

**HB**

**53**

<TARGET><BILL>HB 53</BILL><SUBJECT>HB  
53</SUBJECT><COMM>HTRA29</COMM></TARGET>

ALASKA LEGISLATURE  
*Representative Jonathan Kreiss-Tomkins*

Angoon · Coffman Cove · Craig · Edna Bay · Elfin Cove · Game Creek · Hollis · Hoonah · Kake · Kasaan · Klawock · Kupreanof · Naukati · Pelican  
Petersburg · Point Baker · Port Alexander · Port Protection · Sitka · Tenakee Springs · Thorne Bay · Whale Pass

rep.jonathan.kreiss-tomkins@akleg.gov

Committees:  
Education  
Fisheries  
Rules  
State Affairs



Juneau, Alaska 99801 (Jan. – April)  
State Capitol, Room 426  
(907) 465-3732

Sitka, Alaska 99835 (May – Dec.)  
201 Katlian Street, Ste. 103  
(907) 747-4665

Representative Neal Foster  
Co-Chair, House Transportation Committee  
Capitol 434, Juneau, AK 99801

Representative Shelley Hughes  
Co-Chair, House Transportation Committee  
Capitol 13, Juneau, AK 99801

March 3, 2015

Representatives Hughes and Foster,

I respectfully request a hearing for HB 53, Use of Pesticides and Broadcast Chemicals, before the House Transportation Committee.

Please find attached all requested documents.

I expect to have off-site testimony from communities, organizations, and individuals who have been active on this issue in Southeast and elsewhere in the state. Possible testifiers include:

- Jon Bolling, Chairman, Prince of Wales Community Advisory Council
- Mim McConnell, Mayor, City and Borough of Sitka
- Mark Jensen, Mayor, Petersburg Borough
- Pamela Miller, Executive Director, Alaska Community Action on Toxics
- Individuals on Prince of Wales Island

The staff contact for this bill is Reid Magdanz. He can be reached at 465-3306 or [reid.magdanz@akleg.gov](mailto:reid.magdanz@akleg.gov).

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JKT".

Representative Jonathan Kreiss-Tomkins

# ALASKA LEGISLATURE

## REPRESENTATIVE LES GARA

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## REPRESENTATIVE DAN ORTIZ

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## REPRESENTATIVE JONATHAN KREISS-TOMKINS

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(907) 465-3732

### **Sponsor Statement**

#### **HB 53 – Pesticide application on state land and rights-of-way**

HB 53 restores a public process to state pesticide and herbicide spraying programs and creates protective buffer zones around fish habitat and drinking water sources. The bill responds to regulatory changes made in March 2013 by the Department of Environmental Conservation (DEC) that eliminated opportunities for public comment on pesticide spraying programs, weakened public notice provisions, and removed requirements that agencies identify water bodies that could be harmed by pesticide application.

Specifically, HB 53 would require state agencies to publicly release pesticide spraying plans and hold public comment periods prior to spraying pesticides on state land, highways, or rights-of-way. It would also require a finding of no harm before pesticides could be applied within 150 feet of fish habitat or 600 feet of a drinking water source. The bill provides an exemption from public comment requirements for emergency situations in which quick application of pesticides may be justified.

Subsistence users, guides, commercial fishermen, and all Alaskans expect the fish they catch, the wild game they hunt, and the berries they pick to be free from chemical contaminants. This demands the state take a more precautionary and publicly vetted approach to pesticide management than is provided for in current regulation.

HB 53 will protect the quality and safety of fish and game and restore the right of Alaskans to have a voice in the management of state resources.

# ALASKA LEGISLATURE

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(907) 465-3732

### HB 53 Sectional Analysis

#### **Section 1**

Rearranges the wording of existing law in order to reduce confusion that could be caused by multiple definitions of “public place.”

#### **Section 2**

Requires state agencies to meet public comment and public notice requirements before spraying pesticides on state land, state-owned rights-of-way, and state highways. The agency must:

- Develop a pesticide spraying plan, and provide a copy to all cities, tribes, boroughs, and community councils in the affected area.
- Accept public comments on the plan. If a city, tribe, borough, or community council requests it, the agency must also hold a public hearing accessible to residents in the area where spraying will occur.
- After the comment period and any hearings, the agency doing the spraying can revise the plan. Whether or not it makes revisions, it must attach a written summary of the comments it received and responses to those comments. The agency then must send the new plan and its responses to comments to all cities, tribes, boroughs, and community councils in the area affected.
- When spraying occurs, written notice must be posted along the right-of-way or highway and at points of access to state land.

These requirements above are waived in cases where imminent danger to public health or an emergency threat to a natural resource could be avoided by prompt application of a pesticide or broadcast chemical.

This section also establishes buffer zones around fish habitat and water sources used for human consumption. To apply pesticides within the buffer zones, an agency must in addition to the above:

- Post written notice at the application site for at least 14 days prior to spraying (instead of just during spraying).
- Have a license from the Department of Environmental Conservation. Before issuing the license, DEC has to find that application of the pesticide will not harm the fish, fish habitat, or water source.

#### **Section 3**

Repeals a section of statute that defined “multi-family dwelling.” That definition was incorporated into Section 1 of the bill.

Alaska Administrative Code [Currentness](#)  
Title 18. Environmental Conservation  
Chapter 90. Pesticide Control  
Article 5. Permit Requirements ([Refs & Annos](#))

18 AAC 90.500

18 AAC 90.500. Permit for certain public pesticide programs or projects.

Except as provided in [18 AAC 90.510](#), a government entity may not, without first obtaining a permit issued by the department, direct, carry out, allow, or participate in the spraying or application of a pesticide in any program or project

(1) in a state-owned greenhouse or nursery, on a state right-of-way, or on more than one acre of land owned or leased by the state, except where the pesticide is applied on less than one acre of land on a right-of-way wholly within the boundaries of an airport owned by either the state or a municipality and the pesticide is not applied by aircraft or helicopter; or

(2) if that spraying or application affects property owned separately by two or more persons.

**Credits**

(Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am 11/30/2003, Register 168; am 9/30/2007, Register 183)

AUTHORITY: [AS 46.03.010](#), [AS 46.03.020](#), [AS 46.03.320](#), [AS 46.03.330](#), [AS 46.03.730](#)

Current through December 7, 2012 (Register 204)

18 AAC 90.500, 18 AK ADC 90.500

Mead Treadwell  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520 465.5400 Fax  
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530 West 7<sup>th</sup> Ave, Suite 1700  
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OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA

MEMORANDUM

**TO:** Gary Mendivil, AAC Contact  
Department of Environmental Conservation

**FROM:** Scott Meriwether  
Special Assistant  
907.465.3509

A handwritten signature in black ink, appearing to be "SM", written over the name Scott Meriwether.

**DATE:** February 6, 2013

**RE:** Filed Permanent Regulations: Department of Environmental Conservation

Regulations re: application of pesticides on state-owned or state-leased property: 18 AAC 90.500; 18 AAC 90.640 - 18 AAC 90.650

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Attorney General File: JU2012200148

Regulation Filed: 2/5/2013

Effective Date: 3/7/2013

Print: 205, April 2013

cc with enclosures:

Linda Miller, Department of Law  
Robert Pearson, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

JU2012200148

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

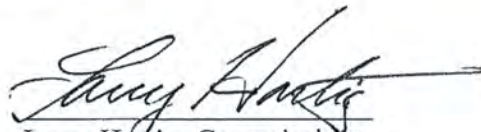
The attached 5 pages of regulations, dealing with 18 AAC 90, Pesticides, and Integrated Pest Management Plans are adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 37.10.050, AS 37.10.052, AS 41.17.100, AS 44.46.025, AS 46.03.020, AS 46.03.320, AS 46.03.330, and AS 46.03.730 , and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken.

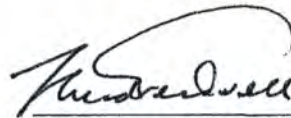
The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: January 22, 2013  
Anchorage, Alaska

  
Larry Hartig, Commissioner

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on February 5, 2013, at 4:55 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
Mead Treadwell, Lieutenant Governor

Effective: March 7, 2013.

Register: 205, April 2013.

18 AAC 90.500 is repealed and readopted to read:

**18 AAC 90.500. Permit for certain public pesticide programs or projects.** Except as provided in 18 AAC 90.510, the state or a borough or city of any class may not, without first obtaining a permit issued by the department, initiate a public pesticide program or project that affects property owned separately by two or more persons. (Eff. 2/15/1998, Register 145; am 3/31/2002, Register 161; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am 3/7/2013, Register 205)

**Authority:** AS 46.03.010            AS 46.03.320            AS 46.03.730  
                 AS 46.03.020            AS 46.03.330

18 AAC 90 is amended by adding new sections to read:

**18 AAC 90.640. Pesticide applications on state land.** (a) Except as provided under 18 AAC 90.500 and 18 AAC 90.505, the application of one or more pesticides on land owned or leased by an agency of the state, or on a right-of-way managed by the agency, is authorized if

(1) the application follows an integrated pest management plan appropriate for the pest of concern in accordance with 18 AAC 90.645, and adopted by the agency applying a pesticide;

(2) the integrated pest management plan is published on the department's website;

(3) not later than 30 days before the application, or 30 days before the first application of a multi-application project, notification has been provided by mail, return receipt requested, to owners of public water systems if the application will occur within 200 feet of the

water source; in this paragraph, "public water system" has the meaning given in 18 AAC 80.1990;

(4) a pesticide will be applied by an applicator certified by the department;

(5) public notice of the application is provided in accordance with (b) of this section;

(6) the department is notified not later than 15 days before an application; notification is required under this paragraph before each application of a multi-application project;

(7) the person in charge described in 18 AAC 90.650 keeps an accurate written record of each application of each pesticide for at least two years after that use; the record must be available to the department upon request and must contain

(A) the information listed in 18 AAC 90.415(2); and

(B) a record of all notifications issued under (a)(3) and (6) and (b) of this section;

(8) for each pesticide applied to more than a total of 20 acres in a calendar year, the person in charge described in 18 AAC 90.650 posts a report on the agency's website that describes the complete product name, EPA registration number, quantity of mixed pesticide applied, and location of each application; and

(9) the department is granted access to the property at reasonable times without prior approval during pesticide applications.

(b) If specific notice requirements under 18 AAC 90.625 or 18 AAC 90.630 do not apply, the agency applying a pesticide must publish two consecutive notices of the pesticide

application in a newspaper of general circulation in the affected area. The notice must be completed not later than 30 days before application, or 30 days before the first application of a multi-application project, and must include

- (1) the location of the proposed activity;
- (2) the complete name and EPA registration number of each pesticide to be used;
- (3) the target pest for the pesticide application;
- (4) the method of applying each pesticide; and
- (5) how the public can receive more information.

(c) The agency may perform multiple applications of one or more pesticides during one calendar year. Before the first application of the year during a multi-application project, notice must be provided under (a)(3) and (b) of this section. The notice must also provide an approximate number of applications for the proposed project.

(d) For the purposes of this section, multiple applications of one or more pesticides are considered a single public pesticide program or project if each application of each pesticide

- (1) is intended to control the same pest or group of pests;
- (2) is conducted in the same calendar year;
- (3) is conducted by the same agency;
- (4) uses only the pesticides designated in a single integrated pest management plan, and uses those pesticides at the same or a similar concentration, within 10 percent; and
- (5) is applied using the same or a similar method.

(e) The following pesticide applications on state land are not subject to the requirements of this section:

Register 205 April 2013 ENVIRONMENTAL CONSERVATION

- (1) application of antimicrobial pesticides;
- (2) application of pesticides on a total of less than one acre of land during a calendar year; and
- (3) application of pesticides inside buildings or structures. (Eff. 3/7/2013)

Register 205)

**Authority:** AS 46.03.010                      AS 46.03.320                      AS 46.03.730  
AS 46.03.020                      AS 46.03.330

**18 AAC 90.645. Integrated pest management plan.** An integrated pest management plan must establish a procedure for the use of one or more pesticides in a manner that poses the least possible hazard to people, property, and the environment, by using pesticides only after nonchemical practices, sanitation, and other preventive methods have failed or are impractical. The integrated pest management plan must include a description of

- (1) the preventive methods used to keep pest problems from occurring;
- (2) the activities to monitor for the presence of pests;
- (3) the thresholds for allowable pest presence;
- (4) when appropriate, the use of mechanical and physical controls to reduce pest presence;
- (5) the complete name and EPA registration number of each pesticide product used when determined necessary under the integrated pest management plan; and
- (6) the identity of the person in charge described in 18 AAC 90.650. (Eff.

3/7/2013, Register 205.)

Register 205, April 2013 ENVIRONMENTAL CONSERVATION

**Authority:** AS 46.03.010            AS 46.03.320            AS 46.03.730  
                 AS 46.03.020            AS 46.03.330

**18 AAC 90.650. Person in charge.** The agency initiating a public pesticide program or project shall identify a person in charge to oversee pest control. That person shall

(1) develop and implement an integrated pest management plan in accordance with 18 AAC 90.645;

(2) ensure compliance with the integrated pest management plan;

(3) review and update the integrated pest management plan every two years;

(4) act as the point of contact for information on the public pesticide program or project for the department and for the public; and

(5) when appropriate under the integrated pest management plan, approve the use of pesticides and ensure that they are used in compliance with this chapter. (Eff. 3/7/2013,

Register 205)

**Authority:** AS 46.03.010            AS 46.03.320            AS 46.03.730  
                 AS 46.03.020            AS 46.03.330

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 53  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB053-DOT-TMS-3-6-15  
Title: USE OF PESTICIDES AND BROADCAST  
CHEMICALS  
Sponsor: \*\* KREISS-TOMKINS, ORTIZ  
Requester: House Transportation

Department: Department of Transportation and Public Facilities  
Appropriation: Administration and Support  
Allocation: Transportation Management and Security  
OMB Component Number: 2607

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2015) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2016) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By: Mike Lesmann, Spec Asst to the Comm II  
Division: Commissioner's Office  
Approved By: Mary Siroky, Director  
Agency: Administrative Services Director

Phone: (907)465-4772  
Date: 03/06/2015 04:45 PM  
Date: 03/06/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. HB 53

**Analysis**

The fiscal impact of this legislation cannot be accurately determined at this time. With only 3 previous herbicide application jobs completed by the Department of Transportation & Public Facilities to learn from, the fiscal impact of this proposed legislation cannot be accurately calculated. While we anticipate that use of herbicides could be a cost-effective tool and could ultimately save vegetation management costs, the department is in the infancy of our herbicide program and it is too early to confidently discuss this topic.

The information below represents a 1-to-1 comparison of the cost of applying herbicides versus the cost of mechanically cutting vegetation. It is important to note that: 1) two of the three herbicide application projects the department has completed are being represented in the 'cost per lane mile' column, and 2) the 'cost per lane mile' associated with Roadside Mowing and Roadside Hydro-Axe is an average of several such projects that are documented in the department's maintenance management database.

Description	Cost per lane mile
Herbicide Application Costs	\$612.15 *
Roadside Mowing	\$1,607.13 **
Roadside Hydro-Axe	\$1,965.71 **

\* average, per lane mile cost of chemical application in 2 northern region herbicide projects

\*\* average, per lane mile cost of mechanical cutting methods taken from the department's Maintenance Management System

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 53  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB053-DEC-SWM-03-06-15  
Title: USE OF PESTICIDES AND BROADCAST  
CHEMICALS  
Sponsor: \*\* KREISS-TOMKINS, ORTIZ  
Requester: House Transportation Committee

Department: Department of Environmental Conservation  
Appropriation: Environmental Health  
Allocation: Solid Waste Management  
OMB Component Number: 2344

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>OPERATING EXPENDITURES</b>	<b>FY 2016</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Personal Services	165.3		198.4	198.4	198.4	198.4	198.4
Travel	8.0		8.0	8.0	8.0	8.0	8.0
Services	35.9		15.9	15.9	15.9	15.9	15.9
Commodities	15.0		1.0	1.0	1.0	1.0	1.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>224.2</b>	<b>0.0</b>	<b>223.3</b>	<b>223.3</b>	<b>223.3</b>	<b>223.3</b>	<b>223.3</b>

**Fund Source (Operating Only)**

1004 Gen Fund	209.2		208.3	208.3	208.3	208.3	208.3
1005 GF/Prgm	15.0		15.0	15.0	15.0	15.0	15.0
<b>Total</b>	<b>224.2</b>	<b>0.0</b>	<b>223.3</b>	<b>223.3</b>	<b>223.3</b>	<b>223.3</b>	<b>223.3</b>

**Positions**

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2015) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2016) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**  
If yes, by what date are the regulations to be adopted, amended or repealed? **1/1//2017**

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By: Elaine Busse Floyd, Director  
Division: Environmental Health  
Approved By: Alice Edwards, Deputy Commissioner  
Agency: Department of Environmental Conservation

Phone: (907)269-7644  
Date: 03/06/2015 05:00 PM  
Date: 03/06/15

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. HB 53

### Analysis

**Analysis/Assumptions:**

The bill expands permitting and public notice and comment requirements for pesticide use in public places including areas near fish habitat, water sources used for human consumption, common areas of certain residential buildings, portions of government offices, and facilities where access is not restricted to employees, plazas, parks, public sports fields, and transportation rights-of-way.

**Personal Services:**

Two Environmental Program Specialist III (Range 18) positions will be required in Anchorage to revise regulations, draft and issue public notice and comment periods for pesticide use permits, inspect permitted pesticide applications for permit compliance, provide technical assistance, take compliance actions, when necessary, and conduct public outreach to inform the public how these changes impact pesticide users that are not currently regulated. The positions are budgeted at ten months for the first year to allow for classification and recruitment time, and twelve months each year thereafter. Administrative support will be provided by existing staff.

**Travel:**

Routine travel within Alaska to conduct outreach and training, inspections, and compliance work.

**Services:**

Regulation revisions will require assistance from the Department of Law during the first year. Routine outreach costs for printing and advertisements will occur each year.

**Commodities:**

New employee costs in the first year. Outreach materials for the first and subsequent years.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 53  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB053-DEC-WQ-03-06-15  
Title: USE OF PESTICIDES AND BROADCAST  
CHEMICALS  
Sponsor: \*\* KREISS-TOMKINS, ORTIZ  
Requester: House Transportation Committee

Department: Department of Environmental Conservation  
Appropriation: Water  
Allocation: Water Quality  
OMB Component Number: 2062

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2015) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2016) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version

Prepared By: Michelle Hale, Director  
Division: Water  
Approved By: Alice Edwards, Deputy Commissioner  
Agency: Department of Environmental Conservation

Phone: (907)465-5135  
Date: 03/06/2015 08:00 AM  
Date: 03/06/15

**FISCAL NOTE ANALYSIS**

**STATE OF ALASKA  
2015 LEGISLATIVE SESSION**

**BILL NO. HB 53**

**Analysis**

HB 53 has no fiscal impact to the Division of Water. The Division of Water may need to consult with the Division of Environmental Health about the Alaska Pollutant Discharge Elimination System pesticide permit, but this will occur as part of the Division's routine work.

**Following documents are**  
**HB53 Use of Pesticides and Chemical Distribution**  
**Public Testimony**



# **PIED PIPER**

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### **Chairman and Honored Members Alaska State House, Transportation Committee:**

It is my understanding that you will be hearing and receiving comments Tuesday on HB 53 sponsored by Representatives Kreiss-Tomkins, Ortiz, Gara and Josephson. I appreciate the opportunity to submit the following comments, and will make a concerted effort to be at the Anchorage LIO to hear the meeting.

As a leader in the Pest Management industry here in Alaska, I have been involved in many local and state initiatives on the subject of pesticides over the past 3 decades, including part of the regulations that this bill is addressing. The first of this two part proposal (re **AS 46.03.320(c)**) appears to be merely a language adjustment, but I urge this committee to be alert to any attempt to change the meaning of the original adoption. Industry and the Legislature worked very hard to make it no more restrictive than it now is. Please be aware that Alaska has one of the most onerous sets of regulation on notification in the US, and I am frequently confronted by national groups' amazement at the strong arm of the environmental movement here and its attempt to keep Alaska out of many opportunities for outside investment. I am pleased to inform you that, as a leading state-wide company, the frequency with which our work falls under this sub-section is really quite small, but efforts to add more anti-pesticide legislation to our business will only result in significant personal loss, and increased pest damage, to the citizens of this State.

The second part of the document, appears to be a knee-jerk reaction to the 2013 regulation changes (**18 AAC 90.640-650**) made by ADEC/Pesticide to make the process of using an approved chemical without creating a huge back-log in their work agenda. For many years, decisions to use an EPA approved (safety OVER reviewed) chemical on public rights of way and State lands has almost always resulted in eventual approval after hours and months of public hearings etc. This is because there is already a major process in place for analyzing chemicals on the Federal level. Not only in regard to human concerns, but more recently as they relate to endangered and other wildlife. The manufacturers who are producing these products have gone over them with a fine toothed comb, providing reams and reams of documentation and label restrictions to meet these Federal standards. There is frankly NO REASON for the back-handed obstructionism of the environmentalist proponents of this wording. If you look at the recently enacted regulation, you will see that many of the goals stated in this Bill have already been included. If the desire is to codify it in **AS 46.03.320**, I would recommend cutting and pasting **18 AAC 90.640-650** into section 2 of this bill in lieu of its present language.

It is my opinion, shared by many others I have spoken to, that those who are opposed to chemical controls want to return to abusing the public process to delay, delay, and delay, while adding an extensive physical and monetary burden on the State of Alaska. While many who know me are aware that I am not a huge fan of ADEC/Pesticide in certain areas, at least I do not stoop to these blatantly obstructionist levels to be heard. In addition, with the current level of concern about the budgets now and coming, this body should be pleased at the streamlining of the process by ADEC/Pesticide in the 2013 language.

Respectfully,

Kenneth J (Ken) Perry  
President/General Manager  
Pied Piper Pest Control



HOLLIS SCHOOL  
SOUTHEAST ISLAND SCHOOL DISTRICT

101 School Loop Road  
Hollis, Alaska

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[lcates@sisd.org](mailto:lcates@sisd.org)

March 2, 2015

Greg Patz, Southcoast Region Maintenance & Operations Superintendent  
Southcoast Region Headquarters  
6860 Glacier Highway  
Juneau, AK 99801

Dear Mr. Patz,

We are Hollis School. We have heard that the Alaska Department of Transportation & Public Facilities is going to spray herbicides (chemicals) between Thorne Bay and Klawock on Prince of Wales Island. We understand spraying herbicides is to kill invasive species that do not belong here and tall plants to make sure people can see road signs and around curves for safety.

We have had people speak to us that are against spraying chemicals on our island. They are against spraying because it will kill the plants, the fish, the bear, maybe even the people and their dogs. But we don't know.

We just want more information about the spraying of the herbicides. We need information from the people who are for the idea of spraying. We need to know if it is worth spraying the herbicides. We don't know if it will kill plants and harm our island or harm us. We don't want to be told what we should think; we want to make our own decisions about the issue of spraying. So, we want to talk to people with different points of view so we can figure out what we think about the idea of spraying and then, come up with a solution that will work best for everybody in our community.

We were wondering if you could talk to us about the spraying and why the Alaska Department of Transportation & Public Facilities wants to spray on this island.

In the meantime, ideas we have are that maybe we could do a test to see if it is really poisonous. Maybe we could get volunteers to mow instead of spraying. We would help.

Thank you in advance for your kind attention to this request. We look forward from hearing from you.

TIP+ on  
Kolt on

Josh J.

With sincere respect and appreciation,

JOSE  
Ben roots  
Chloe  
Myles Starkweather  
FCJ

Isaac  
Clayton H.  
music

Primary, Intermediate and High School Students  
Hollis School

cc: Governor Bill Walker  
Senator Bert Stedman, District R  
Representative Jonathon Kreiss-Tompkins  
Senator Peter Micciche, Senate Transportation Committee Chair  
Senator Click Bishop, Senate Transportation Committee Vice Chair  
Representative Neal Foster, House Transportation Committee Co-Chair  
Representative Shelley Hughes, House Transportation Committee Co-Chair  
Mark Luiken, Commissioner, Alaska Department of Transportation and Public Facilities  
Chuck Correa. Southcoast Division Director



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March 10, 2015

Alaska State Legislature  
House of Representatives  
State Capitol  
Juneau, AK 99801-1182

RE: Testimony before the House Department of Transportation Committee RE:  
House Bill 53: "An Act relating to the application of pesticides and broadcast  
chemicals in certain public places near fish habitat or water used for human  
consumption and on state- owned land, land leased by or to the state, state  
highways, and state-owned rights-of- way."

Dear Representative Hughes,

I am sharing my testimony in anticipation of the March 10, 2015 Alaska House of  
Representatives Transportation Committee hearing on House Bill 53. Please do  
not hesitate to contact me should you have any questions, suggestions or  
concerns.

My teacher is e-mailing this for me as I do not have an e-mail address. Please  
reply to her, [lcates@sisd.org](mailto:lcates@sisd.org), if you have any questions for me.

Respectfully submitted,

Clayton Music  
Craig, Alaska

Clayton Music's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and honorable members of the House Department  
of Transportation Committee. My name is Clayton Music and I am a High School  
Student at Hollis School on Prince of Wales Island. I am here representing  
myself.

Thank you for allowing me the opportunity to present my testimony about House  
Bill 53.

---

I support this bill because the government should operate with citizens' opinions instead of without. Without people's opinions, it makes it not fair. With input you can make better decisions, without it, you could destroy someone's way of life.

In my case, my dad owns the only cab company on the island. He brings tourists to and from the ferry. If there are chemicals sprayed, tourists that typically come to see the flora and fauna of our island will go elsewhere. If the tourists stop coming, there will be no way for my dad to pay the bills.

If his cab company had to close, my dad's workers would be out of a job. With more people out of work, the stores would have to reduce hours or reduce workers. Also, it would make it harder for people on the island who rely upon the cab company for transportation.

Without input, people who decide whether to spray or not would not know this. Even if spraying is cheaper in the short run, with all the jobs lost, it could be more expensive in the long run.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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reply to her, [lcates@sisd.org](mailto:lcates@sisd.org), if you have any questions for me.

Respectfully submitted,

Benjermin Moots  
Craig, Alaska

Benjermin Moots's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and Honorable Members of the House of  
Representatives Transportation Committee. My name is Benjermin Moots and I  
am an Intermediate School Student at Hollis School on Prince of Wales Island. I  
am here representing myself.

Thank you for allowing me the opportunity to present my testimony about House  
Bill 53.

People should have a voice so they can know more about an issue, and what it  
can do to the environment. State departments should talk to the community so  
they can get more information before they decide to spray or not to spray.

They need to know about my brother Titus. He came to speak to Hollis School about commercial fishing and why it is important to the State of Alaska's economy. Fishing is how he makes his money. People will not want to work on his boat because the fish may be contaminated. Fisherman will lose their jobs, they will not have money and then the stores will not make money, more people will lose their jobs and more businesses would close.

Fishing is a huge part of our state and we need to make sure that people who make decisions like spraying that could harm our fish have information from everyone who could be involved.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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My teacher is e-mailing this for me as I do not have an e-mail address. Please  
reply to her, [lcates@sisd.org](mailto:lcates@sisd.org), if you have any questions for me.

Respectfully submitted,

CJ Vasquez  
Hollis, Alaska

CJ Vasquez's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and honorable members of the House Department of  
Transportation Committee. My name is CJ Vasquez and I am a Primary Student at  
Hollis School on Prince of Wales Island. I am representing myself.

Thank you for allowing me the opportunity to present my testimony about House Bill  
53.

They should tell us before they spray. They should ask us what we think about it.  
We live here; we should have a say. If they do it (spray chemicals) right away, if we  
did not know, we could eat the fish and we could die.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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Respectfully submitted,

Chloe Vasquez  
Hollis, Alaska

Chloe Vasquez's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and honorable members of the House Department of Transportation Committee. My name is Chloe Vasquez and I am a Primary Student at Hollis School on Prince of Wales Island. I am here representing myself.

Thank you for allowing me the opportunity to present my testimony about House Bill 53.

Before they spray they should make signs and let people vote if they that want to spray or not want to spray vote. They should not be able to spray on the island. They should not spray near the water and there is water everywhere here. They should ask the people on our island before they spray. Why don't they spray on their own island? They are the ones that want to spray.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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reply to her, [lcates@sisd.org](mailto:lcates@sisd.org), if you have any questions for me.

Respectfully submitted,

Myles Starkweather  
Hollis, Alaska

Myles Starkweather's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and honorable members of the House Department  
of Transportation Committee. My name is Myles Starkweather and I am an  
Intermediate School Student at Hollis School on Prince of Wales Island. I am  
here representing myself.

Thank you for allowing me the opportunity to present my testimony about House  
Bill 53.

Why is it important for people to be able to speak out, to be heard? You do not know if the person that has not been heard has something that would help the State Department of Transportation to make a better decision.

They need to know about families like mine who rely on subsistence to live. We harvest just about everything in the wild that people can eat. This includes food from the ocean and streams to include salmon, halibut, shrimp and crab. We also eat wild plants found along the waters edge like sea asparagus. We pick berries to include salmon berries and, my favorite, thimble berries all summer long. My family is worried that spraying the herbicides could kill all of our food supply.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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Dear Representative Hughes,

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Respectfully submitted,

Kolton Joseph Tipton  
Craig, Alaska

Kolton Joseph Tipton's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and honorable members of the House Department of Transportation Committee. My name is Kolton Joseph Tipton and I am a Primary Student at Hollis School on Prince of Wales Island.

Thank you for allowing me the opportunity to present my testimony about House Bill 53.

They shouldn't spray chemicals on our island, Prince of Wales Island. The chemicals will kill all of our good plants that we eat. They will spray the grass. The deer eat the grass. People eat the deer. Then the people will be filled with the chemicals.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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March 10, 2015

RE: Testimony before the Alaska Legislature House of Representatives  
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Respectfully submitted,

Joshua Smith  
Craig, Alaska

Joshua Smith's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and honorable members of the House Department  
of Transportation Committee. My name is Joshua Smith and I am a High School  
Student at Hollis School on Prince of Wales Island. I am here representing  
myself.

