

**Date:** August 3, 2000  
**From:** George Wooten, Jr.  
23 Aspen Lane  
Winthrop, WA 98862  
509-996-3835

**To:** Tim Schultz, Area Manager,  
Pesticide Management Division, WSDA  
222 N. Havana, Suite 203  
Spokane, WA 99202-4776

**Subject: WSDA Case No. 051C-99** - Herbicide application violations on Boulder Creek,  
Methow Valley Ranger District, Okanogan National Forest.

Dear Mr. Von Grey & Mr. Schultz,

Thank you for your help in the investigation of herbicide spraying in riparian areas on the Okanogan National Forest. Your pesticide investigation summary found that (1) Applicator Clinkenbeard (Firm CW3RC, License no. 601370129) used a hand-held pump sprayer to spray Rodeo herbicide on the majority of U.S. Forest Service Boulder Creek riparian area herbicide application sites.

I brought this complaint to the attention of Supervisor Sonny O'Neal of the Wenatchee National Forest, and in a reply letter to me of May 9, 2000, he informed me that the applicator used a one-quart plastic bottle with a hand sprayer to cover individual plants not covered with spraying or wicking, and that, "*had [the spraying] been intentional or the consequences been significant, a more serious Notice would have been issued.*"

The investigation by Washington State Department of Agriculture does not answer why primarily native vegetation was being targeted for spraying, and why a majority of weed-free riparian areas were being treated. For this to have happened with a hand application would mean that the applicator was unable to control the application to target plants. There could be several reasons for this. Possibly the applicator was unable to identify noxious weeds, or he was intentionally herbiciding native plants, or the equipment was defective. As you will see, none of these explanations matches the evidence.

The Forest Supervisor indicated in his letter to me that, "*I don't believe we will see that problem again.*" . The letter then went on to state that the applicator's action allowed a "*more precise application*" that "*used even less material*".

This last statement is contradicted by my vegetation surveys of the area, which are also corroborated in a photographic essay taken in summer, 1999, a few examples of which I have enclosed for your examination. In actuality, the treatment was unnecessarily heavy and treated *more* non-target species than weeds over a larger area than would have occurred had the area actually been hand sprayed.

Throughout the area surveyed, the photos and surveys clearly show the area was treated with an evenly applied stream of spray delivered continuously at an unvarying width on both sides of the road. The width and continuity of the application lead to the conclusion that the applicator is hiding the full truth-- that the area was sprayed with a boom sprayer using the only herbicide available for that treatment method--**Tordon (picloram)--and not glyphosate**, as you, the Forest Supervisor and myself were all led to believe.

Had the operation used hand wicking, it probably would have used less glyphosate, and this would have been evident from a much reduced application area and avoidance of non-targeted native plants, as explained by Supervisor O'Neal. However the photographs clearly give a different impression than what has been discussed to date: the width of the swath treated with a boom sprayer was wider than necessary to control weeds; areas practically devoid of any vegetation were treated along with the rest of a five-mile stretch of road; a boom was used to apply spray in riparian areas where only hand wicking or spot-spraying was supposed to be used; the treatment primarily affected native plants not identified as targets; and the applicator already admitted that the formulation mixture violated label directions.

While most of these violations may not be a serious infraction at the state level, they are fairly serious violations at the federal level, as it invalidates the conclusions made in the NEPA process regarding public disclosure, and on the potential for environmental harm to the two Threatened and Endangered fish species in Boulder Creek.

Broadcast spraying of Tordon (picloram) in riparian areas is in violation of the Biological Evaluation (BE) which guided the consultation process with the National Marine Fisheries Service (NMFS). The BE specified *hand wicking and spot spraying with glyphosate*. The Environmental Assessment and BE specified that picloram would not be used within 50 feet of water, and thus the BE and EA did not adequately address the effects on fish exposed to picloram. The BE and EA did not disclose what effects would occur from broadcast spraying picloram directly into riparian streamside habitats. Since picloram has been documented in the past to be the cause of large-scale kills of hatchery fish, and is well known to leach into groundwater and have delayed long-term effects, I have requested that the National Marine Fisheries Service and US Fish and Wildlife Service be consulted in this matter.

**Instead, I request that the Washington Department of Agriculture initiate a new investigation of why the WSDA and Forest Supervisor are being given incorrect information; why the wrong herbicide was used in the wrong places, using the wrong application method, to determine if a more serious Notice should now be issued.**

Sincerely,

George Wooten

cc: Ed Von Grey, Pesticide Specialist  
National Marine Fisheries Service

encl:

Photo 2-3. Even, linear truck-mounted application through riparian areas purportedly hand treated.

Photo 2-5. Native vegetation directly treated, purportedly by hand, in alder riparian zone without weeds.

Photo 1-26. Riparian alder, red-osier dogwood purportedly treated by hand application, but noxious weed in foreground (arrow) not treated.

Photo 1-27. Treated native plants (arrow) in primarily bare, eroding soils, supposedly hand treated, but actually out of reach indicating spray was from pressure nozzle directly toward stream.