



Biology Initial Study Assessment Guidelines New Process for Change

By Lynn Gray Jensen

VC COLAB's Articles of Incorporation were filed on 7-8-10, forming a new group with the intent to review and hold governmental agencies accountable for new regulations that would affect the organization's members: initially land and business owners operating in the unincorporated areas of Ventura County.

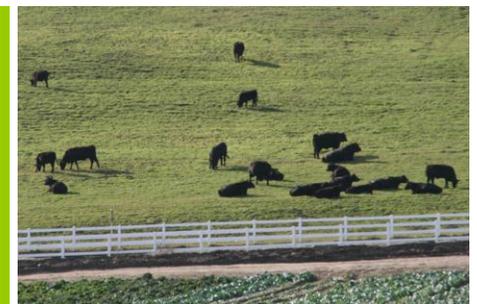
Our first project was a tough one. We proposed to take on Ventura County Planning Staff in their revision of the Biology Initial Study Assessment Guidelines (ISAG). While staff represented this process as an update, the document was actually a complete rewrite; the original 6 pages of language were stricken, replaced with 25 pages of new language. The new document was unnecessarily complicated, containing language particularly offensive to farmers and ranchers who were to be the main stakeholders in the process.

The timeframe was tight. The County Board of Supervisor's was set to act on the staff proposed document in a hearing scheduled for 7-27-10. At this hearing, a large group of variable opposition parties argued that the Biology ISAG was poorly written and needed further review. In

particular, agricultural stakeholders contended that they were not given adequate public due process. A 3-2 vote allowed a six month continuance for stakeholder "dialogue". While Supervisor's Bennett and Parks tried to limit the scope of the discussions and characterized the speakers as "misinformed", the overwhelming negative response at the hearing convinced Supervisor's Long, Foy and Zaragoza to allow an opportunity to improve the language in the document.

After retaining attorney consultant Andrew Hartzell of O'Neil, LLP and Barry Jones of Sweetwater Environmental Biologists, Inc. we thoroughly analyzed the language representing our member's interests, challenging staff's scientific principles and their interpretation of County documents like the General Plan.

The terms of stakeholder representation with Planning Staff were unspecified. Two public forums were announced by Planning in order to meet the deadline of a new Supervisor Hearing in late January. Initial resistance to technical review and open dialogue was high. On December 13th, many agricultural associations in the community including VC COLAB, VCAA and VC Cattlemen united and signed a



letter requesting that agricultural stakeholders be allowed focused meetings to discuss specific issues.

Rather than submitting written comments that are easily rejected by staff, VC COLAB submitted a full red-line document on 1-3-11 with recommended changes to the Biology ISAG language, **setting a new standard** for the process.

Agricultural stakeholders also gained two meetings in January where 19 specific issues were discussed, led by VC COLAB consultants. On 2-10-11, staff responded with a revised Biology ISAG document. **In summary, the focused meetings on VC COLAB's 19 critical issues led to staff changes in 46 paragraphs of the document. In fact, these first set of meetings were hugely successful for stakeholders.**

Language pertaining to Restrictive Covenants was modified. Initially defined as "Required Mitigation for Subdivisions" and declaring: "a restrictive covenant must be recorded on the remaining

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portion of the property that restricts any future land uses to maintenance of the existing condition of the land”, there was no consideration of impact analyses or legal nexus. The redefinition included reference to impact analyses, voluntary restrictions and an option to limit future development to buildable areas to reduce the size and severity of the restrictions.

However, in total, the staff revised document was not acceptable to VC COLAB. In fact, staff had added extensive new language that could not be properly evaluated in time for the Board of Supervisor’s hearing scheduled for 3-1-11. VC COLAB recommended postponement of the hearing at no avail.

In particular, staff insisted on referencing the controversial South Coast Missing Linkages project (SCML), in the methodology section. While SCML corroborated with agency personnel, conservancies and environmental groups, there was misrepresentation of farming and ranching practices, field mapping was lacking and the final map was not subject to a public process. In fact, the data and assumptions for the complex computer models used to create the mapped

boundaries were not accessible to the public. We did not agree that SCML was appropriate for project analysis under the California Environmental Quality Act (CEQA).

Allium praecox (CalPhoto)



Another critical issue was the “Locally Important Species” (LIS) which were referred to in the General Plan. Lists were created in a poorly documented process in 2005, without public input. VC COLAB discovered 118 unlisted plant species without sufficient data to support their inclusion. This ignited a controversy about an “early onion” (*Allium praecox*) which is common in other Counties but has only a few occurrences reported in Ventura County.

At the Board of Supervisor’s hearing on 3-1-11, an overwhelming number of farmers and ranchers again voiced their opposition at the 5 hour hearing and the board voted unanimously to defer the decision for another 60 days.

County Planning Staff scheduled four stakeholder meetings in March which were overwhelmingly attended by VC COLAB members and supporters. We submitted our third revision to staff and compiled a new list of 25 issues – arranged by page numbers to work page by page through the document.

After the four meetings were held, we proposed an addendum to our March 17th version with compromise language on species threshold issues. We

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Comments from the Chairman

It has been an energizing year for the Board of Directors. Our Executive Director, Lynn Jensen; President, Bud Sloan and Vice Chair, Jurgen Gramckow have been leading the charge! Whenever a new organization is launched, there can be many differing opinions on how it should function, its purpose, and its actions. VC COLAB was unique; the founding members were united that we should speak with passion, act with integrity, and support our positions with fact and science. Our deeds have followed our words. Our credibility within the County of Ventura Resource Management Agency and Board of Supervisors has been established.

