

From: [Terry McNabb](#)
To: [ECY RE Aquatic Permit Comments](#)
Cc: ["Kyle Langan"](#); ["Adam Kleven"](#)
Subject: Additional Comments on WDFW Timing Windows
Date: Thursday, October 14, 2010 7:53:13 AM

The WDFW timing recommendations that are incorporated in the draft permit is extremely problematic, will have a significant impact on the management of noxious aquatic weeds and will in many cases require the addition of more aquatic herbicide than would be required and Ecology should consider a number of factors in this regard.

In previous permits, Ecology has subject some aquatic herbicides that have potential impacts on fish to the previous fish timing window; and Ecology has exempt products that have no impact on these species. Ecology as the right and obligation to use the table on Pages 19-21 to require compliance with the fish timing window where a herbicide may have an impact (example: Hydrothol 191) and to mitigate the impact on aquatic plant management caused by this timing window where specific products do not cause impacts. The draft permit says for a number of products such as Sonar "no for fish, but check timing table for other sensitive species". This wording in Ecology's permit should not be present for listed herbicides where those products do not have impacts on fish, invertebrates or the other species noted. This approach would insure protection of the environment and insure that undue and unnecessary burden is placed on noxious and nuisance aquatic plant management operations.

Further, on page 28 of the WDFW Timing Window are 7 conditions that this Department wants to impose on applicators in a number of lakes. The wording in this document clearly shows that there is a disconnect between the impact of pesticides in general and the specific aquatic herbicides that this permit allows.

Recommendation 1, Cavity nesting ducks and waterfowl concentrations "the use of herbicides and pesticides near wetlands may adversely affect ducks and waterfowl by lowering the number of invertebrates and aquatic vegetation. Waterfowl concentrations are also subject to disturbance from human activity". The majority of the aquatic herbicides subject to this permit do not have any impact on invertebrates. Further, aquatic plant management applications occur generally for a few hours once a summer on a lake, this is an insignificant human impact compared to other fishers, lakeshore residents, jet skiers, water skiers that utilized our lakes. If this is a legitimate concern, the impact of other lake users should be restricted prior to doing this to applicators, the least intrusive of water users.

Recommendation 2, Columbia Spotted frog and Northern Leopard frog "Pesticides and herbicides should be avoided in, or adjacent to, waterbodies used by these frogs. Again, the aquatic herbicides this permit covers for the most part have no impact on these species and Ecology should not condition the use of products like Sonar because there is no possible impact on frogs. In addition, the second concerns is algae, yet this condition is used to try and ban all herbicide use in these waters. Most aquatic herbicides have no impact on algae, yet the way this permit and fish timing window are worded, lakes with condition 2 listed would ban the use of herbicides that have no impact on algae.

Recommendation 3, Great Blue Heron (rookeries) and nesting Bald Eagles "Heron rookeries are sensitive to disturbance during nesting season. Herbicides can remove small fish and amphibians from heron food supply. Eagles "disturbance by the physical act of herbicide application could be of concern during these times:. Again, the majority of the aquatic herbicides subject to this permit do not remove small fish and amphibians and should not be subject in Ecology's permit to this condition. In addition, the physical application of aquatic herbicides is the least possible impact on these species. If the aquatic applicators vessel is required to stay 1,000 feet from Heron rookeries during the few hours per year it might be on a lake in the vicinity of such a site, all watercraft should be subject to the same conditions. Fishing boats, water-ski boats, jet skies etc are far more prevalent, operate at all times and are hundreds of times more likely to cause any type of disturbance.

Recommendation 4 Common loon and Red-necked grebe "sensitive to nest and nursery disturbance. Nesting occurs through July 15th followed by brood rearing in nursery pools through Sept. 1. Nursery pools are where chicks feed and are reared. Chicks swim to the nursery pool within days of hatching. They are usually located at the waters edge where the lake bottom drop off is steep enough to allow underwater arrival and departure for adults but pool depth is shallow enough to limit predator size". Again, aquatic applicators are biologists that can identify these species, understand that they should avoid nests and chicks with their boats as a normal part of their operations. The hundreds or thousands of jet ski, water ski, fishing boats and pleasure craft that are the lakes all the time compared with the 1-2 hours an application vessel might be on that particular lake are manned by people that for the most part have no similar understanding. This requirement will cause no reduction in disturbance of these species. Either all water craft should be banned from these areas or this condition should not be imposed on us.

Recommendation 5 American White Pelican "avoid using any insecticide or herbicide in American white pelican nesting or foraging habitat, Organochlorine, organophosphate and carbamate insecticides can be highly toxic to birds and fish". Again, the WDFW imposes a condition based on the potential impact of products that this permit does not cover or allow. Banning the use of a product like Sonar because organophosphates can be highly toxic to birds and fish is not something that Ecology should allow to occur. In addition, applicators could be in violation of the Clean Water Act if they make an application and then White Pelicans, which are transient in nature, appear and begin to forge.

This timing document has the flaws listed above. Being required to comply with these conditions will cause expansion of noxious aquatic weeds and burden noxious aquatic weed control efforts, something that State Legislature has specifically directed Ecology and other State Agencies to avoid. Ecology should not subject the majority of the aquatic herbicides that are in this permit on pages 19-21 to compliance with the timing window document in its present form. Those products that do not have the impacts of concern by WDFW should not be subject in the Ecology Permit to referring to this document. Serious thought also needs to be given to the fact that applicators are among the most careful around sensitive bird species, are among the few on the water that can identify them, and are a minuscule amount of the boater operations on any given lake.

Thank you for your consideration.

Terry McNabb
Aquatic Biologist

www.aquatechnex.com

www.aquatechnex.wordpress.com

