

Response to Comments: Environmental Impact Statement for the Irrigation System Aquatic Weed Control General Permit

The Washington State Department of Ecology (Ecology) received public comments on the draft Environmental Impact Statement for the Irrigation System Aquatic Weed Control General Permit that was released for public comment on January 18, 2023. Ecology also accepted oral testimony provided by participants at the two (2) workshops and hearings that were held virtually. No oral testimony was given at these hearings. One public comment was submitted prior to the close of the public comment period on March 20, 2023. Ecology has summarized this comment and identified specific topics to address. Ecology provided a written response to comments on the environmental impact statement (EIS) and indicated where revisions were made to the final EIS. Underlined language is used to indicate new final language compared to the draft EIS. Copies of all public comment letters are posted on [ecomments](#)¹.

¹ <https://wq.ecology.commentinput.com/comment/extra?id=4GdZb>

Commentor Information:

Name: Roza Sunnyside Board of Joint Control (RSBOJC)

Date submitted: March 20, 2023

Comment Summary 1:

Neither Roza Irrigation District (Roza) nor Sunnyside Valley Irrigation District (SVID) uses 2,4-D, Diquat, Flumioxacin, Glyphosate, or Imazamox. These active ingredients are typically used to treat emergent vegetation on the banks of irrigation systems. Our districts use other methods such as mowing and mechanical removal to control these plants. RSBOJC recommends Ecology remove reviews of and references to these active ingredients from the EIS.

Response:

Ecology does not direct permittees to use any particular chemical treatment method included in the permit. Any active ingredients included in the permit are provided as options, and it is up to each permittee to determine the best plant and algae control methods for their district. Ecology made the decision to remove the new active ingredients that were added to the draft permit, including the active ingredients listed in this comment. Ecology will keep the reviews in the final EIS to reflect the fact that Ecology considered these chemicals as potential plant control methods inside irrigation canals. Ecology may consider including these active ingredients in a future version of the permit, and the information in this EIS would be included in that decision-making process.

New language has been added to the EIS to show that the reviews of these active ingredients are now considered alternatives that do not appear in the final permit:

The following active ingredients are reviewed in this environmental impact statement but do not appear in the final Irrigation System Aquatic Weed Control General Permit: 2,4-D, Diquat, Flumioxacin, Glyphosate, and Imazamox.

Comment Summary 2:

It is incorrect for Ecology to assume and/or claim that both the Roza and Sunnyside Valley Irrigation Districts use only chemical methods for management of aquatic plants and algae in irrigation conveyance systems. Each district currently uses an Integrated Pest Management (IPM) approach by also performing physical and mechanical methods, such as mowing, dredging, hand pulling, use of filtration devices (i.e., drum and traveling water screens), gravel pack installations, weed racks, conveyance linings, etc., in addition to the usage of aquatic herbicides and algaecides.

Response:

The EIS reviews each alternative plant and algae control method separately in order to discuss the different impacts of each method. The EIS notes that Integrated Pest Management is the preferred method for aquatic plant and algae control under the Irrigation Permit, but Ecology cannot mandate this as the only control plan allowed for permittees. Discussing the impacts of different control methods separately, as well as cumulative impacts, allows us to review the impacts of chemical treatments which require permit coverage, as well as the impacts of those activities which would still be allowed if the permit was not reissued, and such treatments were no longer allowed.

Comment Summary 3:

RSBOJC requests Ecology remove references to Washington State Groundwater Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), and Human Health-Based Criteria in the National Toxics Rule (40 CFR 131.36) be removed from the permit. These are outside the scope of the permit, which only covers treatments to and monitoring of surface waters.

Response:

The regulations listed in your comment are part of the legal basis of the permit. One reason the chemical treatment activities in the permit are allowed is that it is assumed compliance with permit conditions allows for compliance with state water quality, sediment, and health standards.

Comment Summary 4:

In Table 3: Washington SLN correction factors, there is a missing greater than and equal sign that should be displayed in front of the correction factor value 1043, as shown on the WSDA 24c Special Local Needs (SLN) WA-040017 label for Magnacide H.

Response:

This has been confirmed in the SLN, and we have corrected Table 3 accordingly. Table 3 now appears as follows:

Table 3. Washington SLN correction factors.

Information from SLN WA-040017											
App. Rate (ppm)	*Correction Factor (cubic feet per second (cfs) of the natural waterbody divided by cfs of Irrigation District water)										
	1	5	10	50	75	100	250	500	750	1000	≥1043
	Minimum Holding Time (Hours)										
8.0	115	91	81	57	51	47	34	23	17	13	12
7.0	113	89	79	55	49	45	32	21	15	12	12
6.0	111	87	77	53	47	43	29	19	13	12	12
5.0	108	84	74	50	44	40	27	16	12	12	12
4.0	105	81	71	47	41	37	23	13	12	12	12
3.0	100	77	67	43	37	33	19	12	12	12	12
2.0	95	71	61	37	31	27	13	12	12	12	12
1.0	84	61	50	27	21	16	12	12	12	12	12
<p>* Correction Factor is defined as the cfs (cubic feet per second) of the natural waterbody divided by the cfs of Irrigation District water. The cfs of the natural waterbody is defined as the cfs of the natural waterbody immediately downstream from the confluence of the natural waterbody and Irrigation District water. The cfs of the Irrigation District water is defined as the cfs of treated Irrigation District water just prior to entering the natural waterbody. By definition there cannot be a Correction Factor less than 1. Using the intersection of the target field application rate of acrolein in ppm and the appropriate Correction Factor, the minimum holding time in hours can be found in the body of the table. For example, a 5.0 ppm acrolein application with a Correction Factor of 100 would have a minimum holding time of 40 hours.</p> <p>See SLN for examples of how to calculate minimum holding times.</p>											

Comment Summary 5:

References to impacts on human health and aquatic biota (fish, birds, mammals, vertebrates, invertebrates, insects, amphibians, etc.) should be removed from the EIS. The purpose of irrigation canals is to convey and delivery irrigation surface water for beneficial uses, which do not include the storage and conveyance of wildlife or recreation.

Response:

The purpose of the EIS is to review all potential environmental and human health impacts of reissuing the Irrigation Permit, which in this case means a review of the impacts of chemical plant and algae management conditionally allowed under the permit. These impacts are not considered inside the canals, as those are private property with the limited beneficial use of transporting water for irrigation. Impacts to human health, environmental health, and aquatic biota are primarily considered outside of the canal in the receiving waters. Following the conditions of the permit, as well as other state laws and regulations, mitigates these impacts.

Comment Summary 6:

In reference to the Fisheries and Fish Consumption section of the Acrolein review, Roza and SVID, will send a formal notification letter annually before the start of each treatment season to WDFW headquarters in Olympia, WA, informing them that we will be using Magnacide H (acrolein) in our irrigation conveyance systems, in accordance with both the product label (federal FIFRA and state SLN) and the Irrigation System Aquatic Weed Control General Permit WA0991000 requirements.

Response:

Ecology appreciates the efforts Roza and SVID take to comply with the permit and all state regulations surrounding notice and the use of acrolein. The permit conditions are written to mitigate or eliminate impacts of acrolein treatments in waters of the state, where fish may be caught and consumed.

ⁱ <https://wq.ecology.commentinput.com/comment/extra?id=4GdZb>