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16 July 2026

Docket No. APHIS-2026-0628
Regulatory Analysis and Development, PPD, APHIS
5601 Sunnyside Avenue, #AP760
Beltsville, MD 20705

Submitted electronically to the Federal eRulemaking Portal <https://www.regulations.gov>

***RE: Notice of Intent to Prepare a Programmatic Environmental Impact Statement;
Grasshopper and Mormon Cricket Suppression Program – APHIS–2026–0628;
NMDOW No. NMERT-6216.***

To whom it may concern,

The New Mexico Department of Wildlife (NMDOW), New Mexico Environment Department (NMED), and New Mexico Department of Agriculture (NMDA) appreciate the opportunity to review and submit formal comments on the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Notice of Intent to Prepare a Programmatic Environmental Impact Statement (PEIS); Grasshopper and Mormon Cricket Suppression Program (Docket ID # APHIS-2026-0628). The Notice of Intent was published in the Federal Register on June 18, 2026 (91 FR 36787).

The PEIS details four alternatives:

- Alternative 1—No Action Alternative (current program, insecticide applications at conventional rates or reduced agent area treatments with adaptive management strategy)
- Alternative 2—Surveys, Monitoring, Population Mapping, and Technical Assistance Only Alternative
- Alternative 3—Surveys, Monitoring, Population Mapping, Technical Assistance, and Biopesticides with Adaptive Management Alternative
- Alternative 4—Combination of Alternatives 1 and 3 With Modifications (USDA's preferred alternative)

NMDOW, NMED, and NMDA (the State Agencies) support the APHIS's efforts to protect rangelands and agricultural resources in the western United States. In New Mexico, grasshoppers feed on plant stems and leaves, reducing forage for livestock and damaging crops like alfalfa, barley, corn, and wheat. Severe infestations can lead to soil erosion, nutrient cycle disruption, and water filtration issues that not only affect New Mexican agricultural producers but can also impair surface water quality and impact aquatic life, wildlife, and the environment. However, the State Agencies have concerns about the use of pesticides, especially near sensitive aquatic resources and habitats such as wetlands, rivers, and streams and in areas used by pollinating insects such as bees, moths, and butterflies.

APHIS's grasshopper and cricket suppression program should aim to balance pest control with environmental protection. In the attachments, you will find areas of potential environmental impacts and land management considerations identified by NMDOW (Attachment 1), NMED (Attachment 2), and NMDA (Attachment 3) for you to evaluate as the process continues. These comments include references to the alternatives outlined above.

The State Agencies respectfully request that APHIS consider the enclosed comments and recommendations as it develops the PEIS. Thank you for your continued commitment to protecting New Mexico's rangelands through an effective grasshopper and Mormon cricket suppression program.

Sincerely,

Michael B. Sloane
Director

Attachment 1 / NMDOW Comments

Overall, the NMDOW is supportive of Alternative 2, acknowledging potential issues associated with local land managers implementing pesticide applications that are less considerate of sensitive environments than USDA-APHIS' approaches as described in Attachment 3 by NMDA, and may support Alternative 3 given any biopesticides undergo thorough testing and will not interfere with wildlife populations, including native invertebrate populations. The NMDOW has the following more specific comments regarding the PEIS in the context of potential impacts of the proposed alternatives on wildlife and wildlife habitats:

Insecticides and pesticides can be highly toxic to native insects, bats, and other wildlife species. Overall, the NMDOW recommends alternative methods of pest control such as vegetation management and the encouragement of natural predator species populations (e.g., birds and bats) be utilized rather than chemical insecticides and pesticides. The NMDOW has the following recommendations, and suggests they be included under any alternative selected that includes insecticide use, to mitigate impacts to wildlife in instances where the use of insecticides cannot be avoided:

