



City of Malibu

MEMORANDUM

To: Denise Venegas, Coastal Analyst
From: Bonnie Blue, Planning Director *BB*
Date: June 5, 2020
Re: LCPA No. LCP-4-MAL-19-0164-3 (Prohibit the Use of Pesticides)

The City is in receipt of the letter dated January 13, 2020 requesting additional information. While the City believes its December 27, 2019, submittal was complete and comprehensive, it is happy to provide the additional information you requested.

1. *Public Noticing* – We will look to receive the notice once you have it prepared.
2. *Interested Parties List* – Addresses requested were sent via email on June 3, 2020 from Patricia Salazar.
3. *Consistency Analysis*

The City's original submittal contained a staff report and other materials which discussed consistency of the proposed amendment with the LCP. The following information is provided in response to your request for supplemental information:

The proposed LCP amendment states:

3.18 The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

This amendment meets the requirements of and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act and the City's Local Coastal Program. The amendment would make the LCP's existing ban on toxic substances in ESHA as expressed in the current Policy 3.18 apply citywide, which would greatly enhance protection of coastal resources.

The amendment would be implemented as broadly as legally possible. For example, the City would include conditions of approval on all coastal development permits, thereby ensuring that development within the City's jurisdiction of the Coastal Zone advances the overarching goals of protecting coastal resources. The amendment will enable the City to assure that properties are

maintained in a manner that avoids the use of harmful chemicals that damage habitat and wildlife, for example by preventing such chemicals from harming predators who ingest prey that has been poisoned. It will also ensure protection for plant species diversity, native habitats and water quality by preventing use of pesticides and their residual adverse effects on biological and marine resources.

As stated in the language of the amendment, it is the City's intent that for the eradication of invasive plant species or habitat restoration, herbicides, not other pesticides, could be used – but only as a last resort when non-chemical methods have been exhausted. An example would be a wetlands restoration where invasive *Arundo* is present and cutting and removal are not sufficient due to the propensity to regrow and it is necessary under carefully controlled circumstances to paint the cut end of the stalk with herbicide to ensure it does not regrow and continue to crowd out native habitat.

The amendment will be consistent with the following policies in the LCP Land Use Plan:

3.19 The use of insecticides, herbicides, or other toxic substances by City employees and contractors in construction and maintenance of City facilities shall be minimized.

On July 1, 2019, the City Council's Earth Friendly Management Policy went into effect which prohibits all use of insecticides, herbicides, or other toxic substances in City properties or facilities. The proposed amendment ensures that not only will the use of pesticides be minimized, as stated in Policy 3.19, but will be prohibited, except as discussed above with respect to last resort, limited use of herbicide.

3.20 Mosquito abatement within or adjacent to ESHA shall be limited to the implementation of the minimum measures necessary to protect human health, and shall minimize adverse impacts to ESHA.

The City does not conduct mosquito abatement. The proposed amendment does not conflict with this policy.

Other more general ESHA protection policies with which the amendment is consistent include [emphasis added]:

3.8 Environmentally Sensitive Habitat Areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

3.42 New development shall be sited and designed to minimize impacts to ESHA by:

a...

g. Minimizing impacts to water quality, consistent with Policies 3.94—3.155.

3.70 New confined animal facilities for the keeping of horses or other ungulates for personal recreational use shall be prohibited within or adjacent to ESHA, except that development permitted pursuant to Policy 3.10 within coastal sage scrub or chaparral ESHA may include accessory confined animal structures such as stables, barns, or tack rooms, as well as corrals within the approved development area. Confined animal facilities or corrals may be included within the fuel modification area required by the Los Angeles County Fire Department (Zones A, B and/or C if required) for the structure(s) approved within the



development area, only if such confined animal use is not located on slopes greater than 4:1, does not require additional grading other than minimal grading for foundations, is constructed of non-flammable materials, does not result in any expansion to the required fuel modification area, and does not increase the possibility of in-stream siltation or pollution from herbicides or pesticides.

3.73 Any approved agricultural or confined animal use shall include measures to minimize impacts to water quality, consistent with Policies 3.146 through 3.155.

3.75 Marine ESHAs shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

3.76 Permitted land uses or developments shall have no significant adverse impacts on marine and beach ESHA.

3.77 Development on beach or ocean bluff areas adjacent to marine and beach habitats shall be sited and designed to prevent impacts that could significantly degrade the Environmentally Sensitive Habitats Areas. All uses shall be compatible with the maintenance of the biological productivity of such areas.

3.87 The biological productivity and the quality of wetlands shall be protected and, where feasible, restored.

3.95 New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:

a. Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.

3.96 New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.

