# Response to Comments Table: Biological Resources
## August 10, 2009

| Biological Resources Chapter | | | |
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| **Page #, Ref.** | **Commenter** | **Comment** | **Response** |
| **General** | Agriculture Department | Reference related AGP policies throughout COSE policies. | Any additional related Agriculture Element policies will be cited throughout COSE |
| **General** | NCAC | Need policy regarding removal or protection of native vegetation. | Such policies are found throughout the chapter. |
| **General** | NCAC | Need to include marine resources. | Goals 6 and 7 address marine resources. The LCP is the primary policy and regulatory document for marine resources. |
| **3.1-3.3** | LOCAC | Why can't the County be more proactive and be a leader in coordinating conservation programs, educating public, etc. | Leadership by the County is one of the themes of the COSE. |
| **3.3 Intro.** | Mary Giocoletti | Recreational uses are highly polluting (e.g., Oceano Dunes, Morro Bay State Park. | Noted. The COSE seeks "balance" between competing resource needs. |
| **3.4** | LOCAC | How will the County strengthen and integrate these sets of policies, especially with the Agriculture Element and the pressure for rural development? | The COSE adds substantial policy language protecting ecosystems and other biological resources. |
| **3.4** | Farm Bureau | Agriculturally-related policies should be in the Agriculture Element, not the COSE | Such policies are, for the most part, found in the Agriculture Element, and biological policies that relate to agriculture reference the related polices in the Agriculture Element. |
| **3.5 Goals BR 1-7** | LOCAC | These goals are admirable and lofty. We recommend much stronger penalties for violation. Currently, it appears that the repercussion for destroying resources is rarely a deterrent. | General plan policies do not seek to penalize violations. The Land Use Ordinance addresses enforcement. |
| **3.6-3.8 Maps** | LOCAC | Critical Wetlands and Riparian Corridors maps should be included. | Programs are proposed to expand mapping for these resources. |
| **3.11 BR 1.2** | LOCAC | Revise: ~~"Regulate~~ Minimize and discourage proposed development in areas that contain essential habitat for special-status species,…" | **Revise**: "Regulate <u>and minimize</u> proposed development in areas that contain essential habitat for special-status species,…" |
| **3.11 BR 1.4** | LOCAC | Revise: "Require that development projects are approved with ~~adequate~~ <u>strict</u> conditions and mitigation measures…" | **Revise:** "Require that development projects are approved with ~~adequate~~ conditions and mitigation measures…" |
| **3.11 Policy BR 1.1** | Farm Bureau | Strike "acquisition" from section 3), as the County should not be purchasing private land. | Purchase of land is a valuable planning and conservation tool. |
| **3.11 Policy 1.4** | Mary Giocoletti | What does "no net loss" imply with regard to "development"? | There will be no net loss of wetlands, for example, due to development. If removal cannot be avoided, then wetlands will be restored or re-created, and as a last resort, provided offsite. |
| **3.11 Policy 1.4** | LOCAC | Strengthen the policy and be clearer. | The policy is clearly written as is. |

| Biological Resources Chapter | | | |
|---|---|---|---|
| **Page #, Ref.** | **Commenter** | **Comment** | **Response** |
| **3.11 Policy BR 1.2 1.3 1.4** | Farm Bureau | Insert "discretionary" before development in each of these policies for clarification that this only relates to discretionary development. | This revision is not needed. These policies are clear regarding their application. |
| **3.12 IS 1.5.1** | RCD | Please add a sentence identifying three major documents covering strategies for the conservation of fish and wildlife: | Specific plans should not be detailed in the policy language. |
| **3.12 IS 1.5.1** | Mary Giocoletti | Is item 5) "reconcile conservation of native ecosystems with human uses" possible? | The intent of the COSE is to balance these often competing interests. |
