



September 12, 2002

Date	# of pages
From	
To	
Phone #	
Fax #	

Mr. Pat Cooke
 Texas Commission on Environmental Quality
 Field Operations/Region 2
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Dear Mr. Cooke:

This letter is in response to your request that Texas Parks and Wildlife Department (TPWD) review and comment on the City of Lubbock's response to Texas Commission on Environmental Quality's (TCEQ) Notice of Violation at the Lubbock Land Application Site (LLAS).

First, we are disappointed to note that the plan does not reflect the discussions from the June 2002 meeting with TCEQ, TPWD and U.S. Fish and Wildlife Service (USFWS). At that meeting, TCEQ admitted having no evidence that prairie dogs were creating the problem at the LLAS. If so, TPWD requests that TCEQ revise the comments it sent to the City of Lubbock, so that the City can develop alternative approaches to controlling prairie dogs. It is TPWD's opinion that if the Notice of Violation did not specifically call for controlling prairie dogs, the City would have more options on how to deal with its failure to meet its groundwater remediation requirements. This situation arises at a very sensitive time, since the USFWS has been petitioned to list the prairie dog as a threatened species and will base their final decision on the ability of states to conserve the species. Your agency's recommendation to eliminate this colony has elevated the controversy, especially since there is no direct evidence that prairie dogs are causing the spikes in nitrogen levels in the groundwater.

Because of TCEQ's recommendations, the City is only addressing the issue of prairie dogs, rather than water quality and treatment, responding only to the potential that if prairie dogs are left on site, TCEQ may once again find the City in violation of their remediation program.

We do not believe that the plan's proposed control of prairie dogs alone will result in the site obtaining compliance with the City's groundwater remediation program. While prairie dogs may be contributing to the problem via their grazing and burrowing activities, cattle and wintering geese are also contributing to the problem of denuding vegetation. In addition, cattle and goose excrement is a source of nitrogen. Our understanding is that grazing is not an effective means of removing the nitrogen sequestered in the plant tissue and removing it from the site. For a land application program to successfully remove nitrogen from the water, the nitrogen must be effectively removed from the system.

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Uptake by plants only creates another medium of exchange. Unless the plant tissue is removed from the site (i.e. hayed) the nitrogen will remain and eventually wind up in the soil, then potentially in the groundwater.

The plan indicates that areas will be plowed following control activities but fails to state how this will impact burrowing owls and what measures will be taken to ensure that burrowing owls are not accidentally killed during plowing. In addition, the plan fails to state what will be reseeded. Simply reseeding with more Italian ryegrass is unlikely to address the need for nutrient uptake. The Texas Department of Agriculture (TDA) has expressed its concern over the use of Italian ryegrass for the purposes of removing nitrates from water. According to TDA, Italian ryegrass is only expected to actively grow about three months out of the year in the Lubbock area. The rest of the year, the plant is dormant and not removing any nutrients from the graywater being applied to the LLAS.

We agree with the plan's goal to achieve 100 percent control within the center pivot areas. We do not agree with the plan to control prairie dogs outside of the center pivot areas. While migration of prairie dogs into the center pivot areas over time may be of concern, there are effective methods for preventing this from occurring as outlined in TPWD's management recommendations provided to the City in July. We also appreciate the City's efforts to relocate prairie dogs from the site; however, simply relocating the species does not provide for effective management of the species on the LLAS. The LLAS lies within the native range of prairie dogs and since parts of it are being managed as native range and pasture land, prairie dogs will be attracted to the site. The plan should allow for the continuation of prairie dog colonies on the site, with provisions for preventing migration into the center pivot areas.

The plan also calls for monitoring and continued control of new and reinfestations of prairie dogs on site; however, continued ad lib poisoning to control prairie dog access to the site is not an acceptable solution. Again, there are effective means of preventing prairie dogs from entering any part of the LLAS. These methods include fencing and planting visual barriers around the entire perimeter of the LLAS.

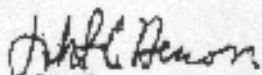
TPWD recommends that TCEQ at least encourage the City to implement fencing and visual barriers around the perimeter of the LLAS to prevent any future incursion of prairie dogs rather than relying on continual poisoning of a candidate species as a method of controlling prairie dog ingress.

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The plan incorrectly states the concern that imminent federal prohibitions are expected to substantially reduce all future control options. Prairie dogs are under no federal protection at this time; although they are a candidate species for listing under the Endangered Species Act. During the June 26th meeting with USFWS, TPWD, and City representatives, the City was told that there are provisions within the Endangered Species Act for taking (killing) an endangered animal or destroying its habitat if necessary. Future control options will not be substantially reduced.

TPWD and other conservation agencies in other states are trying to address prairie dog population and management concerns to prevent future listing of the prairie dog. Actions such as those being required by TCEQ and implemented by the City are more likely to harm, rather than help prairie dog conservation efforts, moving us one step closer to having prairie dogs listed as endangered. TCEQ and the City have an opportunity to address groundwater remediation concerns and implement a positive innovative approach to prairie dog management that can provide win-win opportunities for all. We are disappointed to see that the proposed plan fails to address this conservation opportunity.

Sincerely,



John Herron
Wildlife Diversity Branch Chief

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cc: Ms. Margaret Hoffman