

To: WBEFC Board Members, ERB, Roane County Commission
From: Dr. Tim Joseph, WBEFC Chairman
Subject: Senator Bell Hearing

All: I am providing “My” perspective on the results of the Senator Bell’s hearing in Nashville which took place on the 15th. First, I want to thank those Council members who took their time to come to the hearing, and I wish to specially thank Martha Culverhouse for addressing the committee at the end, for she added the recreational impacts—you did a great job Martha.

In summary, again from “**MY**” perspective only, all our time and effort was a complete waste. Let me explain. During my presentation, Senator Bell stated that there never was any intent to completely ban application of aquatic herbicides. That being said, everything we presented will do nothing to foster “Control” of the invasive weeds. In fact, the bill will only “Protect” the invasive mats.

Here are the points I took away from the summary comments made by Senator Bell. If any of you who attended see something I missed, or I am misinterpreting, please don’t hesitate to let me/us know “Your” thoughts. It is clear to me the bill will have several pieces of legislation that only protect and enhance the spread of invasive aquatic weeds.

One: Senator Bell stated that he believes there should be regulations in the bill that will limit the application of herbicides to a given limit/distance from one’s property/shoreline. I believe



he mentioned 100 feet. He made it clear that weeds further out, and weeds around islands and public lands, no matter how dense, should not be controlled, and if control is desired, a special permit will be required to allow application of herbicide. Essentially, the bill will protect an enormous number of acres of weeds. Also, this means that property owners can only box themselves in and would not be allowed, without a special permit, to have an herbicide applicator open an access channel to the open water. This bill will protect all the plant growth except right at your shore and 100 feet out. The committee believes these photos are acceptable and desired.

Two: The bill will have posting requirements that make no sense whatsoever. The posting only sends the wrong message, it hints that there is “danger” in the application, and individuals can and “**Do**” read it wrong

thinking there are swimming restrictions when in fact the posts say there are “No” swimming restrictions. Posting for terrestrial spraying has never been required and does not exist.

Three: The bill will have data capture and reporting requirements to some online digital system for all herbicide application. Troy pointed out in his excellent and factual based presentation that there are no human health risks with any of the approved herbicides, and that there are no such posting/reporting requirements for terrestrial application of herbicides, insecticides, or any other chemical applications, yet people, kids, and animals can walk in the areas sprayed. I’m sure this sailed over the heads of the committee members or was just disregarded. Why is such needed for aquatic application? What does it gain? What is the benefit? This makes no sense whatsoever.

No bill exists today, and no bill is necessary. If one is needed to protect people for aquatic herbicides, then the committee should immediately do the same for all terrestrial application of herbicides and all other chemicals. What is the logic behind requirements for aquatic application, which has absolutely no human health or animal risk whatsoever, shown and proven by extensive EPA research, yet it is acceptable to spray the terrestrial environment with NO bill to control the application, when overspray is common and access to sprayed areas is of no concern? There simply is no logic whatsoever.

During my presentation, I presented the committee with a Corps of Engineers compilation of scientific/ecological/fisheries studies on the relationship between plant density and fish production/health—specifically largemouth bass. I pointed out that the compilation has a bibliography with over 225 scientific/ecological/fisheries peer reviewed studies over 5 decades which concludes/proves that when the vegetation density exceeds 40% the growth rate, health, and population increase of Largemouth Bass are all severely impacted. If you want larger fish, increased population, and healthy fish, you don’t want plant density of over 40%. I stated twice, that the compilation includes over 300 lakes, hundreds of scientific studies, over 50 years, proving this. Did this mean anything? No.

Sorry for the bad news. I am disappointed and despondent with what took place at the hearing, and I must say I’m feeling very hopeless regarding the future. All that effort and all the “Scientific Proof” that invasive plants destroy the fishery and the ecology, yet it meant absolutely nothing to the committee, for they are planning to draft a bill to protect the invasive aquatic plants. This is beyond my comprehension.

As the bill is expected to be written, the committee wants to protect this:



I'm ready to give up, for it is clear that the weeds will be protected by Tennessee legislation for the invasive weeds have politics/legislators on their side, and what clout does the WBEFC or science have? Absolutely none.

How could any reasonable person want

This

over

This?



The committee believes the politically best thing to do is “**compromise**” so both the fisherman and the landowners are happy. There should never be a compromise regarding protecting the natural ecosystem, ecological health, fish health, fish production, or even a mere thought to compromise on a healthy “Natural Ecosystem” because some, (NOT ALL) fisherman like the weeds. There is no need to compromise, for the Tennessee Legislature has a responsibility to protect the Tennessee River ecosystem, and protecting the growth and spread of invasive

aquatic plants should clearly be against the Tennessee Constitution and simply cannot be tolerated.