| **3.14 Policy 1.8** | Agriculture Department | Clarify the title of Policy BR 1.8: "Policy BR 1.8 Effects on Agricultural Uses Adjacent to a Major Ecosystem Network.**"** | **Revise**: "Effects of Major Ecosystems Network on Agricultural Uses" |
| **3.14 IS 1.8.1** | RCD | Please add an implementation strategy identifying how the RCDs and NRCS can be used as a resource for the County in identifying ways that agriculture can, through voluntary participation, help improve habitat. | See policy 1.17 |
| **3.14 Policy 1.8** | LOCAC | Revise: "Designation and management of a Major Ecosystem Network will ~~not interfere~~ preserve and adjust agricultural uses on private lands…" | The existing language is consistent with the Agriculture Element. |
| **3.14 Policy 1.10.2** | Farm Bureau | Revise: "…on non agricultural land, identify additional locations where the SRA combining designation for biological resources can be applied and initiate countywide amendments to the Land Use Element accordingly." We are very concerned with the impact of this IS. | SRAs may be applied to all land use categories, including Agriculture, depending on the location of the resource. |
| **3.14 IS 1.10.2** | LOCAC | Concerned about the lack of a tree ordinance. | See IS 3.1.1 regarding preparation of a native tree protection ordinance. |
| **3.15 IS 1.11.2** | RCD | Add an implementation strategy describing how programs such as EQIP and technical assistance from NRCS and the RCD can help protect wildlife corridors. | **Add** IS 1.11.2: "*Assistance for landowners* Encourage landowners and public agencies to seek technical assistance from RCDs and NRCS to protect wildlife corridors." |
| **3.15 IS 1.10.3** | LOCAC | Revise 3): "use the program as a basis for strengthening ~~modifying~~ standards for mitigation." | The purpose of this IS is to revise mitigation measures as appropriate based on monitoring, but not necessarily to strengthen such measures. |
| **3.15 Policy 1.11** | LOCAC | Revise: "Identification and designation of wildlife corridors will not ~~interfere~~ interface where possible with agricultural uses on private lands." | The policy as written is consistent with the Agriculture Element. |
| **3.15 IS 1.12.1** | LOCAC | Remove "unless there is no feasible alternative." This is a loophole. | The language has been removed. |
| **3.16 IS 1.12.2** | LOCAC | Revise: "As mitigation for environmental impacts of proposed discretionary projects ~~consider~~ require re-establishing and/or restoring important wildlife corridors…" | "Consider" is correct in this IS, as other alternative mitigation measures may be appropriate. |
| **3.16 IS 1.15.2** | LOCAC | Development should not disturb active or future nesting sites. | Pre-construction surveys are done to ensure that nesting sites are not being used during construction. |

| Biological Resources Chapter | | | |
|---|---|---|---|
| **Page #, Ref.** | **Commenter** | **Comment** | **Response** |
| **3.16 IS 1.15.2** | Mary Giocoletti | Development should not be proposed in sensitive habitat. | The County cannot deny reasonable use of private property, but the impacts of development will need to be avoided or mitigated. |
| **3.16 Policy 1.16** | County Parks | What agency would be responsible for this (land acquisition)? Would parks and recreation Commission have a role? | This existing policy cites collaboration with conservation organizations. The Commission could be involved if the land will be used for parks purposes. |
| **3.16 Policy 1.16** | Farm Bureau | Revise: " On non-agricultural land, collaborate with conservation organizations to acquire important natural habitat areas…" | Collaboration and acquisition may occur on both agricultural and other lands, depending on where important natural habitat areas are. This is consistent with the Agriculture and Open Space Element and the Parks and Recreation Element. However, designation of Major Ecosystem Networks or wildlife corridors is not to interfere with agricultural uses on private lands per Policies BR 1.8 and 1.11. |
| **3.17 Policy BR 2.2** | LOCAC | Add advisory councils to the list of early agency consultation. | The Department at times does encourage applicants to meet with advisory councils at an early stage. This policy is meant to apply to agencies with review or permit authority, such as the California Department of Fish and Game and the U.S. Fish and Wildlife Service. |
| **3.18 Policy BR 2.3** | LOCAC | Establish a local mitigation bank. | General Implementation Strategy COSE–2 on page 1.23 addresses this idea. |
| **3.18 Policy 2.3** | RCD | Add an implementation strategy identifying how the County can partner with the RCDs, NRCS and other groups to obtain funding for conservation planning, collaboration and the development of tools to conserve the habitat resources. | Revise BR 1.17 on page 3.17 by adding at the end: "The County should collaborate with Resource Conservation Districts, the Natural Resources Conservation Service and other organizations to fund collaborative conservation planning to conserve habitats. |
| **3.18 IS 2.4.1** | RCD | Add an implementation strategy identifying how the San Luis Obispo County Partners in Restoration (PIR), Permit Coordination Program will help in facilitating the implementation of many environmentally beneficial projects throughout the County. | The PIR program addresses a wider subject than endangered species protection and is referenced in Policy BR 1.17 on page 3.17. |
| **3.19 IS 2.6.3** | LOCAC | Revise: "…Open space areas created in development projects should be contiguous to natural areas adjacent to the site wherever possible." | **Revise:** "…Natural open space areas ~~created~~ in development projects should be contiguous to natural areas adjacent to the site wherever possible." |
| **3.16 IS 2.6.6** | RCD | Add an implementation strategy encouraging voluntary conservation easements. Often, the emphasis has been on purchasing property. | See policies 1.16 and 2.6.3. The primary location for policies regarding acquisition is in the Parks and Recreation Element. |
| **3.19 Policy BR 2.7** | Farm Bureau | Revise: "For new development requiring a discretionary permit, balance the need for fire suppression and/or vegetation (fuel) management with the need to protect sensitive biological resources…." | The policy strikes a balance between sensitive species and clearing vegetation for fire purposes. It addresses all development, but is primarily oriented to discretionary development. |
| **3.20 IS 2.8.2** | Agriculture Department | Revise regarding invasive plant species to discourage the use of invasive species instead of prohibiting their use. | No change is recommended. The County has authority over and currently does not allow the use of invasive plants in landscaping plans for development projects. |

| Biological Resources Chapter | | | |
|---|---|---|---|
| **Page #, Ref.** | **Commenter** | **Comment** | **Response** |
| **3.20 IS 2.8.2** | County Parks | Eucalyptus trees are sometimes used in parks. | Many species of eucalyptus are on the prohibited list. Other species would have to be used in these applications. |
| **3.20 IS 2.8.3** | Agriculture Department | Revise to delete requirement to remove invasive plant species. | No change is recommended. The County has and should exercise the authority to require removal of invasive plants in discretionary projects. |
| **3.20 IS 2.8.4** | RCD | Add a statement that the Native Plant Society and NRCS maintain lists of native plant species. | This is addressed in IS 2.8.4 |
| **3.21 IS 2.8.5** | LOCAC | Restate to "Coordinate and network with media, community, non-profit and regulatory agencies…" | **Revise:** Collaborate with non-profit and regulatory agencies and the public to control and manage ~~address~~ invasive species ~~control and management~~, including provision of up-to-date lists of …" |
| **3.21 IS 2.10** | Agriculture Department | To ensure consistency with AGP 12, revise Policy BR 2.10 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.~~ | Agree. **Revise:**. "*Policy BR 2.10 Integrated Pest Management ~~Control~~* Encourage the use of integrated pest management practices. (refer to AGP12 in the Agriculture Element) ~~and organic practices to manage pests with the least possible hazard to the environment.~~ " |
| **3.21 IS 2.11** | Agriculture Department | Identify additional agencies to consult in Policy BR 2.11. | No change is recommended. Other agencies are already mentioned. |
