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Aquatic Weeds Management
Washington State Department of Ecology

RE: Herbicide Application Permit Revision
October 7, 2010

I am responding to the following section of the proposed permit:

Who May Obtain Permit Coverage

1. Pesticide *applicators* (WAC 16-228-1545) may apply for coverage. Applicators must be licensed in Washington State with an aquatic endorsement (WAC16-228-1545 3(t)).

a. Applicators must obtain separate permit coverage for each water body that they plan to treat. Each coverage requires a *sponsor*. However, applicators may obtain a single permit coverage for water bodies that have a surface hydraulic connection (e.g., connecting channel) and the same sponsor or are

part of a community where a single sponsor has *legal oversight* over more than one water body.

b. In water bodies with multiple sponsors or multiple permit coverages, applicators must obtain separate permit coverage for each location within the water body (e.g., Lake Washington).

2. Applicators are not required to be licensed to apply nutrient inactivation chemicals. For these projects, the discharger may apply for permit coverage. Applicators must have a sponsor for each nutrient inactivation coverage.

3. Any state or local government entity may apply for coverage.

a. Government entities may obtain a single coverage that includes multiple water bodies under its legal jurisdiction. Government entities are considered sponsors.

b. Government entities must keep Ecology updated with a current list of its licensed pesticide applicator(s), including license numbers and license expiration dates.

As President of Save Union Bay Association (SUBA) in Seattle, I want to inform you of the complication we see with this section of the revised permit as it pertains to us and other bays/community groups in the Seattle and Bellevue area.

SUBA is an organization of waterfront property owners and other interested parties. SUBA has been involved in milfoil issues on Union Bay since 1975. We worked with King County on a harvesting program in the 1980's. Once the application of herbicides to treat aquatic weeds became legal in Seattle, individual lakefront property owners hired herbicide applicators to keep their docks and waterfront clear of invasive aquatic plants. However, there was no mechanism to treat the entire bay and so the milfoil problem continued to get worse. Brazilian elodea and other invasive weeds also multiplied in Union Bay. In 2008, SUBA pursued the idea of forming a lake management district. But, for various reasons, we did not get support from Seattle City Council

SUBA has spent this past year working with Seattle Public Utilities on a planning grant to write an IAVMP for Union Bay. We are hoping to implement our preferred strategy next year. Although the city of Seattle was not willing for us to become a "district", they are willing to support our pursuit of improved water quality and reduction of invasive noxious weeds in UB. They indicated that, in addition to sponsoring the IAVMP Planning Grant, they would also sponsor the implementation grant. I was told that, if we could get the IAVMP approved and the permit issued from DOE, and fund the milfoil management program with non-city funds, then they (Seattle) would support us. Seattle has jurisdiction over Union Bay.

The language in the revised permit describes two types of entities who can apply for a permit to manage aquatic weeds throughout an entire water body. We do not qualify under either of these definitions. SUBA does not have "legal oversight" of Union Bay. We would not qualify for a permit based on that definition.

"State or local government may apply for coverage." ...for "water bodies under its legal jurisdiction." Seattle per se does not want to apply for the permit to treat Union Bay. I have no concerns that they would be willing to "sponsor" SUBA as long as SUBA's name was on the application.

I would suggest that you add another category of "who may apply for coverage" to your permit revision.

"Any lake organization, with the approval of the majority of lakefront property owners, sponsored by a local government with jurisdiction over that water body, may apply for coverage of a single waterbody."

Please consider making this change to the revised permit so that SUBA can be assured that we can apply for a permit to treat UB.

Homeowners associations from several other bays along Lake Washington have approached SUBA and are observing our progress in working with the city and the state to remove the invasive aquatic weeds in Union Bay. They are also interested in developing IAVMPs for their areas. Like us, they would not be able to apply herbicides to their bays within Seattle without a wording change to the revised permit.

It is an exciting time for Seattle waterfront owners and lake users. We are close to being able to take effective action against the invasive aquatic weeds that have choked Union Bay. Please enable us to continue forward in our plan to manage the weeds in UB. Please change the revised permit language so that our situation is addressed and included in the list of “who may obtain a permit.” Thank you for your consideration.

Sincerely,

Save Union Bay Association Board Of Directors

Susan Holliday PhD, President

Stephen Sulzbacher PhD. VP/Treasurer

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