Thank you for allowing me the opportunity to present my testimony about House  
Bill 53.

I support House Bill 53 because people should have input. People who live on  
Prince of Wales Island know more about the environment on the island than  
decision makers working in an office in Juneau. I think all of you, and I, can  
agree that we do not want uninformed people to make decisions that adversely  
impact the people and the environment. We cannot just think about our selves,

there are also the animals. Those decisions could make it more challenging for the people that live on our island and for others that do not but, like tourists and restaurants, rely on our fish.

My mom makes money helping to unload, pack and ship seafood to other places all around the world. That is how we are able to make a living. Working there is her favorite job. If the spraying ruins the fishing industry, innocent workers like my mom will lose their jobs. My mom's goal is to be able to keep a roof over my head, food on the table and clothes on my back. During summers, when we get a chance, my mom and I find a way to pick berries along the road to give to elders for them to make jam for people. If they spray, the berries will be gone. My mom also grows organic fruit and vegetables in our garden for elders and local children. We do not want to give them contaminated produce.

Our island is a karst system. Anything (any chemical) that enters our water system in any place will contaminate our entire island.

I believe it would be best to ask locals like the Forest Service, Fish and Game and people who have lived here for a long time to find the best way to have a more controlled spray so that it would do little to no damage to our Prince of Wales Island environment.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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reply to her, [lcates@sisd.org](mailto:lcates@sisd.org), if you have any questions for me.

Respectfully submitted,

Jose Vasquez  
Hollis, Alaska

Jose Vasquez's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and honorable members of the House Department  
of Transportation Committee. My name is Jose Vasquez and I am a Primary  
Student at Hollis School on Prince of Wales Island. I am here representing  
myself.

Thank you for allowing me the opportunity to present my testimony about House  
Bill 53.

I feel sad when people do things without asking what I think. They should ask  
first before they spray chemicals on Prince of Wales Island.

It they spray chemicals, they will kill the trees, our dogs, the grass, the birds and mostly, our food which includes the berries. I worry about our plants, our water,

our garden and our fish. They should not spray chemicals on our island. I will help pull the weeds.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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Respectfully submitted,

Isaac Starkweather  
Hollis, Alaska

Isaac Starkweather's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and honorable members of the House Department of Transportation Committee. My name is Isaac Starkweather and I am a Primary Student at Hollis School on Prince of Wales Island. I am here representing myself.

Thank you for allowing me the opportunity to present my testimony about House Bill 53.

They should ask the people on the island before they spray chemicals to make sure that they (the people doing the spraying) do not kill anything that the people on the island have.

I am worried about the spraying because my dog goes outside to eat stuff and if the poison gets in the food that he eats, he will get really sick. I don't want my dog to die.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*



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Respectfully submitted,

Tyler Musser  
Hollis and Naukati, Alaska

Tyler Musser's March 10, 2015 Testimony on House Bill 53:

Good afternoon Madam Chair and Honorable members of the House Department of Transportation Committee. My name is Tyler Musser and I am a Primary Student at Hollis School on Prince of Wales Island. I am representing myself.

Thank you for allowing me the opportunity to present my testimony about House Bill 53.

They should ask us before they spray so we know what is happening. I say, "Don't spray chemicals." Spraying will kill the animals. It will kill the fish and pollute the water. The chemicals could get into our garden and that will kill our food. The water is important because we drink the water and we will get sick.

Thank you for your kind attention to my remarks. Do you have any questions?

\*\*\*End of Testimony\*\*\*

## Ginger Blaisdell

---

**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 2:16 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: HB 53 tomorrow to be added to testimony

**Categories:** Yellow Category

For tomorrow's hearing.

**From:** jan storbakken [<mailto:janstorbakken@yahoo.com>]  
**Sent:** Monday, March 09, 2015 2:09 PM  
**To:** Rep. Shelley Hughes  
**Cc:** Richard Trojan  
**Subject:** HB 53 tomorrow to be added to testimony

**Representative Shelley Hughes**  
**State Capitol Room 13**  
**Juneau, AK 99801**

**March 6, 2015**

Dear Representative Hughes,

Congratulations on introducing HB 53 we commend you for your commitment to an open and transparent government! We were concerned about the Constitutionality of the previous regulation created in 2013. Removing public comment in regards to Section 2. How would you know the **"Will of the people"** if you have gagged them? We are extremely concerned about herbicide spraying proposed by the Alaska Department of Transportation (DOT) along roadways in southeast Alaska. We offer solutions to issue. A volunteer force for spot invasive weed control and safer alternatives for weed kill application.

Most of the representatives understand the challenge to explain to your "locale" to a government official someone that has not been in rural Alaska. Jan, has personally had an Anchorage VA official tell her to just drive to Ketchikan for an appointment.

At the last POWCAC (Prince of Wales Community Action Committee) I asked Mr. Albert Kookesh what SEALASKA's position on herbicides was; he said "not on SEALASKA lands". We have the support of Craig Tribal Association, Shaan Seet Corp, Alaska Native sisterhood, Klawock, Kassan and Hydaburg tribal organizations.

We understand the difficulty with the state budget and are prepared to offer volunteers!!!!!! We are willing to have a group of volunteers spend their time eradicating invasive weeds! We also have a small army of goats that could safely graze along the side of the roads. If we had public comment we could suggest cost savings practices to the officials regarding invasive weed control.

We represent a growing constituency of people who are no longer willing to tolerate indiscriminate applications of herbicides in the places where we live, work, hunt, fish, gather berries. The deer eat the grass. Roadkill that has consumed the grass, now gets eaten by birds of prey like the American eagle. Runoff goes to the streams and then to the fish there are at least 7 active fish streams on the Thorne Bay Road. We have given photos to Rep. Kriess-Tompkins that there is no 300' buffer on the bridges to streams. We are also concerned for the

frogs and fungi on the island. Frogs do not tolerate pesticides/herbicides and no real studies on the rare mushrooms we have. Mushrooms; Artist Conk and Turkey Tail have been touted as a cancer cure. These would not fare well.

The use of herbicides threatens our salmon streams, drinking water sources, berry-picking areas, deer and other wildlife, and public health. **We received the news of spraying-late. City of Craig received a memo Aug 18<sup>th</sup>. DOT thought that publishing in a Juneau newspaper was enough, notification for Craig, Edna Bay and Thorne Bay. This is not a local paper. Because of the layout of Alaska, news to rural areas are not adequate. We lost our local paper. As an unorganized borough every citizen has a say-there is no authority to speak wholly for this island.**

We are writing to request that you use your authority to reinstate public comment. We urge you to accomplish this through your support of this bill - HB 53.

Thank you for your consideration.

Sincerely,

Richard and Jan Trojan  
907-826-3734  
Craig AK

**Date:** March 9, 2015

**To:** House Transportation Committee (via email)

Co-chair: Neal Foster: [Rep.Neal.Foster@akleg.gov](mailto:Rep.Neal.Foster@akleg.gov)

Co-chair: Shelly Hughes: [Rep.Shelley.Hughes@akleg.gov](mailto:Rep.Shelley.Hughes@akleg.gov)

Member: Charisse Millett: [Rep.Charisse.Millett@akleg.gov](mailto:Rep.Charisse.Millett@akleg.gov)

Member: Benjamin Nageak: [Rep.Benjamin.Nageak@akleg.gov](mailto:Rep.Benjamin.Nageak@akleg.gov)

Member: Louise Stutes: [Rep.Louise.Stutes@akleg.gov](mailto:Rep.Louise.Stutes@akleg.gov)

Member: Matt Claman: [Rep.Matt.Claman@akleg.gov](mailto:Rep.Matt.Claman@akleg.gov)

Member: Dan Ortiz: [Rep.Dan.Ortiz@akleg.gov](mailto:Rep.Dan.Ortiz@akleg.gov)

**RE:** House Bill 53: Use of Pesticides and Broadcast Chemicals

I'm writing today in support of HB 53.

Public process to state pesticide and herbicide spraying programs was removed by regulatory changes made by DEC in March of 2013. HB 53 will restore the public comment requirements prior to any potential state pesticide application. It is this simple: ***public comment is a fundamental part of our democratic decision-making process.*** For this reason alone, I support HB 53.

Yet HB 53 does more. It creates protective buffer zones around fish habitat and drinking water sources. It requires: releasing spraying plans to the public, public comment periods, and finding of no harm before application. It also allows for emergency pesticide application if warranted.

Why should I worry about pesticides? Perhaps the question should be; why all of us ought to be worried about pesticides? There is mounting long term, peer reviewed scientific evidence that pesticides affect human health in various ways. For example: it's been shown that glyphosate is linked to a wide range of diseases (to numerous to mention here) in humans, mammals and many aquatic organisms. I believe some of the chemicals DOT proposes to use around our state have already been banned in Europe for adverse health reasons. Perhaps others more informed than I can speak directly to this. Close scrutiny by the public is warranted. Our very health depends on it.

Thank you for the opportunity to comment.

Sincerely,

/s/ Michael A. McKimens

Michael A. McKimens

PO Box 304

Craig, AK 99921

Phone/Fax 907-826-3770

Email: [mckimens@aptalaska.net](mailto:mckimens@aptalaska.net)

Cc: Jonathan Kreiss-Tomkins: [Rep.Jonathan.Kreiss-Tomkins@akleg.gov](mailto:Rep.Jonathan.Kreiss-Tomkins@akleg.gov)  
Reid Magdanz: [Reid.Magdanz@akleg.gov](mailto:Reid.Magdanz@akleg.gov)

March 8, 2015

Dear Representative Foster, Representative Hughes, and members of the House Transportation Committee:

These are my comments on HB 53, relating to the terrestrial application of pesticides (a term that includes herbicides) by state agencies on state lands and rights of way, Transportation Committee hearing Tuesday March 10, 2015.

I ask that my comments be included in the public record. I also ask that the attached letter, which I wrote to Alaska Department of Conservation (ADEC) July 31, 2012 regarding its then proposed (now adopted) regulation change that now makes HB 53 necessary, be included in the public record.<sup>1</sup>

I have lived in Alaska since 1971; I eat wild salmon and other fish, and I object to the lack of meaningful regulation, to the extent that, among other things, pesticides can now legally be applied "up to the waters edge"<sup>2</sup> of our salmon streams with no setback or buffer. I also object to the elimination of the opportunity for public participation in these pesticide use decisions.

I am writing to express my support of HB 53.

Under the previous permitting system, in effect until 2013, ADEC exercised both its authority and its responsibility to control terrestrial pesticide use by state agencies on state public lands and rights of way. However, under the existing regulations (or, more correctly, the lack thereof), there is no longer a permitting process, and applicator agencies are not required to obtain approval from ADEC in order to spray pesticides (as long as it is not an aerial or aquatic application). The elimination of the permitting process under the current regulations means that a state agency wishing to pursue a pesticide spray operation may do so on its own authority, and without the benefit of a public participation. The public is cut completely out of the decision making process.

When ADEC abolished the permit system in 2013, it adopted an almost total hands off approach to the use of pesticides by state agencies on state public lands and rights of way. The current regulations, for example, do not contain any requirement (or provide any mechanism to ensure) that ADEC:

- review, evaluate, monitor, or control an applicator agency's pesticide spray operation;
- evaluate a proposal to use pesticides to determine if the spray operation would have an unreasonable adverse effect;
- develop standards for, review, evaluate, or approve an Integrated Pest Management (IPM) Plan;
- monitor or test for an applicator agency's compliance with an IPM Plan or with the EPA label;
- obtain information from the applicator agency prior to spraying (information that ADEC in the past required via the pesticide permitting process) necessary to properly evaluate a spray proposal in order to identify any unreasonable adverse effect on human health, animals, or the environment. For example, protection of Alaska's water resources cannot be assured because there is now no

requirement or mechanism to identify water bodies or private drinking water systems or sources within or in close proximity to spray areas;

- determine the need for or impose no-spray setbacks or buffers around water bodies; and
- provide for meaningful and informed public participation in pesticide use decisions.

There is no requirement that ADEC itself be meaningfully informed of an upcoming spray operation. Although the current regulations require that ADEC be notified 15 days in advance of a spray operation, they are silent on the nature, content, and form of the notification (e.g., would a quick phone call... "this is the Alaska Railroad, we intend to spray pesticides in 15 days, good bye" ... suffice? Or must the notification be in writing? Including what information?). Even if there was guidance on the nature, content, and form of a notice, 15 days provides insufficient time for ADEC to research and understand the spray operation enough to justify a "stop" or "modify/mitigate" order if warranted.

ADEC may still retain the responsibility to control pesticide use, but the current regulations are so weak that it is impossible or impractical for ADEC to meaningfully exercise its authority to fulfill that responsibility. Pesticide use is potentially a significant public health issue, and ADEC, with these post-2013 regulations, has decided, instead of protecting public health and the environment, to step aside, and get out of the way.

This lack of meaningful regulation represents an abdication of the ADEC's fundamental duty to protect human health and the environment and is inconsistent with the purpose of chapter 90 which is "to protect human health, safety, and welfare, animals, and the environment by ensuring the proper use, sale, distribution, transportation, storage, and disposal of pesticides and their containers."

The risk of pesticide use and its effect on public health, animals, and the environment needs a hard look in light of the abolishment of the pre-2013 permitting system, with specific consideration of the bullet points I have provided above. HB 53 is a step in the right direction.

Thank you for your consideration.

Sincerely,

John Strassenburgh  
PO Box 766  
Talkeetna, AK 99676  
[jsandr@matnet.com](mailto:jsandr@matnet.com)  
907-733-6874

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<sup>1</sup> I include my ADEC letter because ADEC's action in 2013 to eliminate the permitting requirements for the terrestrial application of pesticides by state agencies on state public lands and rights of way represents exceptionally bad public policy, which puts our public waters, our salmon, and human health at risk.... bad enough so the details should be on the record.

<sup>2</sup> Applicators must comply with the product's EPA label. "Up to the waters edge" is common language on the label.

## Ginger Blaisdell

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 3:24 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: House Bill 53

**Categories:** Yellow Category

Another.

-Stuart

**From:** Brad and Stephanie Jurries [<mailto:alaskajurries@gmail.com>]  
**Sent:** Monday, March 09, 2015 3:18 PM  
**To:** Rep. Neal Foster  
**Cc:** Rep. Shelley Hughes; Rep. Charisse Millett; Rep. Benjamin Nageak; Rep. Louise Stutes; Rep. Matt Claman; Rep. Daniel Ortiz  
**Subject:** House Bill 53

To Members of the House Transportation Committee;

I would like to urge you to pass House Bill 53 regarding the reinstatement of the public comment period before using chemical herbicides along state roadways. I had many questions for DOT last fall when they were planning on spraying here on POW. I went back and forth with them many times trying to get answers to my questions, such as, "How often will the applications of herbicides be done, and is it going to have to be on-going for the long term?", and "What would be determined to be a 'successful' outcome of application, versus an 'unsuccessful' outcome?". I believe we have a right to know this kind of information, and they never appropriately responded to my concerns. I will forward to you some of the back and forth e-mails regarding the discussions I had with DOT. The lack of consideration for my concerns makes me believe that we need to pass HB 53 so that these kinds of questions will need to be addressed by DOT.

Thank you for your consideration of this issue.

Stephanie Jurries

Prince of Wales Island, AK

907-321-5772

## Ginger Blaisdell

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 5:02 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: Questions

**Categories:** Yellow Category

HB 53

**From:** Brad and Stephanie Jurries [mailto:[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)]  
**Sent:** Monday, March 09, 2015 3:31 PM  
**To:** Rep. Neal Foster; Rep. Shelley Hughes; Rep. Charisse Millett; Rep. Benjamin Nageak; Rep. Louise Stutes; Rep. Matt Claman; Rep. Daniel Ortiz  
**Subject:** Fwd: Questions

Members of the House Transportation Committee,

The following is a series of emails in which I was trying to get information about the spraying of herbicides along the roadways on POW Island. The usage of chemicals on the land should be taken very seriously. Many supposedly safe herbicides and pesticides are causing unprecedented levels of cancer and sickness in places where they are used heavily such as the San Joaquin Valley in California. We need to stop considering chemical usage on the land as a status quo operation, and seriously consider whether there are viable alternatives. At the very least, reinstating the public requirement would allow for the discussion between the communities and the state regarding the issue. Thank you again for your time.

Stephanie Jurries  
907-321-5772

----- Forwarded message -----

**From:** Coffey, Michael J (DOT) <[mike.coffey@alaska.gov](mailto:mike.coffey@alaska.gov)>  
**Date:** Thu, Dec 4, 2014 at 4:29 PM  
**Subject:** Re: Questions  
**To:** "alaskajurries@gmail.com" <[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)>  
**Cc:** "Commissioner, DOT (DOT sponsored)" <[dot.commissioner@alaska.gov](mailto:dot.commissioner@alaska.gov)>

Commissioner Kemp asked me to respond to your email enquiry. Herbicides are simply another tool in our vegetation management toolbox along with mechanical cutting. Vegetation management is one of many routine maintenance activities that we conduct across the state. The primary goal of vegetation management is safety – regardless of the method used. Any and all applications of herbicides will be in accordance with our IVMP and ADEC regulations.

Thank you,

Mike

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Michael J. Coffey

Chief, Statewide Maintenance and Operations

Office of the Commissioner

Alaska Department of Transportation and Public Facilities

Office 907-465-3904

Cell 907-978-9039

Fax 907-586-8365



"Keep Alaska Moving through service and infrastructure."

**From:** Brad and Stephanie Jurries [<mailto:alaskajurries@gmail.com>]

**Sent:** Wednesday, December 03, 2014 6:07 PM

**To:** Commissioner, DOT (DOT sponsored)

**Subject:** Re: Questions

DEAR COMMISSIONER,

I have inquired multiple times now about the herbicide spraying and have been very patient in awaiting a response. PLEASE respond to my questions. They are valid questions and I deserve a response. Thank you very much.

Stephanie Jurries

On Mon, Nov 24, 2014 at 6:29 PM, Brad and Stephanie Jurries <[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)> wrote:

Dear Commissioner,

I asked a few questions back in September about the herbicide spraying on Prince of Wales Islands. I believe my questions are legitimate and you have had adequate time to respond to my inquiry. Please allow me the courtesy of a response.

Thank you for your time.

Stephanie Jurries  
[907-321-5772](tel:907-321-5772)

On Mon, Sep 8, 2014 at 7:43 AM, Brad and Stephanie Jurries <[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)> wrote:

Mr. Kemp,

I assume that Mr. Coffey is keeping you informed about some of my questions, but to be sure, I wanted to send you the content of my most recent email to Mr. Coffey, from which I have not yet received a response.

Mr. Coffey,

Thank you for your relevant response to my inquiry.

I had already seen and read the IVMP, and I completely understand the need to use a variety of methods to keep the vegetation clear along the roadways for safety reasons.

*NO one who is against the use of herbicides here on POW is against the clearing of brush along the roadsides. We are against the use of herbicides to do so.*

So far, I am not hearing any really good reason to use herbicides, except that the local DOT office does not have enough man-power to complete the vegetation clearing. The solution sounds very simple; authorize more money for the POW DOT office to hire a larger summer crew to clear the vegetation with brush-cutters, and AVOID dumping chemicals on our island.

I have a few more questions.

1. IF herbicides are applied to the 17 mile stretch of road, what result will be considered:

- a. )successful-how do you determine a successful application result?
- b.) unsuccessful- what are the determining factors of an "unsuccessful" application?

Please outline the plan by DOT once the herbicides have been applied.

2. THEN, once herbicides have been applied, WHAT will be the next step, beyond the initial application?

Is there a long-term plan in place depending up a variety of results? i.e. if the application is "successful" (whatever that means) will there be more herbicides applied along OTHER stretches of road on POW? Will they have to be reapplied every year? Do you simply stop with the brush-cutters at that point and just use herbicides every year? Do you think that a single application will take care of the problem or will it have to be reapplied every year FOREVER? Will there be buffer zones around all of the salmon streams? (And there are a LOT of salmon streams here!!) Will you check the weather forecasts before application? What if we have one of our rainstorms that dump 2" in one day, the day after the herbicides are applied? Will they still be effective or will they just wash into the ditches which run to the streams which run to the ocean?

3. We have been informed that the plan to spray has been delayed until spring, pending an environmental review. As stated in your response letter,

" We have postponed the Thorne Bay Road herbicide application until next spring so that we have adequate time to complete our environmental review and the delineation of wetlands."

IF POW residents hadn't caused such an uproar, was DOT going to do an environmental review or is that just an afterthought since we are all so upset about it? Have you done an environmental review for the Edna Bay/Kosciuzko herbicide spraying?

Thank you again for your time.

Stephanie Jurries  
907-321-5772

## Ginger Blaisdell

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 7:01 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: HB 53

**From:** Kathryn Guillaum [<mailto:kguillaum1@gmail.com>]  
**Sent:** Monday, March 09, 2015 6:09 PM  
**To:** Rep. Neal Foster; Rep. Shelley Hughes; [Rep.CharisseMillet@akleg.gov](mailto:Rep.CharisseMillet@akleg.gov); Rep. Benjamin Nageak; Rep. Louise Stutes;  
Rep. Matt Claman; [Rep.DanOrtiz@akleg.gov](mailto:Rep.DanOrtiz@akleg.gov)  
**Subject:** HB 53

**Thank You for recognizing and introducing HB53**

We here, on Prince of Wales Island, are concerned about the regulation that was created in 2013. It removed "public comment" regarding "Section 2", so concerned citizens had no right to air their grievances on the proposed herbicide spraying in Southeast Alaska, by the D.O.T. I believe this is against our State Constitution and in my mind, highly suspect.

When it was finally brought to our attention about the road leading to Thorne Bay, it was almost too late. The Dept. of Transportation was ready to spray herbicides, on that 17 mile stretch, not caring about the environmental impact. They finally received so many correspondence about the almost hidden intent of their proposed spraying, that they had to pause and decided the matter needed more analysis. It was not until we raised such a fuss, that they backed off temporarily; supposedly to halt spraying till Spring.

A few people in Craig decided that our vegetation and wildlife and waters is a worthy reason to fight, what was almost a given. So this is a pivotal time for us.

We are willing to do our part to help keep weeds at bay in our individual areas. A little labor is far superior to killing plants, animals and fish, with poisonous indifference

Personally I disregard the label of "invasive plants", but that was another reason for spraying, apparently.

It is my opinion it was just an excuse, and I still believe this.

At the very least, we need to have "public comment" reinstated when a proposed action effects us Alaskans, our health and our lands.

Please Keep Alaska Healthy and let the "lower 48" know, we truly care about our "Last Frontier" State. Let our State be a shining example to follow!

Thank You for your time and consideration!

Sincerely,

Kathryn Guillaum & Arthur Cook  
907 401-0807            907 401-0853

## Ginger Blaisdell

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 6:59 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: Prevent the Unnecessary Use of Harmful Pesticides

**From:** [cherie.northon@gmail.com](mailto:cherie.northon@gmail.com) [<mailto:cherie.northon@gmail.com>] **On Behalf Of** Cherie Northon  
**Sent:** Monday, March 09, 2015 4:34 PM  
**To:** Rep. Neal Foster; Rep. Shelley Hughes; Rep. Charisse Millett; Rep. Benjamin Nageak; Rep. Louise Stutes; Rep. Matt Claman; Rep. Daniel Ortiz  
**Subject:** Prevent the Unnecessary Use of Harmful Pesticides

All

I have written comments numerous times about the use of pesticides around waterways, and yet they seem to be ignored. In Anchorage, low but measurable amounts of 2,4-D were detected in 2013 in two lakes that are surrounded by homes. Ostensibly this is from yard runoff, but it's a change in the lakes' chemistry and one that is unfavorable.

All the water we have on the Earth is all we'll ever have. We cannot live without it, and yet human actions are impacting it detrimentally in a variety of ways. I urge you to consider returning public input for spraying especially on state lands and rights-of-way.

Thank you for considering this important legislation.

Cherie Northon

--  
Cherie Northon, Ph.D.  
Mapping Solutions  
P.O. Box 230329  
Anchorage, AK 99523  
907 561-4627  
[www.mapmakers.com](http://www.mapmakers.com)

Dear Fellow Alaskans,

I am writing on a subject, that I feel we should all be better educated on, which is the health of our environment with respect to pesticides. Perhaps many of us trust that there are regulating agencies working hand in hand with research scientists to provide unbiased data that will keep us all safe. Unfortunately, this is not the truth. US regulations only require the companies that manufacture and sell pesticides to conduct their own safety studies.(2,7) This is a painfully obvious conflict of interest, and a large and growing body of independent research shows that these self made safety studies are suspect. Indeed, evidence shows that many pesticides are dangerous to human health.

History has shown the manufacturers of pesticides to be wrong in the past. Take for instance Monsanto, a chemical and biotech giant. Founded in 1901 its first product was Saccharine. Since then they have dabbled in nuclear research, manufacturing synthetic plastics such as PCBs, pesticides (like DDT, agent orange, and roundup), and GMOs (Genetically Modified Organisms). (2,7) They assured us that all of these products were perfectly safe. Unfortunately, for the health of us and our environment, most have proven to be exactly the opposite of safe. Now, the state of Alaska can spray these pesticides on state land without even a period of public comment.

In the 1980s Roundup was allowed into Europe, (2) However, today many European countries are trying to ban Roundup and other products made by Monsanto including GMOs. (9) A recent study has found that 44% of people tested from 18 different European countries had glyphosate (the active ingredient in Roundup) residues in their urine. (3). Couple this with the fact that there has also been research that points to glyphosate causing birth defects, endocrine disruption, cancer, autism, and Parkinson's. (2,5,7) We have good reason to be worried about the health of ourselves, and our children.

There have been many studies done on the affects of glyphosate in water systems. One study done on leopard frog tadpoles exposed to glyphosate, showed that after three weeks only 2% survived. Exposing juvenile tadpoles left a 21% survival rate. "The most striking result from the experiments was that a chemical designed to kill plants killed 98% of all tadpoles within three weeks, and 79% of all juveniles within one day."(1). Have there been any studies done on salmon eggs and fry in our streams? Our salmon stocks are certainly one of Alaska's treasures, and worth protecting. (6) Fresh water mussels are also sensitive to glyphosate and surfactants that are added to Roundup. (3) Alaska is trying to build an oyster and geoduck farming industry and right now our pristine waters are one of our biggest advantages. The large scale use of pesticides on uplands may very well harm fish and shellfish downstream. The State of Alaska or any other entity proposing large scale application of pesticides should prove that they are not causing harm to humans or the environment.

Roundup can also have an adverse affect on our water in another way. It can stimulate the growth of some algae to the point where they can be a danger to human and

animal health. (4) When algae blooms become too abundant they use up all available oxygen and cause die off of themselves, and any other creatures using oxygen in that water. This results in toxic water until the dead bodies are cleared from the water, usually by bacterial actions. Roundup actually has 51% other ingredients in it. Surfactants are added to help the glyphosate travel into the plant. These same surfactants also help glyphosate travel into animal cells. (4)

Glyphosate is a broad spectrum pesticide that inhibits the synthesis of amino acids in plants, and bacteria. (1, 2, 3, 5,) The bacteria in our body outnumber our own cells 10 to 1. (5) Many of them are in our gut helping us digest our food, producing nutrients we need, and maintaining a healthy PH. Without them we can get sick with such diseases as allergies, Crohn's disease, Parkinson's, autism, cancer, infertility, obesity, and more. (5) Glyphosate in the human body can kill beneficial bacteria.

Monsanto's studies say that glyphosate is not a major problem in water because it binds to most soils and has a low potential to move through soil to contaminate water. (3) In South East Alaska we live in a rain forest, and much of our water flows along the surface of our soil on its way to ditches, lakes, ponds, streams, estuaries, and the sea. Monsanto also says the glyphosate breaks down within 30 days in most soils, but this is dependent on temperature and number of bacteria, as well as soil types. The Environmental Protection Agency says the average half life of glyphosate in soil is about 60 days. (14) "Glyphosate may be retained and transported in soils, with long lasting cumulative effects on soil ecology and fertility, especially in northern ecosystems with long biologically inactive winters." (2) It also breaks down slower in cooler water. (8) Realistically our water would have significant glyphosate in it for at least 120 days, probably much longer. Then there is the fact that one of the chemicals glyphosate degrades into is Aminomethylphosphonic Acid (AMPA), which one study suggested may have acute genotoxic effects. (2) Finally, AMPA itself breaks down into formaldehyde, a well known carcinogen. (8) We do not want to have to deal with long lasting cumulative effects of these chemicals!

There is rapidly increasing demand for organic, and wild foods. More and more people are realizing that all the pesticides, herbicides, and GMOs are bad for human health and desire to keep those ingredients out of their diet. The future should be bright for a food producing state that has kept its soil and water pesticide free. Alaska produces salmon, halibut, crab, shrimp, herring, geoducks, and oysters in near shore waters. Yet, the State of ALaska can undertake large pesticide spraying projects on state uplands (including roadsides) without permuting, and, in fact, without even a period of public comment.

Many of us enjoy harvesting berries, herbs, goose tongue, beach asparagus, fish, and venison. Some of us save money, and eat healthier by supplementing our pantry with wild harvest. I don't want to have to wonder if doing so is going to cause my children and grandchildren to have hard to cure diseases. Think of all the roadside berries that may have been sprayed with harmful pesticide.

Why are we even considering using pesticides on state land? In DEC's Regulating

Pesticide use in Alaska fact sheet, and the ADOT's Integrated Vegetation Management Plan (12,13) there are no references to any scientific studies. They claim there is a need to eradicate invasive plants such as canary grass, and canadian thistles and that there is a need to get rid of woody perennials like salmonberry and alder that block the view. Roadside grass is planted to inhibit the growth of the woody perennials. ADOT has already been planting ground cover. This is probably where most of the invasive plants come from. Another practice that is probably adding invasive species to our roadsides are the unregulated wattles of grass used to anchor bare soil on road sides. There is reason to believe that Roundup will not work on salmonberry and alder. They are woody perennials that would need to be cut down before application of roundup, and even then would not result in complete die-off. Canary grass and thistles can be killed by covering them up with black plastic, several layers of cardboard, or wood mulch throughout a full growing season. (10) After the grass is dead replanting would be important.