| **3.22 Policy BR 3.1** | LOCAC | Revise: "Preserve and protect native and biologically valuable trees, oak woodlands,…" | Preserve and protect are similar in meaning in this context. |
| **3.22 IS 3.1.1** | Agriculture Department | Include the U.C. Cooperative Extension in this strategy to prepare a countywide native tree protection ordinance. | It is not necessary to cite agencies in this strategy. The Department consults with applicable agencies during preparation of ordinances and plans. |
| **3.22 IS 3.1.1** | LOCAC | Revise: "Develop a countywide native tree protection ordinance to avoid disturbance of protected trees and to define ~~require~~ replacement ratios and replanting standards…" | **Revise:** "Develop a countywide native tree protection ordinance to avoid disturbance of protected trees and to identify ~~require~~ replacement ratios and replanting standards…" |
| **3.22 IS 3.1.1** | Farm Bureau | Delete this strategy to prepare a countywide native tree protection ordinance. | There is currently no native tree ordinance in effect in the county. This IS is a primary way to implement the policy to protect valuable trees, woodlands and their habitats. |
| **3.23, 3.37 IS 3.3.3 Table BR2** | Agriculture Department | Remove the Agriculture Department as responsible agency for this strategy to prepare an oak woodlands management plan. | O.K. **Remove** the Agriculture Department as a responsible agency in Table BR2. However, staff believes that due to the presence of woodlands on agriculturally-zoned land and the expected high level of interest from agriculturalists, the Agriculture Department should be involved in this effort. |
| **3.23 Policy 3.4** | Agriculture Department | Revise the policy to state that Sudden Oak Death Syndrome is not in the county yet. | **Revise:** "Continue to support agency programs to limit the impacts of Sudden Oak Death syndrome and any other potential or existing diseases harmful to native vegetation…" |

| Biological Resources Chapter | | | |
|---|---|---|---|
| **Page #, Ref.** | **Commenter** | **Comment** | **Response** |
| **3.23 Policy 3.5** | LOCAC | Supports non-native tree policy | Noted |
| **3.24 IS 4.1.1** | LOCAC | Revise a: "Require preservation of natural streams and associated riparian vegetation in an undisturbed state whenever ~~to the greatest extent~~ feasible in order to…" | The existing language defines the *extent* of the preservation effort, and is more protective of the resources. |
| **3.24 IS 4.1.1c** | LOCAC | Revise c: "~~Where possible,~~ Protect stream corridors and setback areas through easement or dedications…" | **Revise** c: "~~Where possible,~~ Protect stream corridors and setback areas through easement or dedications…" |
| **3.25 IS 4.2.1** | Agriculture Department | Revise the setback requirement consistent with AGP 26 in the Agriculture Element. | Policy 4.2 states that it and IS 4.2.1 do not apply to private lands in the Agriculture land use category and other lands used for production agriculture, and that on those lands, the reader should refer to AGP 26 in the Agriculture Element. |
| **3.25 IS 4.2.1** | Farm Bureau | Revise: "On non-agricultural land and for non agricultural projects, set back development on public lands and all private development subject to discretionary review…" | See the preceding response. |
| **3.25 IS 4.2.1 5)** | Mary Giocoletti | Impacts to stream and riparian resources should be avoided, not lessened. | There is a conservation and mitigation hierarchy in the Introduction chapter that explains the progression from "avoid" as the highest priority to "compensate" as the last resort. |
| **3.25 IS 4.2.1 5)** | LOCAC | This implementation strategy is weak | The IS follows the mitigation hierarchy in the Introduction chapter and is consistent with CEQA. |
| **3.25 IS 4.2.1 6)** | LOCAC | Revise: "~~Where feasible, and~~ Where a nexus exists with the proposed project, restore damaged riparian habitats as a condition of approval (OSP 19)" | Agree. **Revise:** "~~Where feasible, and~~ Where a nexus exists with the proposed project, restore damaged riparian habitats as a condition of approval (OSP 19)" |
