

To: Environmental Improvement Program Committee, TRPA Governing Board
From: Reid Reichardt, South Lake Tahoe
Date: August 24, 2026
Re: Agenda Item 5.A, Herbicide Use Associated with the Caldor Fire Restoration Project

Thank you for placing this item on the agenda. I'm a Tahoe resident who has hiked the Caldor area since 2012 — nine years before the fire, and every year since. I'm extremely concerned about the impacts the Caldor Fire Restoration Project will have on Tahoe Basin forest health, as well as the long-term health of regular forest users and nearby communities.

This project was approved under an emergency action determination that eliminated the public's formal opportunity to object before implementation, and its Human Health Risk Assessment cites a safety review retracted in December 2025 as ghostwritten by Monsanto employees. The World Health Organization classifies glyphosate as a probable human carcinogen, and in 2021 the EPA found it likely to adversely affect over 90% of endangered species.

I've read the project's Environmental Assessment, Biological Assessment, and Human Health Risk Assessment, along with the MOU attached to the staff report.

I'm writing about four things: an observation, an unanswered question, an obligation that applies regardless of the answer, and a request.

1. My direct observation in the Caldor.

What I see on the ground in the Caldor area includes abundant natural conifer regeneration — seedlings and saplings one, two, and some even three feet tall. The EA models roughly 4,900 acres as unlikely to regenerate naturally, at under 40% probability. But that is modeling. What I'm seeing doesn't match that estimate, and I'd encourage the Committee to ask when those figures were last checked against conditions on the ground.

This abundant regeneration also raises a practical question. Where natural seedlings are already established among the shrubs targeted for herbicide, it isn't clear how they are protected during spraying, and who verifies it afterward. The chaparral itself is also doing real work — holding burned soil and preventing watershed erosion.

2. The staff report does not state whether this activity is exempt.

The report describes the MOU as identifying certain activities as exempt from TRPA review, and states that activities not exempt are reviewed under the Regional Plan and Code. But it does not say which category this project's herbicide application falls into.

TRPA's website lists this Forest Service MOU among its Exempt MOUs — under which certain agencies are given authority to review their own projects for conformance with TRPA standards. That makes the scope of each listed exemption consequential: where an activity falls outside what the MOU specifies, the self-review authority does not apply. So the question is whether herbicide application across thousands of acres falls within what this MOU specifies.

The MOU caps its exemptions carefully: erosion control and watershed restoration at fifty acres, heavy-equipment tree removal at 100 acres, excavation at 200 cubic yards. Section III.F.3 says

nothing about herbicides. It exempts "reforestation or revegetation of land" with no limit — but interpreting that to cover chemical treatment across thousands of acres, when the document's other exemptions carry clear limits, should be examined closely rather than assumed.

Section V is also relevant. It requires the Forest Service to make protective findings before disturbing Stream Environment Zones under exemptions in Sections III B, G, H, I, and J. Section F is not among them. If the drafters had understood F.3 to encompass chemical application near sensitive lands, leaving it off that list would be difficult to explain.

Two more important points from the document itself. First, Section III.G.3, one subsection later, exempts "fuel management through prescribed burning, chipping, lop and scatter, and other techniques." When the drafters wanted an exemption to cover a range of methods, they enumerated them and added a catch-all. Section III.F.3 does neither — and shouldn't be treated as though it did. Silence is not permission for any method at all.

Second, as the staff report notes, the MOU exempts *specified* activities. The question is whether chemical application across thousands of acres is among those exempted activities. If it is, what would not be covered? Would 100,000 acres be exempt? The document sets no limit — and that, I would suggest, is because chemical treatment at this scale was never contemplated when the MOU was written. There are no herbicide provisions anywhere in it. And Section V's protections for Stream Environment Zones skip Section F entirely. So this reads much less like a deliberate exemption for mass herbicide application than like a gap that no one ever anticipated. Either way, this needs to be resolved now, before thousands of acres are sprayed.

I searched the full Code of Ordinances for provisions addressing herbicide use. Aside from a paragraph about toxic or hazardous waste, the words "herbicide" and "pesticide" appear only in Section 60.1.7. "Glyphosate" appears nowhere. I also reviewed the titles of the Code's amendments and found none addressing herbicide or pesticide use. If TRPA has made findings that herbicide application at this scale has no substantial effect on the region's resources — the standard the Compact sets for exempting an activity from review — I have not been able to locate them, and I would ask the Committee where they are.

If the activity is not exempt, Section II.A.4 requires the Forest Service to provide TRPA with a complete application for review.

3. The Code applies either way — and the alternatives question is unanswered.

MOU Sections II.A.2 and II.A.3 commit the Forest Service to conduct even *exempt* activities in accordance with the TRPA Regional Plan and Code. So Code section 60.1.7 applies to this project whether or not review is required.

As the staff report notes, 60.1.7 discourages pesticide use and calls for consideration of alternatives to chemical application. TRPA's own May 27 letter invokes this policy directly.

The Forest Service has adopted much the same logic voluntarily. Its public FAQ states that where manual methods can be used and are effective, that is the preferred approach. So there is no disagreement about the standard. The question is whether it has been applied, and how anyone outside the agency would know.

The FAQ gives reasons that manual methods won't work: steep slopes, distance from existing roads, sensitive soils, wildfire concerns, and the difficulty of clearing shrubs immediately around planted seedlings. What I cannot find is the analysis behind the reasons — which acres, what slope threshold, how much of the 2,400–3,600 acres each constraint accounts for. A determination is not an evaluation, and these reasons appear in public messaging rather than in the project's environmental documentation.

The whitebark pine exception is also telling. The Forest Service committed to manual site preparation within whitebark pine stands, which occur above 7,800 feet — at the upper elevations of the project area and well above the roads that serve it. If manual crews can work there, distance from roads cannot by itself explain where manual methods are ruled out elsewhere.

Having hiked this area for many years, much of it off trail, I'd add that most of the burn area is not especially rugged. More importantly, the herbicide methods described are themselves hand-applied, using backpack sprayers on foot. Access alone, then, cannot account for the full 2,400–3,600 acres. The Committee may wish to ask how much it does account for.

If 60.1.7 means anything, the acreage where manual methods are genuinely infeasible should be identified and documented — not assumed. The FAQ states that herbicide is "proposed only on a subset of the area proposed for reforestation," which means that subset has presumably been identified. The Committee should be able to see it. So should the public.

4. Requested direction.

The staff report asks the Committee to direct staff on next steps. I would respectfully suggest three:

- a) Direct staff to make a written determination as to whether herbicide application at this scale falls within the MOU's reforestation exemption, and to return that determination to the Committee.
- b) Direct staff to obtain the confirmation requested in TRPA's May 27 letter — that no herbicide treatments will be applied within the Basin portion of the project prior to interagency review — and report whether it has been received.
- c) Direct staff to return with options for amending Code section 60.1.7 to prohibit rather than discourage synthetic herbicide use within the Lake Tahoe Basin.

Thank you for taking the time to give close scrutiny to the Caldor Fire Restoration Project. Given its potential environmental impacts and long-term risks to Tahoe forest users and nearby communities, it would be a mistake to let this project proceed under an exemption that was almost certainly never intended to cover it.

With no herbicide application scheduled until 2028, there is time to get this right.

Respectfully submitted,

Reid Reichardt
South Lake Tahoe, CA
reidtahoe@fastmail.net