

November 13, 2006
Sandra M. Woods, Research Analyst
Solid Waste and Pesticide Control Program
Alaska Department of Environmental Conservation
555 Cordova Street
Anchorage, AK 99501

Re: Alaska Railroad Permit to Spray Herbicides

Dear Ms. Woods,

I am submitting these comments on behalf of the board and 350 members of Denali Citizens Council. Many of our members live and work in the gateway communities of Denali National Park and Preserve. They are critically interested in government and industry actions that affect their own well being and the natural integrity of the park.

Thank you for the opportunity to comment on the Alaska Railroad Corporation Permit Application to spray herbicide on a part of their 500 mile long right of way and in their railroad yards. The generous deadline extension has certainly given us time to consider our remarks. Unfortunately, the Railroad has not provided very much additional information on their public website to resolve any of the deficiencies we identified at the Healy hearing in July. You may have more materials in hand, but we have not seen them. Therefore, we are compelled to reiterate the very elementary and basic problems that Denali Citizens Council has discovered in this permit application.

In our request for comment extension, we stated, “The public deserves full accountability from the Alaska Railroad in the area of specific need, realistic and long term exploration of reasonable alternatives, and analysis of the financial and potential legal and administrative costs of herbicide use. The research and document exchange required for this process will take time, and public comment should not be closed until there is satisfaction that rigorous accountability has occurred.” During the extension period, have you received additional documentation of need accompanied by specific details, more thorough environmental analysis of problem areas, and additional specifics on notification, application, monitoring and enforcement? We see nothing new on the Railroad’s public website upon which to base additional comments.

As you may know the National Park Service is in the process of analyzing the problem of invasive species in their conservation system units statewide. They intend to perform an

Environmental Assessment exploring several alternative measures for controlling invasive plants, some of which may involve use of herbicides. Their method of analysis under NEPA is the gold standard for this type of federal action. Considering the Railroad's permit request for broadcast application of three different herbicides, their plan deserves a similarly detailed analysis.

The key element in such an analysis is actual evidence of need. The Railroad has made very general statements regarding the areas along the requested ROW where there is a problem with vegetation, a problem that constitutes a safety hazard. Although the permit application notes that there have been fines because of vegetation, details of locations where and why the federal monitoring agency fined the railroad are absent. In fact, data we have seen show no fines for violations due to vegetation were assessed in 2005 and 2006.

Given the size of the application area, a detailed purpose and need statement is required. Such a statement should map the species and locations of problem plants and provide a decision tree format for determining which control method would be optimum for each area. Broadcast spraying along the entire track is not defensible with current data.

We sympathize with the Railroad's concern for track integrity and the safety of workers and passengers. However, the possible benefits from herbicide use will have potential costs, and therefore require detailed analysis before they can reasonably be adopted. This permit application fails to connect the solution to the problem.

We request that the Department of Environmental Conservation deny this application until the Alaska Railroad can correct its deficiencies. A few suggestions follow:

1. The Railroad must be specific and detailed in its statement of Purpose and Need for herbicide application.

- i. Such analysis must provide an inventory of which areas are truly problematic. There is little to indicate that track vegetation is a problem in the Denali Borough.
- ii. Such an analysis must show that this process will in fact work.
- iii. The Railroad should detail other methods used, why they failed, and whether they would continue to be employed even if the permit were granted.

2. The application should describe the affected environment with greater detail.

- i. The application should identify water bodies and wetlands and specify how application will prevent accidental discharge into waters.
- ii. The permit application should identify areas where herbicide spraying is not appropriate and mechanical or alternative control is preferable.
- iii. Target species should be mapped and be shown to be subject to the herbicides indicated.

3. Alternatives must be better explored

- i. The application should provide specific criteria, in a decision tree format, for selection of herbicides over non-chemical control methods.
- ii. Use of herbicides should be viewed as the last resort within a toolbox of other choices.

4. Rationale for use of the three herbicides indicated must be given:

- i. Why not just one, why the combination?
- ii. Have they been used together before? Synergistic effects?
- iii. Will these herbicides actually **work** on the target species?

5. Method of application must be specified, and precautions written in detail

- i. Give custom instructions on how application method will avoid entry of herbicide into bodies of water.
- ii. “Apply according to package directions” is not an adequate description of method. Weather, precipitation, wind all must be specified.
- iii. Spill contingency must be addressed.

6. Notification methods must be specified

- i. Protocols for notification should be specified. Trails cross the railroad in or near Denali National Park in several locations. The permit must specify how notification methods will reliably prevent harmful impacts to humans.
- ii. Notification is a particular problem because application of herbicide must occur when the target plants are leafed out. In Denali this is often late May-early June, a time when numerous tourists are present in the park.

- iii. Prevention of re-entry into a sprayed area until it is safe should be presented in detail.

7. Cumulative impacts as well as costs v. benefits, must be considered

- i. Just how many applications will truly be needed to control the problem, mainly the woody deciduous plants that normally grow near the track?
- ii. Will continued herbicide use through the years be acceptable from an environmental and human health perspective?
- iii. How does herbicide application compare with ballast replacement, over the years, as a way to provide track stability? Concrete rails? Manual removal of vegetation?
- iv. Herbicide use, because of the extensive monitoring, notification, enforcement and safe handling requirements, may become more costly than alternative forms of weed control
- v. The potential for damage to the environment and to human health from use of herbicides like 2,4 D, Oust and Glyphosate has been an element in past decisions by the State of Alaska to avoid their use. Their's was not a casual decision, and should not be abandoned casually.

In the Alaska Railroad newsletter this October, CEO Patrick Gamble states, “I understand citizen concerns about science that is unfamiliar to them, and I certainly respect their right to disagree. However, I hope that local governments and other organizations will take time to consider the facts as they apply to the issue at hand, and will trust the verifiable science.” In fact, scientific veracity is what we at DCC find lacking in this application. The application does not show in a logical manner just what the need is, just where the need is, and whether the herbicide solution described in this permit application is the financially and environmentally correct alternative. Until these are shown, we ask that DEC deny this permit.

Sincerely,



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