| **3.26 IS 4.2.1. 9)** | LOCAC | Drainage requires collection, treatment and disposal--strengthen and clarify this measure to direct polluting drainage away from the creek. | This strategy does not need to include the details of how drainage will be handled. **Revise:** "Direct polluting drainage away from the creek or include appropriate filters, consistent with LID and SWPP requirements." |
| **3.26 Policy 4.3** | LOCAC | Discourage projects that overdraft alluvial waters. | The Resource Management System is used to regulate development in the Water Resources chapter. |
| **3.27 Policy 4.5** | LOCAC | Revise: "~~Encourage~~ Require private landowners to protect and preserve stream corridors.." | Stream preservation is a collaborative effort among landowners, agencies, and conservation organizations. |
| **3.27 3.38 IS 4.5.1 Table BR 2** | Agriculture Department | Remove the Agriculture Department as a responsible agency. | Staff understands that the Agriculture Department is already involved in efforts to manage riparian vegetation. |
| **3.29 Figure BR-7** | County Parks | Why preference for #4? | No. 4 is preferred when parcels are in a street to street configuration. |
| **3.30 Policy 4.6** | LOCAC | Revise: "Policy BR 4.6 Develop ~~Encourage~~ Stream Preservation on Public Lands" | **Revise:** "Policy BR 4.6 ~~Encourage~~ Stream Preservation on Public Lands" |

| Biological Resources Chapter | | | |
|---|---|---|---|
| **Page #, Ref.** | **Commenter** | **Comment** | **Response** |
| **3.30 IS 4.6.1** | RCD | Amend this strategy to include the Upper Salinas-Las Tablas RCD. | Resource Conservation Districts are mentioned in this strategy. It is not necessary to mentions specific districts (there are more than one). |
| **3.30 Policy 4.7** | LOCAC | Revise: "~~Limit~~" Control contamination from the use of commercial, residential, and public application of pesticides and herbicides…" | Limiting contamination from pesticides is consistent with the County's authority in the area. |
| **3.30 Policy 4.7** | NCAC | Move this policy on pesticide contamination to the Water Resources chapter. Need a strategy for this policy. Suggest changing wording in regard to "limit." | Comment noted. Agree that pesticide contamination is also relevant to water quality in the Water Resources chapter. See preceding response regarding limiting contamination. |
| **3.30 Policy 4.7** | Agriculture Department | Revise: "*Policy BR 4.7 ~~Contamination from Pesticides~~ Encourage the Safe and Legal Use of Pesticides*<br>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." | Agree. **Revise:** "*Policy BR 4.7 ~~Contamination from Pesticides~~ Encourage the Safe and Legal Use of Pesticides*<br>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." |
| **3.30 Policy 4.7** | Mary Giocoletti | A stronger tactic than to limit contamination from pesticides is needed. | Pesticide regulation is a complex issue administered by the State and the local Agricultural Commissioner. |
| **3.30 Policy 4.8** | LOCAC | Revise: "~~Reduce~~" Control fertilizer and pollutant runoff from County-owned and managed lands." | Agree. **Revise:** "Reduce and control fertilizer and pollutant runoff from County-owned and managed lands…" |
| **3.30 IS 4.8.1** | Agriculture Department | Revise with regard to pollutant runoff. | **Revise** text to cite RWQCB BMPs and **delete** pest management. |
| **3.31 Policy 4.9** | Agriculture Department | Revise Policy BR 4.9 regarding pesticides. | This policy is meant to reduce pesticide use on County-owned and managed lands, and as such, no changes are recommended. |
| **3.31 IS 4.9.1** | RCD | Please add a strategy to identify NRCS, UC Cooperative Extension, and RCD | These agencies are mentioned in the policy. |
| **3.31 Policy 4.10** | Agriculture Department | Revise this policy regarding vector control and add an IS for management. | This policy was previously revised. |
| **3.31 Goal 5** | Mary Giocoletti | This policy allows removal of wetlands, not preservation as stated in Goal 5. | Wetlands are subject to the conservation hierarchy in the Introduction chapter. If avoiding wetlands is not feasible, then the wetlands that are removed will need to be restored or re-created. |
