CALIFORNIA
NATIVE PLANT SOCIETY

July 25, 2011

California Department of Food & Agriculture
Attn: Michele Dias, Acting Chief Counsel
1220 N Street, Suite 400
Sacramento, CA 95814

Dear Ms. Dias:

The California Native Plant Society (CNPS) provides herein our comments regarding the California Department of Food & Agriculture's (CDFA's) Pest Management Programmatic Environmental Impact Report (Pest PEIR).

CNPS is a non-profit organization working to protect California's native plant heritage and preserve it for future generations. Our nearly 10,000 members professional and volunteers who work to promote native plant conservation through 33 chapters statewide.

CNPS recognizes the potential for a statewide Pest PEIR to facilitate the implementation of effective invasive species management practices, by both state agencies and local authorities. Additionally, the Pest PEIR represents an opportunity for a full review and vetting of chemicals to be employed by the Statewide Program which can help clarify concerns over their use.

Our organization also acknowledges the concerns of citizen stakeholders who have expressed strong opposition to the current PEIR effort, and have articulated these concerns in a letter to Governor Brown and Secretary Karen Ross (June 24, 2011), and in meetings with representatives of both CDFA and Governor Brown's office.

The draft PEIR should provide a regulatory means that would allow CDFA or other appropriate agencies to address non-native invasive species effectively through a Statewide Program, while ensuring that management tactics and programs will use tools and methods that do not pose health or environmental risks. We make the following recommendations regarding how the CDFA can ensure more public acceptance of the Pest PEIR and the information assessed within it.

<u>Ensuring public input, providing a methodology for new information, building public trust.</u>

CNPS recognizes that chemical treatments (e.g. herbicides) can be an effective tool for controlling invasive non-native species that impact native vegetation. However, chemical sprays, like other vegetation treatments, have potential adverse effects. The decision of whether or not to use chemicals in a specific invasive species management project should be based on an evaluation of chemical and alternative treatments. The NOP states that the draft PEIR will address discretionary actions including, "(a) methodology for evaluation of environmental impacts related to new pests, pest management tactics, and pest prevention and management programs." Therefore the draft PEIR must clearly describe what methodology will provide for future input and modifications to current management tactics and programs assessed in the PEIR, whereby advances in effective pest management practices resulting from scientific research, which make them less dependent on potentially harmful chemicals and more sensitive to protecting human and environmental health, are incorporated into the Statewide Program.

The "methodology for evaluation" must include the creation of an independent advisory committee that will monitor current practices identified and assessed within the PEIR, as well as novel methods that are effective and less-dependent on chemical pesticides and herbicides and provide objective recommendations to the CDFA.

The "methodology" must also describe how CDFA will be required to respond to recommendations of the independent advisory committee.

The CDFA should convene a series of stakeholder meetings - beyond those already held - during the development of the draft PEIR to solicit stakeholder input on how to integrate new tools and practices into the Statewide Program, and incorporate this input into the Statewide Program as appropriate.

We urge the CDFA not to trade trust for expediency, and to consider these recommendations for a transparent, science-based approach to developing a Pest PEIR that incorporates a broad spectrum of stakeholder input. In this way, the CDFA can build public trust, avoid challenges to the PEIR, and implement an effective, enforceable Statewide Program.

We are concerned that the proposed Pest PEIR is overly broad, and will not be able to adequately address, or even identify, environmental concerns associated with current and future pest management programs. To address this concern, we strongly feel the organization of pest prevention and management information into pest groups, as described in the NOP, should include categories that divide agricultural pests from wildlands pests to further facilitate the use of the PEIR.

Statewide Program Objectives and Guiding Principles

The NOP lists Statewide Program Objectives. In addition to these Program Objectives, CNPS recommends that the CDFA adopt the Statement of Principles developed by the California Invasive Species Advisory Committee (CISAC) as guiding principles for the development of the Pest PEIR:

1. *We are committed to creating a sustainable future for California.*

   Managing invasive species is essential to creating a sustainable future for California. Invasive species cause ecological, economic and cultural harm to the natural world and human society. We are committed to reducing these damages in ways that advance environmental stewardship, economic development and social equity, while ensuring human health.

