

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941
sharonr@tamalmonite.org**

November 6, 2016

Marin County Board of Supervisors /
Marin County Open Space District Board of Directors
3501 Civic Center Drive, #329
San Rafael, CA 94903
Attention: James Raives – jraives@marincounty.org

Re: Final Marin County Open Space District (MCOSD) Vegetation & Biodiversity Management Plan (VBMP) and its Final Tiered Programmatic Environmental Impact Report (FEIR)

Dear Marin County Board of Supervisors acting as the Marin County Open Space District Board of Directors,

In the Staff Report prepared for the November 8, 2016 hearing, Staff presents the below three options for your consideration regarding the Marin County Open Space District Vegetation and Biodiversity Management Plan (VBMP or the Plan) and its Environmental Impact Report (EIR) and recommends that your board follow Option #2.

1. Adopting the VBMP and certifying the environmental impact report (EIR);
2. Accepting the VBMP as a reference document, rather than as a plan, without certifying the EIR (Staff's Recommended Option); or
3. Amending the EIR to include a No-Herbicide Alternative.

I. OUR RECOMMENDATIONS

In light of pesticides' potential grave harm to health and the environment and in accordance with Marin County's Integrated Pest Management's Ordinance, Marin County's Precautionary Principle and your Board's unanimous agreement, expressed at the Marin County Open Space District public hearing on October 18th and previous hearings, that Marin County Open Space District should follow a vegetation management strategy that brings the use of pesticides down to zero, we recommend the following:

**A. Amend the Vegetation and Biodiversity Management Plan (VBMP) and the Environmental Impact Report (EIR) to include a "No-Herbicide Alternative";
AND / OR**

B. Amend the VBMP and the EIR to include a "Plan-To-Get-To-Zero-Use-Of-Pesticides Alternative". This Plan-To-Get-To-Zero-Use-Of-Pesticides should include a schedule, benchmarks, and a specific date (3 years from now or earlier) when pesticides will no longer be used;

More specifically...

We understand that Staff no longer uses herbicides for vegetation management in the majority of the Open Space District's preserves. Vegetation management in these preserves has already reached the goal of the "No-Herbicide Alternative" and the application of herbicides should be prohibited in these preserves immediately. For the remaining preserves, in which herbicides are still being used, a Plan-To-Get-To-Zero-Use-Of-Pesticides should be adopted, which sets a schedule, bench marks and specific date (3 years from now or sooner) when pesticide use will be eliminated.

C. Amend the VBMP and the EIR to incorporate adequate analysis, mitigations and Best Management Practices that protect non-target vegetation, wildlife, humans and pets from herbicides;

Example:

Currently, the Best Management Practice in regard to signage notifying the public of pesticide use is for Staff to put up warning signs 4 days prior to applying a pesticide and to remove the signs 4 days after applying a pesticide. Since Glyphosate (and perhaps other herbicides) can persist for much longer than 4 days, this Best Management Practice does not provide proper protection. Instead we recommend the following Best Management Practice:

If a Glyphosate formulation is applied in a Marin County Open Space Preserve, then forbid public use of the Open Space Preserve until Glyphosate, AMPA (Glyphosate's main metabolite), and the corresponding adjuvants are no longer present. Based on scientific evidence of the persistence of Glyphosate formulations and AMPA, we expect that the time frame of such preserve closures would range from three months to two years, depending on the soil.** Scientific studies have shown that the persistence of Glyphosate and AMPA changes depending on the soil composition and conditions. Before any Glyphosate-based herbicide application, analysis should be conducted that determines the persistence of Glyphosate, AMPA and corresponding adjuvants in the particular soil at the particular site where Staff plans to apply the herbicide. The timeframe of a preserve closure should correspond to the persistence of the toxins at the particular preserve. This measure wouldn't protect the impacted non-target vegetation and wildlife but it would help to protect the public and pets.

*** The MMWD report on the persistence of Glyphosate in the MMWD watershed reached the following conclusions: "The half-life of Glyphosate in soil was 44 days. Concentrations of glyphosate in broom leaves didn't exhibit significant changes over the 84 days of the study period, indicating that half-life of glyphosate is likely to be much longer than 84 days as long as the leaves remain attached to the stems and branches."*

D. Add a Purpose #4 to the list of VBMP Purposes on Page 1-5 of the VBMP to reflect the purpose of doing no harm and preserving the health of the environment, wildlife, humans and pets by eliminating the use of pesticides.

