UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 25, 2011

Dr. Elizabeth Flint
Pacific Reefs National Wildlife Refuge Complex
300 Ala Moana Boulevard, Room 5-231
Honolulu, Hawaii 96850

Subject: Final Environmental Impact Statement (DEIS), Palmyra Atoll National Wildlife Refuge Rat Eradication Project (CEQ # 20110132)

Dear Ms. Flint:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the U.S. Fish and Wildlife Service on April 8, 2011. We rated Alternatives B and C as Environmental Objections – Insufficient Information, and Alternatives A and D as Environmental Concerns - Insufficient Information (EC-2). Our rating of Alternatives B and C was based on the potential precedent that would be set for future eradication projects that, collectively, could result in significant impacts to non-target species, due to the apparent lack of consideration of the less-toxic and less-persistent rodenticide diphacinone, and the very large quantities of rodenticide bait that were being proposed for aerial application. We were also unclear whether sufficient contingency planning had occurred to avoid repetition of mistakes made during previous rat eradications on Palmyra and elsewhere. The FEIS has identified Alternative C as the Preferred Alternative.

We appreciate the additional information regarding logistics and costs that were included in the Final EIS and draft operations plan that is posted on the project website. The alternative selection criteria in the FEIS differ from those provided in the DEIS, and now include considerations of cost and the large number of land crabs that would compete for the bait. Nevertheless, applying the revised criteria does not clearly lead to the conclusion that a diphacinone alternative is unreasonable. Cost data included in the FEIS showed the cost of aerial broadcast of diphacinone to be similar to the costs of bait station alternatives, yet a brodifacoum bait station alternative was considered feasible and evaluated in the NEPA document. The large number of land crabs present on the Atoll could be an argument in favor of diphacinone, with its reduced toxicity, since their presence requires a very large quantity of bait to be applied. We did not find the reports and field studies cited as reasons for eliminating diphacinone from consideration to be persuasive since diphacinone was evaluated in only 2 of them and neither yielded results that would warrant exclusion of diphacinone from consideration.

We understand the unique conditions on Palmyra and the imperative for eradication attempts to be successful, which led FWS to favor the rodenticide brodifacoum. However, the procedural requirements of NEPA are clear. A preference for one alternative – in this case, a particular toxicant – does not preclude the objective evaluation of another; indeed, this is the basis for the designation of a preferred

alternative. We continue to believe that evaluation of a diphacinone alternative in the NEPA document, complete with a side-by-side comparison of expected efficacy, non-target and other impacts, risks and uncertainties regarding fate and transport, and a discussion of application methods and rates, would have provided useful information for FWS decision makers and the public, including potential options for minimizing adverse impacts. When planning future eradication projects, we strongly encourage the FWS to take a leadership role in advancing the science surrounding lower-risk rodenticide baits, including efforts to develop a successful methodology for the use of diphacinone.

In our DEIS comments, we recommended that FWS consider removing coconut palms that extend 100% over the lagoon and ocean to minimize risk of bait inadvertently entering the marine environment from slinging bait "bolos" into the canopies of these overhanging coconut palms. In a telephone conversation and email exchange with FWS on April 11th and 12th respectively, we were assured that this recommendation would be incorporated into the project plans; however, there is no indication of this in the FEIS. We understand, however, that the FWS is, indeed, moving forward with this mitigation and is removing palms that completely overhang the marine environment (telephone conversation with Beth Flint, 5/9/11). We commend FWS for pursuing this mitigation, which will help minimize potential impacts to water resources, as well as marine life, and recommend that a commitment to this measure be included in the Record of Decision.

We continue to have concerns regarding non-target mortality and the proposal to capture and hold birds, due to the demonstrated difficulty in capture and the risk of stress, injury, disease and death that could occur. Since the DEIS was published, EPA has approved a supplemental label for Brodifacoum-25W Conservation for the project (letter dated April 15, 2011) with the understanding that it is the position of FWS that the benefits of restoring native species and habitat outweigh the risks to non-target species.

We appreciate the opportunity to review this FEIS. If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

cc: William W. Jacobs and Jennifer Gaines, EPA Office of Pesticide Programs
Patti TenBrook, EPA Region 9 Pesticides Office