2. *California has tools to address invasive species, but stronger efforts are needed to meet increasing pressures.*

   Many local, state and federal agencies provide vital services in preventing, detecting and managing invasive species, but growing domestic and international travel and transport increase California's vulnerability. California needs to build on successful existing programs and develop new efforts to increase its effectiveness at addressing the problem. Given the complex and diverse ways that invasive species reach and impact our State, effective coordination among public agencies and members of the public is essential to good stewardship.

3. *Criteria for decision making must be clear and consistent.*

   Prevention and management of invasive species requires strategic decision-making based on a

thorough assessment of the risks posed both by target species and by management tactics. Innovative solutions to complex problems require the best available scientific evidence as well as consistent, transparent criteria that are based on widely shared values and offer broad public benefits.

4. *Public engagement is vital.*

All Californians have a stake in dealing with invasive species, and all Californians should have a voice in our collective response to the harm they pose to our State. Public agencies must employ transparent methods of making decisions and actively encourage public involvement. When conflicts arise, we believe that mediation, public deliberation and consensus building are preferable to legal action and offer the best routes to wise choices and improved outcomes.

Noxious Weed Control Program

We provide the following comments regarding information that our organization feels should be addressed in the draft PEIR regarding noxious weed control management tactics and programs. These comments are based on our CNPS Herbicide Policy, adopted in 2008, which we provide in full as an attachment to this letter.

CNPS recognizes that herbicide can be an effective tool for controlling invasive non-native plants (weeds) that impact native vegetation. However, herbicide, like other vegetation treatments, has potential adverse effects. The decision of whether or not to use herbicide in a specific weed management project is site-specific, and should be based on an evaluation of herbicide and alternative treatments, especially from an environmental standpoint. Project plans should address the conservation of native plants and their habitat.

We are concerned that when herbicide is used for controlling roadside vegetation, its use should be conducted under a plan that addresses the conservation of native plants and their habitat.

CNPS opposes the use of herbicide in forest management, to maximize timber production by targeting non-timber native species.

The tradeoff between the benefits and costs of using herbicide - either proven or alleged - has made it difficult for the public at large, CNPS members, other organizations, and public agencies to evaluate whether or not to use herbicide.

In the context of native vegetation, CNPS distinguishes between the types of herbicide use that it considers appropriate, and those it considers inappropriate. Where the use of herbicide is appropriate, CNPS offers suggestions that will help ensure that herbicide is used properly. We recommend the CDFA incorporate these recommendations into the Pest PEIR assessment of the Statewide Noxious Weed Control Program:

1. Appropriate Use – Weed management
Herbicide is a potentially useful tool for controlling weedy or invasive plants. However, the following precautions and considerations should be made before herbicide is selected and applied as a treatment in locations where native vegetation may be affected:

A. Compare herbicide and alternative treatments for effectiveness, and for potential impacts, both on the environment and on human beings. Monetary cost should not be the only consideration. Herbicide may be appropriate if it is among the most biologically effective or among the least harmful of the alternatives for the task at hand. The most effective treatment may be a combination of methods.

B. As with all vegetation treatments, herbicide treatment should have clear and achievable objectives, preferably including a gradual reduction or phase-out of the need for continued intervention.

C. Ensure that herbicide is used in accordance with label instructions and applicable laws and regulations, and that it is applied by trained personnel, with sufficient supervision to insure that it is applied in the manner and locations intended.

D. Application personnel must be able to distinguish between the target weeds and native plants, particularly any native plants of concern, and should avoid herbicide drift.

E. Adverse impacts to natural resources, such as pollinators, wildlife, and water, and to people, their property, and cultural resources must be avoided or mitigated.

