COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Measurement Standards

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DATE: **February 27, 2009**

TO: **James Caruso, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Conservation and Open Space Element Public Review Draft**

Thank you for the opportunity to review the Conservation and Open Space Element (COSE) Public Review Draft. The following questions and comments are based on policies in the Agriculture and Open Space Element (AOSE), current departmental objectives to protect agricultural resources and operations, and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

General Comments
The COSE appears to be a comprehensive policy document with several laudable goals that compliment Agriculture Element (AE) goals and policies to protect agricultural resources and operations. To ensure policy consistency and preclude new permitting requirements and/or regulations for agricultural practices as outlined in the AE, our department recommends the following revisions. Also, implementation of COSE policies will be contingent on available funding. The department does not currently have any additional funding to implement these policies.

Introduction

- The AE should be added to the list of other General Plan elements that contain policies which address conservation topics. (Page 1.9)

Air Quality Chapter

- Implementation Strategy 4.4.3 is incorrectly worded.

  "Identify greenhouse gas emissions from <u>agricultural activities</u> and partner with stakeholders to identify reduction measures."

  Policy AQ 4.4 is specific to development projects. Agricultural activities are not considered development projects. Please revise to address development projects and not agricultural activities. (Page 2.18) Additionally, the implementation summary on Page 2.23 should be revised to remove reference of the Agriculture Department as a responsible agency for Implementation Strategy 4.4.3.

Biological Resources

- Many of the Biological Resources (BR) policies and implementation strategies are interconnected with Agriculture Element policies (AGP). To clarify that this connection remains after the adoption of the COSE and to reinforce the internal consistency of COSE policies with AE policies, it is recommended that related AGP policies consistently be referenced throughout the document. This reference will also assist document users with the application of related policies. The following identifies additional COSE and AE policies that should be cross referenced:
    - Policy BR 1.5 and 1.6 should also direct reader to AGP 28. (see Policy BR 1.8 and VR 3.1) (Pages 3.10 and 3.11)
    - Policy BR 1.10 should also direct reader to AGP 25 (Page 3.12)
    - Policy BR 2.8 should also direct reader to AGP 12 (Page 3.17)
    - Policy BR 4.1, BR 4.2, and 4.6 should also direct reader to AGP 26 (Pages 3.20 and 3.25)
    - Policy BR 5.3 and 5.4 should also direct reader to AGP 25 (Pages 3.27 and 3.28)
    - Policy BR 7.3 should also direct reader to AGP 9 (Page 3.29)
- To ensure clarity, the policy title for BR1.8 should be expanded as follows:

  "Policy BR 1.8 Effects on Agricultural Uses ***Adjacent to a Major Ecosystem Network"*** (Page 3.11)
- The California Department of Food and Agriculture has authority over control and eradication of invasive species. This authority typically cannot be pre-empted by a local jurisdiction such as the County. For this reason, the existing policy should be replaced with the following:

  Implementation Strategy BR 2.8.2

  Discourage the use of plants identified as noxious weed species as listed in the California Department of Food and Agriculture Section 4500 and plant species listed on the California Invasive Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concerns in California", in landscaping of proposed development. (Page 3.17)
- The Department supports the concept of removal of invasive exotic plants identified in Implementation Strategy BR 2.8.3. However, this is not always feasible for many reasons that vary from site to site. Therefore, we recommend the following revisions:

  Implementation Strategy BR 2.8.3

  Encourage ~~Require~~ the removal of invasive exotic ***plant*** species, to the extent possible when reviewing discretionary development projects that are unrelated to agriculture~~, and include monitoring to prevent re-establishment in managed areas.~~ ***Support educational programs that inform property owners about appropriate vegetation management techniques.*** (Page 3.17)
- To ensure consistency with AGP 12, Policy BR 2.10 should be revised as follows:

  Policy BR 2.10 ~~Non-toxic Pest Control~~ ***Integrated Pest Management***

  Encourage the use of integrated pest management practices. (refer to AGP12)~~and organic practices to manage pests with the least possible hazard to the environment.~~ (Page 3.18)
- Policy BR 2.11 should identify USDA Wildlife Services and California Department of Food and Agriculture as agencies to consult regarding the control and prevention of the spread of non-native, invasive animal species. (Page 3.18)

