



NETWORK of OREGON

WATERSHED COUNCILS

December 8th, 2020

To: Oregon Department of Environmental Quality
From: The Network of Oregon Watershed Councils

Re: Proposed Water Quality Certification Decision for 2020 U.S. Army Corps of Engineers
Nationwide Permits

To: Our colleagues at the Oregon DEQ:

Thank you for the opportunity to submit public comment on the proposed water quality certification decision for 2020 U.S. Army Corps of Engineers Nationwide Permits. The Network of Oregon Watershed Councils (NOWC) is a 501(c3) non profit, state-wide organization that connects and represents 57 watershed councils. On behalf of watershed councils who regularly conduct restoration work on private and public land across the state, the added language under the 401 General Certification Conditions for condition 13) Vegetation Protection and Site Restoration is widely concerning. NOWC submits this comment requesting removal of condition 13)b. ii.i from the general conditions:

13)b. ii.

- i. Other than spot application to cut stems, no herbicides are allowed within stormwater treatment facilities or within 150 feet of waters of the state. Mechanical, hand, or other methods may be used to control weeds and unwanted vegetation within stormwater treatment facilities or within 150 feet of waters of the state;

I concur with and endorse my colleague Kristen Larson, the Executive Director of the Luckiamute Watershed Council, who has submitted a more comprehensive public comment on this topic. It is true that watershed councils and other restoration groups commonly use herbicides as a tool to prepare sites for native plantings and as a weed control method to facilitate the establishment of native plants after planting. Vegetation planting and establishment are commonly included as part of restoration projects that require the 401 certification process. Including a prohibition of the use of herbicides within 150 feet of waters of the state would eliminate an important tool for restoration groups seeking a nationwide, expedited permit. Retaining this condition would likely force projects into more costly and time-consuming

individual certification processes, increasing the burden on both project sponsors and DEQ staff to review restoration projects.

If item 13)b.ii.ii ("No pesticides may be used within stormwater treatment facilities or within 150 feet of waters of the state") is intended to restrict all other pesticides apart from herbicides (e.g. insecticides, fungicides, rodenticides, and others), we ask that the language be clarified.

If needed, alternate conditions to an outright prohibition on herbicides could include:

- Use of licensed applicators only to conduct the applications
- Applicant must prioritize least-toxic methods first and use herbicide applications when mechanical and other methods are not feasible or are unsuccessful. Prioritize targeted spot-spray treatments over broadcast treatments.
- Applicant must provide an Integrated Pest Management Plan outlining pest prevention, monitoring, thresholds for action, choice of least toxic control method, etc. This is a similar approach taken with Oregon's IPM in Schools law. The approach provides options and guidance but not does create blanket prohibitions. See Oregon Dept. of Agriculture's website for more on IPM:

<https://www.oregon.gov/oda/programs/Pesticides/RegulatoryIssues/Pages/IPM.aspx>

Restoration activities are an important part of the state's efforts to improve and protect water quality. Please help maintain an important tool in the restoration toolbox without requiring restoration groups to use the individual certification process for restoration projects.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in purple ink that reads "Vanessa Green".

Vanessa Green, MS
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