One question is, what to plant on our roadsides that would solve these problems? There are new strategies being planned for roadside management. (11) In Florida the DOT is planting stands of native wild flowers along the road ways. In Southeast Alaska the clear roadsides create a unique chance for species that need open areas to grow. Many of these are flowering plants and herbs that are tough ground covers that would help inhibit the growth of the woody plants like salmonberry and alder. Native plants like yarrow and wild carrots will grow in dry rocky areas. Mints, buttercups and sedges will cover in moist to wet areas. Lupines and vetches will take on the job of nitrogen fixing in poor soils that alders often grow in. Fireweed and goats beard will thrive on steep slopes. There are already many areas where clovers and dandelions cover the road sides and inhibit the growth of alders and salmonberry.

Road and airport maintenance is indeed a problem, but there have not been enough studies to know if pesticides are the right answer. The possible repercussions of using poisons that have already contaminated air, land, water, and food around the world, are serious enough that all the people that live here should be able to help make the decision. In order to achieve this, awareness of the issue needs to spread. Areas that will be sprayed, or have been sprayed need to be posted. At least then people can avoid harvesting in those areas, and take our health into our own hands while we continue to work towards banning pesticides in Alaska.

Cindy Wyatt

1. Rick A. Relyea 2005. THE LETHAL IMPACT OF ROUNDUP ON AQUATIC AND TERRESTRIAL AMPHIBIANS. Ecological Applications 15:1118–1124. <http://dx.doi.org/10.1890/04-1291>
2. <http://permaculturenews.org/2012/11/01/why-glyphosate-should-be-banned-a-review-of-its-hazards-to-health-and-the-environment/>
3. [http://www.foeeurope.org/sites/default/files/press\\_releases/foee\\_5\\_environmental\\_impacts\\_glyphosate.pdf](http://www.foeeurope.org/sites/default/files/press_releases/foee_5_environmental_impacts_glyphosate.pdf)
4. [http://www.delawariverkeeper.org/resources/Factsheets/Glyphosate\\_information\\_sheet.pdf](http://www.delawariverkeeper.org/resources/Factsheets/Glyphosate_information_sheet.pdf)
5. <http://articles.mercola.com/sites/articles/archive/2013/06/09/monsanto-roundup-herbicide.aspx>
6. <http://www.adfg.alaska.gov/index.cfm?adfg=specialstatus.akfishstocks>
7. [http://www.i-sis.org.uk/Why\\_Glyphosate\\_Should\\_Be\\_Banned\\_PDF.php](http://www.i-sis.org.uk/Why_Glyphosate_Should_Be_Banned_PDF.php)
8. <http://www.cdpr.ca.gov/docs/emon/pubs/fatememo/glyphos.pdf>
9. <http://naturalsociety.com/netherlands-say-monsantos-round-herbicide/>
10. <http://dnr.wi.gov/topic/forestmanagement/documents/pub/FR-428.pdf>
11. [http://e360.yale.edu/feature/green\\_highways\\_new\\_strategies\\_to\\_manage\\_roadsides\\_as\\_habitat/2661/](http://e360.yale.edu/feature/green_highways_new_strategies_to_manage_roadsides_as_habitat/2661/)
12. <http://dec.alaska.gov/eh/docs/pest/PermitsIPMs/dot%202014.pdf>
13. <https://dec.alaska.gov/eh/docs/pest/Regulating%20Pesticide%20Use%20in%20Alaska%202014.pdf>
14. <http://www.epa.gov/ogwdw/pdfs/factsheets/soc/tech/glyphosa.pdf>

Dear Governor Walker,

Right now our state stands at a crossroads on a very important issue. Back in 1978 Governor Hammond issued a directive banning the use of pesticides by state agencies. That was a wise and far sighted move. DOT stopped roadside spraying, and apparently the US Forest Service stopped spraying in the Tongass and Chugach National Forests. The Alaskan Railroad however started accepting free chemicals from DOW Chemical USA to experiment with controlling plant growth along the railroad.

The people living along this railroad have formed the backbone of a years long campaign to keep pesticide use to a minimum, at least in their water supplies, and on their homes. It is a war of attrition though, and every step to stop the spraying has only been temporary. The big companies, like Monsanto have the money and man power to keep on coming back. This is why we need to ban pesticide use. It is like disciplining a child, just say no. Draw the line at our states borders. Otherwise they will keep on coming back with new reasons, promises, and plans to get to do what they want!

Regardless of what these same big companies say about the safety of their products there is mounting evidence from multiple private studies that these products contribute to many auto immune diseases, birth defects, and cancers. Remember when we were told that agent orange was safe?

Alaska has a chance to make a difference for ourselves, our grandchildren, and the many endangered species this unique state is a home for.

Please consider supporting a ban of pesticide use by commercial agencies in Alaska.

Cindy and Eric Wyatt  
Tokeen Cove, AK

PO Box 369  
Craig, AK 99921

PO Box 766  
Talkeetna, AK 99676  
July 31, 2012

Rebecca Colvin  
Division of Environmental Health  
Alaska Department of Environmental Conservation  
555 Cordova Street  
Anchorage, AK 99501

Via email: [Rebecca.colvin@alaska.gov](mailto:Rebecca.colvin@alaska.gov)

To whom it may concern:

These are my comments on the proposed regulation changes in Title 18 of the Alaska Administrative Code, Chapter 90 dealing with Pesticide Control Regulations, according to the public notice of May 21, 2012.

These proposed changes are ill-conceived and would have the effect of facilitating rather than controlling terrestrial pesticide use<sup>1</sup> by state agencies on state lands and rights of way. These proposed changes represent an abdication of the Alaska Department of Environmental Conservation's ("ADEC") duty to protect human health and the environment and are inconsistent with the purpose of Chapter 90 of Alaska Administrative Code which is "to protect human health, safety, and welfare, animals, and the environment by ensuring the proper use, sale, distribution, transportation, storage, and disposal of pesticides and their containers."

I oppose these proposed regulatory changes, and recommend that they be permanently withdrawn and discarded.

Note that, unless otherwise stated, I am addressing throughout my comments the application of pesticides by a state agency to state lands and rights of way, excluding aquatic and aerial applications and the spraying of private property. I refer herein to a state agency considering or proposing the use of pesticides on state lands and rights of way as an "applicator agency."

#### Function and Importance of the Current Permitting Process

The current pesticide use permitting process requires that an applicator agency proposing to apply pesticides on state lands or rights of way (including railroad and road rights of way) must first obtain a permit from ADEC, whereby ADEC authorizes the applicator agency to

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<sup>1</sup> By terrestrial pesticide use, I mean that the pesticide application program or project is not an aquatic application and is not an aerial application.

proceed with the spray program or project. A spray operation cannot proceed without such authorization. The current permitting process requires that an applicator agency prepare and submit an application, including accompanying data and additional data if requested by ADEC. The application must include such information as identification/description of water bodies, identification of public and private drinking water sources, pesticide formulation, when the spraying would occur, location, soil drainage characteristics, and other items as stipulated in 18 AAC 90.515.

In addition, the permitting process provides for meaningful public and agency participation in the decision making process. The structure of the process also facilitates consultation with other agencies as well as the gathering of information from outside sources (e.g., sister governmental agencies outside of Alaska).

ADEC may approve or deny a pesticide permit application, or approve an application with conditions that the applicant must adhere to. It may also revoke or modify a permit that it previously issued.

This permitting process is crucial in providing for the public health and protecting the environment, especially with respect to the waters of the state and public and private drinking water systems. It also allows the public a say in how its lands are used and helps prevent persons from being unknowingly or involuntarily exposed to these harmful chemicals.

The existing permitting process is a crucial because:

1. It requires an applicator agency to take a hard look at and document what they are doing and what they propose to do with respect to "pest" control and what role, if any, pesticides would play in the management of that pest. The applicator agency is held accountable because both the public and ADEC review and consider the data and information supplied in the application.
2. It informs the public in advance of a proposed pesticide program or project so that it is able to participate meaningfully in the decision of whether or not to use pesticides and, if approved, what conditions should be placed on the pesticide use.
3. It provides ADEC, the state agency possessing the practical and technical knowledge of proper and appropriate handling and use of pesticides, with the information and data necessary for it (after consideration of public comment) to make an informed decision on whether the proposed pesticide project would result in an unreasonable adverse effect.

4. It provides ADEC with a body of information, including the treatment results, of specific pesticide projects, which is essential in order to maintain the data necessary for it to properly monitor and control the use of pesticides.<sup>2</sup>

This permitting process, under the proposed new regulations, would be eliminated, taking virtually all of these public benefits with it.

#### The 2006 Alaska Railroad application to spray pesticides

On June 13, 2006, the Alaska Railroad ("ARRC") applied to ADEC for a permit to spray pesticides along its mainline track between Seward and Fairbanks and on its rail yards.<sup>3</sup> This permit application provides a telling example of the public process and ADEC's analysis, which resulted in significant public benefit; all of which would be lost under the proposed new regulations.

The 2007 Decision Document<sup>4</sup> represents ADEC's grounds for denying the railroad's June 2006 pesticide permit application. This Document demonstrates how the permitting process works when fully engaged: the meaningful public participation process, ADEC's consultation with other agencies (state and federal), ADEC's outside consultation with sister agencies in Canada, the United Kingdom, and Norway, and, most important, ADEC's concern about protecting the waters of the state from contamination by pesticide chemicals.

The mechanism that facilitates this kind of in-depth analysis and public engagement would be eliminated under these new regulations (for spray projects by state agencies to state lands and rights of way, with the exception of aerial and aquatic applications).

The 2007 Decision Document concludes, among other things, that "The ARRC has not adequately identified all the water resources in and near the proposed spray area;" "Concerns raised during the public comment period and during inter-agency coordination with the Alaska Department of Natural Resources (DNR), Alaska Department of Fish and Game (ADF&G), and the National Park Service regarding the possibility of pollution of water resources are compelling;" "Based on the fact that the labels prohibit the application of these herbicides to water, the proposed application may result in unreasonable adverse effect to human health, animals, or the environment;" and "The proposed 10-foot spray

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<sup>2</sup> The current information requirements serve an important and necessary purpose in managing pesticide use on state lands and rights of way. The proposed new regulation .640 is an utterly inadequate and virtually meaningless substitute, as explained herein and particularly in my comments below for .640 under section entitled: Detail comments on each stipulation of the proposed regulations

<sup>3</sup> Department of Environmental Conservation, Division of Environmental Health, Alaska Railroad Corporation Permit Application for Pesticide Use for Vegetation Management on Railways and Rail Yards, Decision Document, February 2007 ("2007 Decision Document").

<sup>4</sup> I am attaching the 2007 Decision Document as part of my comments to be included in the record.

buffer zone around water resources proposed by the ARRC is inadequate to protect against water pollution by the herbicides” (see 2007 Decision Document, page 1).

The 2007 Decision Document, at page 4, goes on to state: “Due to the discrepancy in the data sets submitted to DEC and the large number of water bodies located throughout the rail line, any spray method, no matter how precautionous, would likely result in the proposed herbicides reaching the waters of the state.” And on pages 4-5: “In the permit application, the ARRC proposed to utilize a 10 foot no-spray buffer around water features. Research indicates this buffer zone is inadequate to protect against water pollution by the herbicides.”

ADEC denied the application under the authority of 18 AAC 90.525(b)(5), stating: “the department will, in its discretion, deny a permit if the department finds that there is an unreasonable adverse effect’ that would result from the pesticide application.”

ADEC’s analysis, evaluation, and decision on the railroad’s 2006 pesticide permit application showed that ADEC viewed risk of a pesticide formulation to human health and the environment according to its toxicity, persistence in the environment, and migration characteristics. ADEC also listened and responded to concerns expressed by the public in arriving at its decision to deny the application. ADEC also took seriously the importance of protecting the waters of the state.

**For these reasons, ADEC found it necessary, in order to protect water resources, to override both the EPA label (which did not stipulate or recommend establishing no-spray buffers around water bodies) and the applicator agency’s best judgment (i.e., ADEC found inadequate the railroad’s proposed 10 foot buffers around water bodies).**

It is quite stunning in light of this past history, that ADEC is now, with its proposed regulations, trying to scrap this important and necessary process for controlling pesticide use and protecting human health and the environment. ADEC would be getting out of the way of pesticide use, instead of controlling it.

Under its proposed regulations, ADEC would be relying on the applicator agency to comply with pesticide laws and regulations and with the EPA label in order to protect human health and the environment, and to avoid unreasonable adverse effect resulting from the use of pesticides. An applicator agency is ill-equipped to carry out this crucial public and environmental health function. **Such reliance on the applicator agency and on the EPA label, as demonstrated in the above example,<sup>5</sup> has proved unreliable, and insufficient to protect human health and the environment.**

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<sup>5</sup>And also below under: The proposed regulatory changes fail to consider the risk to human health and environmental of different pesticide formulations

**In short, the proposed new regulations would leave the ADEC with no mechanism by which to make the determination as to whether a program or project involving the use of pesticides would have an unreasonable adverse effect.**

Why ADEC is proposing these changes and why the reasons are spurious

ADEC, according to public statements, is proposing these regulatory changes for two reasons. First to be consistent with other land-owners such as farmers and native corporations, neither of which are required to obtain a permit for pesticide use.

In pursuing "consistency" ADEC fails to consider that state lands are public lands. The public owns them and the public uses them. In many cases, especially along state rights of way, the public must use state lands and rights of way to get where they need to go, which means that folks would potentially be involuntarily exposed to toxic and harmful chemicals. This is very much unlike private property. The public doesn't need to cross a farmer's fields to get to where they need to go.

Furthermore, state lands and rights of way are owned by the public, and the public has a legitimate interest in its lands and has a fundamental right to meaningfully participate in the decisions about how its lands are used.

The public also has a fundamental right to meaningfully participate in agency decisions that affect it. By this I mean, for example, if a person owns property that abuts state land or right of way that may be sprayed with pesticides, that person has a right to be heard and participate in the decision. It is not legitimate for ADEC (or any government body) to take away a person's right to protect the health and safety of himself or herself or their family or property.

These proposed regulations, with no mechanism to establish buffers or no-spray zones, would allow spraying right up to a person's property line. Considering the high probability of drift during application, migration, and post-application winds blowing contaminated dust/plant debris, it is a near certainty that the adjoining private properties would be affected. This means vegetable gardens, the children's sandbox and swing set, etc. would be contaminated, and, of course the family who lives there would be exposed. All with no provision for that person, or the general public, to be heard in advance of the spraying.

People and their children would be involuntarily and sometimes unknowingly, exposed to these toxic chemicals, and they would have no say whatsoever. I am outraged, and I think that folks, if they were aware of what ADEC is up to, would be equally outraged.

If ADEC wants to pursue a goal of consistency, it can (and there is a strong argument to do so) require native corporations and farmers, and any large user of pesticides to go through the existing permitting process. That would surely improve ADEC's capacity to protect

human health and the environment. But, unfortunately, ADEC is heading, with the proposed regulations, in the exact opposite direction, which would be to facilitate rather than control pesticide use, and in the process to prevent folks from exercising their fundamental rights as citizens.

The **second** reason for getting rid of permit requirements is to free up ADEC staff time, which is presumably considered internally to be excessive.<sup>6</sup> ADEC's Karin Hendrickson indicated that time saved by eliminating the permit process could be spent on things like education in safe use of pesticides, outreach, inspections, and possibly water monitoring.<sup>7</sup>

These are all things that ADEC should be doing, and to large extent is doing,<sup>8</sup> ADEC could probably do more, but it should never be at the expense of the existing permitting system.

In addition, there is much interaction between a prospective permittee and ADEC. Things like education, monitoring, and outreach are integral to the existing permitting process. So, throwing out the permitting system would also be throwing out a certain amount of education, outreach, and inspections.

Even so, education, inspections, and outreach and the permitting system are not mutually exclusive... all can co-exist; ADEC can, and should, do all. ADEC should keep the current permitting system, and it should expand its education program in safe pesticide use and it should be monitoring and enforcing, and it should be collecting data on the use and effects of pesticide use. That is ADEC's job.

The use and handling of pesticides is a significant public and environmental health issue, and ADEC's efforts should not be cut short in any way. ADEC is remiss in not doing all it can to protect human health and the environment, including seeking funding if necessary.

ADEC's reasons for pursuing the change range from spurious to specious to disingenuous. It is evident that the perceived benefit to ADEC would be very small when compared to the significant harm to public health and the environment that would result if the proposed changes are adopted.

#### The proposed regulatory changes fail to consider the risk to human health and the environment of different pesticide formulations

Another reason the proposed regulations are bad public policy, and represent a high risk of resulting in unreasonable adverse effect to human health and the environment has to do

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<sup>6</sup> see email from Ernst Prax, staff to Representative Wes Keller, to a concerned member of the public, dated July 24, 2012 (attached)

<sup>7</sup> KTNA radio, Susitna Valley Voice, July 11, 2012 and KTNA news report June 21, 2012

<sup>8</sup> see, for example, ADEC website, Division of Environmental Health, Pesticide Control Program for educational flyers and other information, <http://www.dec.alaska.gov/eh/pest/factsheets.htm>

with the fact that there are many different pesticides and pesticide formulations registered in Alaska, and that these chemical formulations vary according to level of toxicity, persistence in soils, and migration characteristics. This means that the risk to human health and the environment varies among the various pesticides and pesticide formulations. The new regulations do not consider the varying levels of risk to human health and the environment represented by the various pesticide formulations.

For example, with respect to the railroad's 2006 application, ADEC currently lists a pesticide called Riverdale Solution Water Soluble IVM ("SWS") (EPA Reg No. 228-260) on its list of registered pesticides. SWS is a product that the Alaska Railroad proposed using as part of its pesticide formulation in 2006 when it applied to ADEC to spray pesticides along its mainline track between Seward and Fairbanks. The only active ingredient of SWS is 2,4-D. SWS is not classified as "restricted use" at either the state or federal level.<sup>9</sup> ADEC's website back in 2006 described 2,4-D compound as a highly toxic pesticide and that "a taste to a teaspoon taken by mouth could kill an average sized adult."<sup>10</sup> 2,4-D represents 50% of the defoliant component of Agent Orange,<sup>11</sup> the notorious defoliant used in Vietnam that sickened so many people.

There is a significant difference between the formulation that used SWS (2,4-D) and the pesticide product called Aquamaster, which is the pesticide the ARRC is currently spraying along portions of its right of way under ADEC-approved permits. Aquamaster, although a pesticide, is much less toxic than SWS. These two products would be treated no differently under ADEC's proposed regimen. The proposed regimen considers the risk of these two products to human health and the environment to be exactly the same. In both cases, ADEC would be relying only on the applicator agency to comply with the pesticide laws and regulations and with the EPA label.

The proposed regulations, by eliminating the permit system for terrestrial spraying on state lands and rights of way by state agencies, also eliminate the vehicle for considering such things as the toxicity, persistence, or migration and other characteristics of a pesticide as well as the circumstances (e.g., location, presence of water bodies, topography) of its application when determining risk to human health and the environment or deciding whether or not to use a pesticide. In fact, with these proposed regulations, there is no analysis of risk and there is no decision. Pesticide use is pre-approved, and left to the applicator agency.

#### Compliance with the EPA label is not sufficient to protect human health and the environment

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<sup>9</sup> There are special rules for "restricted use" pesticides, but since SWS is not "restricted" these do not apply to SWS.

<sup>10</sup> <http://www.dec.state.ak.us/eh/pest/Product.asp?pID=1669095> This link was working in 2006; it came up with an error message when I tried it recently.

<sup>11</sup> citizen testimony, ADEC public hearings, Talkeetna, July 19, 2006, from audio tape recording.

ADEC maintains, as Karin Hendrickson did on KTNA radio, that “If pesticides are used in accordance with the label, then there should not be problems.”<sup>12</sup> This statement is directly contradicted by ADEC’s actions on the Alaska railroad’s pesticide permit applications of 2006, 2009, and 2012.

ADEC denied the 2006 application, as described above; ADEC approved the 2009 application and required 100 foot buffers around water bodies; and ADEC approved the 2012 applications and required 25 foot buffers around water bodies. **In all cases ADEC either denied the permit application or imposed greater restrictions on the spray operation than was required by the label.**

ADEC’s denial of the 2006 application and approval of the 2009 and 2012 applications shows that ADEC recognizes that the risk to human health and the environment varies among different pesticide formulations; that some formulations are more toxic than others. The fact that ADEC, in all three instances, overrode the EPA label demonstrates that reliance on the label is not sufficient to account for the varying risk to human health and the environment represented by the various pesticide formulations. ADEC has shown in all three of these instances that compliance with the label is not sufficient to protect human health and the environment.

Given ADEC’s past actions, it is inexplicable that ADEC in proposing these regulatory changes would rely on the label to account for risk. It knows that some pesticides are more toxic or otherwise riskier than others, and a pesticide doesn’t have to be on the restricted use list to be very harmful. And yet, ADEC’s view of risk, as represented by these proposed regulatory changes, addresses only the way a pesticide is applied rather than its toxicity. If it is an aerial application or if the pesticide is to be applied directly to water a permit is required; otherwise, a permit is not required.<sup>13</sup> But the toxicity, persistence, or migratory (to water for example) characteristics of a formulation do not enter into ADEC’s proposed view of risk.

The effect, should these regulations be adopted, could be, for example, that the Alaska Railroad would switch from the current approved Aquamaster to the 2006 formulation, containing SWS and 2.4-D. The SWS label (which would be relied upon under the proposed regulation) contains no recommended or required buffer. Under the proposed regulations, the ARRC could change its pesticide formulation with no review or approval required by ADEC, no public process, no identification of water bodies, and no buffers around water bodies. The railroad could just do it. The only requirements would be to notify the public that it is going to spray<sup>14</sup> and comply with the (insufficient) label.

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<sup>12</sup> KTNA Susitna Valley Voice, July 11, 2012 (second segment at about 5 minutes).

<sup>13</sup> There is a minor exception to this, which is, a permit is required if a state agency wishes to apply pesticides to private land.

<sup>14</sup> See below under specific comments for reasons why the notification requirements of the proposed regulations are inadequate.

With these proposed regulations, it would be the pesticide user's choice, without the public's or ADEC's involvement.

#### ADEC is abdicating its fundamental duty

The proposed regulatory changes represent an abdication of the ADEC's fundamental duty to protect human health and the environment and are inconsistent with the purpose of chapter 90 which is "to protect human health, safety, and welfare, animals, and the environment by ensuring the proper use, sale, distribution, transportation, storage, and disposal of pesticides and their containers."

Under the current permitting system, ADEC has both the authority and the responsibility to control terrestrial pesticide use by state agencies on state lands and rights of way. Under the proposed regulations, there would be no permitting process, and applicator agencies would not be required to obtain approval from ADEC in order to spray pesticides (as long as it is not an aerial or aquatic application). Not only do these proposed regulations empower an applicator agency to pursue a pesticide spray operation on its own authority, but it cuts the public entirely out of the process.

ADEC is relinquishing its authority by abolishing the permit system,<sup>15</sup> and by taking an almost total hands off approach to the use of pesticides by state agencies on state lands and rights of way. The proposed regulations, for example, do not contain any requirement (or provide any mechanism to ensure) that ADEC

- review, evaluate, monitor, or control an applicator agency's pesticide spray operation;
- evaluate a proposal to use pesticides to determine if the spray operation would have an unreasonable adverse effect;
- review, evaluate, or approve an IPM;
- monitor or otherwise test for an applicator agency's compliance with an IPM or with the EPA label;
- obtain the information necessary to ensure protection of Alaska's water resources (e.g., no requirement or mechanism to identify water bodies or private drinking water systems or sources within or in close proximity to water bodies);
- determine the need for or impose no-spray buffers around water bodies; and
- provide for public participation in pesticide use decisions.

ADEC requires that it be notified 15 days in advance of commencement of a spray operation. The proposed regulations are silent on the nature, content, and form of the notification (e.g., would a quick phone call... "this is the Alaska Railroad, we are going to spray pesticides in 15 days, good bye"... suffice?). Even if there was guidance on the nature, content, and

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<sup>15</sup> For non-aerial, not aquatic applications by state agencies on state lands

form of the notice, 15 days provides insufficient time for ADEC to research and understand the spray operation enough to justify a "stop" order if warranted.

**ADEC may retain the responsibility to control pesticide use, but it is proposing to so gut the regulations that it would be impossible or impractical for ADEC to meaningfully exercise its authority to fulfill that responsibility.** Pesticide use is a significant public health issue, and ADEC, with these proposed regulations, has decided, instead of protecting public health and the environment, to step aside, and get out of the way.

#### ADEC obscures from the public the true nature of the proposed regulatory changes

ADEC has provided on its website several documents that contain information about the proposed regulatory change. These documents are the primary source of information available to the public regarding the proposed changes. The substantive documents are the Proposed Regulation Change Fact Sheet, the Public Notice, and the Regulation Amendments.

The language of these documents is carefully crafted. None of the documents straightforwardly or clearly inform the public of the true nature of the change, the essence of which is that the current permitting process for the application of pesticides by state agencies on state lands and rights of way (with the exception of aerial and aquatic applications) would be abolished. And along with the elimination of the permit requirement, things like public participation and process and the identification of water bodies and drinking water sources and protection thereof would also be eliminated.

The documents dance around the subject of permit... throwing out the term "permit-by-rule" on the Fact Sheet, with no way for the public (even by calling ADEC as I did) to find out what that means. "Permit-by-rule" may be a red herring, but we don't really know.

The Regulation Amendments document does not provide a before and after red-lined version that would clearly show the wording of the regulation as it exists now, the changes, and the proposed version. A person would have to locate the current version of Chapter 90 to get the full picture, and it is not so easy to find a version of Chapter 90 that you know is current.

And, the Public Notice discusses permits, but the first word in the sentence that mentions permits is "Clarifying ...." The word "clarifying" means to "make intelligible, to free from ambiguity." It doesn't mean "get rid of" or "eliminate."

ADEC is deceiving the public by withholding or obscuring essential information about these proposed regulatory changes. **ADEC has not reasonably informed the public as to the nature and scope of these proposed changes. The public process is therefore not legitimate.**

### Public Comment Deadline Extension

ADEC is putting these proposed changes out for public comment for 72 days, but it is doing so in the heart of summer recreational and business activity, which occupies most folks this time of year. The fact that folks are pre-occupied during the summer months means that 72 days isn't enough. These proposed changes are drastic, and the public is being removed from the process. ADEC must be aware that if folks were clearly informed of the content and implications of the proposed changes they would loudly object.

ADEC has received a number of requests, some from state legislators, to extend the comment period until things settle down from the hustle and bustle of summer. ADEC has chosen to deny those requests.

I see a certain irony in this. These rule changes are out for public comment at a time when folks are out trying to catch salmon in their favorite stream, completely unaware of the possibility that by this time next year their stream may be contaminated by pesticides (potentially including 2,4-D) sprayed to the water's edge and seeping or blowing into the water itself.

ADEC's lack and mischaracterization of information coupled with ADEC's refusal to extend the comment period to a time when folks can focus on something other than enjoying summer or running a business at the busiest time of year, means that the public is being deprived of its right to meaningfully be heard on the proposed changes.

### Detail comments on each stipulation of the proposed regulations

These are my detail comments on each stipulation of the proposed new regulations. The regulation language<sup>16</sup> is in italics; my comments are in normal text, bold, and indented.

Below I describe deficiencies in the proposed new regulations. These deficiencies support the above conclusion that these proposed regulations represent an dereliction of ADEC's duty to protect human health and the environment and to engage the public in meaningful participation. These deficiencies also show that ADEC has drafted these proposed regulations carelessly, apparently without a great deal of thought to the consequences to public health and the environment.

*18 AAC 90.500 is being amended to read:*

**11 AAC 90.500. Permit for certain public pesticide programs or projects:** *Except as provided in 18 AAC 90.510, a government entity may not, without first obtaining a permit issued by the*

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<sup>16</sup> Regulation language is taken directly from the .pdf document available on the ADEC website at <http://dec.alaska.gov/eh/docs/pest/Pesticide%20Amendments%20Public%20Notice%20Version%20May%2021%202012.pdf>

*department, direct, carry out, allow, or participate in the spraying or application of a pesticide in any program or project, intended to apply pesticides to private property.*

*18 AAC 90.500 (a)(1) is repealed.*

*18 AAC 90.500(a)(2) is repealed.*

**The focus of this comment letter is to object to the repeal of the permit system currently required to authorize the application of pesticides by state agencies to state lands and rights of way.**

**However, in addition, I find the change in language with respect to private property also to be problematic. The proposed language "...intended to apply..." contrasts with the existing language "if that spraying or application affects property owned separately by two or more persons." The proposed language is carefully crafted to eliminate the need for a permit unless there is a specific intention of a state agency to spray on private property. ADEC itself recognizes that spray applications involve the potential and likelihood of drift and it recognizes that pesticides migrate in soils.**

**Since the proposed regulations fail to provide a mechanism to impose no-spray buffers to private property (or to anything else), a state agency spraying to the edge of its land or right of way, would expect (due to migration and drift and post-spray dust or debris blown by the wind) that adjoining private property would in most cases be affected. The existing regulation uses the word "affects" and thus accounts for this occurrence. Substituting the "intended" language sidesteps the requirement to obtain a permit, and thus eliminates the public's and the property owner's ability to participate in the permitting decision.**

**ADEC's apparent lack of regard for how private property, and the health of property owners, would be affected by the proposed regulations leads one to the conclusion that ADEC is placing too much emphasis on "streamlining" the use of pesticides and not enough on doing its job of protecting public health and the environment.**

**The existing 90.500(a)(2) should not be repealed and should remain in effect.**

*18 AAC 90 is amended by adding a new section to read:*

**18 AAC 90.640. Pesticide applications on state land.** *(a) Pesticide applications on land owned or leased by an agency of the state, or a right-of-way managed by it, are authorized if:*

*(1) the application follows a written Integrated Pest Management plan appropriate for the pest of concern pursuant to 18 AAC 90.645, and adopted by the agency applying the pesticide;*

The guidance provide on .645 is vague, general, and inadequate and substantially simply outlines existing department policy<sup>17</sup>. See comments under proposed .645 below.

