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March 4, 2012

WATER QUALITY PROGRAM  
DEPARTMENT OF ECOLOGY

MAR 12 2012

Attn: Kathy Hamel  
WA Dept. of Ecology  
PO BOX 47600  
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From: Dick Sheldon  
Willapa Resources  
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Subject: NPDES Permit for use of chemical Imazamox to control Japonica on Shellfish Beds.

I have a solid 62 year experience of onsite shellfish farming on the intertidal bed lands of Willapa Bay backing up the comments and observations covered in this submission. My wife and I owned and operated Northern Oyster Co., an 80 year family business, from 1967 to 2007 when our son Brian took over the company. I served as the chair for environmental oversight for our Willapa Grays Harbor Oyster Growers Association for 30 plus years and the grower's point man on the Spartina eradication program since the beginning in the mid 1980's.

Japonica is a greater threat to the Willapa Estuary than Spartina ever was. Spartina invaded and smothered thousands of acres of upper to mid intertidal lands, but was not the serious economic or ecological threat that Japonica is proving to be. Spartina's primary impact in Willapa was in destroying irreplaceable migratory waterfowl and shore bird habitat with secondary impacts to shellfish beds. However, it was inconceivable as a Willapa shellfish grower that we not make the maximum effort to stop and reverse Spartina's devastation of Willapa Bay's ecosystem. This is our position on Japonica in spades. As is presently occurring in sections of Grays Harbor and Puget Sound, the duck grass (Japonica) was for years in the 1950's to 1990's looked at as inoffensive duck feed found only scattered in the higher intertidal. A 6" single blade plant barely noticeable along the shoreline was certainly no cause for concern.

In the mid 1990's walking to our far out oyster beds and during Spartina eradication along the west banks of Willapa a new plant with no resemblance to the tiny duck grass began to appear in the mid to low tide elevations. I certainly did not connect the two. From mid 90's to 2000 substantial patches of intertidal lands began to change from open sand beds, well drained with the receding tides, to covered with a 6" to 1' sectioned eel grass not seen previously, that all but disappeared in winter leaving the beds more or less clear as before.

Since 2000 this plant has morphed into a monster. Thousands of acres of West Willapa Bay have become an ecological disaster zone. The inoffensive 6" Duck Grass of the 50's is now a multi sectioned 2' stem growing as an unbroken mat and lying up the 6" deep after the tide recedes. The grass has smothered the natural drained sand beds, completely changed their function and structure into bog lands covered with settled silt and inhospitable to nearly every being historically considered as irreplaceable in the function of Willapa's amazing productivity.

The parallels to the Spartina battle are indisputable. While Japonica is far more aggressive and expansive with a greater impact ecologically to the lands it infests the state agencies approaches to dealing with this threat mirror their spartina approach. The very agencies charged with protecting state public lands are obstructing this private effort to find solutions to this growing catastrophe. It must be recognized that private entities not state agencies were responsible for building and carrying out every phase of the Spartina solution. The toughest most time consuming task was pressuring agencies into compliance. I speak again from firsthand experience. It was oystermen not agencies that forced the initial Spartina actions, again I was there. It was oystermen that forced and rewrote legislation, applied political "heat", recruited federal dollars, pushed for Class A designation, fought agency resistance, I was there too.

Japonica is considered a threat in both California and Oregon. It is an invasive with no natural limiting factors. The science has been done and the effect of its infestations have been analyzed and recorded. Beyond an opportunist's feed for certain waterfowl it has no place in Washington waters, and as duck food only substitutes for native plants.

Again, the Willapa growers are petitioning our state agencies for the right not only to protect their own lands but to provide already made process to build from in protecting Washington's shore lands if and when WDFW and DNR move from political cover to facing reality on public lands under their responsibility. We can only hope it won't be too late.

The weed controller Imazamox by tests made by Dr. Kim Patten, incidently the same scientist responsible for discovering, testing, and permitting Arsenol the Spartina solution, to responsibly control Japonica. Imazamox, already approved for freshwater weed control should be treated in this case without burdensome additional restriction. Dr. Patten's experience in marine herbicides should be respected and this not become a wish list for less experienced critics, in agency or without, lacking solid verification of their professed concerns.

The general economic overview of non-control for our company and many others is that existing oyster and clam beds production has been retarded or completely destroyed where Japonica has matured. Oyster meat volume has dropped below cost of production. Oyster and clam natural recruitment is near nonexistent. The potential to increase shellfish production as encouraged by Governor Gregoire, on these lands has disappeared.

The one bright spot for growth is manila clam production; Japonica has destroyed over 1,000 acres of established beds and precludes any serious consideration of establishing new beds in our area. With the resulting disappearance of substantial job opportunities.

Japonica can never be eradicated once it's established as it now is in Willapa. It is infinitely more prolific than Spartina. Proposals for mechanical control if thought through only increase the spread through floating root systems as was found in Spartina.

The Dept. of Ecology has an opportunity to become a partner in finding a solution to a problem that will assuredly become a major problem for all Washington estuaries. Or we can follow the path of Spartina where more than \$10 Million and 10 years was wasted prior to accepting the reality that the wrong chemical and the wrong program were in place.

I sincerely hope that your agency will consider my remarks in the spirit they are offered. The learning process, so wasteful in money, time, and effort in Spartina, should never be repeated. The offer of the Grower's to participate in an active control plan that provides a public service should be taken as their effort to heal a real cancer in Willapa Bay, not just self interest. The entire bay is in regression not only private grounds.

I again ask that your agency be proactive in expediting this permit process and aid it's timely completion.

Respectfully,

Dick Sheldon  
Willapa Resources

A handwritten signature in cursive script that reads "Dick Sheldon". The signature is written in dark ink and is positioned to the right of the typed name.