

STATE OF ALASKA

ATTACHMENT E

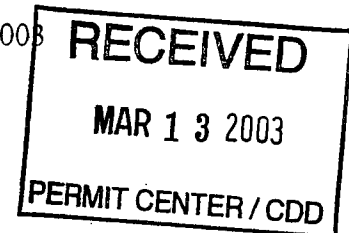
FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF AIR & WATER QUALITY
NON-POINT SOURCE WATER POLLUTION PROGRAM

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Susan E. Schrader
Juneau Audubon Society
10780 Mendenhall Loop Rd.
Juneau, AK 99801

March 10, 2003



Dear Ms. Schrader,

In your letter of February 10, 2003 you raise several issues regarding the Totem Creek Golf Course project, to which I am responding. Specifically, you identified five issues, which are addressed individually, below.

1. *"Juneau Audubon believes that the 404 permit modification [due to changes in site layout] will give DEC the opportunity to amend the state's 401 certificate. Note that the original 401 certification issued on January 27, 1998 states '[n]o pesticides will be used during construction or operation of the project.' However, TCI has subsequently released an Integrated Pest Management Plan (IPMP) that specifies the pesticides (or 'pest management products') that may be used at the golf course."*

The Department's 401 certification notes the project proponent's planned development of the Integrated Pest Management Plan (IPMP), a Water Quality Management Plan, and other plans. The Department performed a thorough review of the IPMP in 2002, and provided comments (by R. Lombardi, V.M.D., Environmental Specialist). The company has incorporated all of those comments in the current IPMP. The plan further identifies Best Management Practices (BMPs) that will be used at the project site, and states: "This plan does not endorse application of pest management products unless reasonably necessary to prevent substantial harm to the host plants. Instead, a high level of monitoring by golf course personnel is recommended for early pest detection so effective and timely procedures can be employed to minimize pest impact" (Section 2.0, last paragraph). In addition, no permit is required for the use of pesticides as described, should it become necessary. Therefore, it is the Department's decision that no amendment of the 401 certification is necessary.

2. *"...to comply with its mission to protect water quality, DEC should take a hard look at the potential impacts to water quality that pesticide use at this golf course will cause."*

The use of pesticides does not necessarily result in water quality problems. The responsible use of pesticides in accordance with label instructions, and coupled with Best Management Practices, can be effective in protecting water quality. The Department has successfully relied on the use of Best Management Practices for protection of environmental parameters throughout the state. In the case of acute water quality problems, the Department responds immediately to take corrective and preventive action.

Suspected chronic water quality problems are addressed through Alaska's Clean Water Actions (ACWA), a cooperative effort of the Departments of Environmental Conservation, Natural Resources, Fish and Game, Commerce and Economic Development, and the Division of Governmental Coordination to identify and prioritize the State's waterbody-related work. Waterbodies may be "nominated" for state attention by anyone (see our website at: http://info.dec.state.ak.us/awq/awca/waterbody/acwa1_interface/Results/submission_form.asp). The resource agencies then collectively determine the priorities for state work. Each nominated waterbody is evaluated to determine whether available data is sufficient to determine the existence or extent of a current or future problem, and whether existing stewardship programs are adequate to maintain and protect the water body. If there is insufficient information to make a determination, the water body will be prioritized for data collection. If a problem is identified, the water body is prioritized for restoration.

The ranking method used to establish these priorities evaluates each waterbody for factors related to water quantity, water quality, aquatic habitat, and other factors. The agencies then use these state priorities to guide their work, and to help direct funds to accomplish priority work.

3. *"Juneau Audubon requests DEC review the water quality monitoring requirements contained in condition no. 30 of the 401 certification. For example, are the nine sampling locations still applicable, given that the site map for the project has been revised, at least 21 additional stream segments have been identified, and recent changes have been proposed for the runoff collection system? TCI's Water Quality Monitoring/Quality Assurance Project Plan of August 2000 states that '[f]uture changes in [sampling] locations will be discussed with ADEC.' (page 3) Have those discussions taken place? If not, when will they occur?"*

Water quality in Peterson Creek and its tributaries will be visually monitored during the construction phase under stipulations outlined in a Storm Water Pollution Prevention Plan (SWPPP) in Totem Creek Inc.'s National Pollutant Discharge Elimination System (NPDES) Construction General Permit under Section 401 of the Clean Water Act (CWA). All construction projects in Alaska that affect an area greater than or equal to 5 acres (soon to extend down to 1 acre or greater) are required to have an NPDES Construction General Permit. As part of the CWA Section 401 certification process, ADEC will review the Storm Water Pollution Prevention Plan required by EPA for construction activities that would disturb the ground surface and potentially lead to runoff pollution. The owner/operator or their contractor will be required to implement best management practices and assure compliance with water quality standards. This process will provide the best information with which to ascertain the need to modify the nine sampling sites previously identified, and initiate any necessary changes to the Quality Assurance Project Plan (QAPP). Changes to the QAPP can be initiated at any time, by either party, based on new information.