Since all of our testimony and data presentation did absolutely nothing to change the direction of Senator Bell's committee, I strongly suggest we attack the bill on a totally different front. We need to "Demand" a total **moratorium** on ANY bill regarding the legislative protection of ANY invasive species, aquatic or terrestrial. Any such bill giving protection to an invasive aquatic plant is blatantly against the health of Tennessee's natural environment. As well, it is against the aesthetic and recreational benefits, negatively impacts the economic value of the Tennessee River region, and negatively impacts property values of homes and businesses on the shoreline.

Do Tennessee legislatures really want Tennessee to go down as the first state in the United States to spend tax dollars to write a bill "Protecting" an invasive species that is destroying the natural ecosystem as well as recreation and property values? Do the residents of Tennessee really want the United States population to see our beautiful state as the only state legislating against the protection of the natural ecosystem? Do we want to be known as the ONLY state stupid enough to legislate against the natural environment? REALLY?

We need someone to go through the Tennessee constitution. Surely there are words in there that reference the natural environment, or clearly reference protecting Tennessee's natural environment—there must be. If not, then we draft our own bill protecting Tennessee's natural environment by making it illegal to protect invasive species. Perhaps we can do so through the Roane County Commission and have them elevate it to the state government.

Because Kudzu does indeed help control hillside erosion, doesn't it make sense for Senator Bell's committee to draft a bill protecting hillside erosion by not allowing the application of chemical herbicides to hillsides? Why is this any different?

Let me add this. No action should take place against the application of aquatic herbicides, until the risk of terrestrial application of herbicides, insecticides, rodenticides, etc. are addressed. Application of all chemicals, aquatic and terrestrial should be part of the same bill. If the committee feels a bill is needed to address aquatic herbicides, they must include in that bill terrestrial herbicides, pesticides, etc. There should be a single bill concerning the application of all herbicides, terrestrial or aquatic. This is a must.

We need an environmental attorney to tell us to how draft the legal papers to stop any further action on the aquatic herbicide bill because it: 1. protects an invasive species which never was nor should be present in the Tennessee River system; 2. legislates against the protection of Tennessee's natural environment; 3. Legislates against the recreational value to the public; 4. Legislates against the economic income to the valley; 5. Legislates against the aesthetic beauty of our natural environment; 6. Legislates against homeowners/business property value; 7. Legislates against increased county tax revenue; and 7. Doesn't include application of terrestrial

chemicals as well. If any of you know of an attorney we can chat with about this, please let me know. I will check with the Roane County Commission, for they do have an attorney.

Politics aside, there is ABSOLUTELY NO REASON to consider a “compromise” to appease a few fishermen. The professional fisherman that go on record against the invasive weeds seem to have no clout—sure seems odd to me. What is even more disturbing is that one professional fisherman can testify about what he “thinks and believes” with absolutely no scientific data whatsoever backing up his statements, and that testimony carries more weight than 5-decades of research and studies proving, yes “proving” the health of fish and population growth suffer with plant density over 40%. Hundreds of studies on 300 lakes carry no weight against a single fisherman’s testimony. That is truly depressing. How can science so easily be dismissed?

Invasive species have **no rights** simply because they successfully invaded and are now **present**. Senator Bell’s committee is legislating to give them protection under Tennessee law. What will this do to the reputation of Tennessee? The only state protecting invasive species at a great cost of our natural environment and more? I ask you, how “DUMB” is that? Yes, I do mean “DUMB.” Not only dumb, but embarrassing. I know of no other word to adequately describe such an action. Is it “unwise, unnecessary, wrong? Yes, but more so, it is simply dumb. We can’t let that happen without a fight.

On two other matters:

1. As planned/scheduled for that day in Nashville, I also met with Frank Fiss, TWRA Chief of Fisheries, regarding the silver carp. He’s a great guy, knows his stuff, and there actually is some good news and of course some discouraging news, but the good news is indeed good. I will write that up for you after I recover from yesterday’s disappointment.
2. A quick WBEFC report update. We are working on the draft final report to the Roane County Commission. We will present it to the commission and suggest a workshop to present it to the public. We still have a lot to do, but I will continue our efforts as planned unless I run out of energy or succumb to hopelessness. This is all wearing me out.

Genuine Regards,
Tim

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