F. Public notification and posting of herbicide application sites should be required on public lands, and on private lands where the public may be affected, such as near public roads.

2. Use of Concern – Controlling roadside vegetation
In those areas where roadside herbicide use is permissible under public law and policy, it should be done within the context of an approved, long-term and comprehensive management plan that addresses not only maintenance and public safety, but also the conservation of native plants and their habitat. Where feasible, the plan should encourage the establishment of native vegetation of a type that would ultimately reduce the need to continue to use herbicide. The Integrated Roadside Vegetation Management Plan of the state of Iowa is an example of this type of management.[1]

3. Inappropriate Use – Post-logging, post-fire treatment to maximize timber-production
CNPS opposes the use of herbicide or any other method of post-fire or post-logging treatment where the main objective is to suppress the natural re-growth of native plants in order to maximize timber production. This practice is likely to have severe and long lasting impacts to forest plant diversity. Among our concerns are the following:

A. **Extent** - Herbicide is currently being used for this purpose on hundreds of thousands of acres of private and public forest lands in California.

B. **Cumulative impact unknown**-If this practice continues, each harvest rotation will likely reduce the presence of non-timber native plants. The specific and cumulative impacts to native seed banks and to biological diversity have not been quantified, nor are they currently being monitored or mitigated by any public or private agency or entity.

C. **May contribute to the risk of wildfire** - It has been observed that herbicide use can contribute to the establishment of a dense understory of non-native grasses likely to increase fire hazard.[2] When wildfires occur in plantations (a frequent occurrence[3]), the management response usually includes re-application of herbicide, which may exacerbate the problem.

D. **Poor protections** - The regulatory system currently governing private timberland operations in

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[1] State of Iowa. 2007. Integrated Roadside Vegetation Management, website maintained by Roadside Office, University of Northern Iowa, Cedar Falls. Accessed on Tue, Aug. 21, 2007 at http://www.uni.edu/irvm/.

[2] Weatherspoon, C.P., and C.N. Skinner. 1995. An assessment of factors associated with damage to tree crowns from the 1997 wildfires in northern California. Forest Science, 41:430-451.

[3] Franklin, J.F., and J.K. Agee. 2003. Forging a science-based national forest fire policy. Issues in Science and Technology. Fall 2003

California does not provide for the protection of threatened, rare or endangered plant species after logging operations have been completed.

CNPS believes the use of herbicides in commercial forestry is resulting in cumulative impacts that violate California Forest Practice Rules, Subch.2, Art. 1, § 897 (b) (1)-(2) which require the goal of forest management to be forests that are "healthy and naturally diverse, with a mixture of trees and understory plants".

We appreciate the opportunity to provide comments during the Scoping period of the CDFA's Pest PEIR process. Please accept and fully review our recommendations, and do not hesitate to contact me if you have questions regarding our information.

Sincerely,

Greg Suba
CNPS Conservation Program Director
(916)-447-2677 x-206
gsuba@cnps.org

Attachment: CNPS Herbicide Policy

CNPS Policy - THE USE OF HERBICIDE IN SITUATIONS WHERE NATIVE VEGETATION MAY BE AFFECTED (3-08-08)

Policy Statement

1. CNPS recognizes that herbicide can be an effective tool for controlling invasive non-native plants (weeds) that impact native vegetation. However, herbicide, like other vegetation treatments, has potential adverse effects. The decision of whether or not to use herbicide in a specific weed management project is site-specific, and should be based on an evaluation of herbicide and alternative treatments, especially from an environmental standpoint. Project plans should address the conservation of native plants and their habitat.

2. CNPS is concerned that when herbicide is used for controlling roadside vegetation, its use should be conducted under a plan that addresses the conservation of native plants and their habitat.

3. CNPS opposes the use of herbicide in forest management, to maximize timber production by targeting non-timber native species.

