

**From:** [Fritzi](#)  
**To:** [Lubliner, Nathan \(ECY\)](#); [Rockett, Derek \(ECY\)](#)  
**Subject:** Fwd: Fritzi Cohen"s comments on the NPDES Permit for imazamox 054-15  
**Date:** Saturday, April 4, 2015 8:42:37 AM  
**Attachments:** [Oysters-Willapa Bay NPDES comments by Fritz Cohen \[April2105\].pdf](#)

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This is a reformatted copy of my comments. Could you please use this copy when comments are posted.  
thank you,  
Fritzi Cohen

**Comments of Fritz Cohen on legal notice 054-15 and successors re: imazamox permit coverage**

**I am writing to submit comments on the subject notice of requests for coverage for imazamox treatment of eelgrass in Willapa Bay.**

**It has been established that there is a vast area of Willapa Bay where there is minimal flushing during the spray window. This is well documented, but is not accounted for in the permit under which 3,300 acres is requested.**

**I am the proprietor of the Moby Dick Hotel and Oysterfarm and my tidelands are in the low flushing zone which means that whatever is sprayed hangs around for longer than is anticipated in the EIS.**

**I have been concerned about the spraying of chemicals in the bay for 20 years. I have refrained from harvesting my oysters since 2008 when my beds were drifted on, at that time by glyphosate and imazapyr. I have been hoping that the spraying would stop so that we could after a year or so test our oysters and resume our plan to use them in the inn and market them, and enjoy them ourselves.**

**Drift as you might imagine is a major concern for us.**

**As Stuart Turner has stated in his declaration in support Case #14-047 on behalf of the Coalition to protect Puget Sound Habitat *et al*-- before the PCHB -- with adjuvants or surfactants not allowed in the supplemental label, the opportunity for drift is increased exponentially.**

**Of further concern, Turner states that the amended label in use does not provide a maximum number of applications so that many applications could take place increasing the likelihood I would say the inevitability of drift. And the impact of repeated applications is unknown because as Turner points out there [are] no data available for critical peer review.**

**Aside from impacting the protected *Zostera marina* and other life in the water and sediment that Turner discusses – It can impact our oysters since the buffers are so inadequate. It can also impact the air we breathe and anyone who is working in the tidal flats.**

**There are many defects in the EIS that Turner points out, one of which is that the tests conducted by ENviron as part of the Screening Level Risk Assessment were performed at a rate of 16 fl. oz. per acre. However, on the new supplemental label for Clearcast the only approved imazamox-- that rate is now allowed up to 32 fl. oz. per acre twice as much as what was considered in the risk assessment.**

**I strongly suggest that Mr. Turner's declaration be considered in full by DEO as**

they entertain the comments, and I am submitting that suggestion as a part of this comment.

- . My understanding also is that the risk assessment is invalid because it does not include a required section regarding risk assessments (EPA) titled "Effect Characterization of Relevant Ecological Receptors." Without a valid effect characterization I've been advised that there is no "risk characterization." Thus this Risk assessment is invalid on that ground.
- . Moreover the cumulative effects, synergistic effects of all of the pesticides that we know have been sprayed over the years, carbaryl for 60 years, glyphosate and imazapyr, 20 years, imadicloprid unknown years have never been looked at. And then what about the oysters. Chris Grue had an abstract (2003) that stated that glyphosate was found in the gonads of Willapa Bay oysters.
- . One potential cumulative effect relates to the fact that oysters can concentrate pesticides in their digestive system and obviously their reproductive system. If that is the case, perhaps there should be even more concern about the condition of the oysters living in the chemical soup of Willapa Bay. Oysters are known as marvelous filter-feeders, in fact are used for cleanup purposes. What they filter is likely to remain in their bodies.
- . In litigation that I engaged in the State Attorney Generals described Willapa Bay as a chemical soup. And the life of these chemicals in the sediment has always been grossly underestimated.
- . The residual imazamox that is sprayed will enter the waters of the bay in greater amounts and concentrations and for longer periods of time causing far greater consequences than the General Permit contemplated, and as such would constitute a violation of the clean water act.

There are so many defects in the assessment that was performed and in the compliance failures of last year's spraying that I again urge DOE to review Stuart Turner's declaration cited above. Not doing so would be a dereliction, an abandonment of your duty to protect the waters of Willapa Bay and Washington State.

In conclusion I am in full agreement with Ross and Christine Barkhurst's comments.

I am hoping that DOE will rise to the occasion and not allow this abomination to go forward.

Respectfully submitted,

Fritzi Cohen

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**To:** [Lubliner, Nathan \(ECY\)](#); [Rockett, Derek \(ECY\)](#)  
**Subject:** My comments on the NPDES Permit for imazamox 054-15  
**Date:** Friday, April 3, 2015 2:15:35 PM  
**Attachments:** [NPDES comments.rtf](#)

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