(Please see our recommended revisions in bold and underlined below.);

E. Expand Goal #2 on the list of VBMP Goals on Page 1-8 of the VBMP to reflect the goal of doing no harm and preserving the health of the environment, wildlife,

humans and pets by eliminating the use of pesticides. (Please see our recommended revisions in bold and underlined below.)

RECOMMENDED REVISIONS TO THE VEGETATION & BIODIVERSITY MANAGEMENT PLAN (VBMP)

Excerpt from Page 1-5 of the VBMP regarding Purposes:

"The primary purpose of this Vegetation and Biodiversity Management Plan for the Marin County preserves is to provide comprehensive, long-term guidance for a new science-based approach to vegetation management that will

- (1) maintain the natural biodiversity of the vegetation within the preserves,
- (2) maintain patrol, emergency and public access, and
- (3) manage fuel loads to reduce the threat of natural and human-caused fires."

Add:

(4) preserve the health of the environment, wildlife, humans and pets by eliminating the use of pesticides.

"PURPOSES OF THE VEGETATION AND BIODIVERSITY MANAGEMENT PLAN

- Guide a science-based approach to vegetation management that will protect the natural biodiversity of the preserves, maintain public access, and manage fuel loads, **Add: and protect the habitat, wildlife, humans and pets by eliminating the use of pesticides.**
- Coordinate all aspects of vegetation management, including invasive plant control, needs for access, and fuel management, across all the MCOSD preserves, to improve program effectiveness and efficiency.
- Provide the foundation for a systematic approach to priority setting, budgeting, and staffing, to further improve program efficiency and effectiveness over the long term."

Excerpt from Page 1-8 of the VBMP regarding Goals:

"Goals for the Vegetation and Biodiversity Management Program

Through the development and implementation of this plan, the MCOSD will work to achieve five broad goals for the vegetation management program. These goals are intended to conform with or achieve existing policies, goals, and objectives already developed by Marin County (as illustrated in table 1.2), with a vision for strategically moving the vegetation management program forward into the future.

- Goal 1: Work with adjacent public landowners and partner agencies to create a consistent approach to vegetation management issues; establish, prioritize, and standardize vegetation management actions to increase public safety.
- Goal 2: Manage vegetation for the preservation and protection of native habitats and native species; ensure that the MCOSD preserves can withstand environmental changes over time.

Change Goal 2 to the following:

Goal 2: Manage vegetation for the preservation and protection of native habitats, native species, humans and pets; ensure that the MCOSD preserves can withstand environmental changes over time; eliminate the use of pesticides within three years or sooner.

- Goal 3: Coordinate vegetation and fire management actions to reduce fire risk, eliminate priority invasive plant infestations, increase public safety, and protect native habitats and native species.
- Goal 4: Provide the public with opportunities to engage in stewardship of the MCOSD lands through participation in volunteer vegetation management activities.
- Goal 5: Ensure the funding, support, and capacity necessary for the achievement of the other goals."

II. REASONING BEHIND OUR RECOMMENDATIONS

The Marin County Open Space District Vegetation and Biodiversity Management Plan has no time limit and, therefore, could last for decades into the future. No matter how well intentioned the District's Staff and Board may be at this time, a new Staff and Board with different values and objectives could be at the helm in the future. If the VBMP does not set a clear mandate to eliminate pesticides by a certain date, then future leaders of the Marin County Open Space District could continue using pesticides indefinitely and even increase the use of pesticides, resulting in ongoing potential significant adverse environmental impacts related to herbicide exposure.

A. Why We Are Opposed To Option #1: Adopting The VBMP And Certifying The EIR

As currently written, the Vegetation and Biodiversity Management Plan (VBMP) and the Environmental Impact Report (EIR) allow for indefinite use of toxic pesticides and fail to include a No-Herbicide Alternative or a Plan-To-Get-To-Zero-Use-Of-Pesticides Alternative. In addition, they fail to provide adequate analysis, mitigations and Best Management Practices that would protect non-target vegetation, wildlife, humans and pets from harm caused by exposure to toxic herbicides.

