

U.S. ENVIRONMENTAL PROTECTION AGENCY
COMMENTS ON DRAFT ECOLOGY STANDARD OPERATING PROCEDURES
NEPA.12 AND FO.21

1. Section 1.0 of Procedure No. NEPA.12, Purpose, uses the term "species of special concern" as a broad category of species which includes threatened and endangered, candidate, proposed, and Colorado species of special concern. However, Section 3.0, Items/Definitions, introduces a new term, "special concern species", which is limited to Colorado species of concern. This is inconsistent and results in confusion. Correct the definitions to be consistent with Section 1.0.
2. Inconsistent terms are used in Section 4.0 of Procedure No. NEPA.12 to describe the species which are intended to be protected at RFP by implementing this SOP. For example, Section 4.1 states, "protection of T&E and CSOC species", Section 4.3 states, "various plant and animal species", Section 4.4 states, "T&E, P, C, and CSOC species". Replace all of these with the term "species of special concern" as described in Section 1.0 to correct the inconsistency.
3. Although the term "qualified specialist" is used in a number of places in the SOPs, it is never defined. The exact qualifications of this person should be specified.
4. What is the status of the habitat map described in section 5.2.2.2 of Procedure No. NEPA.12? The map should be reviewed by the U.S. Fish and Wildlife Service and the Colorado Division of Wildlife. It is not clear from the text of the SOP whether the habitat map includes the areas of Operable Unit 3 which extend past the boundary of the Rocky Flats Plant site. Field activities will also be conducted in these areas so it is important that the habitat map include Operable Unit 3.
5. It is an important function of the SOPs to ensure that the procedures required by the Endangered Species Act (ESA) are understood and followed by the Rocky Flats field personnel. The SOPs as currently written place more emphasis on the internal procedures required by DOE than on the notification and consultation procedures required by the ESA. These internal procedures are complex and EPA is concerned that the appropriate consultation could be delayed as a result. Consultation should be initiated as soon as possible after a sighting has occurred.
6. The Biological Survey Report must be transmitted to EPA and the Colorado Department of Health in addition to the U.S. Fish and Wildlife Service.

7. The headers on the SOPs refer to category 1 and category 2. We understand that these are not meant to refer to category 1 and category 2 species because both SOPs will be applied to situations involving all special status species. The use of these terms causes confusion. EPA suggests that another term be used. If that is not possible, at least add an explanation of the difference between the term used in the header and the category 1 and category 2 species.

8. A global search should be made of the documents to replace "siting" with "sighting" as appropriate.

9. The generic name for whooping crane in attachment 2 of both SOPs should be changed to Grus. The current spelling is incorrect.