

By US Mail and email

January 10, 2018

Mr. J. Keith Gilless, Chair  
Ms. Edith Hannigan, Board Analyst  
and Mr. Matt Dias, Acting Executive Officer  
VTP Draft PEIR Comments  
California Board of Forestry and Fire Protection  
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Email: [VegetationTreatment@bof.ca.gov](mailto:VegetationTreatment@bof.ca.gov)

Re: Vegetation Treatment Program Environmental Impact Report (VTPEIR)

Dear Ms. Hannigan, Mr. Gilless and Mr. Dias:

To quote your report:

“Targeted application of herbicides would make up 10 percent of activities under the VTP.”

“...the pesticide data available for evaluation of potential adverse impacts for these compounds are subject to uncertainty...”

As for some of the Chemicals Proposed for Use Under the VTP:

Sulfometuron methyl - According to the EPA: “...any animal that depends on specific plants for survival or reproduction may be potentially at risk from indirect effects of sulfometuron methyl exposure to aquatic or terrestrial plants.” Non-target species may be killed.

Triclopyr, butoxyethyl ester (BEE) and Triclopyr, triethylamine salt (TEA) - According to the EPA: “EPA is concerned about the potential chronic toxicity and persistence of the triclopyr degradate, TCP, in the aquatic environment and is requiring additional confirmatory data to better characterize the fate of TCP and its chronic toxicity to fish, particularly salmonid species.” Non-target species may be killed.

Nonylphenol 9 Ethoxylates - According to the EPA: “NPEs, though less toxic than NP, are also highly toxic to aquatic organisms, and in the environment degrade to more environmentally persistent NP. NP has also been detected in human breast milk, blood, and urine and is associated with reproductive and developmental effects in rodents.” “The available acute and chronic toxicity data of NP to aquatic organisms indicates NP is highly toxic to fish, aquatic invertebrates, and aquatic plants. The 28-day no observed effect concentration (NOEC) of CASRN 84852-15-3 for fish ranges from 0.05 to 0.07 mg/L and the 28-day lowest observed effect concentration (LOEC) ranges from 0.12 to 0.19 mg/L. A 33-day NOEC for fish is 0.007 mg/L and the 33-day LOEC is 0.014 mg/L. The 21-day NOEC for aquatic invertebrates ranges from 0.10 to 0.24 mg/L.” Non-target species may be killed.

The Federal District Court for the Northern District of California issued a Stipulated Injunction that puts in place buffer areas around certain habitats of the California red-legged frog, and disallows use of certain

pesticides within those habitats and buffer zones. The list of banned agents includes but is not limited to: Glyphosate, Hexazinone, Imazapyr and Triclopyr, all of which you plan to use. I DO NOT SEE MENTION OR CONSIDERATION OF THAT COURT ORDER IN THE DOCUMENT. There is reason to believe that other species will be harmed in addition to the California red-legged frog. All populations of the California yellow-legged frog are now at risk as well. Note that on June 21, 2017, the California Fish and Game Commission voted to advance the foothill yellow-legged frog as a candidate species under the California Endangered Species Act. You should learn from the court order that you must consider the impact on the habitats of the California yellow-legged frog as well as other aquatic species. How often will you amend the EIR to account for the ever growing list of endangered and threatened species and account for the impacts on their populations?

You state: "Gelling agents, such as alumagel, are sometimes mixed with gasoline and diesel to increase the amount of time the accelerant burns after being applied."

The USDA Forest Service studies conclude that the LC50 (mg/kg) (lethal concentration) for aluminum oxide alone on trout is 1.17 mg/kg, daphnia 2.6 mg/kg and salamander 1.4 mg/kg respectively. The USDA Forest Service has guidelines and policies regarding the use of accelerants near waterways and on watersheds. Very small amounts of Alumagel can result in lethal effects on life forms in a watershed. The Flash 21 MSDS simply states "Ecological information not available." Flash 21 should be studied for its possible negative effects on the environment before further use. This should also apply to any agent that may be used that has not been studied for its negative effects on the environment.

Cal Fire staff as demonstrated in the past either a lack of understanding as to the definition of a watershed or disregard for it.

The VTPEIR should address the use of chemical agents (combusted or otherwise applied) and their effects on water and air quality. Toxic Air Contaminants (TAC) Emissions are not considered for the use pesticides or of accelerants and open air burning of various fuels and ignition sources ("Products") via sprayers, heli-torches, drip torches, diesel flame throwers, terra-torches and other means. Currently there are no records available to the public on the quantity by type of products used for VMP's. Again, RECORDS OF CHEMICAL AGENT USE MUST BE TRANSPARENT AND READILY AVAILABLE TO THE PUBLIC or it will appear Cal Fire has something to hide or cover up.

A public record search shows Cal Fire staff does not document amounts of accelerants used in similar operations conducted under the Vegetation Management Program (VMP) so there is no reason to believe that Cal Fire staff will document the use of all chemical agent quantities and application to provide for transparency for public review. Your document does not mandate the meticulous record keeping that should be undertaken given the potential for environmental harm by the agents used. Farmers are required to keep records of use of chemical agents and are motivated to not over apply, not because of concern for the environment but to keep their cost down. Cal Fire staff is shielded from the legal consequences a farmer may suffer for environmental damages and Cal Fire staff is not particularly motivated to keep each application cost down by discriminate use of the toxic agents. Inmates are payed only \$2 a day plus \$1 an hour. Is it reasonable to believe they are well trained in chemical agent management and application? No.

The contribution of each gas and chemical agent to the greenhouse effect is affected by the characteristics of that gas or agent. For example, the effect of a mass of methane is about 72 times stronger than the same mass of carbon dioxide. What is the effect on global warming of the products and byproducts of the chemical agents that will be used during VTP's? The quantities used are not insignificant. They should be studied individually and in combination and not left out of the "emissions."

One of the point of concern I am trying to convey is rather simple. You have developed a plan that is “guidance” to staff but you will allow staff in the field to make the case by case decisions on “treatment methods” and applications of chemical agents. Given Vegetation Treatment/Management will be conducted on the ground by staff and prison crews, some of which will have little or no education regarding the complex issues of effects on the environment, it is reasonable to conclude there will be adverse impacts when it comes to implementation of the VTP. Cal Fire uses “Trainee Incident Commanders” who may have never worked on a VMP/VTP before, or for that matter, ever again. It is not reasonable to believe that all Cal Fire staff will carefully study the Tome of a document you have created and follow up on further education of the potential effects of their actions.

An additional point from a previous comment to the Board that was not addressed:

There is no indication the VTP will determine property lines any differently than the current VMP. Most project maps used in the VMP program use the tax assessors data base maps to determine parcel lines. Every tax assessor within the State of California clearly states that the tax assessor’s parcel map lines are approximate and NOT SURVEY LINES, they are for viewing purposes only AND SHOULD NOT BE USED TO DETERMINE LEGAL BOUNDARY LINES.

Often the VMP projects extend to touch these erroneous “parcel lines” and the VMP results in trespass of neighbors’ property. One Cal Fire technical term for this is “slop-over” in the few cases when there is a control line or natural barrier intended to confine the fire. Other VPM’s simply do not have containment lines. The VTPEIR should address specific protections to be implemented including only relying on legal surveys to determine property lines. Also defensible setbacks from property lines need to be defined that consider, drift, fuel, terrain and resources immediately on hand. **NOTICE: BURNING OR APPLYING TOXIC AGENTS TO PROPERTY THAT IS NOT PART OF A VMP/VTP IS A NEGATIVE ENVIRONMENTAL IMPACT AS WELL AS INTENTIONAL TRESPASS. PROPERTY LINES MUST BE LEGALLY ESTABLISHED BEFORE IMPLEMENTING A VMP/VTP.**

Thank you for addressing these important issues.

Regards,

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