Therefore, we are opposed to Option #1 Adopting the Vegetation and Biodiversity Management Plan (VBMP) and certifying the Environmental Impact Report (EIR).

B. Why We Are Opposed To Option #2: Accepting The VBMP As A Reference Document Without Certifying The EIR

1. As currently written, the VBMP is unacceptable.

As already mentioned, in its current form the Vegetation and Biodiversity Management Plan (VBMP) allows indefinite use of toxic pesticides and fails to include a No-Herbicide Alternative or a Plan-To-Get-To-Zero-Use-Of Pesticides Alternative. It also fails to provide adequate analysis, mitigations and Best Management Practices to protect non-target vegetation, wildlife, humans, and pets from harm caused by exposure to toxic herbicides.

2. A Reference Document has no authority.

If the VBMP were considered a “Reference Document”, rather than a “Plan”, Staff would no longer need to abide by it. At their whim Staff members would be able to pick and choose what they want to follow and what they do not want to follow in the “Reference Document”. And they may refer to the document or not.

In its current form, we would not want you to accept the VBMP due to its flaws regarding herbicide use. However, if these flaws were corrected and our recommendations were incorporated into the VBMP, then we would want you to adopt the VBMP as an authoritative Plan, which would have to be adhered to.

3. Environmental Impact Reports provide benefits

As currently written, the Final Environmental Impact Report (EIR) fails to satisfy the requirements of the California Environmental Quality Act (CEQA) and, therefore, should not be certified. It fails to study a reasonable range of Alternatives, including a “No-Herbicide Alternative” or a “Plan-To-Get-To-Zero-Pesticide-Use Alternative. It also fails to adequately identify, analyze and mitigate potentially significant adverse impacts associated with exposure of non-target vegetation, wildlife, humans and pets to herbicides. However, if the EIR were corrected, it could provide valuable benefits.

When properly written, an Environmental Impact Report fosters transparency and integrity in public decision-making, while ensuring decisions account for their full impacts on our natural and human environments. It ensures that potential adverse environmental impacts are identified, avoided, remedied, and/or minimized. It informs the public and the decision makers about the proposal. As a result, communities benefit from healthier local environments, improved wildlife and human health, avoidance of treatment / clean up costs, decreased resource use, and maintenance of biodiversity, among other benefits.

According to the Staff Report, the estimated cost of revising the EIR is \$200,000. This one time expense is equivalent to only 2.9% of the Marin County Open Space 2 year (2016-2018) budget of \$6,810,148. \$200,000 would be well spent to achieve a Vegetation and Biodiversity Management Plan and EIR with an herbicide-free approach to vegetation management that truly protects health and the environment.

Instead of discarding the EIR, we recommend revising the EIR to include a No-Herbicide Alternative and/or a Plan-To-Get-To-Zero-Use-Of Pesticides Alternative, and to include adequate analysis, mitigations and Best Management Practices to protect non-target vegetation, wildlife, humans and pets from harm caused by exposure to toxic herbicides.

III CONCLUSION

In order to protect Marin’s health and environment and uphold the Integrated Pest Management (IPM) Policy/ordinance, the Precautionary Principle, and your personal commitment to eliminate the use of pesticides in Marin County, we recommend the following:

A. Amend the Vegetation and Biodiversity Management Plan (VBMP) and the Environmental Impact Report (EIR) to include a “No-Herbicide Alternative”;

AND / OR

B. Amend the VBMP and the EIR to include a “Plan-To-Get-To-Zero-Use-Of-Pesticides Alternative” with a schedule, benchmarks, and a specific date (3 years from now or earlier) when pesticides will no longer be used.

C. Amend the VBMP and the EIR to incorporate adequate analysis, mitigations and Best Management Practices that protect non-target vegetation, wildlife, humans and pets from herbicides.

D. Add a Purpose #4 to the list of VBMP Purposes on Page 1-5 of the VBMP to reflect the purpose of doing no harm and preserving the health of the environment, wildlife, humans and pets by eliminating the use of pesticides. (Please see our recommended revision in Section I of this letter.)

E. Expand Goal #2 on the list of VBMP Goals on Page 1-8 of the VBMP to reflect the goal of doing no harm and preserving the health of the environment, wildlife, humans and pets by eliminating the use of pesticides. (Please see our recommended revision in Section I of this letter.)

Thank you in advance for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte