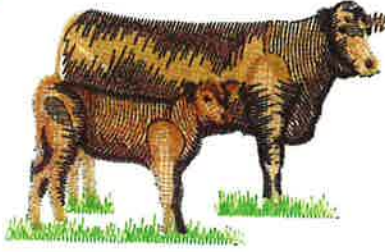




SANTA CLARA
COUNTY
FARM BUREAU

Santa Clara County Cattlemen's Assoc.



P.O. Box 1721 • Gilroy, California 95021-1721

Santa Clara County Board of Supervisors
70 West Hedding, 10th Floor
San Jose, CA

Tuesday, April 5, 2011

RE: Santa Clara County Habitat Conservation Plan Public Review Draft

Dear President Cortese,

The Santa Clara County Farm Bureau and the Santa Clara County Cattlemen's Association represent farmers and ranchers in Santa Clara County. These farmers and ranchers are the reason habitat remains in the county and they are the landowners who account for much of the lands listed as potential acquisitions for the Santa Clara Valley Habitat Conservation Plan. Without support from the farming and ranching community, the Habitat Plan will be very difficult to implement. If the Plan is adopted in its current form, it will threaten the agriculture industry in this county and the species it supports. It is in everyone's best interest to improve the Plan to benefit agriculture and species. Together our organizations have identified a number of concerns in the Public Review draft and we would like to work with you and your staff to address these issues.

LAND USE

Although the Habitat Plan insists that it is not a land use planning document, it certainly would have a significant effect on land use over the next 50 years if adopted. Even with 58,000 acres of room to roam, endangered species will not recover in Santa Clara County without an economically and environmentally viable agriculture industry. It is important to the Plan's success to ensure that the lands used to produce our food can remain economically viable. Without a critical mass, ag infrastructure, and markets to support food production, the agriculture industry will fade away and species and habitat will suffer. For this reason, we strongly encourage the use of conservation easements, so that farming and ranching in Santa Clara County can continue even on lands in the Reserve System. There are only 200,000 acres of rangeland in the county and 45,000 acres will be acquired to meet the needs of the Reserve System, most of which will be rangeland. If currently grazed lands become part of the Reserve System and do not continue as working landscapes, the ranching industry will be reduced significantly and may no longer be a viable industry in this area. A conservation easement template for use during acquisitions should be available

so landowners have an understanding of what commitments might be required under the Plan. It is unacceptable that a template is not yet available at this late point in the process. Agriculture infrastructure such as roads, packing sheds, coolers, food processing facilities, barns, shops, equipment storage, fruit stands, and livestock markets are vitally important to the sustainability of the agriculture industry. Because these facilities are so important to keeping the industry alive and because the industry provides so many benefits to endangered species and their habitat, any development necessary to support commercial agriculture operations should not be assessed development fees.

Neighboring landowner provisions in the Plan are weak and should be strengthened. The neighboring landowner assurances are limited to just three covered species: Western pond turtle, California tiger salamander, and California red-legged frog. Neighboring landowner coverage should extend to every covered species. The program already requires the establishment of a baseline at the landowner's expense and the neighboring landowner assurance should be extended to any species for which a landowner is willing to complete costly baseline surveying.

Public access to the Reserve System should be restricted. Recreation does not have a role in a Habitat Conservation Plan and it should not be allocated \$15 million over the life of the Plan. Under no circumstances should development fees be used to fund recreation.

If adopted, the Habitat Plan would dramatically change land values in Santa Clara County. It is difficult to say exactly which properties would experience value increases and which properties would decrease in value, but we can be certain the Plan will skew land values. Even now, the dark gray portions of the Land Acquisition Strategy Figure 5-7 encumber properties as potential buyers see that they are desired for inclusion in the Plan. Rather than acquiring 45,000 acres for the Reserve System and creating a monopsony with only one buyer of mitigation land, private mitigation banks should be encouraged in the Plan. This would allow for landowners to work with the many existing conservation organizations in the area to provide habitat, which the county would oversee.

HABITAT

Farmers and ranchers have managed lands in the Santa Clara Valley, Coyote, Valley, Diablo Range, Santa Cruz Mountains, Pajaro Valley, and in other parts of Santa Clara County for generations. Most wildlife corridors, habitat linkages, breeding habitat, and other forms of habitat that remain in the county can be directly attributed to the positive benefits of agriculture. However, these contributions are not recognized in the Plan.

The Plan is not based on peer-reviewed science and in many instances lacks even the most basic common sense understanding of agriculture's contributions. For example, the primary vegetation management tool named in the Habitat Plan is prescribed burns. While prescribed burning may be useful in a few instances, cattle grazing is actually a much more effective tool and it has the potential to decrease the costs of the Plan.

