

Response to Comments – November 23, 2011

Basin Plan Amendment - Pesticide Prohibition & Exemption Criteria

(Comment deadline 12 p.m., November 14, 2011)

Clean Lakes Inc.

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/comments111411/cleanlakes_comments.pdf

Comments

Response

CLEAN LAKES INC.

Aquatic Ecosystem Restoration & Maintenance

November 14, 2011

Lahontan Regional Water Quality Control Board
C/O Daniel Sussman or Mary Wagner
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Subject: Clean Lakes, Inc.'s Comments to the "REQUEST FOR PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION: PESTICIDE PROHIBITION WITH EXEMPTION CRITERIA, REVISED DRAFT"

Dear Mr. Sussman or Ms. Wagner:

Clean Lakes, Inc. (CLI) appreciates the opportunity to provide comments for the Draft Pesticide Basin Plan Amendment for the Lahontan Region (6) Basin Plan. CLI staff support the proposed amendments and recognizes the effort of Lahontan Board staff required in developing an approach that facilitates pesticide applications for beneficial purposes.

We have the following comments from the related documents for your consideration:

Staff Report – Page 6, Issue 1: "Examples of such activities include vector control by local agencies, restoration or protection of threatened or endangered species, and control of aquatic weeds or algae to protect navigation, water conveyances, or public water supplies". Wording for the control of aquatic weeds and algae should include wording to prevent the spread of nuisance invasive species (i.e. Eurasian Watermilfoil and Curlyleaf Pondweed), or general Ecological Preservation - Aquatic Invasive Species (AIS).

Staff Report – Page 17, Paragraph 2: Projects that may be allowed under this Basin Plan Amendment should also include projects implemented for purposes of Ecological Preservation - Aquatic Invasive Species (AIS).

Staff Report – Page 18, Paragraph 4. The statement, "The aquatic pesticide application will temporarily preclude the continued beneficial use supported within the treatment area", does not agree with the statement in sentence two of this same paragraph. It is not clear what beneficial use(s) will be temporarily precluded. This sentence should be deleted.

Staff Report – 38.7 (a): II. Environmental Impacts: Page 53, Paragraph 1, Greenhouse Gas Emissions: The statement "Some greenhouse gas emissions, namely methane release, may result from the decay of vegetation treated with aquatic herbicides". Any

CLI R1: As recommended, on page 6 of the Staff Report, "ecological preservation" has been included as an example of a possible reason to apply aquatic pesticides to control aquatic weeds or algae.

CLI R2: The existing language adequately captures circumstances (i.e. those conducted for protection of public health and safety or ecological preservation) where the use of aquatic pesticides may be allowed under this amendment. Though projects proposed for purposes of controlling aquatic invasive species for ecological preservation are not explicitly identified on page 17, para.2 of the Staff Report, the Water Board may provide a prohibition exemption for these types of projects where there is a nexus to ecological preservation.

CLI R3: The sentences are not in conflict. Both sentences disclose temporary, short-term impacts to beneficial uses.

CLI R4: Refer to next page for response CLI R4.

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<p>CLEAN LAKES INC.</p> <p>potential greenhouses gasses that result from the decay of vegetation treated with aquatic herbicides would generally be the same gasses created on a seasonal basis when the plants decay each fall. Through the control of aquatic vegetation with herbicides, it would be expected that control would be initiated when the plants are in the early growth stage, and thus less decayed biomass would be present, and thus any greenhouse gases produced would be less than if the vegetation was allowed to grow and increase in biomass prior to fall dye back. This section should be modified as the vegetation decays on an annual basis, and no additional impact from greenhouse gas production would result from aquatic herbicide treatments.</p> <p><u>Staff Report –Page 38, 7 a) and Page 53, Paragraph 1.</u> The statement that, “The proposed project requires that dead biomass, a potential emission source, must be removed from the project area and disposed of at an appropriate location”, is unreasonable for all aquatic plant control programs. In some circumstances, such as in the control of emergent or floating vegetation, removal of dying or dead biomass is feasible. However, in the case of submersed aquatic plant control projects (i.e. Eurasian watermilfoil) collecting dead biomass is not feasible or practical since plants will fragment into small uncollectable pieces. The only practical way that dead biomass might be collected is through a dredging related activity that would likely cause greater impacts to native vegetation and higher levels of green house gases through the required use of combustion engine equipment. Selective control of invasive aquatic plants through use of aquatic herbicide applications would reduce long term organic material accumulation, as well as potential production of greenhouse gases, by eradicating or greatly reducing the invasive plant species. (See attached articles, Maintenance Control of Aquatic Plants by Bill Haller, Aquatics - Summer 1981; Benefits of Maintenance Control of Water Hyacinth by James Joyce. Aquatics – Winter 1985; Understanding Organic Accumulation of Selected Aquatic Plants in Florida by Dana Bigham. Aquatics – Fall 2009). This Eurasian watermilfoil biomass removal recommendation should be modified or deleted.</p> <p><u>Attachment 2, Revised Draft Waste Discharge prohibition and Exemption Criteria, Page 8, 1 c.</u> states the need for, “The chemical composition of the pesticide to be used, including inert ingredients.” Inert ingredients are thought to be considered proprietary or intellectual property. <u>Board staff should clarify with pesticide manufacturers their ability to provide this information prior to finalizing this BPA.</u></p> <p><u>Attachment 2, Revised Draft Waste Discharge prohibition and Exemption Criteria, Page 10, section 2.</u> Under this paragraph which falls under Exemption criteria for controlling aquatic invasive species and other harmful species, time sensitive projects, it appears that the statement, “(Removal of biomass may not be necessary in situations where recovering the dead biomass creates greater potential impact to water quality)” is inconsistent with Staff Report Pages 18, 38, and 53 outlined above.</p>	<p>CLI R4: Page 38, section 7.a) and page 53, para. 2 of the Staff Report have been modified to acknowledge that the treatment of invasive aquatic vegetation in the early growing stage may produce less greenhouse gases compared to aquatic vegetation that was untreated and underwent seasonal growth and die-off.</p> <p>The environmental checklist identifies that the project may result in potentially significant impacts because of the greenhouse gases that may be generated from the removal and disposal of the dead biomass. Since it is not within the Water Board’s authority to prescribe methods of biomass removal, one cannot assume that the project proponent will implement methods that generate the least greenhouse gases or none at all.</p> <p>CLI R5: In Chapter 4 of the Basin Plan (Attachment 2), the section titled, “Exemption Criteria for Controlling Aquatic Invasive Species (AIS) and Other Harmful Species” includes a criterion that requires the project proponent to submit and implement a plan detailing mitigation and management measures. The proposed language states, “The Plan should include measures to remove and dispose of dead biomass which are adequate to protect water quality and beneficial uses. (Removal of biomass may not be necessary in situations where recovering the dead biomass creates a greater potential to impact water quality.)” The last sentence in parenthesis was inadvertently omitted from relevant discussions (pages 38 and 53) in the environmental checklist. As suggested by the commenter, this language has been added (1) for consistency and (2) to acknowledge that due to potential impacts to water quality (and generation of greenhouse gases) it may be appropriate to leave dead biomass in place rather than harvest and dispose of it.</p>

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potential greenhouse gasses that result from the decay of vegetation treated with aquatic herbicides would generally be the same gasses created on a seasonal basis when the plants decay each fall. Through the control of aquatic vegetation with herbicides, it would be expected that control would be initiated when the plants are in the early growth stage, and thus less decayed biomass would be present, and thus any greenhouse gases produced would be less than if the vegetation was allowed to grow and increase in biomass prior to fall dye back. This section should be modified as the vegetation decays on an annual basis, and no additional impact from greenhouse gas production would result from aquatic herbicide treatments.

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CLI R6: Inert ingredients are often trade secrets and therefore not always disclosed by the manufacturer. To protect proprietary information, the language in Chapter 4 of the Basin Plan (Attachment 2), the section titled, “Exemption Criteria for Aquatic Pesticide Use” has been modified to read, “The chemical composition of the pesticide to be used, including inert ingredients, if available from the manufacturer.”

CLI R7: Refer to Response CLI R5 on previous page. The appropriate language (as described in Response to CLI R5) has been added to pages 38 and 53 of the Staff Report so that these sections are consistent with the requirements in Attachment 2, Revised Draft Waste Discharge Prohibition and Exemption Criteria, page 10, section 2.

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Thank you for the opportunity to provide comments on the proposed Amendments.

Should you have any questions or require clarification regarding this letter, please contact Thomas Moorhouse via cell phone at 818-201-5982 or via email at tmoorhouse@cleanlake.com.

Sincerely,

CLEAN LAKES, INC.

Thomas G. Moorhouse
Aquatic Pest Control Advisor

Attachments:

- Maintenance Control of Aquatic Plants by Bill Haller, Aquatics - Summer 1981
- Benefits of Maintenance Control of Water Hyacinth by James Joyce. Aquatics – Winter 1985
- Understanding Organic Accumulation of Selected Aquatic Plants in Florida by Dana Bigham. Aquatics – Fall 2009

Refer to Clean Lakes Comment Letter to view the attachments at http://www.waterboards.ca.gov/lahtontan/water_issues/programs/basin_plan/comments111411/cleanlakes_comments.pdf

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