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DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR

20Jan.2014 Memo

Public Comments for the DEIS To Spray Amazamox on Japanese Eel Grass on "Commercial"Shellfish Areas in Willipa Bay and the Associated NPDES PERMIT TO Use Amazamox on ZJ

To:Dir.M.Bellon,WDOE

From:Rob Kavanaugh RK

Ref.subj.above I provide the following critique and suggestions both for the DEIS and theDraft NPDES Permit:

In general the DEIS lacks credibility,clarity,and good science. Instead we are left to speculate on the exact shellfish areas to be sprayed?We are uniformed as to the affects on the biotic community,and the impacts on non target species including zostera marina?

The authors failed to document concisely both the benefical and negative impacts on the environment ZJ.Instead we find conjecture and unsubstanitate opinions without the backup of peer reviewed scientific research.Dr.Patten is just not enough because he represents the shellfish growers point of view as directed by his WSU job descripiton.

The DEIS/NPDES does not conform to either the legislative intent of SEPA or the Clean Water Act.These laws require statements be designed to inform the public about the probable impacts of these projects on the natural enviroment.They fail to provide clarity and full understanding.This in the context of comparing them with the EIS for Spraying Spartina etc.

We are lead to believe that ZJ is causing economic damage to clam growers.This is not substaniated by Dept.of Revenue data. There are many other factors that affect the exotic Manila Clam production including pesticide,nutrient production and and transmission from the Pacific thru the mouth of Willipa Bay.WDOE describes Willipa Bay as a 'toxis soup'.MObey Dick v ECY.2012 Also we now know that Oysters from Willipa Bay have been baned from sale in PRC because of heavy metal contaminations. Other factors that may inhibit clam production include wide spread siltation caused by many years of deforestation and road road building within the Willipa WRIA.see CedarHolm NVR.

Of great concern and objection is the proposal to spray amazamox adjacent to and within intermixed meadows of seagrass where zj and marina coexist.Both of these seagrass provide very similar outputs,benefits,and habitat attributes to the biotic community of Willipa Bay.Escheria 2012.

Eelgrass is a protected species both by the SMAs,Clean Water Act.The goal is to increase the area of eelgrass by 20%.Yet recent studies for developing a monitoring plan show a loss Zmarina when amazamox is used.The proposed monitoring plan(NPDES) does not include monitoring affect on flora and fauna which is both objectionable and actionable.

WE are concerned about the issue of depleting shellfish beds by overstocking with exotic manila clams thus creating smaller less desirable and marketable clams.We find no comparison described in the DEIS with artifical clam production in naturally nutrient depleted areas in s.Willipa where flushing durations are naturally much longer than the nutrient richer areas near the mouth of the esturary of Willipa Bay.

We can not determine exactly where and on whose lands(public private,federal or state)that the amazamox is to be used? WE know niether the location nor the amount of acres to be affect by amazamox including tidal flows and adjacent non target species including all life cycles of vertebrates and invertibrates? The proponents do not present the reader with scientific reference nor do they provide a concise literature review.Why not?

The DEIS and the Draft NPDES permit state the Director of Ecology refuses to sign either the EIS or the NPDES Permit.This is highly objectionable given the widesprad implications to spray eelgrass in Puget sound,Grays Harbor,and the esturary of the Columia Rv.where ZJ is also found.see RCW 43.21A and RCW43.21.090. SEPA clearly intends that the highest level of official (DIR) of the agency is responsible to sign the EIS and the NPDES.Surely the Acting Program Mgr.for Water Quality does not meet this requirement because he can not be held accountable or responsible.

The use of amazamox will undoubtedly substantially change the chemestry and the biotic community of Willipa Bay.The Bay is still in a state of disequiliblum from the adverse affects of of glyphosphate on both marina,ZJ and spartina.Water temperatures are known to be fluxuating abnormally both in the offshore ocean and south bay.

WDFW expresses valid concerns about the use of amazamox both in Puget Sound and Grays Harbor with respect to the probable losses of seagrass habitat for waterfowl.Yet the DEIS does not mention recent waterfowl counts of over 100,000.ducks and geese that are dependant of ZJ.Black Brandt are very dependant on Marina in Willipa Bay with populations of 6000 counted in 2012. The destruction of 20% of the marina meadows are not even MENTIONED in either documents.(see NPDES proposed monitoring plan.2013 UWa.Fall and wintering waterfowl accomplish a more natural METHOD of bio controls for ZJ.Schriato,WDFW 2013.

All mention of the seagrass research completed and ongoing by both the UWs Escheria,and the National Esturine Research REserve,Dr.Bulthuis,is ignored in the DEIS.Yet these researcher are recognized widley for their contributions to the science of marine estuary ecology.They wonder why they are not consulted. Both are on records as opposing the destruction of ZJ.

The monitoring and enforcement procedures described in the NPDES and the DEIS are inadequate and rely mainly on self monitoring by shellfish growers.We found that WDOE has delegated enforcement authority over to the WDA who intern designates growers as the "subcontractors".This violates the Clean Water Act and is the subject of ongoing disputes with the EPA.
EPA has provided funding to ECY to pass along for fte support to WDA who do not accompany sprayers on a daily basis during spray ops to insure against damage to nontarget species and drift onto private lands or buffer areas.

As I continue to review and gain peer comments on the DEIS and the NPDES I will forward it to you for consideration.Please add these concerns to the public cmts.Be advised that some are fearful and intimidated by threats from the shellfish growers as evidenced by earlier hearings before the Wa. Toxics Weed Board.Here members of the public where mocked and madefun of by various growers.The result is that without assurances of fairness and control many residents of Puget Sound will not go to the South Bend hearing.

¡"Asi la vida"!