

Agriculture Ongoing means the following agricultural activities:

1. Existing legally established agricultural production activities, including plowing, tilling, planting, harvesting, and seeding, which have neither been expanded into Environmentally Sensitive Habitat Areas, never before used for agriculture areas, nor discontinued in the past decade and now require irrigation. Agricultural production activities may include the conversion of grazing to crop production or other ongoing activity involving a change in intensity of use of land or water, such as ongoing rotational grazing and crop farming, if the ongoing production activity has been part of a regular pattern of agricultural practices that has not been discontinued for the past decade. If the ongoing production activity has been discontinued, the permit issuing authority may allow an Applicant to overcome the presumption that the agricultural activity is no longer ongoing if the Applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production on the property, and the existence of infrastructure to support the agricultural production activity; however, the proposed increase and intensification of water usage will still require permit approval.

Comment [AT1]: A decade is an appropriate time frame, give or take a year, to determine whether this is an ongoing use or a new one that should go through a de minimis permit process. And with climate change and sea level rise impacting rainfall and thus available groundwater supplies, its all the more important that an intensification of the use of land that requires water beyond natural rainfall receive permit review and meet groundwater pump test standards.

Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has not been part of a regular pattern of agricultural practices or has been discontinued for more than a decade is not an ongoing agricultural production activity but rather constitutes new development requiring a coastal permit, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.

Comment [AT2]: Even new development that is under the CatEx can still have adverse impacts to groundwater, and potentially to ESHA that is hydro-geologically connected, thus should at a minimum require a de minimis permit review so that the standards of 22.64.140.

The following list includes examples of activities that are not considered ongoing agriculture for the purposes of the definition of "Development" and constitutes new development requiring a coastal permit consistent with Chapters 22.64, 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order. Examples include but are not limited to:

1. Development of new water sources such as construction of a new or expanded well or surface impoundment;
2. Installation or extension of irrigation systems;
3. Terracing and/or grading of land for agricultural production;
4. Preparation or planting of land for viticulture, including any initial vineyard planting work as defined in Chapter 22.130;
5. Preparation or planting of land for growing or cultivating the genus cannabis; and
6. Routine agricultural cultivation practices on land with an average agricultural slope, as defined in Chapter 22.130, of more than 15%.