

Correcting the record on coastal agriculture

OPINION

BY JACK AINSWORTH

A recent article ("Bill targets agricultural permitting" April 5, 2018) contained a number of incorrect assertions about the Marin County local coastal program (LCP) update, including the suggestion that Marin County farmers need legislative relief from proposed restrictions in the plan. That's baffling, because after a decade of public process, hard work and compromise on all sides, the plan approved by the commission in November 2016 significantly reduces restrictions on agricultural activities. In fact, if approved by the Board of Supervisors next week, Marin will be the only county in the state with the ability to completely waive coastal development permits for minor projects – a new LCP "tool" developed specifically to help farmers in Marin.

Throughout the process, the Marin agricultural community made a compelling case that Marin's farmers and ranchers deserve greater leeway and less oversight than other localities, because of the environmental ethic of the farming economy. The commission agreed, and greatly expanded the county's discretion to waive permits and allow more agriculture-related development, including providing

a streamlined process for inter-generational housing, which was a key issue for many farmers. Now, some are complaining that the progress we've made doesn't go far enough and are claiming that most coastal ag operations should simply be exempt from the Coastal Act.

Agriculture is a priority use under the Coastal Act. The commission has protected thousands of acres of coastal ranch lands from development pressures. It's fair to say that diversified coastal agriculture still thrives in California because the Coastal Act has held development at bay for decades. Routine, ongoing agricultural activities like harvesting, planting crops and pasture and fence maintenance don't require permits, and never have. In some counties, greenhouses, barns, fences, wells and even surface water impoundments don't either. In Marin, the permit exemption is even broader, with most agriculturally-related development explicitly exempt from any permit requirements altogether. But like any industry, some agricultural practices can have impacts to coastal resources. Permit review for these activities ensures that they will be carried out in a way that doesn't cause unintended harm.

For the record, commission staff didn't make any last-minute changes to Marin's plan as claimed in the article. The only last-minute changes approved by the

commission were those that the county was requesting. Nor did commission staff require a provision that water intensification requires a permit. That was the county's request, which the commission supported. This was one of six specific agricultural activities that will require coastal permits under the new plan, including vineyards, cannabis, new ag wells and water impoundments, terracing and planting on slopes over 15 percent, all as requested by the county. The article mistakenly asserts that the commission removed this list from the plan and replaced it with language requiring the commission to evaluate impacts to coastal resources. This is not even remotely accurate. The county's requested list of permit-required activities remains in the plan.

During the update process, county and commission staff worked with stakeholders and members of the public to update the entire plan, not just its agricultural policies. After years of negotiation and compromise, there were only a few items for which consensus had not been achieved. At the commission's final hearing, commissioners agreed to the county's request to change the definition of "ongoing agriculture," deleting a requirement for applicants to demonstrate that ongoing production activities are pre-existing and legally established as a prerequisite of avoiding a permit. Also

at the county's request, the commission deleted the "conversion of grazing area to row crops" as an activity that always requires a coastal development permit. That doesn't mean rangeland conversion will never require a permit, as some are now claiming, but it does mean that so long as other permit thresholds aren't triggered, rangeland open space can now be converted to row crops without a permit. In other words, at the end of the process, the county prevailed on the policies they preferred.

Coastal management is a dynamic process, just like the coast itself. The Coastal Act contains the broad, statewide goals and policies for coastal protection. Local governments work with their communities to prepare LCPs that contain the specific requirements for how those goals will be met in each coastal city and county. They implement those plans through permits, waivers and enforcement actions, with input from the public. And the commission oversees any changes to the plans, to ensure ongoing Coastal Act compliance in a transparent public process.

It's a delicately balanced relationship, and nobody gets everything they want. California's coastal program depends on respectful state and local partnerships between the coastal commission, local governments and stakeholders.

The Marin LCP update includes many important policy changes that will benefit the local economy across many sectors, as well as enlightened protection for coastal resources.

It's disappointing to see so much disinformation being spread throughout the community, especially in the days before the board is due to act on the final plan.

Jack Ainsworth is the executive director of the California Coastal Commission.

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CORRECTION AND CLARIFICATION: Our April 5 article, "Bill targets ag coastal permitting," mentioned last-minute tweaks to Marin's draft Local Coastal Program update, referring to California Coastal Commission staff's revised findings from July 2017. We wrongly stated that in those findings, the commission took out a reference to six specific agricultural activities that will require coastal development permits under the new program's definition of ongoing agriculture. In fact, those triggers remain in the definition. Instead, county staff are concerned that in the revised findings (which are separate from the text of the amendment but which clarify the commission's intent) the commission added that the need for coastal development permits is not limited to those six activities. That, county planners fear, opens the door for the commission to regulate agriculture at its discretion or, at least, for confusion in the permitting process.