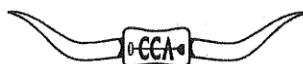


CALIFORNIA CATTLEMEN'S ASSOCIATION

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Chairman Steve Kinsey, President
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Via email c/o Kristin Drumm: Kdrumm@marincounty.org

Dear Board Members,

The California Cattlemen's Association (CCA) appreciates the opportunity to comment on the most recent staff comments, dated January 4, 2013, on the development of the Local Coastal Plan (LCP). As may be recalled from our comments made at the October meeting, as well as the corresponding letter, CCA is very concerned with a variety of issues contained within the LCP. While several issues will be enumerated herein, we would like to take this opportunity to thank the staff and Board for several of the positive amendments which have been made thus far. CCA's membership is appreciative of the acknowledgement and resolution of some major concerns, and hopes that those remaining will be addressed in an equally favorable fashion.

Having attended the meeting hosted by the California Coastal Commission (CCC) to discuss LCPs, one issue which was made abundantly clear by representatives from local government, including Chairman Kinsey, was the need for greater local autonomy and a reduction of overreach on the part of the CCC. As was written in CCA's letter to the CCC on this issue, we believe that not only does the law provide for it, but that local governments should fight to develop LCPs which best fit the needs of their county, not the demands of the CCC. It is our firm belief that the CCC staff should play a limited role in the development of LCPs, and provide comment only when developing policy is in conflict with the Coastal Act. CCA would encourage the Board and staff to rely on the needs of the local constituencies in their plan development and avoid capitulation to the CCC, which, as was noted in the CCC meeting, is often times overbearing and overreaching.

In this vein, CCA is thankful that staff has suggested clarifications to the term "grading", which excludes routine agricultural practices, but would suggest that both staff and the Board seriously consider the enlarging the grading quantity that would be considered development. Although staff comments state that "options for a specific grading quantity include the 250 cubic yard limit established in Title 23, the implied threshold of 150 cubic yards in the existing LCP, or some smaller quantity, consistent with recent Coastal Commission actions..." might be acceptable, CCA would ask that the Board not rely on the CCC approved thresholds as a starting point. While 50 cubic yards, as approved for San Luis Obispo County, may seem sufficient for those unfamiliar with agriculture, scale and relativity in agricultural lands must be considered. CCA members have frequently encountered challenges from the CCC when trying to remove vegetation for the purpose of fire breaks or to maintain pasture. These activities are certainly routine agricultural practices, and should be enumerated as such. It is important to note that for those

who manage thousands of acres of land, the grading of 50 cubic yards of dirt, for the purposes of vegetation removal, is hardly sufficient, as this is equal to the length of half of a football field. At the very least, CCA would encourage vegetation removal to be included within the scope of “agricultural practices” and not to decrease the current threshold.

While we would suggest the inclusion of “vegetation removal”, as it applies to the maintenance of agricultural operations, to be included in the definition of “ agricultural practices”, CCA is very appreciative of the clarifying language suggested by staff which specifically points out that on-going agricultural operation , including animal management and grazing , are not to be considered development or a change in the density or intensity of the use of the land. We hope that the Board moves to approve this language, as it helps protect the viability of agriculture in Marin County.

With regards to ESHA, CCA encourages the Board to tread lightly and consider the ramifications of any change of policy. As it relates to terrestrial ESHA, it is concerning that riparian vegetation associated with ephemeral streams, is to be considered ESHA. While CCA certainly recognizes the importance of riparian vegetation, the Board should also consider that there are a host of restoration projects, including planting and stream bank stabilization, which will likely go undone if all riparian vegetation is considered ESHA. As the Board is well aware, the designation of ESHA, while potentially helpful, can also result in overly burdensome regulations which inhibit the undertaking of positive work.

Similar to the concerns expressed about blanket designations of ESHA, the proposed amendments to stream buffers are also troubling. While we are certainly appreciative, and think it good policy to grant buffer adjustment consideration when “development cannot be accommodated entirely outside the buffer” it is confusing to then suggest that there is an “‘absolute minimum’ 50 foot buffer which cannot be adjusted.” As has been discussed at previous Board meetings, flexibility, and with it, accurate science, is keenly important. CCA would encourage the Board to adopt a more flexible rule which allows for the consultation with appropriate parties to determine an acceptable buffer zone on a case by case basis. This policy should be based on local determination, not on the suggestions of the CCC staff, whom, it should be noted, failed to engage early-on with this public process. The late comment from the CCC staff, followed by the subsequent reopening of the Wetland Buffer Adjustment Policy is disturbing. As previously stated, LCPs should be designed by counties, and influenced by the CCC only insofar as changes are made to reflect legal parity.

Although likely contained to help contextualize the proposed changes to stream buffers, the Board should not, in this case, be persuaded by the fact that there are three other counties which “provide some sort of ‘absolute minimum’ for an adjusted buffer...” for there are 11 counties which do not. As staff points out, within the Coastal Zone, 69% of the parcels do not fall within the required buffers for streams or wetlands. While those excluded from the buffer zone are an obvious majority, it is important to note that there is still a sizeable minority who will be burdened with this hard and fast rule. The Board should consider that while many of the affected parcels also contain land not within the buffer zone, topography often plays an important role in the viability of any type of “development”. Should the Board wish to implement an effective policy, they should not be remiss in accounting for this factor, and CCA urges that topography be included in the list of considerations for buffer adjustments.

The most troublesome component of the buffer amendment is the requirement to create a “net environmental improvement over existing conditions.” While CCA wholly supports volunteer

improvements and restoration projects, this is an absolutely inappropriate requirement of a buffer adjustment consideration. The examples listed as “appropriate measures” are not only extraordinarily expensive, but likely impossible. If the intent of the Board is to create a policy which encourages restoration projects, then this section must be reworked. In its current form, this “net environmental improvement” requirement will assuredly prevent land owners from seeking a buffer adjustment, and consequently not engaging in these projects. Here, the Board should be clear in its intention. If the desired outcome is “no buffer adjustment”, then let it be stated as such, for as currently written, this requirement certainly results in the same outcome. If restoration projects are desired, then they should be rethought to achieve a more realistic outcome.

CCA is grateful of the opportunity to discuss these LCP amendments, and would suggest that the Board wait to make a final determination on these changes until after the Agriculture Workshop is held by the CCC. Family farms in Marin, and all throughout the state help to feed the country and the world. Many of these lands have been managed by the same families for generations and blood, sweat and tears have undoubtedly gone into the continued preservation of California’s coveted open space. What many often forget is that these open spaces created by farming and ranching have been maintained as such without the burdensome regulations we see today. The agricultural community has an inherent obligation and desire to maintain the viability and sustainability of their land, but is finding it increasingly difficult to do so as strangling regulations choke these land stewards, eventually forcing them off the land. CCA implores the Board to give consideration to the long term effects of these LCP policies and to recognize the existing commitment to sound land management that is demonstrated by our membership.

Sincerely,



Margo Parks

Director of Government Relations

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