. The PDEIS states that atrazine has not been used much in the last few years by the BLM, but does not discuss why, or why it should be reauthorized for use in this PDEIS.

9 This issue becomes “truly significant” for New Mexico, as both atrazine and glyphosate are permitted for use in New Mexico. Also, Figure 2-1, p. 2-10 of the DPEIS identifies New Mexico as far and away having had the highest number of acres treated by herbicides annually (over 40,000 acres), compared with other western states. The Preferred Alternative in the PDEIS proposes increasing total acreages treated west-wide from ca. 300,000 to over 900,000 acres, so it is clear that any adverse affects of treatments to the environment and/or non-target organisms could be at much higher levels in New Mexico relative to other western states.

10 We therefore recommend that a Supplemental DPEIS be developed to addresses these issues. The Supplemental may need to develop new alternatives for public consideration, but at the least, should propose new best management practices, standard operating procedures, and recommended mitigations, standards and guidelines based on the findings of the new analyses.

11 We appreciate the opportunity to comment on this project. Should you have any questions regarding our comments, please contact Mark Watson, Habitat Specialist, of my staff at (505) 476-8115, or <mwatson@state.nm.us>.

Sincerely,



Lisa Kirkpatrick, Chief
Conservation Services Division

LK/MLW

- CC: Susan MacMullin (Ecological Services Field Supervisor, USFWS)
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