



SOUTHERN GROUP OF STATE FORESTERS
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March 31, 2020

Animal and Plant Health Inspection Service (APHIS)
Regulatory Analysis and Development, PPD
Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

RE: Comments on Environmental Assessment for the Cogongrass Control Program in the Southeastern United States – Alabama, Georgia, Mississippi and South Carolina

To Whom it May Concern,

The Southern Group of State Foresters (SGSF) appreciates the opportunity to provide comment on the Environmental Assessment for the Cogongrass Control Program in the Southeastern United States – Alabama, Georgia, Mississippi and South Carolina. SGSF is a non-profit organization that represents the State Foresters from 13 southern states, Puerto Rico and the US Virgin Islands, and whose mission is to provide leadership in sustaining the economic, environmental, and social benefits of the south's forests. One of the main functions of each of our member agencies is to manage for forest health, including identification and control of invasive species and noxious weeds. SGSF works at a regional level to share best practices among states and manage pests and infestations across state lines, as we all know forest health threats do not respect political boundaries.

Background

We have extensive experience with the noxious weed cogongrass (*Imperata cylindrica*), which is the subject of the Animal and Plant Health Inspection Service (APHIS) Environmental Assessment (EA). Cogongrass has been found in 10 of our southern states, and most of these states already have cogongrass treatment programs in place. For over a decade, our states have been partnering with the USDA Forest Service (USFS) on effective, albeit under-resourced, cogongrass treatment programs. These programs are founded on the best available science about the weed and various treatment methods that can be used on it, and take advantage of the strong partnerships that exist within the forestry community in our region. Cogongrass is a serious threat to our southern ecosystems, but one that we lack the resources to address in a meaningful way at the scale of the current infestation. We would like to take this opportunity to welcome APHIS into these conversations which have been ongoing for decades, and appreciate your agency bringing to bear the expertise of your staff and the financial resources directed by Congress.

Unfortunately, there have been significant procedural issues with this EA and the underlying analysis, including a lack of scoping with the state agencies with expertise in treating cogongrass, that cause us to question its efficacy in reducing the spread of this weed. While we support bringing APHIS resources to bear on the regional cogongrass problem, we have two major concerns with the EA and its supporting material.

Procedural and Technical Concerns with the Biological Assessment

First, we understand there is more to the proposed program than what is laid out in the EA. The EA on page 32 references two programmatic biological assessments (BA) prepared for this program which are awaiting concurrence from the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). From follow-up conversations with APHIS staff, we understand that the BA for USFWS is now final, with agency concurrence being received in January 2020.

While the EA states that the BAs are included in the Administrative Record for the EA, they are not included in the material provided to the public to comment on. These documents, which were only provided to SGSF at our request after the comment period began, contain descriptions of treatment methods as well as required program mitigation measures. These seem like essential elements for inclusion in the EA relative to potential environmental impacts, yet any discussion on these items has not been carried over from the BAs into the EA, nor have the BAs been provided for public comment to all interested stakeholders.

The proposed treatment requirements found in the BAs are far more restrictive than label directions, other APHIS and USFS NEPA documents, and other USFWS consultations for similar treatments in the south. We believe that the treatment limitations and other restrictions put forth in the BAs would lead to an ineffective cogongrass program and would waste the funding Congress directed to APHIS to help address cogongrass infestations.

The elements of the BA that cause us implementation concern due to a lack of understanding of the cogongrass treatment science and experience to date are:

- **Not allowing treatments up to 25 feet of the water's edge will lead to partial treatment sites that will easily be re-infested by the portion of cogongrass that is not treated.** – *“Broadcast applications of herbicides will not be made within 100 feet of all surface water. A 25-foot no application buffer for spot treatments using backpack and hand-held sprayer herbicide treatments will also be used from all surface water.” (USFWS BA, pg. 7)*
- **Not treating cogongrass in the vicinity of a listed plant would be a death sentence for that plant population due to the competitiveness of the cogongrass weed. In addition, spray bottles and wicking are not feasible options for cogongrass treatment and should not be a recommendation or requirement within any buffer zone. With this in mind, the operational minimum buffer for listed plants would be 150 feet, which would be devastating for plant communities.** *“To prevent runoff or drift of program herbicides from entering the habitat of these species in the application area, the program will adhere to the following herbicide treatment buffers from all listed plant habitat: 300 feet for broadcast applications, 150 feet for backpack and hand-held sprayers, and 10 feet for wipe-on wick applications and 24 oz. plastic bottle sprayers.” (USFWS BA, pg. 76)*