- Thorough surveys should be completed by a qualified, permitted biologist prior to any treatments to determine if special status species or species of concern (including Species of Greatest Conservation Need) are present in the area.
- Select the least-toxic, most-specialized insecticide option to minimize impacts to native insect pollinators.
- Use the lowest concentration and least number of applications possible that will still allow for the achievement of the desired result and ensure application is conducted by qualified, trained applicators. Do not apply multiple insecticides together.
- Use ground-based application as much as possible. If aerial application is necessary, fly at the lowest height and speed possible and conduct applications when wind speeds are less than 10 miles per hour.
- Avoid insecticides noted as being toxic to bees according to the [Bee Precaution Pesticide Ratings tool](#); systemic insecticides such as neonicotinoids (e.g., clothianidin, dinotefuran, imidacloprid, thiamethoxam); insect growth regulators; adulticide sprays including malathion and liquid formulations of carbaryl; or insecticides sold as dust, wettable powders, or microencapsulated products. Granular insecticide formulations and *Bacillus thuringiensis israelensis* (Bti) are preferred.
- The NMDOW recommends not using the following classes of pesticides, which have been found to be, or are suspected to be, potentially harmful to bat species ([Stahlschmidt and Brühl 2012](#), [Williams-Guillén et al. 2016](#), [Oliveira et al. 2021](#)): organochlorines (e.g., dicofol, endosulfan, and methoxychlor), pyrethroids (e.g., permethrin, bifenthrin, and resmethrin), and, as previously mentioned for insects, neonicotinoids (e.g., clothianidin, imidacloprid, and thiamethoxam).
- Avoid applying insecticides to vegetation that is being used by native pollinating insects for foraging (i.e., flowering plants). To mitigate the potential

- for insecticide drift into sensitive aquatic and native riparian habitats, including those with cottonwood (*Populus* spp.) stands, or rare plant populations used by pollinating insects, the NMDOW recommends applying a three-mile buffer to aquatic and riparian habitats and state-listed plant species populations. Other pollinator foraging habitats should be buffered by at least 125 feet from insecticide application.
- To mitigate the potential for impacts on insect-eating or nectar-eating bats, the NMDOW recommends applying a minimum buffer of 10 ft (for spot applications), 90 ft (if using ground application), 300 ft (if using low-altitude aerial spraying), or 1,320 ft (if using high-altitude aerial spraying) around all known terrestrial habitats for these species, including caves, cliff faces with deep crevices, bridges, mixed-age ponderosa pine (*Pinus ponderosa*) stands, mature pinyon (*Pinus edulis*)-juniper (*Juniperus* spp.) woodlands, and areas with columnar cacti or agaves (*Agave* spp.) present.

The NMDOW recommends that any biopesticides be well researched and tested before use to ensure they will not negatively impact native pollinators or other wildlife species. The NMDOW also suggests the application of these substances, and any other substances which may be used under the PEIS, be researched across different landscape types, including in burned areas, to ensure they will remain effective and safe for native species across different contexts. For example, some substances applied in burned areas may be less likely to bind to the local soil and more likely to be washed into local waterways.

Additionally, the NMDOW would appreciate the opportunity to review and comment on the final PEIS once it is written in order to provide additional recommendations for the protection of wildlife across the State of New Mexico.

Attachment 2 / NMED Comments

NMED supports Alternative 2. In general, NMED supports APHIS's consideration of alternatives that include pest management techniques that are preventative in nature rather than those that are responsive, like suppression via direct intervention and application of pesticides. NMED may support Alternative 3 and the use of biopesticides if APHIS incorporates strong protections of aquatic resources, wildlife habitat, and native species. .

APHIS should support responsible preventive grazing practices. Addressing overgrazing and maintaining healthy plant cover should be a prerequisite for consideration of any insecticide treatment.

APHIS must ensure that suppression activities are protective of all surface waters of the State, including all ephemeral and intermittent streams, wetlands, and aquatic resources. New Mexico Water Quality Standards (NM WQS) include numeric criteria for pollutants applicable to existing, designated, and attainable uses under the Standards for Interstate and Intrastate Surface Waters (pursuant to 20.6.4.900(J)(1) NMAC). Two of the four insecticides proposed for use in Alternative 1 are, and one proposed for use in Alternative 4 is, regulated by NM WQS. Carbaryl has NM WQS numeric criteria for acute and chronic

aquatic life designed uses, and malathion has NM WQS numeric criteria for chronic aquatic life designated use. Both numeric criteria are based on Environmental Protection Agency (EPA) Office of Water recommended criteria. EPA has established [Aquatic Life Benchmarks](#) for diflufenzuron and chlorantraniliprole that APHIS should consider.

Especially in the hot and arid summer months, wetlands, riparian areas, playas, and other waterbodies are magnets for birds and wildlife and may be used in greater numbers by a variety of species that may be affected by applications of pesticides to control grasshoppers and/or crickets. Pesticide applications should avoid and provide adequate buffers to water bodies, wetlands and riparian zones, playas and internal draining wetlands (including depressions), tributaries, arroyos, and acequias and other drainageways to water bodies. Any activities including staging and managing the application of the control pesticides should not be in the vicinity of any water bodies or wetlands.