*(2) the Integrated Pest Management plan is published on the department's website;*

Conceptually, it is good to have an Integrated Pest Management (IPM) plan, to have it published on ADEC's website, and have it available so that it can be viewed by the public. But these regulations fall far short of how an IPM plan should be developed and administered. For example,

It is disturbing that the proposed regulations do not require ADEC to review and evaluate the IPM plan, and make a decision to approve it, disapprove it, or approve with conditions.

It is also disturbing that the public is provided no opportunity to comment on the plan and have those comments incorporated into the decision-making process.

And it is disturbing that the requirements for the content of the plan are inadequate to ensure that meaningful, useful, and consistent plans are developed and implemented.

See also my comments under .645 below.

*(3) notification has been provided at least 30 days before the application, or 30 days before the first application of a multi-application project, by mail, return receipt requested, to public drinking water system owners and operators as defined in 18 AAC 80 if the application will occur within 200 feet of the water source;*

I am troubled by the fact that this (3) is limited to public water systems and that no-spray buffers are not required. Also troubling is that this (3) is limited only to notification to the owners/operators that spraying will occur. There is nothing else in (3): no opportunity for the owner/operator to object in any way... no opportunity the owner/operator to participate in the decision to use a pesticide, no opportunity to request, much less require, a no-spray buffer, and no opportunity for the public (those who drink the water, for instance) to participate in any way.

In addition, this (3) fails to consider private water wells or water systems. There is no other provision, here or elsewhere within these proposed new regulations, that considers private water wells or drinking water systems... no provisions to identify private wells, no opportunity for the private well users to participate in the decision to use pesticides, no no-spray buffers.

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<sup>17</sup> ADEC website, Pesticide Control Program, Factsheets, IPM (Integrated Pest Management) More Effective Pest Control

Furthermore, there is no provision in this (3) or anywhere else in the proposed new regulations that requires the identification of water bodies in proximity or within a spray area. There is no provision, in this (3) or anywhere else in the proposed new regulations that requires that no-spray buffers be imposed to prevent the pesticides from reaching the waters of the state.

The citation 18 AAC 80 is incomplete, and would require the reader to search the entire chapter to figure out (guess at?) the specific provision cited.

This (3) also fails to provide guidance as to what information must accompany a notification (e.g., identification and description of the pesticide and pesticide formulation being sprayed, how much, when... etc. ) and there is no guidance as to whether notification is required if there is a change in the operation, such as change in the pesticide formulation (e.g., a switch from Aquamaster to the Oust Extra/RazorPro/SWS formulation of the ARRC's 2006 proposal).

*(4) the pesticide will be applied by an applicator certified by the department;*

I agree that pesticides should be applied by a competent and properly trained applicator, but there is no provision for ADEC to be informed of even the name of the applicator, much less evidence of his proper certification and other credentials, as currently required under 90.515(13). Currently, an applicator agency must provide ADEC (and the public) "evidence that a person who directs, carries out, or participates in a pesticide program or project described in 18 AAC 90.500 or 18 AAC 90.505 has working knowledge of the pesticides to be applied, the necessary safety precautions, and potential impact on the environment; the evidence required by this paragraph must include proof of appropriate certification under 18 AAC 90.300 - 18 AAC 90.315." This requirement would not apply, under the proposed new regulations, to the terrestrial spraying of pesticides by state agencies to state lands.

*(5) public notice of the application is provided in accordance with 18 AAC 90.640 (b);*

**See my comments under .640(b).**

*(6) the department is notified fifteen days in advance of an application on a parcel of land one acre or more in size, or greater than one mile in length;*

**It is troubling that ADEC's only involvement in the terrestrial use of pesticides by state agencies on state land is a 15 day notice, with no guidance on what that means. I elaborate on this in section ADEC is abdicating its fundamental duty**

Turning first to the wording of (6), which is confusing and internally inconsistent (i.e., with respect to “one acre or more in size” versus “greater than one mile in length.” What exactly is the purpose of the “greater than one mile in length” clause? An acre is 43,560 square feet. A mile is 5280 lineal feet. A width of 8.25 feet over one mile would equal one acre. If the railroad, for example, wanted to spray one mile of mainline track, 16 feet wide, would it need to notify ADEC? The spray area would be 1.93 acres, which means (since it is greater than one acre) notification would be required, but it is not over a mile in length, which means notification would not be required. It is confusing because application coverage is an “area” measurement, not a “lineal” measure. When one buys a can of paint, coverage is stated in square feet, not in lineal feet. This is just one of many indications that ADEC has put little serious thought in drafting these proposed regulations.

This (6) does not provide any guidance as to what a notification must contain. It doesn’t even require that the notification be in writing. Is a phone call sufficient? What information must be provided to ADEC? Is such information as the time, location, purpose for the application, pesticide formulation, overview of the project, the name of the applicator, application method, quantity of pesticide, rate of application, etc. required?

*(7) a record of pesticide use and notification is maintained by the land manager for five years and must be produced to the department upon request;*

This (7) does not provide guidance as to specifically what information and data must be recorded and retained. Without guidance and standards for information and data collection and retention, the records will most assuredly be widely inconsistent among the agencies and be generally insufficient for any meaningful pesticide control or monitoring purposes.

*(8) if 50 pounds or more of pesticides are used annually, the land manager must post a report each year on the land manager's website that describes how much of each product was used and where; and*

This (8) is another example of the fact that ADEC, in proposing these new regulations, fails to recognize that pesticides vary in their toxicity, persistence, and migration characteristics. The fact is, some pesticides represent a greater risk to human health and the environment than others. These proposed new regulations fail to recognize, much less manage, this risk, as explained above under “The proposed regulatory changes fail to consider the risk to human health and environmental of different pesticide formulations.” Fifty pounds of one formulation, in terms of risk to human health and the environment, can be equal to a teaspoon of another.

This (8) says only that the report contain "how much of each product was used and where." This (8) severely reduces current information retention requirements, and is not sufficient to serve a useful purpose in monitoring and controlling the use of pesticides.

It is unclear whether 18 AAC 90.535 would apply if the proposed regulations were adopted. This ambiguity should be addressed. 90.535 provides useful information:

- (1) the dates of the treatment;
- (2) the total amount of each pesticide used;
- (3) an assessment of the success or failure of the treatment;
- (4) any observed effect on human health, safety, or welfare, animals, or the environment;
- (5) monitoring results, if under this chapter, the department required the permittee to conduct monitoring; and
- (6) records required to be kept under 18 AAC 90.400 – 18 AAC 90.420

This information, specified in 90.535 should be gathered, reported to ADEC, and retained for all spray operations, both public and private. This recommendation would mean that large private landowners such as farms would be required to gather and report this information to ADEC.

*(9) the department is granted access to the property without prior approval during pesticide applications.*

This (9) implies that ADEC contemplates the possibility of its looking at a particular spray operation, although the proposed regulations are silent on the necessity, frequency, purpose, nature, or scope of such a visit, or whether it would be in response to an emergency, public complaint, etc.

*(b) If specific notice requirements under 18 AAC 90.625 or 18 AAC 90.630 do not apply, the agency applying the pesticide on a parcel of land one acre or more in size, or greater than one mile in length, must publish two consecutive notices of the pesticide application in a newspaper of general circulation in the affected area. The notice must be completed at least 30 days prior to application, and must include:*

See (6) above for my comment objecting to the "or greater than one mile in length" threshold language. My concern applies as well to the language in this (b).

In addition, a "newspaper of general circulation in the affected area" is not sufficient notice" is not adequate notice. A lot of people do not read the newspaper these days, and those who do rarely read the notices section. This notification method would reach few people.

There should be a provision for posting notices in a central place such as the ADEC website. The public cannot be expected to periodically search through or negotiate the website of every state agency. There should be a central email list maintained so that concerned folks can be asked to notified in advance of all spraying. There should be an RSS feed or equivalent that folks could sign up for. There should be

physical notification on-site on the perimeter of, and various points within, a spray area. This is especially important along the railroad and state rights of way. There should be radio announcements (e.g., KTNA in Talkeetna) wherever possible. There should be notices posted at railroad depots if the railroad is spraying. All of the above should be required by regulation.

Line item (2) "pesticides to be used" is not specific or detailed enough. The railroad, for example, could list Solution Water Soluble (SWS) described above. It would not have to notify the public that the only active ingredient is 2.4.-D (also described above). The notification needs to include this type of detailed information.

This (b) fails to provide guidance as to whether notification is required if there is a change in the operation, such as a change in the pesticide formulation (such as a switch from Aquamaster to the Oust Extra/RazorPro/SWS formulation of the ARRC's 2006 proposal). Such an action has significant public and environmental health implications, and the public should know about it.

Clearly, this (b) does not provide for reasonable public notification in advance of the application of pesticides or broadcast chemicals.

- (1) location of the proposed activity;
- (2) pesticides to be used;
- (3) the target species for the pesticide application;
- (4) the method of applying the pesticides; and
- (5) how the public can receive more information.

**This list of required information should also include the date spraying is to commence and when it is to end.**

*(c) Multiple pesticide applications can occur during one calendar year. Prior to the first application of the year during a multi-application project, notice must be provided pursuant to (a)(2) and (b). The notice must also provide an approximate number of applications for the proposed project.*

**This (c) refers to (a)(2) and (b). My objections and concerns for (a)(2), (a)(3) and (b) apply to this (c) as well. And, is (a)(2) a typo; should it be (a)(3)?**

*(d) The following pesticide applications are not subject to the requirements of this section:*

- (1) application of antimicrobial pesticides;
- (2) application of pesticides on a total of less than 1 acre of land during a calendar year;
- (3) application of pesticides on less than a total of 1 linear mile during a calendar year;
- (4) personal use insect repellent products; and
- (5) application of pesticides inside buildings or structures.

**This (d) contains my same concern and objection about the inconsistent and confusing use of the one acre vs one linear mile language that I have expressed above.**

*18 AAC 90 is amended by adding a new section to read:*

**18 AAC 90.645. Integrated Pest Management Plan.** *An Integrated Pest Management Plan (IPM) establishes a procedure for the use of pesticides in a manner that poses the least possible hazard to people, property, and environment whereby pesticides are used only after non-chemical methods have failed or are impractical. The IPM must include a description of:*

- (1) the preventive methods used, such as non-chemical practices and sanitation, to keep pest problems from occurring;*
- (2) the activities to monitor for the presence of pests;*
- (3) the thresholds for allowable pest presence;*
- (4) when appropriate, the use of mechanical and physical controls to reduce pest presence;*
- (5) the pesticide products used when determined necessary by the plan; and*
- (6) the identity of the person in charge described in 18 AAC 90.650.*

**This .645 contains some useful requirements for inclusion in an IPM plan, and it may stimulate some constructive thought on the part of a prospective applicator agency, but that is all. Unfortunately, the requirements for the content of an IPM plan are so general and limited that such a plan would be virtually meaningless when addressing the risk to human health and the environment. In short, the six required topics of an IPM plan do not comport with the introduction to .645 stating that an IPM “establishes a procedure for the use of pesticides in a manner that poses the **least possible hazard** to people, property, and environment, whereby pesticides are used only after non-chemical methods have failed or are impractical.”**

**For example, it is not possible to achieve the “least possible hazard...” standard when there is**

- no requirement for the identification of water bodies,**
- no requirement for the identification of private water wells,**
- no public participation to identify areas such as railroad flagstops or biologically sensitive areas so that no-spray buffers can be established,**
- no requirements that water bodies, public water systems, private water systems, private property, residences, be buffered by no-spray zones**
- no assurance that pesticides do not reach the waters of the state**
- no recognition of the varying risk profile (i.e., toxicity, persistence, or migration characteristics) among various pesticide formulations, other than what is on the EPA label. ADEC has shown in the past that the label is insufficient to protect the waters of the state**
- and other things required in the existing permitting process**

I elaborate on these and many other concerns and objections to the proposed new regulations in the main text of my comments.

This .645 also does not provide for public participation in the development of the IPM plan. Development of these plans should be a full and meaningful public process.

This .645 also does not provide for ADEC to review, evaluate, modify, and approve or deny the IPM.

The six requirements of .645 are incomplete and woefully inadequate to accomplish the purpose of .645. They are also general and not specific. There are no performance standards. For example, the IPM, according to .645 must include a description of "(1) preventative methods used, such as nonchemical practices and sanitation, to keep pest problems from occurring;". The IPM Plan could say under this heading: "we tried pulling weeds and it didn't work." Under the regulation, that would suffice. There are no performance standards, ADEC isn't required to review or evaluate the IPM, the public is prevented from participating.

The result will be a wide and inconsistent array of IPM plans among the various agencies. Some agencies would probably make a good faith effort to achieve the purpose of .645, but many would lack the resources or expertise to do it right. And the lack of public and ADEC oversight and the lack of strict and specific guidance in the regulations will make protection of human health and the environment highly unlikely.

*18 AAC 90 is amended by adding a new section to read:*

**18 AAC 90.650. Person in charge.** *The agency performing a pesticide project or program shall identify a person in charge to oversee pest control. That person will:*

*(1) develop and implement an Integrated Pest Management Plan in accordance with 18 AAC 90.645;*

*(2) ensure compliance with the Integrated Pest Management Plan;*

*(3) review and update the Integrated Pest Management Plan every 2 years;*

*(4) act as the point of contact for information on the pesticide project or program for the department and for the public; and*

*(5) when appropriate under the Integrated Pest Management Program, approve the use of pesticides and ensure they are used in compliance with this chapter.*

This .650 is a tall order, and what ADEC is proposing would be quite a burden to impose on the applicator agencies. ADEC is shifting the responsibility/authority for the safe, proper, and legal handling of use of pesticides from itself to the various state applicator agencies. Should these proposed regulations be adopted, ADEC would be requiring an applicator agency to have a detailed knowledge of the many laws and regulations governing pesticide handling and use. It would also require that the applicator agencies gain a practical and technical knowledge of pesticide handling and use, and the effect on human health and the environment of the

various formulations. This would be a burden on the individual agencies, and certainly on the “person in charge” who becomes accountable, and a strain on the normal agency budgets. In an effort to save money, corners would be cut, and public health and the environment would suffer. In addition, the economies of scale associated with centralizing this knowledge and experience within ADEC would be lost as each applicator agency would have to reinvent the wheel. It is not realistic to expect that a ‘person in charge’ model would result in the development of effective pesticide control, such that human health and the environment is protected, in each of the applicator agencies.

### Conclusion

These regulatory changes proposed by ADEC represent a sea change in the way pesticides are controlled, or in this case, not controlled, in Alaska.

How and to what extent pesticides are used in Alaska is a significant public and environmental health issue. With these proposed regulations, ADEC is poised to take Alaska down the same unfortunate path followed by most states in the lower 48... the misuse and overuse of pesticides.

I don't know anybody who thinks that the misuse and overuse of pesticides is a good thing. And yet, this would be the exact outcome that ADEC is now proposing to impose on the citizens and environment of Alaska.

Regulation should never be amended in a vacuum, without knowledge of the extent and effect of pesticide use that is occurring today. Does ADEC have data indicating whether or not pesticides are currently being misused or overused in Alaska, on both private and public lands and rights of way? Does ADEC know the proportion of pesticide use that occurs in Alaska is on state lands versus private lands? Does ADEC have meaningful data on the human health and environmental effects of pesticide use in Alaska? I suspect the answer to these questions is “no”, for, according to ADEC's Karin Hendrickson, “... possibly start doing water monitoring, which is not something we currently do, to see if there are pesticides getting into the environment that we don't know about.”<sup>18</sup>

ADEC should know the answers to these questions, as it would enable ADEC to then determine to how best to monitor and control pesticide use in order to protect human health and the environment. If it would require additional funding to gather this data, then ADEC should seek additional funding.

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<sup>18</sup> KTNA news report June 21, 2012

And yet, without such information and data, ADEC is proposing to throw out a pesticide permitting process that plays a crucial role in protecting human health and the environment. The proposed regulations would fail the public in many ways, among them:

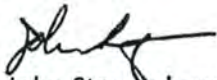
- failure to allow the public to be heard on this very important public health issue: the use of pesticides
- failure to identify and protect water bodies and drinking water systems
- failure to contemplate and establish no-spray buffers necessary to protect human health and the environment
- failure to recognize and consider varying levels of risk to human health and the environment represented by the various pesticides
- failure to recognize that EPA label is not sufficient to account for risk to human health and the environment
- failure to recognize that the best judgment of an applicator agency is insufficient to protect human health and the environment
- failure to protect from contamination the places where people congregate
- failure to provide reasonable notice to help prevent the public from being involuntarily or unknowingly exposed to the toxic chemicals
- failure to protect private property.

These are significant “failures,” which demonstrate that ADEC, under these proposed regulations, would be abdicating, in a big way, its fundamental duty to protect human health and the environment. And it is proposing to do so for reasons that are without merit, especially when compared to the enormous public harm that would surely result if these regulatory changes were adopted.

And, further, ADEC has concealed or mischaracterized the true nature and scope of the proposed regulation changes, to the extent that precludes meaningful, informed comment by the general public.

ADEC should abandon and discard these proposed regulatory changes. They are contrary to the public interest and adopting them would have unreasonable adverse effect on human health and the environment.

Sincerely,



John Strassenburgh



**HAINES BOROUGH, ALASKA**  
**P.O. BOX 1209 • HAINES, ALASKA 99827**  
**Administration 907.766.2231 • (fax) 907.766.2716**  
Tourism 907.766.2234 • (fax) 907.766.3155  
Police Dept. 907.766.2121 • (fax) 907.766.2128  
Fire Dept. 907.766.2155 • (fax) 907.766.3373

June 25, 2013

Pat Kemp, Commissioner  
Alaska Department of Transportation  
PO Box 112506  
Juneau, AK 99811

**Re: Herbicide and Pesticide use in the Haines Borough**

The Alaska Department of Environmental Conservation's decision earlier this year to eliminate the public review process and permitting requirements for using chemicals on state lands deeply concerns the Haines Borough. At a minimum, the Haines Borough requests that DEC reinstate a public review process, including right of appeal, for the potential use of herbicides and pesticides within the borough.

Most of the Haines Borough roadways lie adjacent to, or cross anadromous streams and salmon habitat. The Haines Highway passes through the world class Alaska Chilkat Bald Eagle Preserve, home to the largest gathering of Bald Eagles. Spraying herbicides and pesticides has the potential to harm the environment, fish, wildlife, and human health. Healthy salmon returns for commercial, sport and subsistence fisheries provide major economic benefit to Southeast Alaskans. There is a wealth of scientific literature that links pesticide and herbicide contamination with salmon mortality as well as non-lethal impacts that result in lowered survival rates. Many salmon spawn in waterways adjacent to Haines' roadways. The commercial value of the Lynn Canal salmon fishery ranges from \$1 million to \$3.4 million annually.

Pesticide and herbicide use near residences and areas that our citizens use for gathering food, medicinal substances, or craft materials is inherently dangerous. Use within watersheds that provide drinking water for communities or individuals also poses serious threats. Pesticides and herbicides contain toxic chemicals which rapidly disperse in our local rainforest environment. They have been linked with numerous environmentally caused cancers and may have additional detrimental effects that are presently unknown.

Article 10 of the State Constitution clearly provides broad powers to local governments. **Home Rule** local governments enjoy even broader powers. Article 10, Section 11 of

Alaska's Constitution provides that: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter. Adoption of a Home Rule charter promotes maximum local self-government to the greatest extent possible."

In the past, the community of Haines has opposed the spraying of toxic herbicides or pesticides along borough roadways and on public lands. The Haines Borough continues to strongly oppose the use of herbicides and pesticides on roadways and public lands in the borough.

Protecting our residents and the environment from potential damage caused by using toxic chemicals along roadways in the Chilkat and Chilkoot watersheds and within the Alaska Chilkat Bald Eagle Preserve are of utmost importance to the Haines Borough.

Thank you for your consideration of this matter.

Sincerely,



Stephanie Scott  
Mayor, Haines Borough

Cc: Senator Bert Stedman  
Representative Jonathan Kreiss-Tomkins  
Representative Les Gara  
Al Clough, Assistant Commissioner  
Matt Boron, DOT, Haines



## Municipality of Skagway

GATEWAY TO THE KLONDIKE

P.O. BOX 415 SKAGWAY, ALASKA 99840

(PHONE) 907-983-2297 – Fax 907-983-2151

[WWW.SKAGWAY.ORG](http://WWW.SKAGWAY.ORG)

July 19, 2013

Patrick J. Kemp, Commissioner  
Dept. of Transportation & Public Facilities  
State of Alaska  
P.O. Box 112506  
Juneau, AK 99811

RE: ADOT&PF Herbicide Use in the Skagway Borough

The Municipality of Skagway opposes the use of herbicides and pesticides as a maintenance tool for vegetation control measures on Alaska Dept. of Transportation & Public Facilities (ADOT&PF) owned or leased lands and facilities within the Skagway Borough.

About 27% of the land in the Skagway Borough is State-owned and managed; this land includes State Street, Dyea Road and the local airport, all of which are significantly utilized by local residents and seasonal visitors and represent the bulk of the main transportation corridors within the Borough. The care and maintenance of these areas is integral to the viability of the community, and this maintenance has the potential to affect not only Skagway's quality of life, but also the health of its citizens and natural surroundings.

State Street runs through the middle of the Skagway townsite, with residential homes and local businesses bordering it along its entire length. The Dyea Road provides access not only to more residential areas, but also to remote, natural recreational areas that are highly valued by locals. The airport in Skagway is closely bordered on the west side by the Skagway River, and on the east by residential areas.

ADOT&PF's Integrated Vegetation Management Plan of June 2013 specifies that the agency intends to begin using herbicide as a vegetation control tool to "provide improved maintenance service and public safety in a more cost-effective manner." The Municipality of Skagway maintains that the use of herbicides for the maintenance of vegetation has the potential to negatively affect the health and safety of the public as well as the natural environment, at a cost that may be unquantifiable.

The ADOT&PF's vegetation management plan lists alternative preventative and mechanical methods of vegetation maintenance that include mowing, brush cutting, hydro-axing and

burning. The Municipality of Skagway asks that these alternative methods are solely used in the maintenance of vegetation in the Skagway Borough, as they are highly preferable for maintaining the quality of life and health of the borough's citizens and natural surroundings and for substantially reducing possible negative effects known to be caused by the use of herbicides.

Sincerely,

A handwritten signature in cursive script that reads "Stan Selmer".

Stan Selmer  
Borough Mayor

# Petersburg Vessel Owners Association

PO Box 232

Petersburg, AK 99833

Phone & Fax: 907.772.9323

pvoa@gci.net • www.pvoaonline.org

August 26, 2013

Commissioner Patrick J. Kemp  
Alaska Department of Transportation & Public Facilities  
PO Box 112500  
3132 Channel Drive  
Juneau, Alaska 99811-2500

Via email: [dot.commissioner@alaska.gov](mailto:dot.commissioner@alaska.gov)

## **RE: Herbicide and Pesticide applications in Southeast Alaska**

Dear Commissioner Kemp:

Petersburg Vessel Owners Association (PVOA) is a diverse group of over 100 commercial fishermen and businesses operating primarily in Southeast Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide including salmon, herring, halibut, cod, crab, black cod, shrimp, and dive fisheries.

Regulations adopted earlier this spring would allow state agencies to apply herbicides and pesticides on state property and rights of way without obtaining a permit from the Department of Environmental Conservation (DEC) and without public review. The broad application of herbicides and pesticides can and does affect aquatic habitats; the habitat necessary for the production of commercially harvested species that our members are entirely dependent upon for their livelihood. As such, PVOA is in opposition to the broad-based spraying of herbicides or pesticides on state property and rights of way and is in support of the efforts by the Petersburg Borough (RE: Petersburg Borough August 19 letter) and other Home Rule local governments to prohibit such actions on lands within their community boundaries.

The seafood industry and the State of Alaska have invested millions of dollars in marketing efforts publicizing the sustainability, and health benefits of consuming wild Alaska seafood. The foundation of that marketing effort is based on and is absolutely dependent upon Alaska's pristine waters uncontaminated with toxic chemicals. Alaska seafood is not only consumed locally, but is marketed globally. Any suspicion that Alaska seafood may be contaminated with pesticide/herbicide residue could do irreparable harm to that marketing effort, the seafood industry in general and the PVOA membership specifically.

Upon review of the Integrated Vegetation Management Program (IVMP), particularly Table 1, POTENTIAL HERBICIDES TO BE USED BY ADOT&PF, and our obtaining a recent scientific study of the documented reports on the toxicity of Glyphosate in humans, we have become increasingly concerned about the broad-based spraying of herbicides containing Glyphosates. The IVMP, lists those herbicides approved by the EPA for aquatic environments which includes Aquamaster® (active ingredient Glyphosate). Section 6.3, Chemical Control, also states: "ADOT&PF may use Aquamaster, Habitat, and Garlon 3 throughout its right-of-ways, FAA

certified airports, accessible non-certified airports, and facilities in compliance with their EPA approved labels. "...Aquamaster...may be used to control vegetation within aquatic areas, if needed, only after an Alaska Pollution Discharge Elimination System Pesticide General Permit and a Pesticide Use Permit are obtained." While the EPA considers herbicides containing Glyphosate minimally toxic to humans and safe for use in aquatic environments, a peer-reviewed study published in the April, 2013 edition of the scientific journal *Entropy*<sup>1</sup> presents data and results disputing EPA's assertions of low toxicity and safety. As stated in the Abstract, Discussion and Conclusions sections:

**Abstract:** "Glyphosate, the active ingredient in Roundup®, is the most popular herbicide used worldwide. The industry asserts it is minimally toxic to humans, but here we argue otherwise... Glyphosate's inhibition of cytochrome P450 (CYP) enzymes is an overlooked component of its toxicity to mammals. CYP enzymes play crucial roles in biology, one of which is to detoxify xenobiotics. Thus, glyphosate enhances the damaging effects of other food borne chemical residues and environmental toxins. Negative impact on the body is insidious and manifests slowly over time as inflammation damages cellular systems throughout the body."

**Discussion:** "Contrary to the current widely-held misconception that glyphosate is relatively harmless to humans, the available evidence shows that glyphosate may rather be the most important factor in the development of multiple chronic diseases and conditions that have become prevalent in Westernized societies."

**Conclusions:** "Glyphosate is likely to be pervasive in our food supply, and, contrary to being essentially nontoxic, it may in fact be the most biologically disruptive chemical in our environment."

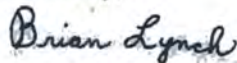
This peer-reviewed study casts a disturbing light on the use of any herbicides in or near aquatic environments. The study not only underscores our concerns about the IVMP's use of herbicides in or near aquatic environments but also provides specific justification for the suspension of that plan.

This study has been widely disseminated to the public by a variety of news media, particularly web-based media. As such, the public's awareness and perception of the use of these herbicides in or near Alaska's pristine waters could likely have a negative impact on the public's willingness to buy and consume Alaska seafood. Also, the presence of known toxins in Alaska seafood products could also have a major impact on the global marketing and distribution of those products.

In conclusion, we urge you to reassess the current chemical control provisions in the IVMP and eliminate the broad-based spraying of herbicides and pesticides as part of the IVMP.

Thank you for your time and attention to this important matter.

Sincerely,



Brian Lynch  
Executive Director

CC: Gov. Sean Parnell, Sen. Dennis Egan, Sen. Bert Stedman, Rep. Beth Kerttula, Rep. Cathy Munoz, Rep. Jonathan Kreiss-Tomkins, Rep. Peggy Wilson, Stefanie Moreland, ADF&G Commissioner Cora Campbell

<sup>1</sup>Samsel, S.; Seneff, S. Glyphosate's suppression of cytochrome P450 enzymes and amino acid biosynthesis by the gut microbiome: Pathways to modern diseases. *Entropy* 2013, 15, 1416-1463.



# Talkeetna Community Council, Inc.

A non-profit, community service organization

Alaska Railroad  
Stephanie Wheeler - Corporate Comm. Officer  
Clark Hopp - Vice President of Engineering

May 7, 2013

The Talkeetna Community Council Inc. met last night for it's regular monthly meeting where we responded to numerous citizen concerns regarding the ARR's upcoming plan to apply herbicides to the rail in our area . According to a notice posted on the ARR web site, and Tom Brooks who was present at the meeting, this spraying is poised to commence next week.

**1.) TTCI REQUESTS ARR SUSPEND SPRAYING FROM MP 225 TO MP 232  
(Craver's Right of Way Farm to the end of the Chase Trail)**

These miles of track pass through or within close proximity to: a farm, a playground, an ARR depot with tourists, a camper park, a restaurant, an active heli pad, a crossing frequented by bicyclists, a Princess bus loading area, the National Park Service residence, Talkeetna's public water source, and the Chase Trail used recreationally.

The herbicide Oust Extra has specifically stated on it's label that it is not to be applied in recreational areas. The section of track noted above is used recreationally. Tom Brooks has confirmed that application of the herbicide will follow guidelines on the label.

**2.) NOTIFICATION OF SPRAYING - TCCI requests that the ARR actively contact residents of the Chase area to identify flagstop mile posts and drinking water sources within 200 feet of the tracks for suspension of spraying. No spraying should be conducted within 200 feet of a flagstop, drinking water source, or water body.**

Local residents have taken the initiative to put PSA's ( public service announcements) on our local KTNA radio to alert flagstop users that they can submit locations to ARR. Residents of the Chase area do not have access to newspapers - especially during break up. TCCI has reviewed the notice on the ARR site and finds it inadequate. It

***Talkeetna Community Council, Inc.  
P.O. Box 608, Talkeetna AK 99676***

does not alert residents that they can submit a flagstop location or drinking water source to request that no spraying occur within 200 feet of those locations.

