

November 2, 2012

Kathy Hamel
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Protect Our Shoreline Comments Regarding the Japanese Eelgrass EIS

Dear Ms. Hamel:

At a time when aquatic plant and animal life are struggling to survive as documented by the ongoing scientific reports, it does not make sense for the Department of Ecology to even suggest that another pesticide be applied to Washington marine waters. The cumulative effects of the carbaryl, glyphosate and imazapyr that is already being aerially sprayed over Willapa Bay/Grays Harbor has not been addressed nor monitored in any of the documents we have reviewed.

The following will outline the issues that the EIS must address and why the only reasonable alternative is to deny the spraying of Imazamox in Washington waters:

- 1. It is Inlawful--**The Washington Department of Ecology's Shoreline Master Program Updates guidance manual notes: "*The SMP Guidelines currently do not distinguish between protection requirements for native (*Zostera marina*) and non-native (*Zostera japonica*) eelgrass. Eelgrass is considered a critical saltwater habitat in the SMP Guidelines per WAC 173-26-221(2)(c)(iii) and requires "a higher level of protection due to the important ecological functions they provide." WAC 173-26-241(3)(b)(i)(C) states that **aquaculture should not be permitted where it would adversely impact eelgrass.**" (page 10)*
- 2. It is Unlawful--**Washington Department of Fish and Wildlife (WDFW) recognized the scientific fact that Japanese eelgrass served as a critical habitat function for years. This protective designation was only changed due to behind the scenes intense lobbying efforts without public comment. WDFW Hydraulic Code Rules still do not distinguish different species of eelgrass, noting: "WAC 220-110-250(3) "*The following vegetation is found in many saltwater areas and serves essential functions in the developmental life history of fish or shellfish:*
(a) *Eelgrass (*Zostera spp* [spp is used to denote multiple species, not single species]);*" [[click here for WAC 220-110-250, Saltwater habitats of special concern](#)]
- 3. Degrades Forage Fish Habitat--**Dan Penttila, the well recognized forage fish expert in Washington State, has clearly stated and documented that herring are using the Japanese eelgrass as a spawning medium in Willapa Bay/Grays Harbor. Since forage fish are a critical component of the marine ecosystem, it is irresponsible for DOE to recommend that spraying or that an EIS could overcome this environmental hurdle.

4. Degrades, eliminates food source for migratory waterfowl--It has been well documented that tens of thousands of migratory waterfowl visit Willapa Bay/Grays Harbor in search of food. The records clearly show that Japanese eelgrass is eaten by the waterfowl, contrary to un-substantiated statements made by the scientist who is pushing this forward for the shellfish industry.

5. Degrades surrounding native eelgrass--There is no question that the spraying of imazamox will degrade or eliminate the native eelgrass that is well documented to grow in close proximity to Japanese eelgrass. Even Mr. Patton's slide show acknowledges this fact and so does common sense.

6. Japanese eelgrass serves as a carbon sink—The removal of even more marine vegetation that serves as a carbon sink is not environmentally responsible especially when climate change and ocean acidification are being highlighted in conservation studies. At a time when the shellfish industry is blaming ocean acidification on the problems with their oysters and Jay Manning is recommending planting more eelgrass as a solution, it will be interesting how an EIS can justify the eradication of this marine plant.

7. Persistence in sediments along with the other chemicals already being applied must be studied-The cumulative effects on the sediments, aquatic plants, aquatic animals and ESA listed species must be adequately addressed based on independent non-industry science. All statements from the writers of this EIS must be required to be well documented, not paraphrased and the scientific quotations must be well documented for review.

8. Self Monitoring is not adequate—Since it does not appear that monitoring has been done with the application of carbaryl and imazpyr, self monitoring for another pesticide should not be considered. The use of carbaryl has been scientifically proven to harm salmon and the ESA listed species in Willapa Bay have not been protected in past efforts and certainly will not be adequately protected with self monitoring of another pesticide.

9. Recent invasion of Japanese eelgrass statements should be proven, not taken as fact—According to long term residents of Willapa Bay, Japanese eelgrass has been in Willapa Bay and Grays Harbor in large quantities for a very long time. Any statements of the shellfish industry that this species is "recently taking over" must be proven. The Department of Ecology certainly has maps that will show the components of the shorelines over the past years. The expansion of the aquaculture industry cannot continue to be the only consideration as there are many other stakeholders.

10. Risk Assessment Study not made available to the public prior to EIS public comment period—Citizens should have the opportunity to read the risk assessment that was completed for this issue before the EIS comments were requested. It is our understanding that the reason that the risk assessment was not made available, is there were typos. In this day and age, we find it difficult to believe that this is the reason why

this important information was not provided in a timely manner to assist citizens in reviewing all of the pertinent information to this process.

11. Lack of testing of Imazamox in marine waters—There is little information on the environmental or human health effects of Imazamox applied in marine waters. It is essential that this information be known prior to any test of this in Washington waters. No “test” should be for hundreds of acres, much less than with a chemical that has not been thoroughly tested.

12. Cumulative Impacts on plant and aquatic species—Not only are there cumulative impacts from the combined use of pesticides in Willapa Bay/Grays Harbor, there will be cumulative effects on the food sources and habitat for the numerous aquatic species. Environmental degradation does not just stop in Willapa Bay, but also effects Washington State aquatic resources since it is a fluid environment. A review of the effects on all species including those species that migrate must be addressed.

13. Use of this EIS to justify expansion in Puget Sound—The language while carefully crafted in the request for public comment, make it clear that this is just the start of the eradication process that the shellfish industry is looking for. The information contained in the EIS must be transparent.

In addition to our comments, we have also attached the prior comments of Landye, Bennett, Blumstein that should be made a part of this public record.

If you have any questions, please feel free to contact us.

Sincerely,

Laura Hendricks

Protect Our Shorelines-Member of the Coalition To Protect Puget Sound Habitat
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