With over 200 members in a short 9 months, we have met the need of so many businesses in Ventura County. It is vital that we continue to work with established organizations and continue to speak with a common voice on issues that affect us all. Our unique organization, representing a vast array of labor, agriculture and business makes us like no other in Ventura County.

As we look to the near future, there are significant regulatory issues that could affect how we conduct business. VC COLAB will continue to represent our membership’s interest and keep you informed of pending issues.

Thank you for your continued support of VC COLAB. I have been honored to be Chairman of a Board of Directors who has truly given an immense amount of time and energy to our cause.

Tim C. Cohen

KEY ISSUE FOR LANDOWNERS

The South Coast Missing Linkages study released in June of 2006 recommends a wildlife linkage design including 156,000 acres across Ventura County (shown in purple). Agriculture is characterized as a barrier to wildlife movement and further agricultural development is discouraged.

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recommended a defined process for the LIS per our contention that allowing agencies to create their own species lists without public accountability or oversight would circumvent the process intended in the Endangered Species Act.

In addition to attending meetings, VC COLAB also researched ten coastal counties from San Diego to Mendocino. Our objective was to identify how other relevant counties considered CEQA thresholds, special status species and locally important species in their guideline documents, General Plans and recent EIRs. **Contrary to testimony to the Board of Supervisor's by county staff that their thresholds were used regularly by biologists in "other counties in the region", we found that this was not the case. The biology ISAG document as recommended by staff was well out of the mainstream.**

On April 21st, County Staff came out with Exhibit 9 of the staff report for the April 26th Board of Supervisor's hearing. Of the 25 issues, 13 were successfully resolved through language revised by staff and 4 were dropped by VC COLAB. The remaining 7 issues related to three major deficiencies: 1) Low Sensitivity Special Status Species with inappropriately low thresholds, 2) Locally Important Species not subjected to a public process and 3) SCML remained in the document as a

reference (although a paragraph was added explaining the limitations of using mapped biological information).

On April 26th, the morning of the public hearing, staff prepared a letter with more revisions and circulated it to the Supervisors and the crowd in the board room. These revisions were mostly favorable to VC COLAB's objectives. However, the three major deficiencies were not resolved.

Although Supervisor's Long and Foy supported language to resolve the three issues, only one was incorporated into the final motion – fortunately the LIS process will be subject to public review. We thank Supervisor Long's office for taking the time to understand the complicated issues in the ISAG and attempting to champion a fair resolution for the benefit of the farming industry.

In closing, the VC COLAB organization needs your contributions to continue the battle against poorly conceived regulations. With your help we will expand our focus to support all businesses in the County. We believe there is a mutual benefit for VC COLAB to watch the legislative process and advocate for technical accuracy, fairness and common sense. In this case, an industry that supports our very survival is at stake.

VC COLAB Looking Forward

When VC COLAB was conceived, we were confronted with many suggestions that the place to fight regulation was at the Federal and State levels. While this is certainly true, we have found that agencies and politicians control much of how rules are written and interpreted locally. In the June issue we will discuss our strategy going forward on the many regulatory issues before us. In choosing

our path, we must be true to our strengths, utilizing technical skills and research to differentiate between necessary restrictions and runaway agendas. We will focus on issues within our expertise and work to expand our knowledge to protect our private land and businesses from excessive control, representing our Coalition of Labor, Agriculture and Business.



While we thank all of our supporters for their time, energy and of course the all-important contributions that made the Biology ISAG project successful, there are a few individuals who were motivated by the cause and deserve a special round of applause. While the Board of Directors led by Tim, Bud and Jurgen exhibited exceptional leadership, there were a few speakers and letter writers whose efforts need to be acknowledged. First, we thank the signers of the December 13th letter to the Planning Director that started the process rolling: Rob Roy (VCAA), Bert Lamb (VCCA), Doug Nelson, Bob Pinkerton, Rich Atmore and Marty Melvin. While all of our speakers made important points, some had extra impact: Rob Roy was a leader, Patty Waters was inspirational, Bob Pinkerton had spirit, Rich Atmore brought in his future farmers, Henry Vega had impact, and the Board Members were all sensational. In addition, many letter writers had specific comments with respect to the potential impacts to agriculture of language in the Biology ISAG: Bob Pinkerton – GAP Certification Program; Jeanette Lombardo – agricultural infrastructure improvements; Elaine Krankl – Winery permitting; Bud Sloan – cattle ranching and estate planning; Tim Cohen – SCML and discretionary permitting; Ken High – environmental extremism; and Rich Atmore – cumulative impacts. In addition, a special thank you to John Hecht for his support of our negotiation.

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**Ventura County Coalition of
Labor, Agriculture and Business**

P.O. Box 4237, Ventura, CA 93007

Email: membership@colabvc.org

www.colabvc.org

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I would like to apply for an Active Membership at the following level:

- \$100 Individual - Promote economic vitality and individual rights in Ventura County
- \$500 Business - Promote the common business interests of **VC COLAB** Members
- \$1,000 Gold - Further our efforts to monitor, educate and represent our common business interests
- \$1,500 Platinum - Support ongoing research to challenge harmful and unreasonable regulation
- \$2,500 Black - Advance legal and administrative action for the mutual benefit of **VC COLAB** members
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Please accept my membership fee of: \$ _____

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Total contribution payable to **VC COLAB**, Inc. \$ _____

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