**TCCI also requests a hard copy notice of spraying be posted at the crossing at ARR MP 232. Notification must contain SPECIFIC DATES of spraying so trail users can be out of the vicinity and avoid dangerous contact.**

**3.) TCCI REQUESTS A DETAILED PLAN AND PROCEDURES FOR IDENTIFYING WATER BODIES, FLAGSTOPS AND AREAS OF SUSPENDED SPRAYING.**

TCCI is alarmed that the ARR does not appear to have a plan for how water bodies and flagstops will be identified and omitted from spraying. Tom Brooks was asked what system is in place for this critical safety measure required in the IVMP - he was specifically asked if the blue and white color coded tie marking system from the 2010 Seward to Indian application would be used in 2013 - he was clear that it would not. He stated vaguely that a GPS system would be used but provided no details of the procedures.

The impending spraying will occur in the next weeks - it is imperative the affected communities have detailed information about the safety and no spray buffer plan. Stephanie Wheeler states in a letter to Talkeetna resident Becky Long "ARR will use appropriate methods such as a pilot car and setbacks" to protect water.

**TCCI adamantly requests a pilot car be required during ALL herbicide application and specifically from Sunshine through the Hurricane Turn route. It is common knowledge that this stretch of track is both residential and used recreationally. It is in close proximity to the Susitna and Indian Rivers, and is actively advertised by the ARR as a tourism destination. ( Gold Creek area will also host several work camps this season for Susitna Watana studies - one of which is adjacent to the rail and bridge)**

**TCCI has consistently been opposed to the ARR use of herbicides. It is a hazard to humans, fish, wildlife and all aspects of the ecosystem. The systematic removal of the DEC public process concerning herbicide application allows for no oversight or participation from those who will be adversely affected.**

We look forward to a timely response to our requests.  
Sincerely,

Whitney Wolff  
Talkeetna Community Council, Inc.

***Talkeetna Community Council, Inc.  
P.O. Box 608, Talkeetna AK 99676***



June 17, 2013

Commissioner Patrick J. Kemp,  
Department of Transportation & Public Facilities  
PO Box 112500  
3132 Channel Drive  
Juneau, Alaska 99811-2500

Re: Herbicide and Pesticide applications in the Petersburg Borough

Dear Commissioner Kemp;

The Petersburg Borough has learned that earlier this spring, regulations were adopted that would allow state agencies to apply herbicides and pesticides on state property and rights of way without obtaining a permit from the Department of Environmental Conservation and without public review. The Petersburg Borough is very concerned that this action denies our citizens the right to participate in the decision-making process and jeopardizes our community. The broad application of herbicides and pesticides can and does affect drinking water, aquatic habitat, and impacts traditional food gathering areas. In addition, this process exposes our children and pets to harmful, possibly carcinogenic, toxins.

These regulations were adopted despite widespread public opposition across the state. The people of Alaska collectively own our public water supply, our fish and our wildlife resources. We strongly feel that we should have a voice regarding if and when there are any plans which might negatively impact those resources within our area. The 30-day notification requirement prior to application that was adopted, allows for no public input. This falls way short of providing our citizens a voice.

Alaska markets our wild salmon to the world by touting our pristine waters. Applying toxic chemicals to the upland habitat would certainly make that a questionable claim. Spraying our uplands could negatively impact productivity of local salmon streams. Even the small tributaries are important fish rearing habitat. Also, many out-the-road residents rely on surface run-off and small streams for their drinking water. Many of our residents gather berries, fiddlehead ferns, and other traditional foods along roadways in our area. If herbicides and pesticides are applied, there is simply no way to protect against contamination. This is particularly true in our island rain forest ecosystem where anything applied to the land is rapidly washed into adjacent waterways and eventually into salt water by the rain.

You may recall that several years ago the Department of Transportation announced plans to spray herbicides to control plant growth along Mitkof Highway. The people of

**Borough Administration**  
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[www.ci.petersburg.ak.us](http://www.ci.petersburg.ak.us)

Petersburg expressed strong opposition and that program was stopped before it got started. Some were opposed to the visual impact, but most were more concerned that toxic residue would contaminate residential runoff-based water supplies and run into aquatic habitats and impact fish productivity. Those concerns have not changed. ADOT went back to mowing the roadsides and, although that method is more labor intensive, it has kept the vegetation down and kept toxic chemicals out of the island's water supplies and waterways.

Article 10 of the State Constitution clearly provides broad powers to local governments. **Home Rule** local governments enjoy even broader powers. Article 10, Section 11 of Alaska's Constitution provides that: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter. Adoption of a Home Rule charter promotes maximum local self-government to the greatest extent possible."

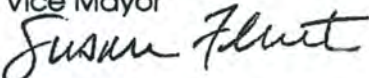
Given that language in the constitution, it certainly seems that the Borough, not the state, should be making the decision on whether or not it is important to protect our primary industry and protect the residents of the borough from toxic contamination. We feel strongly the large-scale application of herbicides and pesticides should not be allowed within our Borough. This is the best way to protect our citizens and the waterways of our community.

The Borough hopes that it does not have to consider the adoption of an ordinance and land use restrictions that will ban the large-scale application of herbicides and pesticides within Borough boundaries. At the very least any plans to apply herbicides or pesticides should require a public review process and approval by the Assembly before application could occur.

We would appreciate your immediate attention to this issue.

Sincerely,

Susan Flint  
Vice Mayor



Distribution

KFSK Radio  
Petersburg Pilot  
Senator Dennis Egan (email)  
Representative Beth Kerttula (email)

# ALASKA STATE LEGISLATURE

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Wasilla, Alaska 99654  
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Fax (907) 376-3157



State Capitol  
Juneau, Alaska 99801  
(907) 465-6600  
Fax (907) 465-3805

**Mike Dunleavy**  
*Senator*

May 9, 2013

Mr. Clark Hopp  
Vice President, Engineering  
Alaska Railroad Corp.  
PO Box 107500  
Anchorage, AK 99501

via: email

Dear Mr. Hopp:

I have recently become aware of serious concern with the Alaska Railroad's upcoming plan to spray herbicides on the track in the Talkeetna area. While I understand the need and requirement for the Alaska Railroad Corporation (ARRC) to control vegetation along your tracks, and I acknowledge that your plan appears to comply with the State regulations governing these activities, I write to urge you to do everything in your power to conduct this project in a manner respectful of the local residents and sensitive to the environment.

To that end, I ask that you carefully review the letters directed to you on this issue from the Talkeetna Community Council, and other concerned area citizens, and to do all you can to accommodate their requests. While I recognize the track area itself may not be classified as a public area, the ARRC should take into consideration the community's concerns by not spraying herbicides on public areas within the Alaska Railroad Right-of-Way. (Those areas include: parts of the Chase trail that lay within the spraying area; any areas where the Chase Trail crosses the Alaska Railroad tracks; downtown Talkeetna; the Talkeetna Depot, and the area adjacent to the bridge over the Talkeetna River.)

Of particular concern is Talkeetna's public water source and other water sources used by local residents in the adjacent areas. I suggest the Alaska Railroad continue to work with community members to identify individual home-site drinking water sources and flag stops used by community residents to provide an adequate set back from those areas. The Alaska Railroad must maintain an adequate distance from these water sources to ensure herbicides do not enter the community's drinking water. Additionally, I strongly urge the ARRC to employ all available means and diligence in order to ensure that the chemicals used in your operation do not compromise any area waters; either through direct application, drift or migration.

To better understand this issue generally, I would appreciate some historic information as to why the Alaska Railroad uses herbicides, what other options have been used in the past or have been explored as alternatives to herbicide treatment, and what if any emerging technology could be considered in lieu of herbicide application. While I understand the

necessity of vegetation control, I believe it is incumbent upon the ARRC to continue to look for the best possible way to accomplish this sort of task.

Thank you for your immediate and continued attention to this important matter. I look forward to a report on how the concerns outlined above were addressed and the additional information I requested at your earliest convenience. Additionally, I ask that you provide a copy of your reply to me to the Talkeetna Area Community Council so they may also have that information. Should you need clarification on this issue or additional information from my office, please feel free to contact either myself or Brett Huber, my Chief of Staff, at 907.376.3370.

Sincerely,

Senator Mike Dunleavy  
Senate District D

cc: Tim Sullivan, Manager External Affairs, ARRC  
Whitney Wolff, Talkeetna Community Council, Inc.  
Mr. John Strassenburgh  
Ms. Beck Long

MD:bwh



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Transportation and  
Public Facilities

TRANSPORTATION MANAGEMENT & SECURITY  
Office of the Commissioner

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July 9, 2013

Vice Mayor, Susan Flint  
Petersburg Borough  
P.O. Box 329  
Petersburg, Alaska 99833

RE: Response to Herbicide and Pesticide applications in the Petersburg Borough

Dear Vice Mayor Flint:

Thank you for your letter addressing Petersburg Borough concerns regarding the Alaska Department of Environmental Conservation (DEC) rulemaking on the use of pesticides and the Alaska Department of Transportation & Public Facilities (DOT&PF) possible use of pesticides within the Petersburg Borough. Commissioner Kemp has asked that I provide a direct response to you as I am the DOT&PF Statewide Maintenance Engineer and oversee the department's pest and vegetation management programs.

The department is willing to work with you and discuss any plans for the application prior to any use within borough boundaries. While your concerns are understandable, the Integrated Pest Management plan process (outlined in detail below) provides for public notification. DOT&PF's goal of pest management with the least possible hazard to people, property and the environment, by the most economical means, addresses the concerns of your borough and, consequently, should remove the need for the borough to consider the adoption of any special ordinance about the use of herbicides within your jurisdiction.

DOT&PF oversees 254 airports, 11 ferries serving 35 communities, 5,619 miles of highway and 720 public facilities throughout the state of Alaska. The department is focusing on the safest, efficient and most cost effective management of its right-of-way and, in turn, is developing guidelines for Vegetation Control within department right-of-way. The new guidelines will establish maintenance and operations intentions to assure citizens safety while operating in the department's right-of-way and see that DOT&PF right-of-way receives continued and scheduled vegetation control to the extent feasible by the allowable budget.

DOT&PF has recently posted an Integrated Pest Management (IPM) plan with the DEC, which will be internally known as the DOT&PF Integrated Vegetation Management Program (IVMP). IVMP is an effective and environmentally sensitive approach to pest/vegetation management that

relies on a combination of common-sense practices. IVMPs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

The new regulation requires that prior to herbicide application the following notification requirements must be met:

- Notification will be provided to ADEC, as required under 18 AAC 90.640(a)(6), not later than 15 days before each proposed application, including multiple application projects, as defined within 18 AAC 90.640(d).
- Two consecutive public notices for planned herbicide applications will be published in a newspaper of general circulation in the affected area, no later than 30 days before the date of scheduled single or multiple application projects as required by 18 AAC 90.640(b).

This notice will include:

- The location of the application
- The complete name and EPA registration number of the herbicide(s)
- The target pests
- The method of application
- For multiple application projects, the approximate number of applications to be made
- How the public can receive more information about the proposed application

Effective vegetation management reduces the risk of functional or structural failure which may contribute to crashes, injury, or disruption to travel. Effective vegetation management will help limit physical obstruction or restricted visibility and can reduce the severity of run-off-road crashes.

DOT&PF objectives in vegetation management within its road system right-of-ways are in accordance with the Guidelines for Vegetation Management, 1st Edition, by the American Association of State Highway and Transportation Officials (AASHTO). These guidelines define three roadside management zones (Zones 1, 2, and 3) from the edge of pavement to improve sight distances, maintain access, protect structures, and reduce wildlife strikes.

The use of herbicide application is expected to significantly improve DOT&PF's ability to manage vegetation upon its road right-of-ways, airports, and facilities. While herbicides are expected to be a useful tool in managing vegetation, we are all citizens who also care about Alaska's environment; herbicide application must be done in an environmentally responsible manner.

In selecting herbicides suitable for DOT&PF use, consideration will be given to habitat conditions in and adjacent to DOT&PF lands. Aquatic habitats, such as wetlands, streams and roadside conveyances, are common upon DOT&PF lands. The boundaries of these aquatic habitats can often only be determined by trained environmental professionals. These aquatic habitats often are hydrologically connected via surface flow to salmon-bearing streams and rivers.

A federal lawsuit in Washington State necessitated environmental reviews of some herbicides and their impact on federally listed salmon species under the Endangered Species Act (ESA). This environmental review has resulted in a list of which herbicides that require a no-spray buffer zone around salmon-bearing streams. While this list was developed to address ESA-listed salmon species in Washington State, DOT&PF will select herbicides that either do not require no-spray buffer zones around salmon-bearing streams or were not included as part of the lawsuit.

Additionally, the climactic conditions throughout the state result in unique soil conditions which can impede the breakdown of some types of herbicides. Given these environmental conditions, DOT&PF has selected broad spectrum herbicides approved by the U.S. Environmental Protection Agency (EPA) for use in aquatic conditions. Those herbicides containing active ingredients which have been shown to have a long residence time within Alaskan soils, such trifluralin and chlorsulfuron, will be avoided.

Please see the DEC web site (<http://dec.alaska.gov/eh/pest/pe.htm>) or the DOT&PF Maintenance & Operations web site (<http://www.dot.state.ak.us/stwdmno/>) to view the IVMP. If you have any additional concerns regarding the IVMP, please feel free to contact me directly at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Coffey', with a stylized flourish at the end.

Michael J. Coffey  
Chief, Statewide Maintenance and Operations  
Office of the Commissioner

cc: Commissioner Patrick J. Kemp, P.E.



August 19, 2013

Commissioner Patrick J Kemp, and  
Michael J. Coffey, Statewide Maintenance and Operations  
Department of Transportation & Public Facilities  
PO Box 112500  
3132 Channel Drive  
Juneau, Alaska 99811-2500

Re: Reply to response to Herbicide and Pesticide applications in the Petersburg Borough

Dear Commissioner Kemp and Mr. Coffey,

We are in receipt of your July 9 letter addressing the Petersburg Borough's June 17 letter of concern regarding the regulations adopted by the State of Alaska allowing for the broad application of herbicides and pesticides on state property and rights of way without first obtaining a permit from the Department of Environmental Conservation and without public review. Unfortunately, we view your reply as totally unresponsive to our concerns. Our concerns are focused on the effects of the contamination of aquatic habitats and the transmission of that contamination into fish and other aquatic resources and seafood that are not only consumed by residents of the Petersburg Borough but are harvested commercially and marketed globally. Regrettably, your letter is merely a reiteration of the Integrated Vegetation Management Program (IVMP) and the regulations allowing the broad-based pesticide/herbicide application. Your letter completely ignores our primary concerns regarding that application and the lack of citizen input into the appropriateness of the application of toxic chemicals to areas where they eventually will enter the aquatic environments. It also ignores our concerns regarding contamination of drinking water, impacts to harvesters of berries and other edibles along roadways, and other concerns.

The seafood industry and the State of Alaska has invested millions of dollars in marketing efforts touting the sustainability, and health benefits of consuming wild Alaska seafood (as was pointed out in our June 17 letter). The foundation of that marketing effort is absolutely dependent upon Alaska's pristine waters uncontaminated with toxic chemicals. Any suspicion that Alaska seafood could be contaminated with pesticide/herbicide residue could do irreparable harm to that marketing effort and the seafood industry itself which is the lifeblood of the Petersburg Borough economy.

Your letter points out that *"DOT&PF has selected broad spectrum herbicides approved by the U.S. Environmental Protection Agency for use in aquatic conditions"*. The IVMP Table 1, POTENTIAL HERBICIDES TO BE USED BY ADOT&PF, lists those herbicides approved for aquatic environments which includes Aquamaster® (active ingredient Glyphosate). The IVMP Section 6.3, **Chemical Control**, goes on to state: *"ADOT&PF may use Aquamaster, Habitat, and Garlon 3 throughout its right-of-ways, FAA certified airports, accessible non-certified airports, and facilities in compliance with their EPA approved labels. Both Aquamaster and Habitat may be used to control vegetation within aquatic*

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areas, if needed, only after an Alaska Pollution Discharge Elimination System Pesticide General Permit and a Pesticide Use Permit are obtained." Although the EPA considers herbicides containing Glyphosate minimally toxic to humans and "safe" for use in aquatic environments, a recent study published in the scientific journal *Entropy*<sup>1</sup> sheds a significantly different and disturbing light on that assumption. As stated in the **Abstract**:

*"Glyphosate, the active ingredient in Roundup®, is the most popular herbicide used worldwide. The industry asserts it is minimally toxic to humans, but here we argue otherwise... Glyphosate's inhibition of cytochrome P450 (CYP) enzymes is an overlooked component of its toxicity to mammals. CYP enzymes play crucial roles in biology, one of which is to detoxify xenobiotics. Thus, glyphosate enhances the damaging effects of other food borne chemical residues and environmental toxins. Negative impact on the body is insidious and manifests slowly over time as inflammation damages cellular systems throughout the body."*

This peer-reviewed paper, which we were unaware of prior to our June 17 letter, adds to our concerns about the broad-based herbicide use proposed by DOT&PF and has heightened our opposition to that plan. This information has now been broadly disseminated on a variety of news media and should be considered common knowledge. As such, it is likely the public awareness of the use of these herbicides in or near Alaskan waters will have a negative impact on the public's willingness to buy and consume Alaska seafood. This information also increases our concerns regarding exposure of our resident's to these toxins through contaminated drinking water, consumption of contaminated plants, and direct contact with the toxins.

In conclusion, based on your unresponsiveness to our concerns and the additional information we have obtained regarding the toxicity of the permitted herbicides, the Petersburg Borough appears to have no choice but to consider taking regulatory action, via the adoption of ordinances and/or land use restrictions that will ban the large-scale application of herbicides and pesticides within Borough boundaries. We hope that regulatory remedies will not be necessary to stop the large-scale application of herbicides and pesticides within the Petersburg Borough. However, without assurance from the State that application of herbicides and pesticides will not occur within our Borough, we must consider taking that action.

Sincerely,



Mark Jensen  
Mayor

<sup>1</sup>Samsel, S.; Seneff, S. Glyphosate's suppression of cytochrome P450 enzymes and amino acid biosynthesis by the gut microbiome: Pathways to modern diseases. *Entropy* **2013**, 15, 1416-1463.



THE STATE  
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GOVERNOR SEAN PARNELL

Department of Transportation and  
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September 12, 2013

Mayor Mark Jensen  
P.O. Box 329  
Petersburg, AK 99833

Mayor Mark Jensen,

The Alaska Department of Transportation and Public Facilities (DOT&PF) is in receipt of your August 19 letter expressing concerns with our Integrated Vegetation Management Plan. We discussed your concerns with the Department of Environmental Conservation (DEC) and it turns out most of the issues expressed in your letter (contamination of aquatic habitats, impact on local fisheries, contamination of drinking water, impacts to harvesters of berries and other edibles, and impact to the seafood industry) were addressed in detail by DEC during the regulation process. DEC's Pesticide Regulation Revision Responsiveness Summary is attached to this letter and I would draw your attention to the following comments:

Concern:	See responses here:
General safety of using pesticides	Introduction
Environmental contamination/aquatic contamination	Comment 82; Comment 83
Impacts to salmon	Comment 83
Impacts to drinking water	Comment 80
Subsistence activities	Comment 81
Impact to public perception of fishing industry	Comment 153
Risk to human health	Introduction; Comment 79
Lack of public input in decisions	Comment 88

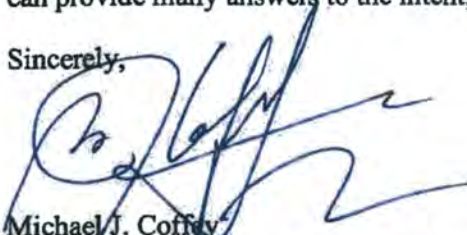
Managing invasive vegetation within the DOT&PF right-of-way and on state lands is also a goal of the IVMP. Some of these species cannot be controlled without the use of herbicides. Japanese knotweed (*Polygonum cuspidatum*), for instance, is becoming an increasing problem for DOT&PF M&O staff as well as other local, state, and federal agencies. Japanese knotweed is very invasive and can establish and spread along marine and freshwater waterways. The plants clog waterways and lower the quality of habitat for wildlife and fish. It

also reduces the food supply for juvenile salmon in the spring. In this instance, the application of a herbicide enhances waters that support salmon.

The DOT&PF believes that our limited, specific, and targeted herbicide application provides an appropriate balance in maintaining state lands for public health with the low risks associated with the selected herbicides to both human and wildlife health.

If you have any additional questions regarding pesticides, please feel free to contact Karin Hendrickson, Pesticide Control Program Coordinator with the Department of Environmental Conservation at [Karin.Hendrickson@Alaska.Gov](mailto:Karin.Hendrickson@Alaska.Gov). Karin has helped us through this process and can provide many answers to the intent, use, and results of our pesticide program.

Sincerely,



Michael J. Coffey  
Chief, Statewide Maintenance and Operations  
Office of the Commissioner

CC: Dan Breeden, Special Program Manager, DOT&PF  
Liz Cabrera, Coordinator, Petersburg Economic Development Council  
Dennis Egan, Senator, Alaska  
Les Gara, Representative, Alaska  
Stephen Giesbrecht, City Manager, Petersburg  
Karin Hendrickson, ADEC  
Patrick J. Kemp, P.E., Commissioner, DOT&PF  
Beth Kerttula, Representative, Alaska  
K. Kim Rice, P.E., Deputy Commissioner, DOT&PF  
Stephanie Scott, Mayor, Haines  
Stan Selmer, Mayor, Skagway  
Bert Stedman, Senator, Alaska  
Joe Viechnicki, KFSK, Petersburg  
Petersburg Vessel Owners Association  
[pilotpub@gmail.com](mailto:pilotpub@gmail.com)  
Barry Bracken and Kathy Bracken



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Environmental  
Conservation**

DIVISION OF ENVIRONMENTAL HEALTH  
Director's Office

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December 11, 2014

The Honorable Mayor Mark Jensen & Borough Assembly  
Petersburg Borough  
PO Box 329  
Petersburg, AK 99833

Dear Mr. Jensen and Assembly Members,

Thank you for your continued interest in the role that the Department of Environmental Conservation (DEC) performs regarding pesticide regulation in Alaska. I am writing to provide additional information about pesticide use, control, and permitting. These issues were raised by your community as a result of the right-of-way maintenance project proposed by the Department of Transportation and Public Facilities.

The Pesticide Control Program's only role in Alaska is as a regulatory authority. We do not engage in the application of pesticides, nor does we have any role in the decisions of whether to apply pesticides in response to a pest infestation. We regulate the registration, sale, distribution, and use of pesticides statewide. While we have broad authority over regulation of pesticide use in Alaska, we do not have the legal authority to ban the legal use of pesticides.

The enclosed factsheet further explains our role in the regulation of pesticide use in Alaska, including how we operate and our responsibility for enforcement of pesticide regulations to ensure that public health and the environment are protected. It also explains the purpose for the 2013 regulations change, which allows pesticide use on state land or rights-of-way in accordance with an Integrated Pest Management (IPM) plan. This specific project type is the only type that requires an IPM plan, and the factsheet also describes the types of higher risk projects, including applications to water, which still require DEC permits.

I encourage you to visit the Pesticide Control Program's website at [www.dec.alaska.gov/eh/pest/](http://www.dec.alaska.gov/eh/pest/) to learn more about the work that DEC does to protect public health and the environment. For further questions, please feel free to contact Bob Blankenburg, Solid Waste and Pesticide Program Manager, at [bob.blankenburg@alaska.gov](mailto:bob.blankenburg@alaska.gov).

Sincerely,

A handwritten signature in blue ink that reads "Elaine Busse Floyd".

Elaine Busse Floyd  
Director, Environmental Health Division

Enclosure: DEC Factsheet: Regulating Pesticide Use in Alaska, December 2014

# PRINCE OF WALES COMMUNITY ADVISORY COUNCIL

Chairman: Jon Bolling, Craig  
Vice Chairman: Leslie Isaacs, City of Klawock  
Secretary/  
Treasurer: Misty Fitzpatrick, Coffman Cove

PO Box 725  
Craig, AK 99921  
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October 3, 2014

Mr. Al Clough  
SE Region Director  
Alaska Department of Transportation and Public Facilities  
PO Box 112506  
Juneau, AK 99811-2506

Dear Al:

At its September 23, 2014 meeting the Prince of Wales Community Advisory Council (POWCAC) voted to notify the State of Alaska of POWCAC's its support for using mechanical means as the primary method to manage roadside vegetation, and to avoid using spray defoliant except in a case of genuine emergency.

The State of Alaska's preference for using spray defoliant as the primary means to manage roadside vegetation raises great concern among POWCAC members. Those concerns are identified below.

## Subsistence

Residents of POW, like other communities in Alaska, gather fish, berries, wildlife, and water along road corridors, including state highways. We are concerned that spray defoliant will adversely affect the food and water meant for human consumption. While we understand that DOT/PF will adopt protocols for the application of the planned defoliant, there is a continual risk of misapplication of the sprays, and the resulting degradation of locally available foods for island residents. The adoption of defoliant sprays as the preferential treatment for control of roadside plants runs contrary to the well-established practice of subsistence gathering along public roads here.

## Seafood Marketing

The state's enormous commercial fishing industry is successful due in part to marketing of Alaska seafoods as a healthy, natural protein. The Alaska Seafood Marketing Institute relies on this important feature to generate demand for commercially caught fish, which results in stable prices and markets. Like many areas of Alaska, many Prince of Wales Island residents hold commercial fishing licenses, and our economic well-being is due in no small part to well managed and marketed fisheries. Spray application of defoliant as the common means of controlling roadside vegetation greatly increases the risk of

## PARTICIPATING MEMBERS:

Coffman Cove, Craig, Craig Tribal Association, Hollis, Hydaburg, Hydaburg Cooperative Assn., Kasaan, Organized Village of Kasaan, Klawock, Klawock Cooperative Assn., Naukati, Thorne Bay, Whale Pass

detectable residual levels of defoliant chemicals being found in Alaska seafood. Just as the use of defoliants is incompatible with subsistence gathering, the use of the sprays also works against the very useful efforts to market Alaska seafoods as a well-managed and natural food source for consumers world-wide.

**Lack of Opportunity for Public Comment**

The regulations regarding application of spray defoliants, effective March 7, 2013 do not provide for sufficient public comment prior to the use of the defoliants along state roads. Given the high level of public concern regarding defoliant use, ample public notice and an opportunity for public comment is needed, and should be the standard practice prior to any proposed application of defoliants.

An occasion may rise where a true emergency exists that justifies application of spray defoliants, such as the presence of an invasive species of plant or pest poses an immediate danger to an important public resource. In such cases the State of Alaska should have ready an expedited public notice and comment process to keep the public informed defoliant use. For all other maintenance tasks that manage vegetation, including mechanical brushing, paving around and behind guardrail posts and other roadway fixtures, and hand clearing where necessary, mechanical means should prevail.

POWCAC echoes calls from the Southeast Conference of Mayors to have staff from the Alaska Department of Transportation and Public Facilities, and the Alaska Department of Environmental Conservation meet with representatives from POW Island to discuss the use of defoliants.

Sincerely,



Jon Bolling  
POWCAC Chairman

**PARTICIPATING COMMUNITIES:**

Coffman Cove, Craig, Hollis, Hydaburg, Kasaan, Klawock, Naukati, Thorne Bay, Whale Pass



November 6, 2014

To:

Mr. Al Clough

SE Region Director

Alaska Department of Transportation and Public Facilities

PO Box 112506

Juneau, AK 99811-2506

*And:*

**Incoming State of Alaska Administration and Leadership:**

Dear Al et al:

At its September 23, 2014 meeting the Prince of Wales Community Advisory Council (POWCAC) voted to notify the State of Alaska of POWCAC's its support for using mechanical means as the primary method to manage roadside vegetation, and to avoid using herbicides, pesticides, and spray defoliants except in a case of genuine emergency. Attached are the resolutions and letters sent to and gathered by the Prince of Wales Watershed Association (POWWA) from Prince of Wales Cities, Communities, and Tribes that POWCAC and POWWA represents that show opposition to the State of Alaska's proposed project "Integrated Vegetation Managment Plan (IVMP) POW Thorne Bay Road PROeject 68377" and other projects proposed using herbicides, pesticides, and spray defoliants as the primary means to manage roadside vegetation and the lack of a public comment and recourse for residents who continue and have historically opposed projects that include herbicide, pesticide, and spray defoliant, all of which raises great concern among POWCAC and POWWA members. Some of our many concerns are summarized and identified below.

**Subsistence**

Residents of POW, like other communities in Alaska, gather fish, berries, wildlife, mushrooms, and water along road corridors, including state highways. We are concerned that herbicides, pesticides, and spray defoliants will adversely affect the food and water meant for human consumption. While we understand that DOT/PF will adopt protocols for the application of the planned spraying of the chemical cocktail of the eight selected to be mixed and sprayed, there is a continual risk of misapplication and accumulation of the sprays, and the resulting degradation of locally available foods and water safety for island residents and visitors. The aquatic macro-inveratbrates (bugs), pollinators, amphibians, and juvenile fish that contribute to our food web in this area could be in danger from this accumulation as

reports from south that have adopted these chemic treatment methods continue to prove after the repeated applications with genetic mutations and reproductive issues. The adoption of herbicides, pesticides, and defoliant sprays as the preferential treatment for control of roadside plants runs contrary to the well-established practice of subsistence gathering along public roads here.

### **Seafood Marketing**

The state's enormous sport and commercial fishing industry is successful due in part to marketing of Alaska seafoods as a healthy, natural protein. The Alaska Seafood Marketing Institute relies on this important feature to generate demand for commercially caught fish, which results in stable prices and markets. Like many areas of Alaska, many Prince of Wales Island residents hold commercial fishing licenses and lodges employ fresh water and salt water fishing guides, and our economic well-being is due in no small part to well managed and marketed fisheries. Spray application of herbicides, pesticides, and spray defoliants as the common means of controlling roadside vegetation greatly increases the risk of detectable residual levels of defoliant chemicals being found in Alaska seafood. Just as the use of herbicides, pesticides, and spray defoliants is incompatible with subsistence gathering, the use of the sprays also works against the very useful efforts to market Alaska seafoods as a well-managed and natural food source for consumers world-wide.