- **Aquatic herbicides, which could be used within riparian areas for treating cogongrass, including up to the water's edge, were not mentioned in the BA as a mitigation option.**
- **Recommending herbicide/surfactant products by product name, including the required use of Dyne-a-Pak, limits the use of herbicide and spray adjuvant options to fit treatment and budget needs.**

Our review of the BA also causes us to question the way science was used by APHIS in setting treatment parameters:

- The scientific data presented in the BAs do not include the current Human Health and Ecological Risk Assessments utilized in other NEPA documentation by APHIS and the conclusions do not follow previous APHIS and USFWS recommendations for imazapyr and glyphosate use.
- USFS risk assessments for imazapyr and glyphosate are listed as sources in Appendix 1 of the BA, but the conclusions drawn do not incorporate the assessments. These assessments would lead to finding of no significance conclusions for both herbicides and are standard for NEPA documentation in other USDA programs.
- Previous APHIS NEPA documents (Spotted Lanternfly; March 2018 and Asian Long-horned Beetle; September 2015) also concluded 'no significance' for labeled uses of imazapyr.
- The buffer zone requirements presented in the BAs do not match the data conclusions from the science cited, and are greater than any science would require.
- Disking and mowing alone are not effective treatments, and research was incorrectly cited in the BA where it is stated that mowing followed by disking is effective control (USFWS BA, pg. 10). Disking and mowing can provide control if repeated over multiple seasons, but this is impractical for most cogongrass sites. Mechanical methods, when feasible, should be a part of an integrated plan to reduce thatch prior to herbicide application.

Also of concern is that, from our understanding of the BAs as well as the EA, the state agency implementers would be required to contact the appropriate USFWS office for T&E species locations before every treatment. These delays will reduce a state's ability to quickly treat all infestations within appropriate treatment windows. **Because these treatments will occur on private land through landowner sign-ups, the exact location of all treatments may not be known until very close to treatment time and this consultation requirement will most likely cause delays in treatment and reduce effectiveness.**

The Preferred Alternative does not achieve the Purpose and Need

The second issue, which is related to the first, is that we believe there is an inadequate range of alternatives in the EA. The Purpose and Need for the EA is relatively weak in our opinion, with most of the verbiage on page 3 of the EA relating to spending the money Congress appropriated and simply developing a program. (As an aside, Congress has appropriated additional funding for this effort in the FY2020 appropriations cycle so the funding reference in the EA of \$2 Million is out-of-date; however, we would suggest that all references to funding sources be removed from the Purpose and Need, as that information is immaterial.)

At the root of the Purpose and Need should be a desired outcome, in this case successfully reducing the spread of cogongrass. As laid out above, our concerns with the treatment methods and mitigation measures documented in the BAs lead us to believe that neither the no-action nor Preferred Alternative would be successful in any significant way at reducing the spread of cogongrass. As a result of the focus on mitigating effects to listed species to reach a “not likely to adversely affect” determination, the suggested treatment program will not meaningfully control cogongrass. The mitigating measures on buffers and equipment limitations will preclude effective control.

Thus, we believe an alternative should be developed that would adequately treat and control populations of cogongrass. This alternative should be developed in partnership with federal and state experts with experience in treating cogongrass through adequate NEPA scoping efforts. Such an alternative would necessarily include treatments regardless of distance to water or listed plant species in order to be effective. The BAs for this alternative may come to a “may affect, likely to adversely affect” determination and trigger formal consultation, but such an option must still be considered to meet the true Purpose and Need for the document – reducing the spread of cogongrass.

Conclusion

In summation, this EA and the BAs that underpin it do not adequately use the best available science, including that from previous USDA NEPA documents, and create a new cogongrass program with significant unnecessary treatment restrictions. A more efficient approach would be to recognize and support the existing state programs already in place which are underpinned by the best available science. The program as proposed by APHIS in the Preferred Alternative will only serve to cause unnecessary delays in treatment, ineffective cogongrass eradication, and embarrassment to the state agencies if they actually decide to implement it.

To our knowledge, none of the states with expertise in cogongrass treatment nor the USFS were consulted through scoping as part of the development of the EA nor the BAs before they were submitted to the USFWS and NMFS which is very disappointing. Therefore, we request that instead of finalizing this EA and initializing the proposed cogongrass treatment program from the Preferred Alternative, that APHIS staff meet with state personnel with experience in treating this noxious weed and jointly develop a third alternative that would more adequately fill the Purpose and Need and achieve the objectives of Congress. The current Preferred Alternative will only cause headaches and waste taxpayer dollars, while being largely ineffective at addressing the cogongrass problem in our region.

Thank you for your attention to these concerns about the EA and the process that was used to develop it. We look forward to further discussion before the EA is finalized.

Sincerely,



Rick Oates
State Forester, Alabama Forestry Commission
Chair, Southern Group of State Forester