

From: [Ross Barkhurst](#)
To: [Hamel, Kathy \(ECY\)](#)
Subject: RE: Japanese Eelgrass Management
Date: Monday, February 27, 2012 8:15:54 PM

I am responding to express concern about proceeding with an NPDES permit re. *Zostera Japonica*. Your meeting on Feb 24 was an opportunity to be briefed on where some of the related issues and classifications stand and that is much appreciated. At the meeting I presented you with a summary of a success path for controlling *zostera japonica* (zj) on commercially managed clam beds only. I will repeat that here: To succeed, * an Imazamox NPDES permit would need: 1. Robust, timely Precautions and limitations 2. Independent monitoring against a credible baseline 3. A tight feedback loop in a : Manageable, Accountable and Enforceable regime of operation and implementation. * Success: A situation where waterfowl, salmon, and other wildlife in our coastal ecology can exist at current, unreduced management goal levels while shellfishers can have reasonable ability to control impacts to current aquaculture operations. Some would like to cast doubt on the importance of all eel grass including zj to our waterfowl ecology. I would ask that my testimony to the November weed control board hearing be referenced to demonstrate that zj is a major factor in carrying capacity for our waterfowl. I have personally verified this and a key study has been done and is referenced there. My concern is that there is no monitoring data base on the overall impact on carrying capacity for our outer coast bays, including Willapa Bay. Shellfishing has an impact now, and spartina spraying has had an impact. Still, those present from responsible agencies could not relate any meaningful data on net loss of any eelgrass to date outside Puget Sound. WDFW has a commitment in its Waterfowl Management Plan to assess carrying capacity in our regions. This has not been met, while it was due in 2009. Still, WDFW has suggested that it would be OK to proceed, just not in Puget Sound! This may relate to voting and voice power, but cannot relate to the issue at hand. In fact if baseline data were the only thing lacking then a cautious program under guidelines like those suggested might commence in Puget Sound only, where it was claimed some real monitoring has taken place. More than acres of eelgrass knowledge is needed, however. These birds and animals that rely on them are migratory! Reducing capacity in one location can just overload the next. It has been observed that when zj tops are gone hungry birds go for the roots. Pushing birds from one bay to the next could thus have catastrophic long term effects. Foreseeable is the chaos and ecology overload and decreasing carrying capacity in one half of our state (either half) while seeing what happens while spraying in the other half. In the case of a Puget Sound goal of increasing eelgrass by 20%, this would be unachievable while hosting twice the load. A decrease would be the result. All this while agencies have commenced a program of draining freshwater marshes in places next to our estuaries. One excuse was they can feed in the bay. On what? When I suggested a look at cumulative effects in my weed board testimony, I think that was an understatement. The North American Waterfowl Management Plan recognizes that three nations and multiple states need be coordinated with respect to migratory birds. Are we to withdraw from this and not even coordinate within our own state? Shellfishers want to proceed for obvious reasons. They would seem to want no strict limitations which might bound the problem while meaningful preparations could be carried out. Although much preparatory work remains to be done, no commitment or even understanding of this was evident in the working group meeting. The permit writer would have no chance of producing an NPDES permit that could address the situation going forward. What a permit writer cannot accomplish has no chance of being remedied in a "public input process". I have not even attempted to address people's concerns over public tidelands. They need to be left alone, with eelgrass including zj on them. Buffer zones would be needed to protect both species of eelgrass. They belong to the public and the ecology that can survive on them. Please consider a more organized approach on an interagency basis, including large groups of waterfowlers so far left out of this preparation phase. Thank you for your kind attention.

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CC: kham461@ECY.WA.GOV
Subject: Japanese Eelgrass Management
Date: Thu, 2 Feb 2012 17:26:19 +0000

PUBLIC NOTICE

Announcing the Proposal of a Japanese Eelgrass Management on Commercial Shellfish Beds General Permit

The Department of Ecology (Ecology) is proposing to issue a general permit for the application of the aquatic herbicide imazamox to manage Japanese eelgrass on commercial shellfish beds.

These management activities may result in the discharge of chemicals to the surface waters of the state of Washington. We are requesting comments about whether or not it is appropriate for Ecology to develop a permit for this activity. This comment period ends **March 9, 2012 at 5 pm**. Please direct comments to:

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P.O. Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6562
Email: Kathy.Hamel@ecy.wa.gov

Purpose of the General Permit:

The Japanese Eelgrass Management on Commercial Shellfish Beds General Permit (permit) will regulate the use of herbicides and other products applied to manage Japanese eelgrass on commercial shellfish beds where herbicides or other products may enter the surface waters of the state of Washington. The permit will cover activities that result in a discharge of herbicides, adjuvants, and marker dyes into estuaries and marine areas to manage Japanese eelgrass on commercial shellfish beds.

Under the Washington State Water Pollution Control Act, a permit is required for the discharge of pollutants which may alter the biological or chemical characteristics of a water body. The proposed permit addresses these legal requirements and regulates the discharge of pollutants to protect surface water quality in Washington State.

Ecology issues general permits in place of a series of individual permits when the permitted activities are similar. Agencies that receive coverage under the general permit must comply with the terms and conditions of the permit.

<http://www.ecy.wa.gov/programs/wq/pesticides/eelgrass.html>

Kathy Hamel

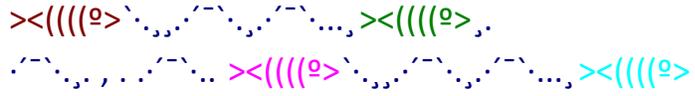
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From: [Ross Barkhurst](#)
To: [Hamel, Kathy \(ECY\)](#)
Subject: NPDES PERMIT for imazamox on Zostera japonica
Date: Friday, March 09, 2012 2:50:10 PM

As you are aware I have already expressed some detailed concerns about the readiness to go forward with subject permit. Although WDFW has left some modicum of protection of zj in place outside "commercially managed shellfish beds", one of my concerns has been the "domino theory" whereby the state board allows spraying everywhere at the discretion of the landowner. With a permit in place, and the county already legally empowered to require landowners to eliminate zj on their own property, the dominoes would fall and the "patriotic" growers can go to town in a manner never publicly foreseen by the aggregation of agencies that have frankly been in denial of this probability so far. In keeping with Pacific County Marine Resource Committee tradition last night, these dominoes were further aligned in a meeting not publicly noticed. Further, if one got an advance agenda, the subject was not on it. The first thing done in the meeting was to add discussion of two letters to the agenda. One was to support an imazamox NPDES permit. The other was a letter to the State weed control board requesting it to lift the restriction on control to commercial shellfish beds only. It will request zj to be declared a noxious weed on all lands in Pacific County. The people of our county and state do not deserve to be duped like this. The waterfowl have no more to say about it than the general public which is being bypassed. It puts too much at stake in a simple blanket NPDES process. It puts someone who officially advises the State weed board on one hand and is supposed to run a clear-eyed NPDES process on the other in an untenable position. It makes me write this additional input to the NPDES process. I do not see how this can go forward without significant independent involvement and baselines that tell us what the carrying capacity truly is for our waterfowl and what needs to be done to preserve it. An environmental impact statement may lend itself to some degree of public scrutiny and involvement of stakeholders which has proven problematic to date. Perhaps there are other approaches. The current one is proving to be too lacking to be overcome by stakeholder get-togethers alone. Thanks for your kind attention.