### **Lack of Opportunity for Public Comment**

The regulations regarding application of spray defoliants, effective March 7, 2013 do not provide for sufficient public comment prior to the use of the defoliants along state roads. Given the high level of public concern regarding herbicide, pesticide, and spray defoliant use, from the response we have received being unanimously in opposition locally as evidenced through the many resolutions and letters and comments received, ample public notice and an opportunity for public comment is needed, and should be the standard practice prior to any proposed application of defoliants.

An occasion may rise where a true emergency exists that justifies application of spray herbicides, pesticides, and spray defoliants, such as the presence of an invasive species of plant or pest poses an immediate danger to an important public resource that is not easily managed or controlled by mechanical treatment or hand pulling. In such cases the State of Alaska should seek out volunteer community weed pull volunteers, utilize and exhaust non-toxic and chemical means, and have ready an expedited public notice and comment process to keep the public informed defoliant use that involves the public. For all other maintenance tasks that manage vegetation in wetland and floodplain areas, including mechanical brushing, paving around and behind guardrail posts and other roadway fixtures, and hand clearing where necessary, mechanical means should prevail.

POWCAC and POWWA echoes calls from the Southeast Conference of Mayors to have staff from the Alaska Department of Transportation and Public Facilities, and the Alaska Department of Environmental Conservation meet with representatives from POW Island to discuss the use of herbicides, pesticides, and spray defoliants and alternatives to address cost effectiveness of mechanical treatments and means of clearing the right of way for public safety.

There is a mining symposium planned the spring of 2015 hosted by the Organized Village of Kasaan to be at the Craig Tribal Association, where we have agreed as a group that we should have a half day session on the future of Herbicide, Pesticide, and Spray Defoliants, and we

invite the DOT and those interested to respond and participate in a facilitated panel session during that time. Please let me know if you or who you would recommend who can attend and share information as a panel presenter with the residents of POW about this project and future projects on POW and SE that impacts and concerns our communities and our watersheds.

Sincerely,



//S// Brandy Prefontaine

Date: November 6, 2014

Brandy Prefontaine

POWWA Watershed Coordinator

Prince of Wales Watershed Association (POWWA)

**Letter approved and signed by POWCAC October 3, 2014 and POWWA Members  
Approved November 6, 2014.**

**POWWA Member Groups:**

**Coffman Cove (<http://ccalaska.com>; <http://www.coffmancove.org>)**

Cheryl Fecko (POWWA Vice President) - City of Coffman Cove

Misty Fitzpatrick (Participant) - City of Coffman Cove

**Craig ([www.craigak.com](http://www.craigak.com); <http://www.craigtribe.org>)**

Jon Boling (POWWA Board Member) - City of Craig

Millie Schoonover (POWWA Board Member) - Craig Tribal Association

Stephanie Fox (Participant) - Craig Tribal Association

Angel Holbrook (Participant) - Craig Tribal Association

Brian Holter, Jr. (Participant) - Craig Tribal Association

Don Pierce (Participant) - City of Craig

**Hollis (<http://www.princeofwalescoc.org/communitiesb/hollis>)**

Robert Andrews (Participant) - Hollis Community Council

Budd Burnett (Participant) - Hollis Community Council

Tommy Lynch (Participant) - Hollis Community Council

**Hydaburg (<http://www.hyدابurgtribe.org>)**

Anthony Christianson (POWWA President) - City of Hydaburg

Jean Bland (POWWA Board Member) - Hydaburg Cooperative Association

**Kasaan (<http://kasaan.org>)**

Machelle Edenshaw (Board Member) - Organized Village of Kasaan

Dennis Nickerson (Participant) - Organized Village of Kasaan  
Carol Fletcher (Participant) - Organized Village of Kasaan  
Fred Olson Jr. (Participant) - City of Kasaan

**Klawock (<http://cityofklawock.com>; <http://www.klawock.com>)**

Les Issacs (Participant) - City of Klawock  
Frank Peratovich (Participant) - City of Klawock  
Ann Wyatt (POWWA Treasurer) - Klawock Cooperative Association  
Veronica Redifer (Participant) - Klawock Cooperative Association

**Naukati Bay (<https://www.naukatibay.com>)**

Josh Hills (Participant) - Naukati Bay Inc.  
Brandy Prefontaine (POWWA WATERSHED COORDINATOR) - Naukati Bay Inc.  
Venessa Richter (Participant) - Naukati Bay, Inc.  
Travis Tuttle (Participant) - Naukati Bay, Inc.  
Heidi Young (Participant)- Naukati Bay, Inc.

**Thorne Bay (<https://www.thornebay-ak.gov>; <http://www.thornebayalaska.net>)**

Wayne Brenner (POWWA Board Member) - City of Thorne Bay  
James Gould (Participant) - City of Thorne Bay  
Mark Minnillo (Participant) - City of Thorne Bay  
Karen Peterson (Participant) - City of Thorne Bay

**Whale Pass (<http://www.princeofwalescoc.org/communitiesb/whale-pass-1>)**

Don Hull (Participant) -Whale Pass  
Dolores Loucks (Participant)- Whale Pass  
William Patterson (POWWA Board Member) - Whale Pass

*Attached: PDF of Resolutions from POW communities and tribes against herbicides, pesticides, and spray defoliant on POW. Letter from POWCAC dated Oct 3, 2014.*

*CC: POWCAC and POWWA Member Groups*

*ADOT, USFS, ADNR, Corporations, Alaska Leadership, and State of Alaska Administration and Representatives*

sent to DOT

To Greg Patz,

The Hollis Community Council would like to take this opportunity to strongly oppose the spraying of herbicides along the Thorne Bay Road (or any POW road).

You state this may not even be cost effective, and we assume you are speaking of dollars. What about the extreme costs to our birds, fish, wildlife and humans? Roundup has been proven to cause mutations in DNA. Some of these toxins remain active for two years and others come with cautionary advice not to use near water. Have you ever driven the Thorne Bay Road? It is one long stretch of muskeg, marsh and river.

The toxicity of each of these chemicals has long been established, and they are not deemed safe for human contact. The results are in, yet DOT finds it necessary to "experiment". How is this even justifiable? Would such an experiment be carried out in Juneau, Anchorage or Wasilla? Is the health of Prince of Wales residents considered less important, or is the prevalent feeling that we can be steamrolled since we are few in number?

Prince of Wales residents rely on our wild resources for our sustenance. Please, do not trash our environment with toxic chemicals. Mechanical brushing, like that being used in Haines, is the only preferred method. The Hollis Community Council strongly urges DOT to abandon this irresponsible chemical track immediately.

Respectfully,

Hollis Community Council



## CITY OF THORNE BAY

P.O. BOX 19110  
THORNE BAY, ALASKA 99919  
(907) 828-3380  
FAX (907) 828-3374  
[www.thornebay-ak.gov](http://www.thornebay-ak.gov)

January 28, 2015

Governor Bill Walker and Lieutenant Governor Mallott  
Office of the Governor  
P.O. Box 110001  
Juneau, AK 99811-0001

Dear Governor Walker and Lieutenant Governor Mallott:

First, we would like to congratulate you on your recent election and commend you for your commitment to an open and transparent government. We represent tribal governments, municipalities, and citizen organizations who are extremely concerned about herbicide spraying proposed by the Alaska Department of Transportation (DOT) along roadways in southeast Alaska. The use of herbicides threatens our salmon streams, drinking water sources, berry-picking areas, deer and other wildlife, and public health. The use of herbicides will also have negative economic consequences for subsistence and commercial fisheries, recreation, and tourism. We believe that herbicide spraying is dangerous and unnecessary given that mechanical removal is a viable and economical alternative.

In 2014, the DOT proposed to spray herbicides along 17 miles of highway on Prince of Wales Island. Although plans for herbicide application were postponed in September 2014, DOT has stated that they plan to conduct the spraying in spring or summer of 2015. The public has lost the right to participate in decisions about the use of pesticides on state lands. In 2013, the Alaska Department of Environmental Conservation (ADEC) adopted new regulations that eliminate the requirement for a state agency to obtain a permit from ADEC to spray herbicides or pesticides on state lands and rights-of-way. This change in regulations also eliminated the public's right to participate in the decision-making process. The regulatory changes mean that there is no requirement for the applicator agency to submit a pesticide application to ADEC and ADEC therefore relinquishes permitting authority. These changes also:

- Eliminate permit requirements for the spraying of pesticides by state agencies on state public lands and rights-of-ways. This, among other things, means that there



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is no requirement to identify water bodies, water courses, private drinking water sources, or to establish buffers necessary to safeguard the state's water resources, sensitive waterways, drinking water sources, fish and wildlife habitat, or public health;

- Prevent public participation in decisions about pesticide spraying on public lands and rights-of-way—with no public hearings, opportunity for written public comments, or a way to appeal bad decisions. This deprives Alaskans of our right to speak out about potential harm to our drinking water, fishing streams, lands held in the public trust, subsistence uses, dangers to our children and public health;
- Promote the application of potentially harmful pesticides and herbicides without consideration of toxicity and effects to human health and the environment;
- Weaken public right-to-know requirements to notify the public about places where the pesticides will be sprayed.

As a result of concern for public health, municipalities and tribes in Southeast Alaska have passed resolutions or written letters to restore the public process for decisions about pesticide use or opposed pesticide use altogether, including: City and Borough of Sitka, the Municipality of Skagway, City of Craig, City of Thorne Bay, City of Kasaan, Naukati Bay Inc., the Organized Village of Kasaan, City of Coffman Cove, the Southeast Conference of Mayors, the Prince of Wales Watershed Association and Prince of Wales Community Advisory Council.

Alaskans' opposition to herbicide spraying has a long history. In 1978, Jay Hammond, then-governor of Alaska, issued a directive which banned the use of herbicides by state agencies because of citizen concerns about the health effects of these chemicals. For more than three decades, a broad diversity of Alaskans has consistently voiced strong opposition to the use of herbicides by the Alaska Railroad. Resolutions and letters expressing opposition to the use of herbicides by the Alaska Railroad include: Native Village of Eklutna, Montana Creek Native Association, Inc., Municipality of Anchorage, City of Seward, Kenai Peninsula Borough, Matanuska-Susitna Borough, Denali Borough, Birchwood Community Council, and Talkeetna Community Council. The federally recognized tribal government of the Native Village of Eklutna states particular concerns in their resolution and letter about threat of proposed herbicide use to the safe harvest of berries, medicinal plants, fish and wildlife that are vital to their spiritual,



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cultural, and physical sustenance. The ADEC effectively ignored public concern and allowed the railroad to apply herbicides beginning in 2010. The agency then enacted the regulations in 2013 that eliminate public right-to-know provisions and citizen involvement in decisions about pesticide use in public places, including transportation rights-of-way. Although we agree for the need to address problems of invasive and noxious weeds, herbicides are not necessary to accomplish solutions to this problem.

The Department of Transportation has stated its intent to use herbicides, including such formulations containing active ingredients such as glyphosate, imazapyr, triclopyr, aminopyralid, clopyralid, 2,4-D, fluroxypyr, dicamba, metsulfuron methyl, and chlorsulfuron. These herbicides are associated with a range of adverse environmental and human health effects. For example, glyphosate is associated with birth defects, neurological disorders, reproductive harm, and a rare type of non-Hodgkin's lymphoma.

In addition, manufacturers are not required to disclose "inert" ingredients in herbicide formulations. In the preeminent peer-reviewed environmental health journal published by the National Institute for Environmental Health Sciences, *Environmental Health Perspectives* (Cox C, Sorgan M. Unidentified Inert Ingredients in Pesticides: Implications for Human and Environmental Health. *Environmental Health Perspectives* 2006;114(12):1803-1806. doi:10.1289/ehp.9374), the authors warn: "Inert ingredients may be biologically or chemically active and are labeled inert only because of their function in the formulated product...Inert ingredients can increase the ability of pesticide formulations to affect significant toxicological endpoints, including developmental neurotoxicity, genotoxicity, and disruption of hormone function. They can also increase exposure by increasing dermal absorption, decreasing the efficacy of protective clothing, and increasing environmental mobility and persistence. Inert ingredients can increase the phytotoxicity of pesticide formulations, as well as toxicity to fish, amphibians, and microorganisms." The active ingredients cannot be used without an adjuvant and/or surfactant. The scientific literature supports the fact that the use of surfactants/adjuvants increases the bioavailability, toxicity, persistence, and bioaccumulation of the active ingredient. In 2006 the Attorney General of Alaska announced that Alaska "joined with 13 other states and the U.S. Virgin Islands to petition the Environmental Protection Agency (EPA) to require pesticide manufacturers to disclose on the label of their product all hazardous ingredients...The



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EPA currently requires that pesticide labels disclose only the product's "active" ingredients that contain toxic materials intended to kill insects, weeds, or other target organisms. Pesticide products also contain many other "inert" ingredients, which are intended to preserve or improve the effectiveness of the pesticides' active ingredients. These "inert" ingredients may be toxic themselves..." The news release further states that "people who use or who are impacted by the use of a pesticide should have notice of all that product's potential health risks." Thus, it would be wrong for the State to allow state agencies to apply herbicides for which the manufacturers do not disclose ingredients that may harm human health.

Herbicides are intentional and indiscriminate poisons that affect fish, wildlife and people. We represent a growing constituency of people who are no longer willing to tolerate the applications of poisons in the places where we live, work, hunt, fish, gather berries, greens and medicinal plants.

We are writing to request that you use your authority to issue a moratorium on herbicide spraying by the Department of Transportation and that you re-state the permitting process for pesticide applications that includes requirements for public hearings and meaningful participation. Representative Kreiss-Tomkins has introduced legislation (HB 53) that would establish buffer zones around salmon streams and restore the public's right to participate in decisions about pesticide use. We urge you to accomplish this administratively or support passage of this bill.

Thank you for your consideration.

Sincerely,

Wayne Benner, City Administrator on behalf of  
James Gould, Mayor  
City of Thorne Bay

**CITY OF CRAIG  
RESOLUTION 13-20**

**SUPPORTING MANAGEMENT OF ROADSIDE VEGETATION WITHOUT  
THE USE OF HERBICIDES, PESTICIDES, OR SPRAY DEFOLIANTS**

WHEREAS, the Southeast Conference of Mayor's was formed to provide Southeast Alaskan communities with a unified voice when addressing issues that impact this region and the state; and,

WHEREAS, the use of herbicides by the Alaska Department of Transportation along Alaska's roads and highways is a subject of great concern among the residents of Southeast Alaska; and,

WHEREAS, Public and private lands and waterways adjacent to Alaska's roadways allow access to fish, wildlife, berries and many other naturally occurring resources that provide food, economic, lifestyle and cultural benefits to many Alaskans; and,

WHEREAS, Regulations developed by the Alaska Department of Environmental Conservation and the Alaska Department of Transportation, effective March 7, 2013, do not provide for sufficient public comment on the use of herbicides along Alaska's roadways and public lands; and,

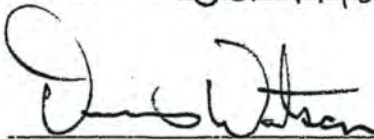
WHEREAS, the regulations allow a ban on public comments in many unjustified circumstances, such as spraying on stream banks that can then leach toxins into fishing streams and lakes; spraying uphill of groundwater and residential or other water well supplies; spraying in areas the state doesn't realize children frequent, even if it is just children of one or a few families; and,

WHEREAS, use of the State of Alaska's use of herbicides, pesticides and other spray defoliant threaten the efforts of the Alaska Seafood Marketing Institute and commercial fishing groups that successfully promote the wild and natural condition Alaska seafood due to risks of runoff of pesticide and herbicides from treated roadsides into adjacent salmon streams.

NOW, THEREFORE, BE IT THEREFORE RESOLVED, that the Southeast Conference of Mayors requests that the regulations covering the use of herbicides along Alaska roadways be amended to provide for public comment

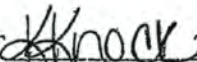
BE IT FURTHER RESOLVED, that the Southeast Conference of Mayors requests that the Alaska Department of Transportation and the Alaska Department of Environmental Conservation meet with representatives from Southeast communities to discuss the impacts of the use of herbicides along the region's roadways.

APPROVED Oct. 17, 2013



MAYOR DENNIS WATSON

ATTEST



KASSI KNOCK, CITY CLERK



CITY AND BOROUGH OF WRANGELL

RESOLUTION NO. 11-13-1286

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, REQUESTING THAT THE REGULATIONS COVERING THE USE OF HERBICIDES ALONG ALASKA ROADWAYS BE AMENDED TO PROVIDE FOR PUBLIC COMMENT, AND REQUESTING THAT THE ALASKA DEPARTMENT OF TRANSPORTATION AND THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION MEET WITH REPRESENTATIVES FROM SOUTHEAST COMMUNITIES TO DISCUSS THE IMPACTS OF THE USE OF HERBICIDES ALONG THE REGION'S ROADWAYS

**WHEREAS**, the use of herbicides by the Alaska Department of Transportation along Alaska's roads and highways is a subject of great concern amongst the residents of Wrangell, Alaska; and

**WHEREAS**, the use of herbicides and pesticides should only be used when mechanical and/or manual methods cannot be used; and

**WHEREAS**, public and private lands and waterways adjacent to Alaska's roadways provide access to fish, wildlife, berries and many other naturally occurring resources that provide food, economic, lifestyle and cultural benefits to many Alaskans; and

**WHEREAS**, Regulations developed by the Alaska Department of Environmental Conversation and the Alaska Department of Transportation do not provide for public comment on the use of herbicides along Alaska's roadways and public lands

**NOW, THEREFORE, BE IT RESOLVED** that the City and Borough of Wrangell, Alaska, requests that the regulations covering the use of herbicides along Alaska roadways be amended to provide for public comment

**BE IT FURTHER RESOLVED**, that the City and Borough of Wrangell, Alaska, requests that the Alaska Department of Transportation and the Alaska Department of Environmental Conservation meet with representatives from Southeast communities to discuss the impacts of the use of herbicides along the region's roadways.

ADOPTED: November 12, 2013

ATTEST: Kim Lane  
Kim Lane, Borough Clerk





# ORGANIZED VILLAGE OF KASAAN

P. O. Box 26-Kasaan  
(907) 542-2230

\* Ketchikan, Alaska 99950-0340  
\* (fax) 907-542-3006

## RESOLUTION OVK-14-09-001

**A Resolution of the Organized Village of Kasaan, in opposition of Herbicide Spraying with in its Customary and Traditional area and the scheduled Integrated Vegetation Management Plan (IVMP) for Prince of Wales Thorne Bay Road Project #68377.**

***WHEREAS***, the Organized Village of Kasaan is a federally recognized Tribe organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) and May 1, 1936 (49 Stat. 1250); and

***WHEREAS***, the Corporate Charter of the Organized Village of Kasaan (Ratified October 15, 1938) states in its Purpose and Existence, "In order to further the economic development of the Indians residing in the neighborhood of Kasaan, Alaska, by conferring upon the Organized Village of Kasaan corporate rights and powers; and to enable this Village and its members to undertake enterprises designed to secure for the members of the corporation an assured economic independence..."; and

***WHEREAS***, the Organized Village of Kasaan (hereinafter "OVK") is governed by a Council of elected representatives composed of a President and six members who act in accordance with the powers granted to it by its Constitution and By-Laws (Ratified on October 15, 1938); and

***WHEREAS***, Kasaan Tribal members have for time immemorial relied on the harvest of deer, fish, wild berries and plants in living our Customary and Traditional Way of Life;

***WHEREAS***, the use of herbicides by the Alaska Department of Transportation along Alaska's roads and highways is a subject of great concern amongst Kasaan residents;

***WHEREAS***, the risks involved with using herbicides and the possible harmful effects on our Way of Life outweighs so-called cost effectiveness of the State of Alaska spraying herbicides;

***WHEREAS***, the roadside selected for herbicide spraying includes a portion of the Prince of Wales Island Road System, an Alaska State Scenic Byway;


**The Organized Village of Kasaan is committed to promoting, preserving, and protecting indigenous Haida identity and values. For our elders and youth, we look to the future in unity, by developing economic opportunities, promoting education, and utilizing our cultural, natural, and social resources.**

***NOW THEREFORE BE IT RESOLVED***, that the Organized Village of Kasaan Tribal Council opposes the spraying of herbicides within its Customary and Traditional area.

***BE IT FURTHER RESOLVED***, that the Organized Village of Kasaan Tribal Council opposes the scheduled Integrated Vegetation Management Plan (IVMP) for Prince of Wales Thorne Bay Road Project #68377.

***CERTIFICATION***

***APPROVED, PASSED AND ADOPTED*** by a duly constituted quorum of the OVK Tribal Council on this 5 day of September 2014; by a "Telephone Poll": Della Coburn: yes, Glenn Hamar: yes, Stephanie Hamar: yes, Carrie Sykes: yes, Frederick Olsen, Jr.: yes, and Paula Peterson: yes.

  
\_\_\_\_\_  
Ronald Leighton - President

ATTESTED:

  
\_\_\_\_\_  
Della A. Coburn - Council Secretary

**CITY AND BOROUGH OF SITKA**

**RESOLUTION 2014-13**

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA REQUESTING THAT  
THE REGULATIONS COVERING THE USE OF HERBICIDES ALONG ALASKA  
ROADWAYS BE AMENDED TO PROVIDE FOR PUBLIC COMMENT**

**WHEREAS**, the City and Borough of Sitka has received concerns from residents with regard to the use of herbicides; and

**WHEREAS**, the use of herbicides by the Alaska Department of Transportation along Alaska's roads and highways is a subject of great concern amongst the residents of Southeast Alaska; and

**WHEREAS**, public and private lands and waterways adjacent to Alaska's roadways provide access to fish, wildlife, berries and many other naturally occurring resources that provide food, economic, lifestyle and cultural benefits to many Alaskans; and

**WHEREAS**, a public process could help eliminate fear of dangerous herbicides being used on resources; and

**WHEREAS**, regulations developed by the Alaska Department of Environmental Conservation and the Alaska Department of Transportation do not provide for public comment on the use of herbicides along Alaska's roadways and public lands.

**BE IT THEREFORE RESOLVED**, that the City and Borough of Sitka requests that the regulations covering the use of herbicides along Alaska roadways are amended to provide for public comment.

**PASSED AND APPROVED** on this 9<sup>th</sup> day of September, 2014 by the Assembly of the City and Borough of Sitka.

Signed:   
Mim McConnell, Mayor

Attest:   
Colleen Ingman, MMC  
Municipal Clerk

**CITY OF THORNE BAY  
RESOLUTION 14-09-16-02**

**SUPPORTING MANAGEMENT OF ROADSIDE VEGETATION WITHOUT  
THE USE OF HERBICIDES, PESTICIDES, OR SPRAY DEFOLIANTS**

WHEREAS, the City Council is the governing body for the City of Thorne Bay, Alaska; and,

WHEREAS, the use of herbicides by the Alaska Department of Transportation along Alaska's roads and highways is a subject of great concern among the residents of Southeast Alaska; and,

WHEREAS, Public and private lands and waterways adjacent to Alaska's roadways allow access to fish, wildlife, berries and many other naturally occurring resources that provide food, economic, lifestyle and cultural benefits to many Alaskans; and,

WHEREAS, Regulations developed by the Alaska Department of Environmental Conservation and the Alaska Department of Transportation, effective March 7, 2013, do not provide for sufficient public comment on the use of herbicides along Alaska's roadways and public lands; and,

WHEREAS, the regulations allow a ban on public comments in many unjustified circumstances, such as spraying on stream banks that can then leach toxins into fishing streams and lakes; spraying uphill of groundwater and residential or other water well supplies; spraying in areas the state doesn't realize children frequent, even if it is just children of one or a few families; and,

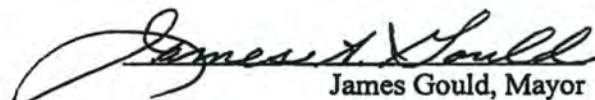
WHEREAS, use of the State of Alaska's use of herbicides, pesticides and other spray defoliant threaten the efforts of the Alaska Seafood Marketing Institute and commercial fishing groups that successfully promote the wild and natural condition Alaska seafood due to risks of run off of pesticide and herbicides from treated roadsides into adjacent salmon streams.

NOW THEREFORE BE IT RESOLVED, that the City Council for the City of Thorne Bay, opposes the use of herbicides, pesticides or spray defoliant in or around Thorne Bay, Alaska.

PASSED AND APPROVED September 16, 2014

ATTEST

  
Teri Feibel, CMC

  
James Gould, Mayor

**Naukati Bay Inc.  
Resolution Against Herbicides Sept. 17, 2014**

**Supporting Management of Roadside Vegetation WITHOUT The Use of Herbicides,  
Pesticides, or Spray Defoliants**

**Whereas**, the use of herbicides, pesticides, or spray defoliants on Prince of Wales Island and Southeast Alaska is a subject of great concern to our pollinators, amphibians, fish, wildlife, water quality, and subsistence and sport uses such as medical and edible plant gathering and harvesting within the watersheds that would be impacted, and

**Whereas**, the regulations developed by the Alaska Department of Environmental (DEC) and the Alaska Department of Transportation (DOT), effective March 7, 2013 strips the public ability to comment on project proposals that lack environmental planning that includes such actions as spraying near, adjacent, and across stream crossings, wetlands, and floodplains that can leach into groundwater with a cocktail of toxins in areas known to be traditional and ecological subsistence areas of both tribal and nontribal residents, youth and elders, fish and wildlife, pollinators, and amphibians.


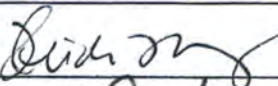


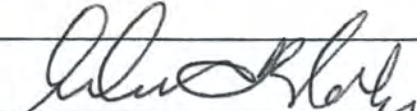
**Whereas**, the use, long term exposure, and accumulation of herbicides, pesticides and other spray defoliants in our shallow soils, karst, high water tables, and precipitous precipitation patterns threatens residents and our watersheds in ways that outweigh the supposed cost savings of brush cutting for right of way safety (the newly paved roads on POW are widest they have ever been), paying hand crews, or having volunteer weed groups help with problem areas. The dangers of having reed cannerly grass that contained both bull and Canadian thistle seeds that was planted by the USFS along our island is minimal compared to the dangers of the herbicides, pesticides and spray defoliants that are still undergoing testing and monitoring and that have not been fully tested in Alaska. The risk to our water quality and fisheries along our beautiful scenic byways is too high for anyone to be able to justify the increasing projects stating cheaper cost of spraying, when none of those proposing live, work, or play in these areas depended on by so many, and whereas our watersheds depend on us, and we on them,

**Now, therefore, be it therefore resolved**, that the Naukati Bay Inc., requests that herbicides, pesticides, and spray defoliants be banned from POW watersheds across the boundaries, that public comment always be part of any project with scoping and projects advertised not only in newspaper, but that the community leaders and those that have expressed concern and opposition be contacted as was asked the

last time this came up with Dall Island, and that alternative creative solutions be sought after that includes seeking funding for new fuel efficient brusher equipment that does not break down or cost the DOT so much money, go back to just posting signs on either side of the brushing in progress and not using flaggers (as many locations do not which would lower cost) utilize organizations, community parks and rec, adopt a mile (instead of just trash, what about invasive species and brush cutting) or local academic and sport teams at our school districts that could do the work as a group and that could help cover travel costs, are just a few things that could be considered.

**Be it further resolved**, as was asked by the Southeast Conference of Mayors on Oct 17, 2013, that the ADOT, ADEC, USFS, Corporations, and any private citizen meet with representatives from Southeast Communities in any proposed area for line of site or invasive species concern to discuss the opportunity for non toxic treatments, ways to continue pulling them and or brush cutting them, as well as the need for analysis of any further environmental, social, and economic impacts of use on our important right of ways so that the next seven generations will be able to depend on our pollinators, amphibians, fish, wildlife, medicinal and edible plants, and water quality.

**Approved September 17, 2014**

Name	Signature	Date
President: Josh Hill		9/22/14
Vice President: Don Borders		
Treasurer: Heidi Young		9/22/14
Secretary: Currently Vacant as of last meeting		
Member: Brandy Prefontaine		9/22/14
Member: Boulder Prefontaine		
Member: Juliet Blake		9/22/14

**CITY OF COFFMAN COVE  
RESOLUTION 15 – 06**

**A RESOLUTION OF THE CITY OF COFFMAN COVE AGAINST THE USE OF HERBICIDES AND  
PESTICIDE APPLICATIONS ALONG THE ALASKA ROADWAYS**

**WHEREAS**, the use of herbicides by the Alaska Department of Transportation along Alaska's roads and highways is a subject of great concern amongst the City Council and residents of Coffman Cove; and

**WHEREAS**, public and private lands and waterways adjacent to Alaska's roadways provide access to fish, wildlife, berries and many other naturally occurring resources that provide food, economic, lifestyle and cultural benefits to many Alaskans; and

**WHEREAS**, the use of herbicides around or adjacent to state waterways and wetland runs contrary to Alaska's claim that our fish and wild berry products come from pristine environment; and

**WHEREAS**, regulations developed by the Alaska Department of Environmental Conservation and the Alaska Department of Transportation do not provide for public comment on the use of herbicides along Alaska's roadways and public lands; and

**WHEREAS**, a public process could help eliminate fear of dangerous herbicides being used on resources.

**BE IT THEREFORE RESOLVED**, that mechanical vegetation control on state roadways be considered the primary means of vegetation control and that herbicides and pesticide application be considered ONLY in an emergency or some extraordinary circumstance that mechanical means cannot be used.

**PASSED AND APPROVED** on this 18 day of Sept., 2014 by a duly constituted quorum of the City Council of Coffman Cove, Alaska.

