



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270-2102

November 20, 2020

Mr. Travis G. Moseley  
Forest Supervisor  
Lincoln National Forest  
3463 Las Palomas Road  
Alamogordo, New Mexico 88310

Dear Mr. Moseley:

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, the U.S. Environmental Protection Agency (EPA) has reviewed the Integrated Non-native Invasive Plant Management Draft Environmental Impact Statement (EIS) (CEQ No. 20200195).

The United States Forest Service (USFS) proposes to control the spread of non-native invasive plants (NNIP) on National Forest System lands by using a forest-wide integrated weed management strategy and implementation of adaptive management strategy of prevention, early detection, rapid response, control and treatment, restoration, and organizational collaboration. The Draft EIS assesses the environmental impacts of three (3) alternatives under consideration for the proposed project. The project area includes forest service land in Lincoln, Otero, Chavez and Eddy Counties in south-central New Mexico. For your consideration, the following recommendations are provided to improve the clarity of the EIS.

Based on the discussion of chemical treatments, EPA recommends USFS incorporate the following language: applicators of restricted use pesticides (RUPs) on tribal lands are required to hold a Federal certification to apply RUPs in Indian Country in addition to New Mexico Department of Agriculture licensure and certification in appropriate categories (<https://www.epa.gov/pesticide-applicator-certification-indian-country>).

On page i, the Draft EIS states that both action alternatives – Alternative B Herbicides and Alternative C No Herbicides - would amend the Lincoln National Forest Land and Resource Management Plan in order to allow use of herbicides. However, the remainder of the Draft EIS supports that Alternative C does not include herbicidal treatment for NNIP management. EPA recommends USFS clarifies Alternative C within the entirety of Draft EIS. Under resource protection measure D-2, the Draft EIS states that, “[h]eavy equipment can be used to mechanically dig up NNIP within riparian zones after a Forest Service soil, water, or fisheries specialists examines site-specific conditions.” EPA recommends USFS incorporate the factors of the site-specific examination to determine if heavy equipment use would be allowed to mechanically dig up NNIP plants in riparian areas.

All Non-Road Engines should be certified as in compliance with the EPA Tier 4 regulations found at 40 CFR Parts 89 and 1039, which includes new and in-use nonroad compression-ignition engines. Additionally, should any land-clearing activities occur which result in the use of open burning to dispose of woody debris, coordination should be conducted with the New Mexico Department of Environmental Quality to determine air quality conditions such as atmospheric inversions prior to performing open burning activities, and consider any expected air quality and visibility impacts to Class I Federal Areas identified in 40 CFR Part 81, Subpart D.

EPA recommends USFS incorporate a discussion of consultations with all federally recognized tribes impacted by the proposed project, as applicable. The Draft EIS states mitigation measures will be implemented for human health and safety, wildlife and water bodies regarding herbicides use. Pursuant to Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, EPA recommends USFS incorporate a discussion of any impacts to minority and low-income populations.

We appreciate the opportunity to review the Draft EIS and look forward to reviewing the Final EIS related to the proposed project. If you have any questions on our recommendations, please contact Kimeka Price of my staff at (214) 665-7438 or by e-mail at [price.kimeka@epa.gov](mailto:price.kimeka@epa.gov).

Sincerely,

Gerardo Acosta  
Acting Director  
Office of Communities, Tribes and  
Environmental Assessment (ORAC)

cc: Ms. Peggy Luensmann, USFS, [peggy.luensmann@usda.gov](mailto:peggy.luensmann@usda.gov)