Background

The tradeoff between the benefits and costs of using herbicide—either proven or alleged—has made it difficult for the public at large, CNPS members, other organizations, and public agencies to evaluate whether or not to use herbicide.

Goal/purpose

In the context of native vegetation, CNPS distinguishes between the types of herbicide use that it considers appropriate, and those it considers inappropriate. Where the use of herbicide is appropriate, CNPS offers suggestions that will help ensure that herbicide is used properly.

Recommendations

1. Appropriate Use – Weed management

Herbicide is a potentially useful tool for controlling weedy or invasive plants. However, the following precautions and considerations should be made before herbicide is selected and applied as a treatment in locations where native vegetation may be affected:

A. Compare herbicide and alternative treatments for effectiveness, and for potential impacts, both on the environment and on human beings. Monetary cost should not be the only consideration. Herbicide may be appropriate if it is among the most biologically effective or among the least harmful of the alternatives for the task at hand. The most effective treatment may be a combination of methods.

B. As with all vegetation treatments, herbicide treatment should have clear and achievable objectives, preferably including a gradual reduction or phase-out of the need for continued intervention.

C. Ensure that herbicide is used in accordance with label instructions and applicable laws and regulations, and that it is applied by trained personnel, with sufficient supervision to insure that it is applied in the manner and locations intended.

D. Application personnel must be able to distinguish between the target weeds and native plants, particularly any native plants of concern, and should avoid herbicide drift.

E. Adverse impacts to natural resources, such as pollinators, wildlife, and water, and to people, their property, and cultural resources must be avoided or mitigated.

F. Public notification and posting of herbicide application sites should be required on public lands, and on private lands where the public may be affected, such as near public roads.

2. Use of Concern – Controlling roadside vegetation

In those areas where roadside herbicide use is permissible under public law and policy, it should be done within the context of an approved, long-term and comprehensive management plan that addresses not only maintenance and public safety, but also the conservation of native plants and their habitat. Where feasible, the plan should encourage the establishment of native vegetation of a type that would ultimately reduce the need to continue to use herbicide. The Integrated Roadside Vegetation Management Plan of the state of Iowa is an example of this type of management. (1)

3. Inappropriate Use – Post-logging, post-fire treatment to maximize timber-production

CNPS opposes the use of herbicide or any other method of post-fire or post-logging treatment where the main objective is to suppress the natural re-growth of native plants in order to maximize timber production. This practice is likely to have severe and long lasting impacts to forest plant diversity. Among our concerns are the following:

A. **Extent** - Herbicide is currently being used for this purpose on hundreds of thousands of acres of private and public forest lands in California.

B. **Cumulative impact unknown** - If this practice continues, each harvest rotation will likely reduce the presence of non-timber native plants. The specific and cumulative impacts to native seed banks and to biological diversity have not been quantified, nor are they currently being monitored or mitigated by any public or private agency or entity.

C. **May contribute to the risk of wildfire** - It has been observed that herbicide use can contribute to the establishment of a dense understory of non-native grasses likely to increase fire hazard (2). When wildfires occur in plantations (a frequent occurrence (3)), the management response usually includes re-application of herbicide, which may exacerbate the problem.

D. **Poor protections** - The regulatory system currently governing private timberland operations in California does not provide for the protection of threatened, rare or endangered plant species after logging operations have been completed.

CNPS believes the use of herbicides in commercial forestry is resulting in cumulative impacts that violate California Forest Practice Rules, Subch.2, Art. 1, § 897 (b) (1)-(2) which require the goal of forest management to be forests that are "healthy and naturally diverse, with a mixture of trees and understory plants".

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1. State of Iowa. 2007. Integrated Roadside Vegetation Management, website maintained by Roadside Office, University of Northern Iowa, Cedar Falls. Accessed on Tue, Aug. 21, 2007 at http://www.uni.edu/irvm/.
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3. Franklin, J.F., and J.K. Agee. 2003. Forging a science-based national forest fire policy. Issues in Science and Technology. Fall 2003

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