  
\_\_\_\_\_  
Mayor, Mariana Carter

  
\_\_\_\_\_  
Clerk, Jean Soderberg

HYDABURG COOPERATIVE ASSOCIATION



PO Box 349  
HYDABURG, ALASKA 99922  
Phone: 907-285-3660, 3662, 3665, or 3666  
FAX: 907-285-3541  
Website: hydaburgtribe.org

**RESOLUTION 14-99: A Resolution of the Hydaburg Cooperative Association in opposition to the Herbicide Spraying within tribes Customary and Traditional areas and the scheduled Integrated Vegetation Management Plan (IVMP) for Prince of Wales Thorne Bay Road Project #68377.**

**WHEREAS,** the Hydaburg Cooperative Association is a federally recognized Tribe organized pursuant to the authority of Section 16 of the Act of Congress June 18, 1934 (48 statutes 984) as amended by the act of Congress, May 1, 1936; and

**WHEREAS,** the Hydaburg Cooperative Association is governed by a Council of elected representatives composed of a President and six members who act in accordance with the powers granted to it by its Constitution and By-Laws (Ratified on April 14, 1938); and

**WHEREAS,** Hydaburg Cooperative Association Tribal members have for time immemorial relied on the harvest of deer, fish, wild berries and plants in living our Customary and Traditional Way of Life; and

**WHEREAS,** the use of herbicides by the Alaska Department of Transportation along Alaska's roads and highways is a subject of great concern amongst Hydaburg residents; and

**WHEREAS,** the risks involved with using herbicides and the possible harmful effects on our Way of Life outweighs the cost effectiveness of the State of Alaska spraying herbicides; and

**WHEREAS,** the roadside selected for herbicide spraying includes a portion of the Prince of Wales Island Road System, and Alaska State Scenic By-way;

**NOW THEREFORE BE IT RESOLVED,** that the Hydaburg Cooperative Association Tribal Council opposes the spraying of herbicides within its Customary and Traditional area.

**BE IT THEREFORE RESOLVED,** that the Hydaburg Cooperative Association Tribal Council opposes the scheduled Integrated Vegetation Management Plan (IVMP) for Prince of Wales Thorne Bay Road Project #68377.

CERTIFICATION

APPROVED, PASSED AND ADOPTED by a duly constituted quorum of the HCA /Tribal Council on this 12 day of October, 2014 by a vote of 6 yes, 0 no, 0 Abstain.

*John Edmondson* 10/7/14  
President Date

*Jean Bland* 10/7/14  
Secretary/Treasurer Date



**Klawock Cooperative Association**  
**310 Bayview Blvd. – P.O. Box 430**  
**Klawock, AK 99925**  
**Phone: 907-755-2265 Fax: 907-755-8800**

**RESOLUTION NO. 14-42**

**TITLE: KCA Council in Opposition of Herbicide Spraying within its Customary and Traditional Use Areas on Prince of Wales Island and surrounding Islands.**

**WHEREAS:** The Klawock Cooperation Association, (hereafter “Tribe”), is a duly constituted Indian Tribe organized pursuant to the authority of Section 16 of the Act of Congress of June 18, 1934 (48 Stat. 984), amended May 1, 1936 (49 Stat. 1250), and

**WHEREAS:** The Klawock Cooperative Association Council is a duly elected governing body of the Tribe, authorized to act by and on behalf of its members, and

**WHEREAS:** The Klawock Cooperative Association Tribal Members have for Time Immemorial has relied on the harvest of fish, wild berries, deer, medicinal plants wildlife, special forest products in Our Customary and Traditional Ways of Life.

**WHEREAS:** The use of Herbicides by the Alaska Department of Transportation along with Alaska Roads and Highways is a subject of great concern to Klawock Residents.

**WHEREAS:** The risks involved the use of Herbicides and the possible harmful effects on our Traditional Way of Life outweighs so-called cost effectiveness of the State of Alaska spraying herbicides.

**WHEREAS:** The roadside selected for herbicide spraying includes a portion of the Prince of Wales Island Road System, an Alaska State Scenic Byway;

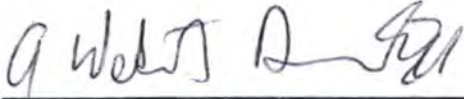
**NOW THEREFORE BE IT RESOLVED:** That the Klawock Cooperative Association Tribal Council opposes the spraying of herbicides within its Customary and Traditional Use Areas.

**BE IT FURTHER RESOLVED:** That the Klawock Cooperative Association Tribal Council opposes the Herbicide Spraying within its Customary and Traditional Use Areas on Prince of Wales Island and its Surrounding Islands.

**CERTIFICATION**

**This resolution was duly adopted at a regularly held meeting this 14<sup>th</sup> day of October, 2014, by a quorum vote of:**

9 Yes    \_\_\_ No    \_\_\_ Abstain



\_\_\_\_\_  
**A. Webster Demmert III**  
**KCA Tribal President**



\_\_\_\_\_  
**Minnie Ellison,**  
**KCA Tribal Secretary**

# Sitka Petition

Signatures collected by community volunteers and sent to the office of Rep. Kreiss-Tomkins for submission to the Legislature

Urgent Call For Action to  
Stop The Spraying of Toxic Herbicides On Prince Of Wales Island

Petition summary and background	see attached
Action petitioned for	An emergency motion to stay action

	Printed Name	Signature	Address	Comment	Date
1	Nora Skeele		SITKA AK 99835		01/12/15
2	ED CONWAY		Box 1163 SITKA 99835		1-12-15
3	Autumn Crews		SITKA, AK 99835		1-12-15
4	Gary Hayes		107 Eberhardt Dr Sitka AK		1-12-15
5	Lanie Spottedbird		2407 A HPR SITKA AK		1-12-15
6	Tachia Saporin		3414 Halibut Point Rd, Sitka AK, 99835		01/12/15
7	JUAN GORTON		3205 Halibut Pt Rd Sitka		01/12/15
8	Haynes Fazzolin		P.O. Box 63941		01/12/15
9	Henry Larkin		6076 Kattler St Sitka AK 99835		01-12-15
10	JOSEPH DIARIGOS		2219 Sitka Mill Cir Sitka, AK		01-12-15
11	GERALD ANGLE		302 Jansen St. Sitka AK		01-12-15
12	Isaac Reynolds		309 Marine Sitka AK		1-12-15
13	Bridgette Whitcomb		800 Bouchard Sitka, AK		1-12-15
14	BEN LAURIE		339 Wirtman Ln Sitka, AK		1-12-15
15	Matt Lawrie		505 Hill St. Sitka AK		1/12/15
16	TAMARA MORLEY		113 HARBORVIEW DR SITKA		1-13-15
17	MARY THORSEN		1407 Edgewood Dr 99835		1-13-15
18	Cathryn Bush		4266 Halibut Point Rd. #B 99835		1-13-15
19	LEE HANSON		111 JEFF DAVIS SITKA AK 99835		1-13-15
20	Summer Davis		Box 641 Sitka AK 99835		1/13/15
21	Rodger & Wilber		Box 2204 Sitka AK 99835		1/13/15
22	Hanne Falzerano		1205 HPR Sitka, AK 99835		1-13-15

Urgent Call For Action to  
Stop The Spraying of Toxic Herbicides On Prince Of Wales Island

Petition summary and background	see attached
Action petitioned for	An emergency motion to stay action

	Printed Name	Signature	Address	Comment	Date
23	Mike Creek		616 Lake St. Sitka AK 99835		1/13/15
24	Samuel Moore		203 Biorka Street Sitka AK 99835		1/13/15
25	Alvin G. Gentry		2301 HPR # 31 SITKA AK		1/13/15
26	Jaron Schmidt		4404 HPR; Sitka		1-13-15
27	Maan Arseny		80 LILIAN DR. SITKA		1/16/15
28	Sotera Perez		PO Box 6543 Sitka		1/16/15
29	Darby Ipock		707 B Lake St.		1-16-15
30	Andrew Kingwell		147 A Price St. Sitka AK		1-16-15
31	DEN FORD		122 KNAUTION SITKA AK		1-16-15
32	DEN FORD		122 KNAUTION SITKA AK		1-16-15
33	DARIN DUNFRIE		123 LILIAN DR SITKA AK		1-16-15
34	Kathleen M Finley		110 Edgcomb Dr Sitka AK		1/16/15
35	Linda Beard		111 Sharon Dr. Sitka AK		
36	Kyle Newman		113 New Mich Angel Sitka AK		1/16/15
37	Phil Horton		PO Box 2491		1-16-15
38	Lea Slonker Pitt		61 John Brady Dr Sitka AK		1-16-15
39	Sophie Nathant		805 Chisley St		1/16/15
40	Don Ross		PO Box 2491 Sitka AK		
41	Don Newman		2309 Halibut Pt AD# 10		
42	DAN DUNN		PO BOX 245 SITKA AK		1/16/15
43	Dave Castle		PO BOX 1607 SITKA AK		1/16/15
44	LAVON CONTAG		Port ARMSTRONG AK		1/16/15

# STOP THE SPRAYING OF TOXIC HERBICIDE ON POW. ISLAND CALL TO ACTION

	Printed NAME	SIGNATURE	Address	Comment	DATE
45	Anna Zimmerman	<i>Anna Z</i>	P.O. Box 8008 Pt. Bar, 99836	Accuse. don't use poison	1/16/14
46	Paul Olson	<i>Paul Olson</i>	606 Merrill St Sitka 99834		1/17/15
47	Alex Najduch	<i>Alex Najduch</i>	237 Lincoln St. Apt 606		1/17/15
48	Patrick Donohoe	<i>Patrick Donohoe</i>	210 Lake St. Apt #2		1/17/15
49	Mark Verne	<i>Mark Verne</i>	210 Brady St. Sitka AK	May this have the power of 10,000 eagles	1/17/15
50	Courtney Howard	<i>Courtney Howard</i>	1809 A Edgecombe Dr.		
51	Apala Stone	<i>Apala Stone</i>	1805 B Edgecombe Dr		
52	Janet Eddy	<i>Janet Eddy</i>	615 De Groot, Sitka 99836		1/17/15
53	Jeff Budd	<i>Jeff Budd</i>	Be 1351 Sitka, AK		1-17-15
54	Frank Jimmy	<i>Frank Jimmy</i>	P.O. Box 6316 Sitka AK		1-17-15
55	Emily Rills	<i>Emily Rills</i>	106 Kesseli Court Sitka AK		1/18/15
56	RUSALANNE	<i>Rusalanne</i>	1103 HANCOCK Pt RD		1/18/15
57	Elizabeth Decker	<i>Elizabeth Decker</i>	311 A Peterson Ave		1/19/15
58	Kate Johnson	<i>Kate Johnson</i>	801 Sirstad		1/19/15
59	Maria Leseberg	<i>Maria Leseberg</i>	216 HPR		1/19/15
60	KEITH HYTRAY	<i>Keith Hytray</i>	P.O. Box 6531, Sitka 99834		1/19/15
61	TASHA FOLSON	<i>Tasha Folson</i>	3205 HPR Sitka AK	GO GREEN SAVE OUR PLANET!	1/19/15
62	Allison Sayer	<i>Allison Sayer</i>	1808 JMC Sitka 99835	Don't poison subsistence foods	1/19/15
63	Sierra McNamee	<i>Sierra McNamee</i>	111 Edgecombe HS		1/24/15
64	William Grant	<i>William Grant</i>	1801 Alder Way Apt. B		
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# **Prince of Wales Island Petitions**

Signatures collected by community volunteers and sent to the office of Rep. Kreiss-Tomkins for submission to the Legislature

2/3/2015

FAXED

I am opposed to DOT spraying Herbicides along our roadways on Prince of Wales Island, and support mechanical brush cutting instead.  
By adding my signature below I agree with this statement.

SIGNATURE	PRINT NAME	DATE	ADDRESS	PHONE # OR EMAIL
<i>Charles Guerra</i>	Charles Guerra		P.O. Box NKI Ketchikan, AK 99950	sguerra@sisd.org
<i>Shelley Guerra</i>	Shelley Guerra		P.O. Box NKI Ketchikan, AK 99950	sguerra@sisd.org
<i>Timothy Wold</i>	Tim Wold		PO Box 346 Craig, AK	twold@hotmail.com
<i>J. Rosenthal</i>	Jep. Rosenthal		PO Box 947 Craig, AK 99921	Jep. Rosenthal
<i>Felicia Lambeth</i>	Felicia Lambeth		General Delivery Craig, AK 99921	
<i>Michelle Sumner</i>	Michelle Sumner		225 Front St Hudonburg 99927	
<i>Joni Young</i>	Joni Young		P.O. Box 1190 Craig AK 99921	401-1400
<i>V Leigh Davernport</i>	V Leigh Davernport		PO Box 182 Klawock, AK 99925	401-1586
<i>Oscar Akbar</i>	Oscar Akbar		PO Box 182 Klawock AK 99925	401-1581
<i>Jenny Vasse</i>	Jenny Vasse		PO Box WWP (Whale Pass) Ketchikan, AK 99950	907-846-5221
<i>Sarah Blosser</i>	Sarah Blosser		PO BOX WWP Ketchikan, AK 99950	846-5323
<i>Shelley Isabell</i>	Shelley Isabell		P.O. Box Nacikati Ketchikan, AK 99950	907-629-4602
<i>Patricia Ensign</i>	Patricia Ensign		PO Box 238 104th Port St Nicholas Craig AK 99921	907-826-2894
<i>Marty Lewis</i>	Marty Lewis		PO Box 365 Craig AK 99921	
<i>Mechelle Elie</i>	Mechelle Elie		THB	
<i>Paula Pappas</i>	Paula Pappas		PO Box 05 Klawock	(907-401-1966)

3/3/2015

FAXED

I am opposed to DOT spraying Herbicides along our roadways on Prince of Wales Island, and support mechanical brush cutting instead.  
By adding my signature below I agree with this statement.

SIGNATURE	PRINT NAME	DATE	ADDRESS	PHONE # OR EMAIL
<i>Edna Pearce</i>	Edna Pearce		PO Box 430 Craig	826-2309
<i>Suey Hohorst</i>	Suey Hohorst		P.O. Box 1220 Craig	826-2359
<i>Carol Knapp</i>	Carol Knapp		PO Box 316 Craig	965-0092
<i>Justin Kerstein</i>	Justin Kerstein		1148 Craig	401-3227
<i>Alice Carlson</i>	ALICE CARLSON		POB 753, Craig	617-0214
<i>Albert Macasie Jr</i>	Albert Macasie Jr		1/2 Box 508 Klawock	461-1496
<i>Dennis Edenshaw</i>	Dennis Edenshaw		PO Box 176, Klawock, AK	744-3728
<i>Linda Ray</i>	Linda A RAY		Box 45 Klawock	240-0913
<i>Harriet McNeil</i>	HARRIET McNEIL		PO Box 62	7554809
<i>Heidi Wegand</i>	Heidi Wegand 2-26		PO Box 357 Klawock	401-1977
<i>Faith Iano</i>	Faith Iano		PO box 430 Craig	Chimera2587@gmail
<i>Art Gillidette</i>	Art Gillidette		PO Box 328, Craig	826-5416
<i>John Wylie</i>	John Wylie		Box 157 Klawock	
<i>Brian Ketter Jr</i>	Brian Ketter Jr		Box 12 Klawock	(907) 826-5725
<i>BARRY D. STRAIT</i>	BARRY D. STRAIT		Box 1023 CRAIG, AK	907-401-1296

13

January 27, 2015

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska**

**Reasons:**

Preservation of environment for subsistence fishing, hunting, and eatable vegetation

Economic importance of the tourist industry based upon a more pristine environment (primarily hunting and fishing)

Concern of local citizens for long-range effects on human life, especially children

Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Daniel Mackie	Po Box 295 Craig AK	907-401-1518	
Suma Barr	Craig AK		
Joe [unclear]	P.O. BOX CRAIG AK	5307072	
[unclear]	P.O. Box 333 Craig, AK	503-779-6573	
Liz Janks	Box 1238 Craig AK		
Bob [unclear]	PO Box 555 CRAIG, AK	425-530-0687	
Ken [unclear]	PO Box 109 Klawock, AK	907-755-2963	
[unclear]	PO 208 Craig AK	99921 907-401-0184	
Jenna J. Annet	PO 19158 Inoué Bay		
Mary J. Benhimer	P.O. Box 352 Klawock AK	99925	
John [unclear]	Po Box 1203 Craig AK	99921	
Tricia Clough	BOX 15 CRAIG		tricia.clough@klawockschool.com
Rosal [unclear]	Craig AK	317 617-6982	

(B)

January 27, 2015

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska****Reasons:**

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Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Virgil Burnham	Craig	401-1511	
Herman J. Baoy II	P.O. Box 389 Craig 99921	401-0452	
Donna Halverson	P.O. Box 665 Craig	530-7023	
Rachel Jones	P.O. Box 4336 Klawock AK	401-0583	
Gerald Zehner	P.O. Box 684 Craig, AK	99921	
Rudy Smith	P.O. Box 16 Klawock AK	99925	
Amelton	P.O. Box 1033 Craig	401-1349	
Justin Johns	P.O. Box 726 Craig	826-3158	
Alfred Brown	P.O. Box 515 Klawock AK		
Nancy Cooper	P.O. Box 148 Klawock	99925	
Penelope J. Adkins	P.O. Box 555 Craig AK		
Jesse Paddy	P.O. Box 647 Craig AK	755-4800	
R.A. Wilder	P.O. Box 532 Craig AK	99921	

(B)

January 27, 2015

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska**

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Ineffective value of herbicides: too much rain in this area; also, plants build immunity

**Name Address Phone Email**

Laure Jennings Thorne Bay AK 360 623-0473 ljennings73@yahoo

CHARLES JENNINGS THORNE BAY AK 360-623-0473

HAW KOLA Thorne Bay AK 907 239 4655

Yvonne Denny Hyd. AK 907-285-3579

Helen Adams Hyda AK 907 401-1524

→ Maranda Hamme Klawock, AK 99925 Marandahamme@hotmail.com

Randy Dyer Klawock 617-8978

Zsuzsanna Horvath Craig hornerw@ymail.com

Sarah Dodge 402 Main St Craig AK 99921 dodge-sarah@ymail.com

THOMAS K Mills Sr 401 1093

Beverly Tynes Box 54 Craig 99921

Drey Salento Box 132 Craig 99921 826-3227

Amille May PO Box 1162 Craig 99921

Petition List

3

January 27, 2015

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

Reasons:

Preservation of environment for subsistence fishing, hunting, and eatable vegetation

Economic importance of the tourist industry based upon a more pristine environment (primarily hunting and fishing)

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Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Liberty Wargo-Morris		Kluwock	
Kennedy Stumpf		PSN	
Roger Trout		401-0847	HYDABURG
Rubell Jordan		401-0956	HYDABURG
Lily Watson		687-5633	HYDABURG
William Joseph Sr.		254-0089	P.O. Box 44 CRAIG
Chad N. Mueller		817-4832	P.O. Box 44 CRAIG 2
Cora Joseph		254-0086	P.O. Box 215
Stephen W. P. Kelly		907-401-0326	P.O. Box 448 CRAIG, AK 99921
Janet Charles		Box 478 Kluwock	401-0179
Marcia Weatherford		P.O. Box 390, Kluwock	755-2298
Linda Tundlet		P.O. Box 1151 King AK	401-0216
Zed Deal		Craig	401-0215

13

January 27, 2015

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska**

**Reasons:**

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Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Lauri O'Neil	Box 1265	907 401 1500	
Greas Dahl	PO Box 1362 Craig	401-3030	
Cindy Wipst	P.O. Box 369 Craig		taken care @ gmail.com
William Colway	PO Box 807	965.0083	
Berton Duncan	P.O. Box 972	401-0435	
Robert Durgan	Box 1017	401-0802	
Church, God	Box 667 Craig	907 826 3358	
Melanie Martin	Box 1303 Craig	541-621-1219	
Connie Phillips	Box 362 Craig	826 3618	
Rodney Hepp	Box 417 Kluw	965-4555	
Matthew Kingery	PO Box 281 Kluw	401-1422	
Egina Marinese	Box 385 Craig	401-3355	

January 27, 2015

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

Reasons:


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Economic importance of the tourist industry based upon a more pristine environment (primarily hunting and fishing)

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Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
	RICK H. TROJAN	907-826-3779	ricktrojan@alaska.com
JAN TROJAN	P.O. Box 275, CRAIG AK 99921	907-826-3734	JanTrojanVFW@gmail.com
Judy Skinkang	P.O. Box 763, Craig	907-826-3358	
Arita Williams	P.O. Box 731 CRAIG	907-401-1104	awilliamski@aol.com
Greg Shapley	P.O. Box 85 CRAIG	907-401-0086	"
Stacey Williams	P.O. Box 731 CRAIG, AK	208-771-2176	
Tanner Williams	P.O. Box 731 CRAIG	208-819-9876	
JAMES C MACKIE	Box 435 Klawock, ALASKA	99925	
Emmett Norton	P.O. Box 1035 CRAIG, AK	99921	
Diane Deniger	P.O. Box 470 KATIEDIAK	99905	
Scott Kus	P.O. Box 14350 THOME BAY		
Opul Wilsey	P.O. Box 14350 THOME BAY		
Bill Seibel	P.O. Box 558 CRAIG AK	826-3274	

13

January 27, 2015

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska**

**Reasons:**

Preservation of environment for subsistence fishing, hunting, and eatable vegetation

Economic importance of the tourist industry based upon a more pristine environment (primarily hunting and fishing)

Concern of local citizens for long-range effects on human life, especially children

Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Jim Lewis	Box 1, Kasaan	401-1140	
Stephanie Duncan	P.O. Box 972	401-0054	
Isaiah Duncan	P.O. Box 972	-	
Den Olesjune	Box 519 Craig		
Heidi Murray	P.O. Box 34 Craig	826-2339	
C. J. [unclear]	P.O. Box 472 CRAIG		
M. [unclear]	Box 253 Craig		
De Schmitz	187 K Street Apt B Arctic CA	<del>707</del>	
Elin M. [unclear]	P.O. Box 466 Hydral	401-3168	
Lee Boykin	106 Clark Bay Drive	907-843-2066	lboykin@alaska.net
Mindy Trozelle	Box 323 Craig AK	99921	401-0219 m-trozelle@y+net
Ron Schoenheit	Craig AK	99921	
Shelli [unclear]	Craig AK	99921	

20

January 27, 2015

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

continued

Name	Address	Phone	Email
Chris Christensen	455 West Klawock Ak	907-1284	
Cody Russell	5513A Nugget Junction Ak	907-401-4915	
Jeremy McLean	US Beach Rd Craig	907-570880	
Rhonda Walker	613 Beach Rd Craig	617-4673	
Mike Hamme	400 Hamilton	401-0351	
Edith Clark	1400 Keby Ct Craig, AK		
MELISSA GIWAN	375 WST KLA WOCK, AK	99925	
Tom Killips	P.O. BOX 362 CRAIG AK	99921	
Robert Omstead	POB 407 Klawock AK	ronstrod@me.com	
Richard Hansen	P.O. Box 1326 CRAIG AK	99921	DJHANSEN@TYLERAKA
Randee Taylor	P.O. B 572	907-401-1364	
Robert Linton	P.O. Box 487	907-401-1454	
Nancy Rapp	PO Box 1463 Craig	617-6135	
Billie M James	PO Box 292 Craig	826-3426	
Jessica McManick	Box 156 Craig	401-1703	jessicameanick@gmail.com
Shel Wald	Box 444 Craig	654-3971	
Christy Ilwaco	Box 445 Klawock, AK	99921	
Michael Peck	P.O. box #900 CRAIG, AK	401-0995	
Miko Wald	P.O. Box 388 Craig AK	617-9244	
William Murray Kaufman	410 SHAWNEE ST CRAIG AK	99921	

20

January 27, 2015

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

continued

Name	Address	Phone	Email
Norma Sheatley	PO BOX 900	965-0099	normasheatley@yahoo.com
DAVE YENLOWER	POB 633	200 4930	FROST@EXCITE.COM
Earl Johnson	Box 635	401-0659	Earl Johnson
Ernie A. Goff	Box 613	829-4249	
Beverly Rivard	Box 1019	738-4433	metislightwasher@gmail.com
Geraldine Dix	PO Box 13	Klawock -	971-300-8308
William B. Masten	P.O. Box 19151	Thorne Bay AK	
<del>William B. Masten</del>	P.O. Box 19156	Thorne Bay AK	
Mary Anne Tallman	P.O. Box 577	Craig AK	AKBoys2000@yathruce
Victoria Merritt	PO 332	Craig AK	craigrec@aptalaska.net
Anastasia Myers	PO 808	Craig AK	907 401 1523
Olson's Kammun	PO 808	Craig AK	860 420 3301
ALFRED TORREZ	P.O. Box 30	CRAIG AK	
Susan Hansen	Box 30	Craig AK	907-617-6982
Mikki Hansen	Box 581	Craig AK	
Patrick GARDNER	Box 1	Craig AK	
Gail Slentz	Box 98	Craig AK	voyageur@aptalaska.net
Therese Juyler	Box 752	Craig AK	
Frank Walker	Box 203	Hyd. AK.	
Tina Nathan	Box 7	Hyd. AK.	

January 27, 2015

13

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

Reasons:

Preservation of environment for subsistence fishing, hunting, and eatable vegetation

Economic importance of the tourist industry based upon a more pristine environment (primarily hunting and fishing)

Concern of local citizens for long-range effects on human life, especially children

Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Billy Joe Phillips	PO Box 19522 Thorne Bay AK	907-965-1866	TNAWater@Email
Chris Perge Haufe	Thorne Bay AK		
Jim Haufe	Thorne Bay AK		
Memie Dantelle	Thorne Bay AK 99919		
DAN JUSTICE	Thorne Bay AK 99919		
M. BAILEY WATSON	THORNE BAY, AK 99919		
LARRY S. WATSON	THORNE BAY, AK 99919		
Susan McGrath	Thorne Bay		
Randy Miyahara	Thorne Bay		
Katherine Martik	Thorne Bay		
Isaac Martik	Thorne Bay		
Teast White	Thorne Bay		
Debra Amerson	Thorne Bay		

FILE 03/03  
 (B)

January 27, 2015

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska**

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Name	Address	Phone	Email
Cassi Redding	TNB 99919		
Jim Jace	TNB 99919		
Jacy Gunkel	TNB 99919		
Mark Gunkel	TNB 99919		
Hannah Gunkel	TNB 99919		
Christopher Hammons	TNB 99919		
Earlene Ingman	TNB 99919		
Robert Ingman	TNB 99919		
Deborah Ross	Thorne Bay 99919		
Alan Ross	Thorne Bay 99919		
Skye Oberlander	Thorne Bay 99919		
Garrick Oberlander	Thorne Bay 99919		
Gerald G Pospens	733 Satter L Rd. Thorne Bay	907-828-3312	



January 27, 2015

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Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

continued

Name	Address	Phone	Email
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Becky Gardner PO Box 1176 925-0025

Charllette PO Box 1176 907 401 0718

Rafaely A. ... PO Box 103 Kld 907 707 4633

PO Box 600 CRAIG AK 907 705 4003

Jimmy McManis PO Box 1176 907 401 0718

Eugene Huest PO Box 896 907-965-8008

Alice Jones PO Box 1243 CRAIG AK 99921

Chuckman PO Box 190 Klawock, AK 905-5554 abbybnt@icloud.com

MARY Ellen ... PO Box 74 Klawock AK 907-65-4047

Robin THOMAS PO Box 62 Craig

Cecilia Reed P.O. Box 1211 Craig (907) 401-1359

Robert ... PO Box 373 HYDABURG AK 99922

13 James Lee 203 Spruce St Box 2811 Craig Alaska 99921

June L. ... Box 54 Klawock, AK. 755-2205

Fred P Bennett PO Box 634 Craig 826-3759

Melissa Brooks PO Box 40 Craig 701-871-0904 melbrooks219@live.com

Eirett R Cook 26 North Thorne Bay 907-254-5121 conkeverett@...