The PEIS should address specially designated public lands and waters where spraying suppression chemical applications should be prohibited and minimized. National Parks, National Monuments, National Wildlife Refuges, Wilderness Study Areas, Areas of Critical Environmental Concern, National Conservation Lands, Outstanding Natural Resource Waters, Wild and Scenic Rivers, Wilderness Areas, and Wilderness Study Areas must all be formally protected, with buffer zones to prevent insecticide drift.

The PEIS should consider federal Clean Water Act (CWA) permit requirements under the National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP). The PGP regulates point-source discharges of biological pesticides and chemical pesticides that leave a residue. The permit covers mosquitoes and other flying insect pest control; weed and algae pest control; animal pest control; and forest canopy pest control. The PGP requires certain operators develop a Pesticide Discharge Management Plan (PDMP).

The PEIS should also consider New Mexico Water Quality Act (WQA) requirements, including surface water state permits and public notification and monitoring requirements.

Finally, APHIS must engage meaningfully with New Mexico's Nations, Tribes, and Pueblos. Timely coordination and consultation must be incorporated into all treatment proposals.

Attachment 3 / NMDA Comments

NMDA provides the following comments on Alternatives 2 and 3:

Alternative 2. “*Surveys, Monitoring, Population Mapping, and Technical Assistance Only Alternative*” USDA-APHIS would limit activities to surveys, mapping, and providing technical assistance. Treatment applications, including funding would be the responsibility of landowners (i.e., Bureau of Land Management [BLM]; U.S. Forest Service [USFS]; State Land Office, private landowners).

Approximately one-third of New Mexico's land area (32%, roughly 24 million acres) is

federally owned, with nearly one-half of those lands managed for livestock grazing. Federal grazing allotments are extensively intermingled with adjacent private and state-owned rangelands, making effective grasshopper suppression dependent on coordinated management across multiple landownerships. Fortunately, significant grasshopper outbreaks occur infrequently in New Mexico. In these instances, USDA-APHIS has played a critical role in coordinating response efforts among federal, state, and private land managers to ensure that treatment programs are implemented effectively and consistently. Because a substantial portion of New Mexico's grazing lands are administered by the USFS and the BLM, uncertainty regarding whether either agency will authorize or implement a treatment program can create significant uncertainty for permittees and landowners. This uncertainty complicates grazing management decisions, forage planning, and overall rangeland management by reducing confidence in the availability of forage resources during and after outbreaks. With respect to treatments, malathion may be used by landowners including BLM and USFS.

Alternative 3. “Surveys, Monitoring, Population Mapping, Technical Assistance, and Biopesticide with Adaptive management Alternative” Under this alternative, USDA-APHIS would provide assistance similar to that described in Alternative 1, except they would be limited to the application and support of only biopesticides.

The notice addresses the shortcomings of previously used and researched biopesticides, including *Beauveria bassiana*, *Metarhizium robertsii*, and *Nosema locustae*, as insufficient to control outbreaks and not economically feasible. Biologically based control methods should remain a priority within an integrated pest management-based program. NMDA supports the continued development and evaluation of effective biopesticides and encourages USDA-ARS and USDA-APHIS to continue research to identify biologically based control options that provide consistent efficacy and are economically feasible for use in arid rangeland ecosystems.

References

Oliveira, J. M., A. L. F. Destro, M. B. Freitas, and L. L. Oliveira. 2021. How do pesticides affect bats? A brief review of recent publications. *Brazilian Journal of Biology*, 81(2):499–507. <<https://doi.org/10.1590/1519-6984.225330>>.

Stahlschmidt, P., and C. A. Brühl. 2012. Bats at risk? Bat activity and insecticide residue analysis of food items in an apple orchard. *Environmental Toxicology and Chemistry*, 31(7):1556–1563. <<https://doi.org/10.1002/etc.1834>>.

Williams-Guillén, K., E. Olimpi, B. Maas, P. J. Taylor, and R. Arlettaz. 2016. Bats in the anthropogenic matrix: challenges and opportunities for the conservation of Chiroptera and their ecosystem services in agricultural landscapes. Pages 151-186 in C.C. Voit and T. Kingston, editors. *Bats in the Anthropocene: conservation of bats in a changing world*. Springer, Berlin, DE. <https://link.springer.com/content/pdf/10.1007/978-3-319-25220-9_6.pdf>.