

April 6, 2009

County of San Diego
Department of Planning and Land Use, MSCP Division
5201 Ruffin Rd., Suite B
San Diego, CA 92123

Dear Members of the MSCP Discussion:

Thank you for this opportunity to comment of the Multiple Species Conservation Program Draft North County Plan. We appreciate the dialogue that has taken place over the past several years on this program and the inclusion of previous Farm Bureau comments in this draft.

The following are our comments for your consideration:

4.5.1 Agricultural Clearing

Since the withdrawal of the agricultural exemption for clearing by the County in 2001 there has been no appreciable creation of new farmland due to the fact that crop production values are almost always insufficient to overcome the burden of mitigation. The farm community is looking forward to expansion that will become possible through the exemption from mitigation requirements and the possibility for even further expansion through the proposed rough step process. We do have a concern with the exemption cap that has been set at 3000 acres.

It is our suggestion that the exempt acreage for agricultural clearing of Tier II and Tier III habitats be set at 4500 acres followed by the rough step calculation. In the scale of the Multiple Species Conservation Program this increase is not significant and the loss of potential mitigation acreage would be raised by a small increment. In fact, we would suggest the analysis in this section of the loss of potential mitigation acreage due to agricultural clearing is incorrect. The assumption cannot be made that if the acreage exemption did not exist a like acreage would be fully mitigated as new farmland or through development. Therefore, it is our belief that the loss of potential mitigation is likely minimal.

It is also our suggestion that an amount of acreage that is put into agricultural production through the exemption process and at some later date is fully mitigated through removal of the conservation easement be returned to the inventory of acreage available for exemption.

7.5.2 Agricultural Policies

In this section it is stated that the Incidental Take of covered endangered and threatened species will not be given for the use of pesticides or herbicides. The California Department of Pesticide Regulation has clear and strict regulations on the use of pesticides and herbicides. Following those regulations is a normal agricultural procedure and considered to be a Best Management Practice. If a farmer is using a pesticide or herbicide in full compliance with the label requirements we believe coverage should be granted. Only when there is a failure to use a pesticide or herbicide in compliance with the label requirements should there be a loss of coverage.

Table 7-6 Agricultural Best Management Practices – Weed Control

We suggest re-wording of this BMP, which also appears in the Arroyo Toad section, to read “Use broad-spectrum herbicides only when a targeted herbicide is not effective or available.” We make this suggestion for two reasons. First, weeds can be or become resistant to a targeted herbicide. In those cases the best remedy may be the application of a broad-spectrum herbicide to knock down the targeted weed population. Second, in some cases, particularly with introduced or exotic weed species, there may not be a selective herbicide choice.

Table 7-6 Agricultural Best Management Practices – Pest Control

For similar reasons to those stated above for weed control, we suggest this BMP be amended to read “Use broad-spectrum pesticides only when a targeted pesticide is not effective or available.”

Table 7-6 Agricultural Best Management Practices – Specific Activities within Suitable Habitat for Arroyo Toad

One of the BMP’s states “Treat stormwater runoff from fields to reduce pesticides and fertilizers, prior to it flowing into streams or rivers occupied by Arroyo Toads.” This is not achievable. “Treat stormwater runoff” implies that all of the waters must be run through some form of process. That is neither practical nor possible. We suggest a simple edit to replace “Treat” with “Manage.” This will allow the farm operator access to a variety of techniques best suited for a particular location while maintaining the intent of the BMP.

Should you need any clarification on these comments, please feel free to contact us at your convenience.

Sincerely,



Eric Larson
Executive Director