- Responsible agencies associated with Implementation Strategy BR 3.1.1 should include UC Cooperative Extension (Pages 3.18 and 3.32)
- The Agriculture Department supports Implementation Strategy BR 3.3.3, however, we request to be removed as a responsible agency for implementation because our current staff does not have the required expertise and on-going budget constraints. (Pages 3.19 and 3.32)
- Sudden Oak Death syndrome has not been detected in San Luis Obispo County. For this reason, the Agriculture Department recommends Policy BR 3.4 be revised as follows:

  Policy BR 3.4 Vegetation and Wildlife Disease Management Programs
  Continue to support agency programs to limit the impacts of ~~Sudden Oak Death syndrome~~ diseases harmful to native vegetation***, such as Sudden Oak Death syndrome,*** and wildlife in the county, while addressing any potential adverse effects on sensitive resources. (Page 3.20)
- Implementation Strategy BR 4.2.1 indicates development associated with discretionary projects will be required to be setback 50 feet from the top of the bank of any stream etc. Please note, AGP 26 has a similar policy that requires a 30 foot setback. (Page 3.21)
- The Agriculture Department supports the intent of Implementation Strategy BR 4.5.1; however, we request to be removed as a responsible agency for implementation because past efforts have been solely grant funded and current budget constraints preclude the necessary resource allocation to participate with implementation of this strategy. (Pages 3.23 and 3.32)
- The use of pesticides, including commercial, residential and public applications is regulated in California through the California Department of Pesticide Regulation, as listed in the California Food and Agriculture Code. The regulations also apply to the use of pesticides for vector control (for example mosquito abatement). The regulations do not allow exemptions for contamination. Pesticide laws require applicators to follow label directions and all regulations. Therefore, we recommend the following replacement language for Policy BR 4.7:

  Policy BR 4.7 ~~Contamination from Pesticides~~ ***Encourage the Safe and Legal Use of Pesticides***
  Support the existing regulatory program as administered by the California Department of Pesticide Regulation and the local Agricultural Commissioner to limit contamination from the use of pesticides. (Page 3.25)
- The Agriculture Department supports the Regional Water Quality Control Board's (RWQCB) efforts to reduce pollutant runoff. To clarify the intent of the RWQCB's efforts, the following revision to Implementation Strategy BR 4.8.1 is recommended.

  Implementation Strategy BR 4.8.1
  Implement ~~Best Management Practicies, including integrated pest management,~~ ***mitigation practices as required by the Regional Water Quality Control Board*** to minimize fertilizer runoff from County-owned and managed properties. (Page 3.25)
- As previously stated, the use of pesticides is regulated in California. Through the permitting process, applicators consider the use of integrated pest management and other practices to limit the use to the extent feasible. Also, pesticide reduction does not always lead to improved environmental protection. For example, an application of more

of a less toxic pesticide may be substituted for less of a more toxic pesticide. Therefore, we recommend the following replacement language:

Policy BR 4.9 ~~Pesticide Reduction~~ ***Encourage Use of Least Risk Pesticides Support the existing regulatory program as administered by the California Department of Pesticide Regulation and the local Agricultural Commissioner and programs that encourage the use of practices such as integrated pest management and the use of least risk pesticides, that minimize the environmental impacts of the use of pesticides.***

- Policy BR4.10 should be revised as follows:

  Policy BR 4.10 Vector Control

  Control vectors to reduce the spread of diseases effecting the citizens of the county. ~~prevent disease problems in keeping with good conservation principles. Vector control practices should minimize disturbance of the environment.~~

  An implementation strategy should be included identifying the development of a vector control program managed by Environmental Health. (Page 3.26)
- Policy BR 7.3 should be revised to "Encourage" agriculturalists rather than "Support." (Page 3.29)
- The notes for the Summary of Implementation Strategies should include the Agriculture Department. (Page 3.33)

Cultural Resources

- To ensure policy consistency, Policy CR 4.4 should be cross referenced to AGP 33. (Page 4.11)

Energy

- Implementation Strategy 3.1.1 suggests that the incorporation of on-site renewable energy systems for new subdivisions should only occur in areas outside of urban reserve lines. Why would such systems not be recommended for incorporation in urban areas as well? (Page 5.9)
- Policy E 3.7 should be revised as follows:

  Policy E 3.7 Energy Conservation in Agriculture

  ~~Encourage agricultural advisory groups to~~ Promote state-of-the-art energy conservation and efficiency in agriculture. (Page 5.11)
- Implementation Strategy E 4.1.3 should specifically exclude un-conditioned (non-habitable) agricultural accessory structures. (Page 5.12)
- Implementation Strategy E 5.3 should reference AGP 13. (Page 5.16)
- Implementation Strategy E 7.1.1 (8) should include reference to avoiding or otherwise mitigating impacts to agricultural resources. (Page 5.20)
- Several thousand acres of agricultural land have been identified for future conversion to alternative energy facilities. Alternative energy also can be generated within urban areas eliminating impacts to agricultural resources. A policy encouraging locating alternative energy facilities in urban areas is recommended for inclusion.