There is an enormous amount of scientific data pointing to the importance of cattle ranching in providing appropriate habitat for some of the species covered by the Plan. For example, California tiger salamander and California red-legged frog actually have a mutually beneficial symbiotic relationship with managed grazing such that grazing improves habitat for those species. The U.S. Fish & Wildlife Service and the California Department of Fish & Game recognize that privately owned rangelands support important ecosystems. The wildlife agencies support the California Rangeland Resolution, which

explicitly states “these rangelands, and the species that rely on these habitats, largely persist today due to the positive and experienced grazing and other land stewardship practices of the ranchers that have owned and managed the lands and are committed to a healthy future for their working landscapes.” Elsewhere in the Resolution, the wildlife agencies commit to working to recover imperiled species and enhancing habitat on rangelands while seeking to minimize regulations on private lands and streamline processes. Unfortunately, none of these values are expressed in the Plan and the Plan does not value the current stewardship and conservation efforts of farmers and ranchers. If the goal of the Habitat Plan is to promote habitat, the activities of farmers and ranchers that promote habitat should be covered by the Plan, regardless of the entity performing the work and regardless of presence within the Reserve Area. To promote rather than discourage beneficial activities, cleaning stock ponds, development of field and working facilities for livestock, livestock management, water delivery systems for stock and wildlife, spring development, channel clearing to reduce sedimentation in streams, and other conservation activities should be covered not only on public lands in the Reserve System but also on private lands outside the Reserve System.

Even though the most habitat basic contributions of working landscapes are not recognized in the Plan, considerations for non-covered species are abundant throughout the Plan. Control methods for ground squirrels are restricted, habitat linkages for mountain lions are protected, and fish-bearing streams are given larger setbacks. None of these species are covered by the Plan and attempts to protect their habitat have no place in the Plan.

COSTS

The costs associated with the Santa Clara Valley Habitat Plan Public Review Draft are astronomical. The costs are so excessive that your colleagues at the City of Gilroy recently voted to remove the city from the Plan. Focusing acquisition efforts on conservation easements, rather than fee title acquisitions would dramatically lower the costs of the plan. Easements not only reduce acquisition costs up front, but also reduce management costs over the term of the Plan as the working landscapes are cared for by farmers and ranchers on the land. Working with landowners or ranchers who are leasing fee title acquisitions to perform habitat conservation and restoration activities will further reduce the costs of the plan while also mutually benefitting the implementing and the farmer or rancher.

The development fees of the Habitat Plan are very high and have almost no connection to current land values or actual habitat value. Acquisition costs are underestimated with average acquisition costs estimated at \$8,500 per acre. Santa Clara County land values do not support the acquisition cost assumptions. Even with an emphasis on lower value rangelands and natural lands, \$8,500 is a low estimate and as an average it is completely unfounded. At the same time, Zone A fees are currently set at \$19,720 per acre. This means that according to the assumptions of the Habitat Plan, any Zone A development is expected to pay over two times the value of land just for the right to erect a barn or single family home. Zone B fees are based on Zone A fees and development in Zone B is estimated to have 70% of the impact of development in Zone A. Zone B impacts are grossly overvalued, with Zone B fees of \$13,790 for agriculture lands despite the Plan’s observation that “this land cover type has relatively low value for native plants and wildlife”. In addition to our assertion that agricultural development should not be assessed development fees, we urge the county to review the current development fees and to bring them in line with reality.

BUREAUCRACY

Vineyards and orchards are permanent plantings that lock a farmer into a commodity for decades, row crop equipment is costly and highly specialized, and the livestock industries experience multi-year lag times between decisions and results. As business owners, farmers and ranchers are accustomed to forecasting, making decisions, and accepting the risk that goes along with it. However, we have serious concerns about our local elected officials locking us into a 50-year plan. It is impossible to predict the needs of Santa Clara County even over the next decade, let alone 50 years from now. Consider the enormous changes this county has seen since 1961. As members of multi-generation Santa Clara Valley farm families, we know that no one saw this coming. A 50-year plan is so broad and vast that it actually creates less certainty, rather than providing for more certainty.

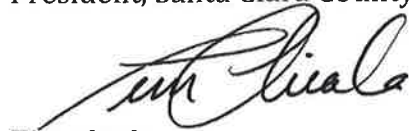
Members of our organizations have spent countless hours reviewing the Public Review Draft with assistance from attorneys, rangeland managers, land use agencies, and others. During our reviews, we identified countless inconsistencies, inadequate science, false assumptions, disorganization, and a lack of clarity throughout the document. All of the flaws with the Public Review Draft cause us to question the strength of the document and doubt the performance of the implementing entity before it is even formed. Implementation of a plan as flawed as the current draft, will not serve the public interest nor will it benefit endangered species. There is no reason to expect the implementing entity will act with any fiscal responsibility or to assume the entity will have any long-term viability. Local government agencies are already short on funding necessary to properly manage existing properties and moving more land off the tax rolls and into the responsibility of the public will only exacerbate the problem.

Thank you for your time and consideration of our suggestions. As you can see, we have given the Habitat Plan a thorough review and have identified areas for improvement. As you do the same, we would like to be part of the conversation to improve the Plan for agriculture, for species, and for residents of Santa Clara County. Feel free to contact either of our organizations for further input by calling the Farm Bureau office at (408) 776-1684 or Kyle Wolfe at (408) 804-1699.

Sincerely,



Kyle Wolfe
President, Santa Clara County Cattlemen's Association



Tim Chiala
President, Santa Clara County Farm Bureau