4. *"The plan proposes an ambitious program of fungicide...use throughout all the seasons. For example, to control Typhula blight, the IPMP advises '[r]epeat applications during midwinter thaws.' (2003 IPMP, p. 18) Common sense suggests that water quality monitoring should be done shortly after application of the pesticide. Yet the monitoring schedule within condition no. 30 states, seemingly arbitrarily, that monitoring be done during the winter once in November and once in February. Juneau Audubon urges DEC to reconcile the water quality-monitoring plan with the IPMP to maximize protection of the surface and groundwater resources on the site.*

Condition no. 30 of the 401 Certification states, in its entirety:

"TCI shall monitor water quality in streams and groundwater to assure compliance with the Alaska Water Quality Standards, and to document water quality changes that may be caused by construction and operation of the golf course. From the initiation of construction through the first season of operation after completion of construction, monitoring shall occur at the nine sites shown on the location map of the Water Quality Monitoring Plan (attached). At each site, monitoring must occur monthly during the golf operating season, with the first occurrence within a period of 10 days after the opening date, and the last occurrence within a period of 10 days after the closing date. In the non-operating season, monitoring must occur at each site once in the month of November and once in the month of February. Following the first season of operation after completion of construction, monitoring sites and periods may be modified by agreement between the operator and DEC, in consultation with DFG."
(Emphasis added.)

Regarding the possible use of fungicide for Typhula blight, sampling in November and February is consistent with "repeat applications during midwinter thaws" (Section 7.3, third paragraph).

The IPMP, as a whole, presents a comprehensive approach to the project's pest management operations, in particular, The Pest Monitoring Program (Chapter 7.0); Mechanical Controls (Chapter 8.0) and Pest Management Product Application and Record Keeping (Chapter 10.0). DEC finds the project fully addresses implementation of reasonable BMPs. Further, project proponents have demonstrated willingness to work cooperatively in development and modification of water monitoring practices, as necessary. The ability to modify the QAPP to address actual practices remains an available tool.

5. "...DEC should take full advantage of the opportunity to provide expert advice to the City and Borough of Juneau as CBJ staff and Planning Commissioners craft conditions to attach to the conditional use permit."

DEC will provide a copy of all project-related correspondence and documentation to the City and Borough of Juneau.

Sincerely,



Jonne D. Slemons
Program Manager
Non-Point Source Water Pollution Control

cc: Teri Camery, City and Borough of Juneau
Mark Jaqua, City and Borough of Juneau
Lorraine Marshall, Division of Governmental Coordination
Lynn Kent, Water Programs Manager, DEC
Tom Chapple, Director, Division of Air & Water Quality
Rosemarie Lombardi, Environmental Specialist, DEC

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FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

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Pesticide Program

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January 27, 2003

David V. George
Director, Totem Creek Inc. (TCI)
227 7th Street
Juneau, AK 99801

Dear Mr. George:

RE: Fax Transmission dated 1/24/03 on the Totem Creek Golf Course redesign and revised Integrated Management Plan.

The Alaska Department of Environmental Conservation, Pesticide Program was asked in June 2002 to review the first draft of the Integrated Management Plan (IMP) developed by David L. Wienecke, for the proposed Totem Creek Golf Course located in Juneau. In response to the IMP we made several comments. Some of the comments were requirements and were annotated with the appropriate regulatory citation. Many of the other comments were recommendations. The origin of these recommendations is the General Concurrence-9 of the Alaska Coastal Management Program (ACMP). These are the general stipulations, or alternate measures required to make an activity or project consistent if that project takes place in a coastal zone; requires a permit from ADEC; and is on the B-List. The Totem Creek Golf course as proposed, does not require such a separate pesticide permit from our program as per 18 AAC 90 Article 5.

As of the date of this letter and pending no change in federal or state pesticide regulations, ADEC pesticide Program has no objection to the application of pesticides up to the buffers agreed upon in the September 11, 2002 letter between TCI, City and Borough of Juneau (CBJ) and Alaska Department of Fish and Game (ADF&G) so long as it is in compliance with individual pesticide product labels. We appreciate the large effort made to redesign the lay-out of the golf course and to revise the IMP plan.

Federal and state pesticide laws are designed to protect human health, safety, and welfare, animals, and the environment by ensuring the proper use, sale, distribution, and disposal of pesticides. This is accomplished by ensuring that only EPA and state registered pesticides are used and they are used ONLY according to the pesticide label. ADEC Pesticide Program has examined the "index of pesticides" in the most recently submitted IMP Plan dated 6 January 2003. All the pesticides listed are currently registered. This index was amended from the original index after several consultations with TCI, the IMP developer, and the CBJ.

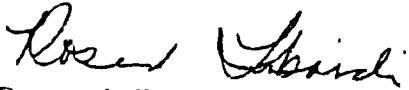
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Please note that pesticide registration is a dynamic process and that any given moment the State or Federal registration status of a pesticide can change. Please refer to the ADEC Pesticide Program's Website at www.state.ak.us/pesticides/registration to continue to verify the current registration status of a pesticide before it is used.

We would like to emphasize that ADEC Pesticide Program was pleased to have the opportunity to review the IMP. The preparation of an IMP is not required by State Regulations at this time and therefore the development, adoption and implementation of one is not a common practice in Alaska. The Totem Creek Golf Course IMP appears to have been professionally prepared by Mr. David L. Wienecke. We would also very much like to visit the golf course and conduct a pesticide "use" inspection and seeing how well the IMP is evolving. Please contact me at the above numbers or by email at rosemarie_lombardi@envircon.state.ak.us and let me know if I can be of further assistance.

Sincerely,



Rosemarie T.G. Lombardi, V.M.D.
Environmental Specialist

Cc: Kristin Ryan, Acting Director EH

/r1gk(pal-h:veh)pest/Totemgolfcoursefax-1-24-03)

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