

STATE OF ALASKA

SARAH PALIN, Governor

**ANILCA IMPLEMENTATION PROGRAM
Office of Project Management and Permitting**

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January 11, 2008

Will Meeks, Deputy Refuge Manager
Alaska Maritime National Wildlife Refuge
95 Sterling Highway, Suite 1
Homer, Alaska 99603

Dear Mr. Meeks:

The State of Alaska reviewed the Environmental Assessment (EA) for Restoring Wildlife Habitat on Rat Island, which is part of the Alaska Maritime National Wildlife Refuge. These comments represent the consolidated views of the State's resource agencies.

The State is supportive of the Service's overall efforts to eradicate rats from Rat Island and restore important seabird breeding habitat and the natural productivity of the island. We also appreciate the Refuge's efforts to respond to the Alaska Departments of Fish and Game and Environmental Conservation's comments during development of the EA.

As noted previously in our comments dated September 7, 2006, on the 2006 Environmental Assessment for the Rat Eradication Field Efficacy Trial, the proposed project involves an Integrated Pest Management approach focusing on use of rodenticides. Our comments included a summary of the federal and state regulatory requirements for Rodenticides and are provided again by reference through the following link:

http://www.dnr.state.ak.us/opmp/anilca/pdf/06_09_07_AKMA_Rat_Eradication_EA.pdf.

Our general concerns involve potential short and long term effects on non-target organisms and potential effects on the health and quality of the environment, all of which can be mitigated by: proper training, defined procedures, proper use, storage and disposal of rodenticides; and adequate monitoring.

Our conceptual support of the proposed project is contingent upon the Environmental Protection Agency's (EPA) final FIFRA Section 3 pesticide registration approval. The approved registration will allow for aerial broadcast of the rodenticide whose active ingredient is the anticoagulant brodifacoum. Our understanding is the product is expected to receive this approval within the next few months. State pesticide regulations (AAC 90.030) require that a product be registered with the Alaska Department of Environmental Conservation (ADEC) to be sold and distributed within the State of

Alaska. Until the federal registration is approved, ADEC can not approve the Alaska state pesticide product registration. In addition, without the federal registration approval, the EPA risk/benefit evaluation process is not complete. Consequently there is no EPA approved written product label for ADEC to evaluate and comment on the use of the product relative to the proposed project. Once the product federal and state registration is approved and the needed information is available, the project will also be subject to the administrative procedures and timeline requirements associated with the state aerial pesticide application process. This process includes public notice, and possibly public hearings and a review for consistency with the Alaska Coastal Management Program. If a permit is issued, there is a 40 day waiting period before it is "Effective" as per 18 AAC 90.530. We note the Service has already contacted ADEC regarding these requirements (e.g. state pesticide permitting process, pesticide applicator certification, and the procedures for state pesticide product registration).

Additional page-specific comments:

Page 15, 2.2.2.2, 2nd bullet: This bullet states the rodenticides will be "stored in a wooden storage unit." State storage regulations (18 AAC 90.615(d)) require pesticides be stored in a closed vehicle, closed trailer, closed building or room, fenced area, truck or trailer. The storage structures will need ADEC pre-approval, including required signage identification.

Page 20, 2.2.2.11, 1st sentence: The statement "*Every reasonable effort will be made to minimize the risk of bait being broadcast into the marine ecosystem.*" implies that some rodenticide product may drift into the water. State regulations would prohibit this product from entering water if it was stated as such on the product label. But as previously pointed out, there is no "label" available at this time that provides directions for use (i.e. wind speed, storage, drift mitigation, etc.) or precautionary statements.

The benefits of this project and potential future projects to the State and the Alaska Maritime National Wildlife Refuge are substantial; however, we share the Refuge's concern that the benefits must be achieved with minimal risk or adverse effects to nontarget species. We note there was a similar eradication project using brodifacoum that was successfully undertaken on Anacapa Island off California and we are hopeful for similar success with this project. Thank you for the opportunity to comment. Please let me know if you have any questions or need additional information.

Sincerely,



Susan E. Magee
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator