

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 S. CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



# Th9b

## SECOND ADDENDUM

May 11, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: **Addendum to Item Th9b, City of Malibu LCP Amendment No. LCP-4-MAL-19-0164-3 (Prohibit the Use of Pesticides) For the Commission Meeting of Thursday, May 13, 2021**

---

The purpose of this addendum is to make revisions to Suggested Modification 1 and related findings in the staff report, and to attach public correspondence received after the staff report for this matter was issued on April 29, 2021, and after the first addendum was issued on May 10, 2021. The correspondence letters are available in the Correspondence tab for the item on the Commission's website.

Staff recommends these changes be made to **Suggested Modification 1** and related findings of the staff report dated April 29, 2021. The technical working group established between Coastal Commission staff and staff of the California Department of Pesticide Regulation identified a concern that some herbicides, such as preemergent herbicides, need to be "watered-in" to be effective and are therefore required by the pesticide label to be applied before a rain event or otherwise watered in through irrigation. Likewise, most herbicide labels contain guidelines about wind speed that are based on data pertaining to the product's specific volatility, droplet size requirements, and other factors. Given that state law already requires that all herbicides be applied consistent with their labels, there is not a need for the LCP to contain a more general restriction related to application prior to rain or in specific wind speeds. Removing this sentence will ensure that there is no tension between the policy and any herbicide label requirements and that herbicides that require watering-in may be used, if otherwise appropriate, for the purposes of habitat restoration or eradication of invasive plants. Language to be added is shown in **bold, double underline**; and deletions are shown in ~~**bold, double strikethrough**~~.

I. **Suggested Modification 1 shall be revised as follows:**

Suggested Modification No. 1

Land Use Plan Policy 3.18 shall be modified as follows:

~~Except as permitted pursuant to this provision or Policy 3.20, throughout the City of Malibu, development that **consists of or may** involves ~~the~~ use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would ~~which~~ have the potential to significantly degrade Environmentally Sensitive Habitat Areas biological resources shall be prohibited throughout the City of Malibu or coastal water quality or harm wildlife. Herbicides may be used for within and adjacent to ESHAs, where application of such substances would impact the ESHA, except where necessary to protect or enhance the habitat itself, such as ~~the~~ eradication of invasive plant species, or habitat restoration, but only if ~~shall consider first~~ the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. ~~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 used for a limited time. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application.” ~~When permitted, application of such herbicides shall not take place during the winter season, when rain is predicted within a week of application, or when wind is predicted above 5 mph.~~ The City will identify non-toxic and earth-friendly management techniques for controlling pests and will conduct public outreach to promote the use of such techniques on property within the City.~~

- II. Delete the following paragraph on Page 3 of the staff report dated April 29, 2021:

~~Further, the amendment would remove existing certified language that prohibits the application of chemical substances, even in circumstances where they would otherwise be permitted, during the winter season or when rain is predicted within a week of application. Since the application of chemical substances, when permitted, may still result in some potential adverse effects to water quality due to unintentional application, overspray or runoff, Suggested Modification One (1) is necessary to require the application of such chemical substances, when permitted, to not take place during the winter season, when rain is predicted within a week of application, or when wind is predicted above 5 mph.~~

- III. Delete the following paragraph on Page 20 of the staff report dated April 29, 2021:

~~Further, the amendment would remove existing certified language that prohibits the application of chemical substances, even in circumstances where they would otherwise be permitted, during the winter season or when rain is predicted within a week of application. The Commission notes that the application of chemical substances, when permitted, may still result in some potential adverse effects to water quality due to unintentional application, overspray or runoff. Specifically, the application of chemical substances prior to heavy rains may result in greater potential for contaminated runoff than application during dry season conditions. Therefore, the removal of this restriction (“application of chemical substances shall not take place during~~

~~the winter season or when rain is predicted within a week of application”) is inconsistent with the water quality protection policies of the Coastal Act. In order to protect water quality consistent with Sections 30230 and 30231 of the Coastal Act, Suggested Modification One (1) is necessary to require the application of such chemical substances, when permitted, to not take place during the winter season, when rain is predicted within a week of application, or when wind is predicted above 5 mph.~~