Cathy ... PO Box 1018 Craig AK 826-3027 Coleman7@apt.alaska.net

Barbara Powell Box 648 CRAIG AK 826-3341

K. ... Kevin McDonald Box 1 Craig, AK 99921 826-2267 southeast.ak.time@gmail.com

January 27, 2015

(B)

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

Reasons:

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Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Linda Clark	1	828-8237	
Phil Clark		"	
Carol Willburn	Thorne Bay		
Terry Willburn	Thorne Bay		
Teri Feibel	Thorne Bay	254 3378	teri.hammer@hotmail
Jadhu Fink		254-3379	<del>XXXXXX</del>
Amy Jennings		254-0320	
Jason Jennings		254-0615	
Donna Douglas		321-0094	
Glen Douglas			
Justin Douglas			
Hannah Jennings		254-0120	
Barnet Freedman		828-3465	

(14)

January 27, 2015

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska**Reasons:

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Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Alex W. Kunder	P.O. Box 19313	Thorne Bay AK	
Ashlee Tower	P.O. Box 1166	Thorne Bay AK	
Cody Thompson		Thorne Bay AK	
Michele Tower	POB 341	TNB AK 99919	
Chris Marriott	PO 334	Thorne Bay 99919	
Josh Christy	PO B 341	Thorne Bay 99919	
Traei Chapman	301	Thorne Bay	
Bob Chapman		TNB	
Elizabeth Wadsworth		TNB	
Michelle Taylor	P.O. Box 19174	TNB 99919	
Norman J. Khush	AK 99925	N/A	N/A
Gennie Redding	Thorne Bay AK 99919	907-254-7701	
Vern Redding	TNB	Thorne Bay 99919	
Terri Redding	TNB	Thorne Bay, 99919	

January 27, 2015

(13)

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska****Reasons:**

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Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Justin O'Malley	TNB	828-3458	C.Somalley@msn.com
Clinton O'Malley	TNB	828-3458	↓
Liam O'Malley	TNB	828-3458	↓
Kerrin Seefeld	TNB	254-1989	
Shane Seefeld	TNB	254-2474	
Chadwick Miller	TNB	360-789-4526	
Kym McFerson	KIw	755-2886	
<del>John</del>	TNB	254-8999	
Wendy		415-595-1695	
Lee Edson	TB	828-3434	
William Fudge	TNB	828-8280	
Chessa Pugh	TB	208-3300	tw2368@naked.
MZ	TB	208 660 3419	M.SLSMAYTON@HOTMAIL

January 27, 2015

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

(B)

Reasons:

Preservation of environment for subsistence fishing, hunting, and eatable vegetation

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Name	Address	Phone	Email
Leah Russell	PO BOX 19457	661 616 7500	leahcason@gmail.com
Rael Porter	P.O. Box 19570	907-617-3768	raelynnporter@live.com
Rita Camp	PO Box 19284	360-628-1485	rita_camp@hotmail.com
Lisa Roseland	PO Box 19305	828-3302	roseland@acsalaska.net
Cindy Elenfeld	19508 TNS	—	cedenfeld@hotmail.com
Lauren Burch	PO Box 19262	7236462	lburch@sisd.org
Skye Oberndorfer	PO Box 19603	254 7594	skye.breanne@gmail.com
Susan Howell	Box 19485	541-944-1523	honcha@gmail.com
DALE HAYES	PO BOX 19418	907-354-1505	
<del>Bob Bates</del>	19570 TBN AK		
Ann Taylor	Box 19124 TB AK	907-254-2556	
Teri Willard	Box 19225 TB AK	828-3365	
Shirley Ecklund	Bx. 19227 T.B AK	99919 907-254-2092	

January 27, 2015

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

20

continued

Name Address Phone Email

J. Scheidter Box 511 965-0105 scslevel@hotmail.com  
PO Box 557 CRAIG AK  
HAROLD TALLMAN 907 667-0571

Debbie Trozelle P.O. Box 205 CRAIG AK 907-826-3874

CARY WEIMER P.O. Box 394 Nauyasit AK 907 965 5999

Larry Durgan Box 140 Craig AK 401-0739

Shena Clarke P.O. Box 813 Craig AK 401-1058

Paullette Kelley P.O. Box 172 Klawock AK

William M Conway P.O. Box 807 Craig AK

Lisa Moore P.O. Box 250 Craig, AK 401-0439

Anthony Leichty Box 47 Craig AK 401-0168

Daniel Lawrick P.O. Box 1271 AK 401-0266

Jim + Kim Marker P.O. Box 852 CRAIG AK 401-0956

Melissa Mackie Box 43 KM 907-2001

Kevin Castle Box 110 826-5333

Jeannie Tipton P.O. Box 472 Craig

Tiffany Berkeley P.O. Box 186 Klawock 617-8978

Kimberly Baxter P.O. Box 384 Craig catwildsalmon@gmail.com  
826-4280

Eleanor Dosser P.O. Box 415-Craig Tdosser@Live.Com

Jamie Stukun Box 1073

Alexandra Peterson Box 1122 Craig 907-821-2384

20

FAX (907) 465-2652  
JKT office

January 27, 2015

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska**

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Name	Address	Phone	Email
Cynthia Sage	PO BOX 352	907-401-1269	
Charles Simons	PO BOX 1190	907-401-1400	
Chelsi Sage	P.O. BOX 352	(907) 401-1269	
Ron Castle	PO. Box 568	907-401-0705	
Sharon Castle	P.O. Box 568	907-401-0705	
Brynn Bolling	Box 110 Craig, AK	907-826-5333	
Rina Palatyka	Box 827 CRAIG	826 3559	
Don Matheny	Box 366 Hydaburg	285-3453	
Angie Hall	Box 87 Hydaburg AK	923-2296	

January 27, 2015

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Name	Address	Phone	Email
ELLEN DILLMAN Ellen Dillman	PO Box 19539 THORNE BAY AK 99919	907-988-9800	ellen10@starbuckline
Kenn Cattle	Klawock	yes	
Victoria STRAW	PO Box 1025 Craig, AK	907-401-1530	Victoria.Straw@yahoo.com
Crystal Day	BOX 351 Craig, AK 99921	826-2216	crysteald@yahoo.com
Kim Drach K Drach	Box 1255 Craig, AK 99911	401 1726	kdrach@gmail.com
SALLY Birch	POB270, CRAIG, AK 99921	826-5904	sybirch@gmail.com
John E Bruns	PO Box 270 Craig, AK 99921	846-5704	john-brunse@gmail.com
Desiree Janzen	PO Box 19168 Thorne Bay 99919		
Debbie Jungw	PO Box 19535 TNB 99919	360-947-4429	gc.lumber@yahoo.com
Shane Clark	P.O. Box 19354		
Lana Clark	Thorne Bay, AK 99919	907-209-1325	Kishaleahorka@gmail.com
Wanda Rice	P.O. Box 69 Craig, AK 99921	907-209-7841	
Pete Rice	" " " Craig, AK 99921	" "	
Raven Krolkowksi	P.O. box 236 Klawock, AK	907 401 1759	Raven.krolkowksi, 23@hotmail.com
Niran Thair	PO Box 894 Craig, AK	907-965-2720	thair@aptklaska.net

January 27, 2015

(B)

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Name	Address	Phone	Email
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JULIA CARLSON	PO <sup>19271</sup> TB, AK 99919	209-2693	
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BRYAN CARLSON	PO <sup>19571</sup> TB, AK 99919		
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Mary C. Youderian	P.O. <del>22199</del> 337	208-509-1626	
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Margaret Eads	PO BOX 19529, TNB	541-844-9849	
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Yvonne Kim	PO BOX 19412 TB AK 99919	907-965-0045	
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Hul Kim	P.O. BOX 19412 TB AK 99919		
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Jessy Gordon	Box 19275 T.B 99919	907-254-7024	
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Brenda Owens	PO BOX 19612 TB 99919		
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Callina	PO BOX 19617 TB 99919		
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Trinity Keener	TNB		
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John Kim	PO Box 19391 TNB 99919		
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Charles O'Neil	PO Box 19391 TNB 99919		
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Nicholas A. Bell	PO Box 19172 TNB 99919		
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January 27, 2015

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

continued

Name	Address	Phone	Email
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Mary Triplett	PO Box 103 Craig AK 99921		
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Deborah Arson	PO Box 1247 Craig AK 99921		
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Kera Canada	PO Box 1377 Craig AK 99921		
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Robert R. Reed	P.O. Box 1211 Craig AK 99921		
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Patsy Lehman	Box 971 Craig, AK 99921		
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Shirley Farmer	Box 336 Craig, AK 99921		
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Ken Dougherty	Box 939 Craig AK 99921		
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Paulette Duxley	Box 544 Craig AK 99921		
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<del>Judith Murray</del>	<del>Box 340 Craig AK 99921</del>		
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Don Walker	Box 1346 Craig AK		
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Joan Wargi	P.O. Box 518 Craig 99921		
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Don Kuch	P.O. Box 449 Craig 99921		
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Denis M Kuch	PO Box 449 Craig 99921		
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Mary McLaughlin	PO Box 244 Craig 99921		
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Jeff Chapman	114 Truman St KTN 99901		
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Anita Biggins	Box 339 1606 Hamilton 401-0259 99921		
---------------	--------------------------------------	--	--

Judith Murray	Box 945 Craig 826-2365 99921		
---------------	------------------------------	--	--

Frank Murray	P.O. Box 34, Craig, 826-2339 99921		
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Janice Clark	P.O. Box 165 Craig, 826-3487 99921		
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Susan Gorman	PO Box 971 Craig AK 907-401-1513		
--------------	----------------------------------	--	--

Don't know FAX (707-762-  
 Kreiss To 2652  
 Tomkins

I am opposed to DOT spraying Herbicides along our roadways on Prince of Wales Island, and support mechanical brush cutting instead.  
 By adding my signature below I agree with this statement.

SIGNATURE	PRINT NAME	DATE	ADDRESS	PHONE # OR EMAIL
<i>Bon Wasinger</i>	Bon Wasinger		Naukati	629-4213
<i>Venessa Richter</i>	Venessa Richter		Naukati	629-4116
<i>Charles Russell</i>	Charles Russell		Naukati	629-4116
<i>Juliet James</i>	Juliet James		Naukati	
<i>Harvey Jake</i>	Harvey Jake		Naukati	
<i>John James</i>	John James		Ketchikan	
<i>Carin Richter</i>	Carin Richter		Naukati	629-4260
<i>Pen Bracon</i>	Pen Bracon		Naukati	629-4233
<i>Greg Richter</i>	Greg Richter		Naukati	629-4260
<i>Hal Rhodes</i>	Hal Rhodes		Naukati	254-7022
<i>Brian D. Porter</i>	Brian D. Porter		Naukati Bay	629-4118
<i>Barbara J. Richter</i>	Barbara J. Richter		Naukati	629-4243
<i>Allen Richter</i>	Allen Richter		Naukati	629-4243
<i>Cody A. Russell</i>	Cody A. Russell		Ketchikan	
<i>Michael Smith</i>	Michael Smith		Naukati	
<i>Tamara J. Richter</i>	Tamara J. Richter		Klawock	
<i>Larry Burrows</i>	Larry Burrows		Naukati	



JKT FAX - 907 465-2652

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Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
Mindy K. Anderson	PO Box 1156 Craig	907-461-0943	mindymorve30@yahoo.com
Leanne Steenstrom	PO Box 1367 Craig	907-826-2152	lalten_71@hotmail.com
Verat Tubedeau	PO Box 188 Craig	826-3370	thibfam@yahoo.com
Tyrene BROWN	PO BOX 1124 Craig		
Teresa Ahnkeil	P.O. Box 5 Craig		
Jeffrey & Spear	PO Box 5 Craig		
Margaret VanKen	Box 770 - Craig	907-461-0330	
Elizabeth Kuske	Box 973 Craig		

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Name	Address	Phone	Email
Corinne Arnce	POB 321		
Nancy Jensen	POB 1246		
Amanda Pop-elkae	POB 120		
Don Molin	POB 230		
Charlette Molin	POB 953		
Ira Dell	P.O.B 1027		
Richard March	POB 976		
Saman Clays	POB 1058		
Chad Schwarz	Box 905 Craig		
Paul Bennett	634		
Anna Maria	PO Box 44 Craig		
Cyber Melia	Box 81		
Darby Bury	Box 1321		

13

January 27, 2015

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Name	Address	Phone	Email
John Ollivier	Box 9156 Thorne Bay	907-500-3592	AlaskanCarver1966@yahoo.com
Harlan Bury	Box 587	965-1189	
Carl Jones	Box 13 Craig	907-4249	
Badi Anukhony	Craig		
Doris L Williams		755-2303	
Hope Edwards		401-0824	
Aime Peratorovic	Klawock AK		
Nanda M. Barkley		907-755-2600	Klawock AK
April Hupel	Box 19113 Thorne Bay	907-828-8280	alhupel08@gmail.com
Craig Wood	P.O. Box 255 Craig AK		
CARMEL NELSON-INGWER	PO BOX 515 CRAIG AK		999621
Jim Ellis	402 Cove St Craig	485-308-4325	
Rita Blake	Craig AK	965-4188	

20

January 27, 2015

Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska

continued

Name	Address	Phone	Email
Jessica Holloway	P.O. Box 879 Craig	826-2187	jpatton22@hotmail.com
Neil Holloway	P.O. Box 879 Craig	826-2187	nholloway@hotmail.com
Thy Bony	1141 KLAWECK	617-5324	
Cecilia Paduoch	P.O. Box 923 Craig, Ak	514-534 4571	artiss.m.18@gmail.com
Brenda Burnett	P.O. Box 411 CRAIG, AK		Brenda.Burnett@gmail.com
Lyndee Taylor	PO Box 704 Craig AK		
Brian Benhard	PO Box 1255 Craig AK	99921	
Kim Johnson	PO Box 575 CRAIG AK	99921	kimj@ps
Melanie McMillan	PO Box 1135 Craig	907-401-1030	mrberger084@gmail.com
C+M Johnston	PO Box 470	907-401-0953	
James Martins	PO 143 Klawock AK	99926	
Margaretson	PO 575	Craig AK 99921	
Shirley Niles	PO Box 247	Craig AK 99921	
Rebecca Brown	Box 1179 Craig AK	99921	bartling@hotmail.com
Daniel Nelson	Box 229 CRAIG AK	99921	
Nicole Gray	Box 1304 Craig, AK	99921	nikitma@me.com
Heather McKenzie	Box 1154 Craig AK	99921	heather.mckenzie13@gmail.com
Kelley Nickerson	PO Box 24 Klawock AK	99925	kelley.nickerson214@gmail.com
Pam Finney	PO Box 1052 Craig AK	99921	965-5206
Dalton Baethman	P.O. Box 1052 Craig AK	99921	965-5206

January 27, 2015

(13)

**Petition to PLEASE NOT spray herbicides on Prince of Wales Island in SE Alaska****Reasons:**

Preservation of environment for subsistence fishing, hunting, and eatable vegetation

Economic importance of the tourist industry based upon a more pristine environment (primarily hunting and fishing)

Concern of local citizens for long-range effects on human life, especially children

Concern of local citizens for the wildlife, especially deer, bear, bees, birds, and all creatures of the waters

Ineffective value of herbicides: too much rain in this area; also, plants build immunity

Name	Address	Phone	Email
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Petie M...ice	PO Box 546	907-826-2149	
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Lynn Hackworth	PO Box 411, Craig, AK PO Box 35793	907-793-0088	
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Chad Burnett	Craig, AK 99921 P.O. Box 411	907-602-2523	
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Gayle Winrod	P.O. Box 75	" 401-1105	
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Cathy Bolling	P.O. Box 509 Craig	826-3061	
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Arthur Ray	PO Box 224 Craig	701-0406	
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Rose Ray	PO Box 224 Craig	701-0535	
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Steve Stumpf	Box 1240 Craig	826-2327	
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Ellen M...ichelle	PO Box 961 Craig	541-576-4444	Natureisit3@gmail.com
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Cheryl Inman	P.O. Box 1344 Craig	(907) 826-4811	
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Tony Wise	P.O. Box 14203 THOME BAY		
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Kevin Hastings	Box 157 Craig	907-617-6330	
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Bonnie Stumpf	Box 157 Craig	401-5582	
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## Ginger Blaisdell

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**From:** Debra Banaszak  
**Sent:** Tuesday, March 10, 2015 12:12 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: Letter in support of HB 53

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**From:** [alaskanrn2@gmail.com](mailto:alaskanrn2@gmail.com) [mailto:[alaskanrn2@gmail.com](mailto:alaskanrn2@gmail.com)]

**Sent:** Tuesday, March 10, 2015 11:40 AM

**To:** Debra Banaszak

**Subject:** Re: Letter in support of HB 53

To Whom it May Concern:

I would like to lend my whole hearted support for this bill. As a registered nurse I am concerned with the health impacts of pesticide use on our population . I am also concerned with herbicide/pesticide application on our lands which hold an abundance of salmon spawning streams. As past president of the Alaska Nurses Association, I am pleased in our record of the precautionary principle and resolutions passed banning wide spread application of pesticides. As a burgeoning commercial organic farmer I am concerned with application and aerial contamination and the financial impacts it might pose on my produce. As Alaskans with a relative pristine environment I see the real possibility to fulfill the ever-growing demand for organic or pesticide free market and would not want to diminish our opportunities statewide.

If you would like supporting data on glyphosates and others and their detrimental impacts I would be happy to supply you with such.

Thank you for your time and consideration in this matter.

Sincerely,  
Susan E Walsh  
1252 Upper Millar  
Ketchikan, AK.  
99901

Sent from Windows Mail

**From:** [Debra Banaszak](mailto:Debra.Banaszak)  
**Sent:** Tuesday, March 10, 2015 11:13 AM  
**To:** [alaskanrn2@gmail.com](mailto:alaskanrn2@gmail.com)

Hello Susan,

I found your email and wondering if you could send the letter to my email...that way I can get it to the Committee faster. Thanks,

March 9, 2015

Dear Representative Ortiz,

I am writing to express my support for HB53, which will reinstate the public process concerning the state's application of pesticides and provide protection for watersheds that sustain salmon and provide drinking water. I also supported HB201 during the last legislative session and hope that this committee hears the comments, personal accounts and appeals from communities, tribes, commercial fisheries, residents and other resource users directly impacted by this bill.

I have lived on Prince of Wales Island, in southeast Alaska for over 30 years as a high school science teacher, commercial fisher, subsistence gatherer, and recreation user. I have taken great pride living in a state where protecting salmon habitat and preserving the reputation of a wild and chemical-free resource has been a priority, and up to now the state of Alaska has not sprayed herbicides along state right of ways on our island. Public right of ways on POW Island and most of southeast Alaska, often run alongside thriving salmon streams and critical habitat areas for wildlife. Mechanical means have been used to clear these right of ways, and although not always "pretty" there was consolation in the fact that Alaska had acted more responsibly than other states willing to broadcast spray alongside their roadsides and right of ways. We had little reason to believe that things would change.

However in March of 2013 things did change. In an effort to streamline the permitting process the state of Alaska no longer needed to provide for public comment with regard to DOT's plan to control vegetation by spraying herbicides along public right of ways. DOT needed only to notify that they were going to spray in accordance with their plan. In the name of streamlining state government and permitting we are about to sacrifice what we have worked so hard protect. This is no place to cut government corners. We have a right to know and to comment when it comes to protecting salmon habitat and our drinking water.

Prince of Wales Island residents heard about the state's plan to spray herbicides by word of mouth from a small piece published in the Ketchikan Daily News, with little time to voice opposition. The state had gone from using no herbicides to a plan to spray them along 17 miles of right of way, most of it along watersheds draining into salmon streams including the Thorne River, one of the largest and most productive river systems on POW Island.

HB53 will restore public comment on important matters such as the state's herbicide application program, and will also help to restore trust in state government.

Thank you for the opportunity to comment.

Sincerely,

Cheryl Fecko  
Craig, Alaska

**Debra Banaszak**

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**From:** Dewitt-Schleifman, Meda M <mmschleifman@anthc.org>  
**Sent:** Monday, March 09, 2015 8:25 PM  
**To:** Rep. Daniel Ortiz  
**Subject:** Prevent the Unnecessary Use of Harmful Pesticides

Hello, I am formally requesting for you to include the voice of Alaskan's on HB 53 and appose toxic chemicals.

It is vitally important that our state has the capacity to say "no!" when it comes to the poisoning of our Great Land. Toxic substances have no place here, we want to leave a land capable of sustaining life and thriving ecosystems indefinitely, not just for the next generation. We as Alaskan's pride ourselves on our vibrant landscape teaming with life, please I beseech you to hear this request and stand for what is true and just.

Gunalcheesh,

Meda DeWitt Schleifman, TH

ANTHC CHS Wellness

Health Promotion Program Associate

907-729-3639 Office

907-729-2924 Fax

mmschleifman@anthc.org

[www.alaskanplants.org](http://www.alaskanplants.org)

Testimony on HB53 to House Transportation Committee

by Jim Sykes

March 10, 2015

Good Afternoon Co-Chairs and Members of the Transportation Committee. My name is Jim Sykes, representing myself, not as a member of the Mat-Su Borough Assembly which has not reviewed HB53.

Today I speak in support of HB53. It takes a reasonable approach that includes notification to the public, hearing from the nearby community, and a permit review process. No-spray setbacks from water are common sense procedures that protect our waters, fish and wildlife and people who use them. My wife and I use some of these waters for personal dip net fishing.

My experience in dealing with the pesticide issue began in the mid 1980's in a remote area north of Talkeetna where people were concerned about chemicals used by the then federally-owned Alaska railroad. At one point I served as an alternate to a railroad citizens vegetation advisory committee when the railroad tried some creative alternatives like baking weeds with infrared, and I believe steam was tried. The most successful alternatives were hand clearing by prisoners and more intensive maintenance of the track ballast, which continued for quite some time.

I think it's important to keep an open mind to new technologies and new alternatives that may arise. In fact I would suggest a minor addition to page three of version 'E' of the bill near the end of line 12 after the word "information" adding "or other effective alternatives." The public should be invited to consider and comment on new developments.

Permit review proved important in about 2007, when the DEC denied the railroad a permit to spray most of the track from Seward halfway to Fairbanks. The railroad had not identified many water crossings to stop the spray in wetlands and fish rearing areas. Without careful review and action by the DEC, critical areas could have been sprayed.

In my past years of dealing with pesticides a couple of things stick out. I learned that most herbicides are not tested in arctic or sub-arctic conditions which means chemical effects may last longer, travel

farther, or both. I remember that one chemical that was tested in Southcentral and near Fairbanks had characteristics that were significantly different than Lower 48 testing had shown.

The other thing was the so called "inert ingredients." Sounds sort of neutral, but in fact some of the inert ingredients were as poisonous or more poisonous than the weed killing chemical. But chemical companies are not required to list these ingredients are so the real risks are not fully known.

Reasonable caution is called for.

During the past 25 years, Railbelt communities, Native Tribal organizations and individuals have dealt with herbicides as the issue has waxed and waned. In 2006, the Mat-Su Borough Assembly unanimously passed a resolution promoting a healthy railroad and asking the railroad not to spray along the tracks within the Borough.

While differing opinions will probably continue about whether, where or when to use a particular pesticide or herbicide, most people can agree that we need safe water, and safe communities. HB53 provides a straightforward process for notifying the public, hearing from the community and evaluating a permit application that keeps public safety as a priority. I think it's a good idea to pass it.

I'll answer questions if there are any. Thank you for the opportunity to comment.

Jim Sykes  
PO Box 696  
Palmer, AK 99645

Phone 354-6962

## Ginger Blaisdell

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**From:** Debra Banaszak  
**Sent:** Tuesday, March 10, 2015 12:50 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: Letter in support of HB 53

**From:** [alaskanrn2@gmail.com](mailto:alaskanrn2@gmail.com) [mailto:[alaskanrn2@gmail.com](mailto:alaskanrn2@gmail.com)]  
**Sent:** Tuesday, March 10, 2015 11:40 AM  
**To:** Debra Banaszak  
**Subject:** Re: Letter in support of HB 53

To Whom it May Concern:

I would like to lend my whole hearted support for this bill. As a registered nurse I am concerned with the health impacts of pesticide use on our population . I am also concerned with herbicide/pesticide application on our lands which hold an abundance of salmon spawning streams. As past president of the Alaska Nurses Association, I am pleased in our record of the precautionary principle and resolutions passed banning wide spread application of pesticides. As a burgeoning commercial organic farmer I am concerned with application and aerial contamination and the financial impacts it might pose on my produce. As Alaskans with a relative pristine environment I see the real possibility to fulfill the ever-growing demand for organic or pesticide free market and would not want to diminish our opportunities statewide.

If you would like supporting data on glyphosates and others and their detrimental impacts I would be happy to supply you with such.

Thank you for your time and consideration in this matter.

Sincerely,  
Susan E Walsh  
1252 Upper Millar  
Ketchikan, AK.  
99901

Sent from Windows Mail

**From:** [Debra Banaszak](mailto:Debra.Banaszak)  
**Sent:** Tuesday, March 10, 2015 11:13 AM  
**To:** [alaskanrn2@gmail.com](mailto:alaskanrn2@gmail.com)

Hello Susan,

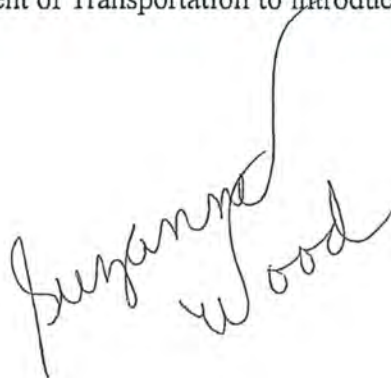
I found your email and wondering if you could send the letter to my email...that way I can get it to the Committee faster. Thanks,

– House Bill 53 –

LIO Testimony to House Transportation Committee  
by Suzanne Wood  
10 March 2015

1. My name is Suzanne Wood and I'm representing myself. A resident of Petersburg, Alaska since October 1993, I have been a self-employed commercial fisherman in Southeast Alaska for over 22 years.
2. I am writing in support of House Bill 53.
3. While HB 53 may not, by itself, prevent the usage of chemical agents on humans, fish, wildlife, and other living organisms, it should bring to light the potential harmful and long-term ramifications of their usage by requiring public participation in an open meeting before any chemical spraying is authorized by State of Alaska agency officials.
4. Residue from roadside spraying may, through airborne drift, end up far afield from its intended point of ground contact and is likely to contaminate all roadside streams through runoff due to the moist maritime climate, particularly in Southeast Alaska. This has the potential to unintentionally introduce harmful toxins, and have detrimental long-term impact on humans, fish and wildlife, beneficial subsistence vegetation like blueberry bushes, and other organisms.
5. Living out of town in a more rural location with no access to the Petersburg Borough's residential water resource, the stream that I use extensively for personal use has been granted water rights since 1970, and back permitted to 1961. This stream flows under the Mitkof Highway, which could be subjected to chemical applications on both the uphill, and downhill sides of the right-of-way, effectively doubling the amount of chemical agent that my family is subjected to by using my family's state authorized water usage. This creek runs out into the Wrangell Narrows amidst anadromous salmon, Dungeness and Tanner crab, and other resident marine mammals including killer whale, sea lion, and harbor seal.
6. My family's organic garden is watered using hillside runoff authorized by the State through our long held water rights. Roadside chemical spraying destroys any semblance of organic gardening by introducing chemical agents and toxins directly into our food chain by usage of what is otherwise a pristine, uncontaminated water source. In many cases, herbicides are toxic to beneficial soil organisms, such as bacteria that help break down the soil, and help bring in the nutrients plants need. Herbicides have been shown to kill helpful soil organisms, which result in too many harmful bacteria and fungi growing.
7. I urge you to support HB 53, which will restore many of the public protections that were removed by the 2013 regulatory changes. HB 53 will enable the ADOT/PF the opportunity to present to the public in an open forum, its proposed chemical application—the wheres, whys, and hows of the need for the Alaska Department of Transportation to introduce toxins into our lives and property on Mitkof Island.

Suzanne Wood  
P.O. Box 383;  
Petersburg, AK 99833-0383  
907-772-3480 Scritz383@gmail.com

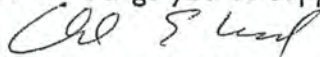
A handwritten signature in cursive script that reads "Suzanne Wood". The signature is written in dark ink and is positioned to the right of the typed contact information.

– House Bill 53 –

Submitted Testimony to House Transportation Committee  
10 March 2015

by  
Charles E. "Ed" Wood  
Petersburg, Alaska 99833

1. My name is Charles Wood and I'm representing myself through these comments. I have been a resident of Alaska since before statehood beginning in December 1954, and Petersburg since 1961. I have been a self-employed commercial fisherman in Alaska for over 35 years.
2. I am writing in support of House Bill 53 (HB 53) in order to restore many of the public protections that were removed by the 2013 regulatory changes.
3. HB 53's intended purpose is to return to the public, an opportunity to comment on their concerns to the potential impacts of roadside spraying of pesticides/herbicides in areas of importance to them, such as the stream which my family has held State of Alaska water rights on since 9 July 1970 while our beneficial usage began in 1961, and which will be impacted by any roadside spraying.
4. The primary issue of concern over our permitted water supply is that it flows through a culvert beneath Mitkof Highway (State Highway #7) and will be contaminated beyond any doubt by roadside chemical applications on both sides of the highway, and by the ditches that drain into our stream.
5. HB 53 also provides the opportunity for ADOT&PF to provide information to the public concerning the application of chemical agents, or alternatives, to controlling plant growth along State owned roadways in a public forum.
6. It is in the public's interest to be fully informed, and included in any decision by State agencies that could have potential long-term and accumulative ramifications on public health and public safety, two areas of which the Alaska Legislature is constitutionally (Article VII, Sections 4 and 5) bound to safeguard..
7. I urge you to support HB 53.



Charles E. "Ed" Wood  
P.O. Box 383  
Petersburg, AK 99833-0383  
907-772-3480  
[fvtalon@icloud.com](mailto:fvtalon@icloud.com)

## Ginger Blaisdell

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**From:** Kimberly Swiantek  
**Sent:** Wednesday, March 11, 2015 8:22 AM  
**To:** Ginger Blaisdell  
**Subject:** FW: HB 0053 hearing today

**From:** Ken Perry [mailto:[ken@paratex-pp.com](mailto:ken@paratex-pp.com)]

**Sent:** Tuesday, March 10, 2015 4:42 PM

**To:** Rep. Neal Foster; Rep. Shelley Hughes; Rep. Charisse Millett; Rep. Benjamin Nageak; Rep. Louise Stutes; Rep. Matt Claman; Rep. Daniel Ortiz

**Subject:** HB 0053 hearing today

Honorable Co-Chairs and members:

Thank you for accepting my letter last night and the opportunity to comment today. I am sorry I was a bit disjointed, but I had really hoped ADEC Pesticide would have been asked to attend and explain their 2013 revision. As I stated, I think they are required to stay out of legislative issues unless asked to testify, and perhaps that did not occur.

Once again please rest assured that their actions in 2013 were wholly in line with saving The State thousands of dollars on hearings that the environmentalists have told people will stall pesticide applications. Since the testimony they always give is mostly worst case scenario, out-weighted science and lots of emotion it is extremely redundant. The environmental movement has abused the public comment process for many years to slow down what is otherwise a well thought out plan.

The 2013 revisions actually tightened up the requirements for determining usage based on an IPM approach (which includes alternative considerations) AND requiring that these IPM programs be made available on their website prior to application ( <https://dec.alaska.gov/eh/pest/IPM.html> ). There are currently 5 such IPM programs registered on the website at <https://dec.alaska.gov/eh/pest/pe.htm> I would recommend you take some time to see how they work.

While I am sure you are required politically to approve this bill since one of the co-sponsors is on your committee, I would really urge you to contact ADEC Pesticide first so that it can be passed along with more meaningful data to Resources.

Respectfully

Ken Perry

Kenneth J (Ken) Perry [mail@AlaskaPest.com](mailto:mail@AlaskaPest.com)  
General Manager  
Pied Piper Pest Control  
2440 E 88th Ave Suite A (907) 344-2538  
Anchorage, AK 99507 (800) 478-2538