

July 9, 2007

**Comments to Board of Supervisors 7/10, 2007 on Interim Ordinance-PD070086/  
Agricultural Fences, Countywide**

The Sierra Club has reviewed the Interim Urgency Ordinance that would allow fences up to eight feet in agricultural zoning districts without CEQA review. The Sierra Club's charter is to protect and conserve the natural world and its environmental resources -- both for their intrinsic value as well as for our human dependence upon them. This issue crosses both aspects of our mission. We have the following concerns and questions.

**Requirements of "The Agreement:"** The staff Report, Section 1, F. 3 refers to the "Agreement" i.e. the Revised Commodity Specific Food Safety Guideline for the Production and Harvest of Lettuce and Leafy Greens (dated April 18, 2007). The staff report states: "corrective action and recommendations to fence off fields are included in the safety recommendations of the Agreement." However, the language in the Agreement does not say fencing is recommended; it says fencing could be "considered" under certain specific circumstances, and lays out various risk evaluations that should occur, but which don't appear to have occurred.

These activities are listed in the Agreement's "Encroachment by Animals and Urban Settings" (page 42 and 43 Section 14.1. See excerpts from The Agreement below.) They point out environmental risks and call for specific activities and evaluation to protect environmental resources and human health. However, these reasonable requirements do not appear to have been completed prior to the request for the emergency ordinance. Considering the environmental harm that could reasonably be expected to occur as noted in the staff report, the Agreement itself, and the communications from Fish and Game, Defenders of Wildlife, and others, the County has not shown that an Urgency Ordinance is appropriate or that it will have the desired result.

**County Standards:** Also, the County's "Standards" (staff report Section 3, Regulations, C. 4) under which the fencing may be allowed, note that applicants are responsible for ensuring all such fences comply with state and federal laws to protect river and stream zones, wildlife, etc. With only a ministerial permit process, how will this compliance be assured? What will be the impacts to the environment without a process to ensure state and federal law compliance?

**Wildlife Impacts:** It is clear from agency input and from recent experience that eight foot fences along the Salinas river impede access for wildlife and may trap them there during periods of flooding. Eight foot fencing can be expected to disrupt wildlife corridors in the valley as well as the rangelands, including the uplands, impacting procreation and possibly survival. Predator and prey species all play a role in the environment and as we disrupt each, we will find them all connected to each other in a complex web of life.

**Lack of Foundation for Urgency Ordinance:** We question the rush to eight foot fencing as a solution. These fences will not protect against birds, amphibians, and rodents. Although these species are not listed in the Agreement as high-risk animals, will we soon see a request for further means of eliminating them as well as the remaining hedgerows? Without the guidance of science and the process of CEQA review, we can expect to see other reactions to the problem that may not actually address the problem. Will the assessments called for in the Agreement ever be conducted, and if so, why -- if the fences are allowed to go up and are not required to be removed?

Considering all the facts, the underlying cause of and need for this ‘emergency’ ordinance has not been established. Fencing is being proposed as a “solution” to the E.coli threat, without the science or facts showing that such fencing would indeed BE a solution to the problem. And because this ordinance is without CEQA review, real consideration of impacts cannot occur. Accordingly, we urge you to deny the Urgency Ordinance and focus effort on gathering the information needed to address the root causes of this threat.

Thank you,

Beverly Bean, Executive Committee  
Ventana Chapter Sierra Club

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From Revised Commodity Specific Food Safety Guideline for the Production and Harvest of Lettuce and Leafy Greens (dated April 18, 2007).

- *Fencing, vegetation removal, and destruction of habitat may result in adverse impacts to the environment. Potential adverse impacts include loss of habitat, beneficial insects and pollinators; wildlife loss; increased discharges of sediment and other pollutants resulting from the loss of vegetative filtering; and increased air quality impacts if bare soil is exposed to wind. It is recommended that producers check for local, state, and federal laws and regulations that protect riparian habitat, restrict removal of vegetation or habitat, or restrict construction of wildlife deterrent fences in riparian areas or wildlife corridors.*

- *Document any observed encroachment by animals of significant risk during production periods.*

- *Evaluate and monitor animals of significant risk activity in and proximate to lettuce/leafy greens fields and production environments. Conduct periodic monitoring, pre-season, pre-harvest, and harvest assessments. If there are animals of significant risk present, make particular efforts to reduce their access to lettuce and leafy green produce.*

- *Evaluate the risk to subsequent crop production on production acreage that has experienced recent postharvest grazing with or by domesticated animals that used field culls as a source of animal feed.*