Mineral Resources

- The Mineral Resources section should include reference to agricultural resources and the Agriculture Element. The third paragraph on page 6.1 should be revised as follows:

  Many policies in the water, air quality, soils and biological resources chapters of this Element ***and the Agriculture Element*** relate to mineral resources. For example, mining of minerals can cause soil erosion, impair downstream water quality, create air quality problems, ***convert farmland, impact crops***, and affect special status plants and animals.
- Policy MN 3.4 should be revised as follows:

  Policy MN 3.4 Site Restoration

  Require that applications for proposed extraction operations include plans for preserving the long-term ***agricultural*** productivity...(Page 6.5)
- Implementation Strategy for MN 3.1 – 3.5 should be revised as follows:

  Implementation Strategy for MN 3.1 – 3.5

  Amend Land Use Ordinance, Coastal Zone Land Use Ordinance, and/or Area Plan standards as needed to assure that proposed mineral or oil extraction projects adequately protect ***agricultural lands and operations and*** environmentally sensitive resources. (Page 6.5)
- The Agriculture Department currently reviews discretionary mining projects to ensure agricultural resources are adequately protected from future mining activities. For this reason, the Agriculture Department should be added as a responsible department for implementation of MN Implementation Strategies 3.1 – 3.5. (Page 6.8)

Open Space Resources

- The Open Space Resources (OS) policies are also interconnected with AGP. These policies should be crossed referenced as follows:
  - Policy OS 1.2 and 1.5 should also direct reader to AGP 19. (Pages 7.10 and 7.12)
  - Policy OS 1.9 should also direct reader to AGP 16. (Page 7.14)
  - Policy OS 2.4 should also direct reader to AGP 9. (Page 7.19)
  - Policy OS 2.5 should also direct reader to AGP 13. (Page 7.19)
  - Policy OS 2.6 should also direct reader to AGP 9 and 10. (Page 7.19)
  - Policy OS 2.10 should also direct reader to AGP 27. (Page 7.20)
  - Policy OS 2.11 and 2.12 should also direct reader to AGP 32. (Page 7.21)
  - Policy OS 3.1 should also direct reader to AGP 11. (Page 7.22)
- Have Implementation Strategies OS 1.6.1 and 1.6.2 already been implemented? (Page 7.12)
- Implementation Strategy OS 2.6.1 should include consultation with the local Resource Conservation Districts (RCDs). (Page 7.19)
- Implementation Strategy 3.1.2 should be revised to refer to the Agricultural Liaison Advisory Board (ALAB) rather than Agricultural Liaison Board. (Page 7.22)
- The Agriculture Department has been identified as a responsible department for Implementation Strategy OS 3.1.3. Additional funding would be required to meet such an obligation. (Page 7.22)
- The notes for the Summary of Implementation Strategies should include the Agriculture Department. (Page 7.31)

Soil Resources

- ALAB, with the assistance of several resource agencies lead by UC Cooperative Extension, are proposing a revised Soil Resource Chapter. The Agriculture Department supports this effort and will provide detailed comments about the section once a draft is completed. Forthcoming comments will be submitted no later than March 6, 2009
- Any mitigation strategy for the loss of soils should include agricultural easements.
- The Agriculture Department agrees that our department should be a responsible department for implementation of some of the identified strategies. To adequately participate in such efforts, additional funding would be necessary.

Visual Resources

- Policy VR 2.1 indicates AGP30b4 has been revised. AGPs were not supposed to be revised. Is this reference incorrect or has the policy been revised?

Water Resources

- Appendix 8 did not include adequate information to evaluate implications of Policy WR 2.5 on agricultural resources. For this reason, Policy WR 2.5 should be revised as follows:

  Policy WR 2.5 Groundwater recharge

  Assess groundwater-banking opportunities and associated impacts. (Page 10.11)
- Policy WR 3.5 should also direct reader to AGP 9 (Page 10.15)
- Policy WR 3.6 should also direct reader to AGP 10 (Page 10.15)
- Implementation Strategy WR 5.1.3 is unclear and our department's role in the implementation of such policy is unclear. Please clarify.

If you have questions, please call 781-5914.