| **3.31 Policy 5.1** | LOCAC | Revise: "Require development ~~to~~ avoid wetlands and provide upland buffers." | The sentence is correct as written. |
| **3.31 IS 5.1.2** | Mary Giocoletti | Suggests wording change to strengthen the strategy to avoid wetlands. Why are "no net loss" and "preserve" and "wetland conversion" all separate policies? | These policies correspond to the hierarchy described in the Introduction chapter from "avoid" to "compensate." Staff will review the policies to see if they can better adhere to the hierarchy. |
| **3.32 IS 5.1.3** | LOCAC | a-i do not address siltation. | Controlling siltation is one of the purposes of this strategy. |

| Biological Resources Chapter | | | |
|---|---|---|---|
| **Page #, Ref.** | **Commenter** | **Comment** | **Response** |
| **3.32 Policy 5.2** | LOCAC | Revise: "Ensure that all public and private projects avoid impacts to wetlands ~~if feasible~~…" | "If feasible" needs to remain, as the policy calls for avoiding **all impacts**, not just significant impacts. Avoiding **all** impacts is often not feasible or even possible. |
| **3.33 IS 5.4.1** | RCD | Add a strategy that identifies the benefit of using existing NRCS and RCD programs to encourage landowners in conserving wetlands and riparian vegetation | **Add** IS 5.4.1: "*Resource Conservation District Assistance*<br>Encourage landowners to use programs offered by Resources Conservation Districts and the Natural Resources Conservation Service to preserve wetlands and riparian vegetation." |
| **3.33 Policy BR 5.4** | Farm Bureau | Delete, "~~Support use of best management practices and proper range uses to minimize impacts to wetlands on agricultural lands".~~ Already addressed in the Agriculture Element. | The Agriculture Element does not deal with best management practices to minimize impacts to wetlands specifically, although it does have similar policies regarding major ecosystems and wildlife corridors. Retain the policy. |
| **3.33 IS 6.1.2** | RCD | Amend this Strategy to state that funding needs to be provided to the agencies. | This is a given for all strategies, and is explained in the tables of implementation strategies at the end of each chapter. |
| **3.34 IS 7.2.1** | Sierra Club | Suggests IS BR 7.2.1:<br>Identify a coordination area and engage stakeholders in setting goals. | The Local Coastal Program is the primary document that fully implements policies to protect marine resources, as is stated following Goal 7 on page 3.34. No implementation strategies are needed in the COSE. |
| **3.34 IS 7.2.2** | Sierra Club | Suggests IS BR 7.2.2:<br>UNDERSTAND AND MONITOR ECOSYSTEM HEALTH**.** Collaborate with managers, scientists, and citizens to assemble information about the condition of coastal and ocean resources and the local economy that depends on them. | See the preceding response. |
| **3.34 IS 7.2.3** | Sierra Club | Suggests IS BR 7.2.3:<br>ESTABLISH COORDINATING MECHANISMS**.** Coordinate citizens, agencies, and stakeholders across jurisdictions in identifying and implementing strategies to achieve multiple ecosystem goals. | See the preceding response. |
| **3.34 Policy 7.3** | Agriculture Department | Revise Policy BR 7.3 wording. | "Support" is used correctly in this policy, which is consistent with the language of a recently adopted water quality policy in the Estero Area Plan (Areawide Policy IV.A.5.) in Chapter 6). No change is recommended. |
| **3.34 IS 7.3.1** | RCD | Add a strategy that identifies the NRCS and RCD cost-share grant programs. | It is sufficient that these agencies are mentioned in the policy. |
| **3.34 Policy 7.4** | RCD | Amend Policy 7.4 and add a strategy to reflect the need to protect the waters from watersheds that enter the Monterey Bay National Marine Sanctuary. | The Monterey Bay National Marine Sanctuary is specifically addressed in the policy, and is covered by the language in the implementation strategy. |
| **3.38 IS Table** | Agriculture Department | Include the Agriculture Department in notes for summary of implementation strategies. | **Revise** the notes at the bottom of the page to list the Agricultural Commissioner. |