

# APPENDIX

## I

# AGRICULTURAL MAINTENANCE PLAN

Morris Keeney  
2243 Durham Dayton Highway  
Durham, CA 95938

## Orchard Maintenance Plan

### General Information and Data Page

**Authorized Representative:** Morris Keeney

**Title :** Owner

**APN:** 040-200-083

I/We understand that an Orchard Maintenance Plan (OMP) is conditional. Pursuant to the Agricultural Element, Program 3.5, of the County General Plan will require annual approval by the Agricultural Commissioner's Office (ACO). I/We agree to adhere to the conditions and maintain the orchard as required by the annually updated OMP approved by the ACO.

#### Checklist of required documents:

- An Orchard Maintenance Plan, signed by the authorized representative.
- A map of the site identifying the crop and pesticide application areas.
- Pesticides permit and current use reports or ID/RMP: \_\_\_\_\_.
- Any other pertinent agricultural permits or certification.  
(Organic, CPC, Nursery, Weed Free Certification): \_\_\_\_\_.
- Registration with the Butte-Yuba-Sutter Watershed Coalition.
- Agricultural Burn Permit (if agricultural burning is to take place) from the Air Quality Management District: \_\_\_\_\_.

Responsible Pest Control Business or pest control employee:

Morris Keeney

Phone numbers: (530) 518-8077

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Phone number: (530) 518-8077

# Orchard Maintenance Plan

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An Orchard Maintenance Plan (OMP) is an alternative to orchard removal. When orchard land is being subdivided for residential development, if the remnant trees are not properly cared for they quickly become an agricultural nuisance. This OMP is an option offered to land owners if they elect to continue a farming operation rather than remove the entire orchard.

## **I. Introduction, Orchard Maintenance:**

A variety of insect, disease and vertebrate pests are chronic problems in all agricultural settings. Growers utilize an Integrated Pest Maintenance (IPM) approach to deal with these pests. Among the practices employed to deal with potential nuisance are orchard sanitation, proper pruning, orchard floor maintenance and elimination of sources that harbor pests. Remnant orchard trees, that are not properly maintained, are one of the primary pest reservoirs that cause re-infestation. While these methods are alternatives to the use of pesticides, they do not eliminate the need for some form of periodic chemical pest control. Reoccurring pest infestations are the primary cause of excessive pesticide use. Agricultural pest maintenance is a concern for the entire industry regardless of the size of the operation.

## **Standard Conditions, References and Regulations:**

The orchard operator will conform to standard farming practices commensurate with the orchard type and methodology. These standards and practices can be found in the following documents:

Orchard Production Manuals  
Crop Disease and Pest Compendiums  
Integrated Pest Maintenance (IPM) Manuals

The orchard operator will ensure that the farming operation is maintained in a relatively pest free condition that does not become an agricultural nuisance, as defined in Section 5551 of the Food and Agricultural Code:

"Any neglected or abandoned plant or crop is a public nuisance in any of the following circumstances:

- (a) It is a menace to the agriculture of the county, district, or vicinity because of the existence of any pest, in or on it.
- (b) It is a menace to the agriculture of the county, district, or vicinity because of the existence of any other condition than the condition described in subdivision (a).
- (c) It is a host plant of, or provides a favorable or likely harbor for, any pest."

The operator will conform to applicable Plant Quarantine Regulations and will notify the County Agricultural Department of any agricultural plant or propagule arriving from outside of the state or from quarantined areas within the state, that are moved under any type of quarantine hold tag, certificate or shipping documents.

## **II. Operator Identification Number or Restricted Materials Permit and other Requirements:**

The orchard operator currently has or will acquire an **Operator Identification Number** or **Restricted Materials Permit** or register as an organic farmer. These programs are administered by the Butte County Agricultural Department.

If agricultural burning is to take place, the operator will obtain an **Agricultural Burn Permit** from the Air Quality Management District, AQMD.

If applicable, the orchard operator will **register with the Butte-Yuba-Sutter Watershed Coalition** to comply with RWQCB Irrigated Lands, Conditional Agricultural Discharge Waiver program.

## **III. Summary of Orchard Pest Maintenance:**

### **Key Pest Control Issues**

The orchard operator will promptly and aggressively pursue control of significant pest infestations to prevent the propagation and spread of any infestation.

### **Major Pest Problems:**

#### **Insects and Mites**

1. Become familiar with the most important insect pest affecting the crop and their life cycles.
2. Controls will include pest detection trapping and monitoring programs, bio-control agents and properly timed insecticidal sprays.

#### **Diseases**

1. Controls will include protective fungicide and bactericides applications and orchard sanitation (remnant fruit/nut removal and debris shredding or burning).

#### **Weeds**

1. The orchard operator will promptly and aggressively pursue noxious weed control in the project area including access roads, and meet all requirements to prevent the propagation and spread of noxious weeds.

#### **Vertebrate Pests**

1. Various members of the order Rodentia including squirrels and voles are particularly destructive to orchards and vineyards when allowed to build up into a large population. Trapping, baiting, fumigation and monitoring programs will be utilized as necessary to reduce and/or eliminate Rodentia populations.

#### **IV. Failure to Comply or Termination of Agricultural Activity:**

If any of the following occurs the orchard operator will begin orchard removal operations or face nuisance abatement procedures. The abatement process will include legal action to recover the County's legal and administrative expenses and cost of abatement as defined in Section 5401 of the Food and Agricultural Code:

"Any premises, plants, conveyances or things which are infected or infested with any pest, or premises where any pest is found, are a public nuisance, and shall be prosecuted as such in all actions and proceedings. All remedies which are given by law for the prevention and abatement of a nuisance apply to such a public nuisance."

This includes the placement of an encumbrance (a lien) on the property containing the nuisance.

- If evidence suggests the agricultural endeavor has stopped and the orchard has fallen into a neglected or abandoned state.
- If the farming operation becomes infested to the point of creating an agricultural nuisance due to improper maintenance and the operator fails to correct the condition in a timely manner.
- If justifiable nuisance complaints, from local commercial agricultural operations are registered against the operator and the operator fails to correct the condition in a timely manner.
- If the property is sold and the OMP is not disclosed to, and renewed by the purchaser.

#### **V. Good Neighbor Practices:**

Many of the practices and activities required to properly maintain an orchard and harvest the crop are objectionable to the non-farming neighbor.

The orchard operator is aware that maintaining an orchard in a residential community disposes the operation to possible nuisance complaints from the agricultural community members and the adjacent residential land uses. The orchard operator will use the appropriate pest control methods and no chemical application will drift from the orchard property.

The agricultural activities are protected under The Right to Farm Ordinance (Butte County Code Chapter 32A and 35) but only to the point that the activities are performed within the limits of regulation and code.

The Butte County Agricultural Department is responsible for investigation and enforcement of all pesticide related complaints. The majority of these complaints and violations occur at residential/agricultural interfaces.

## **VI. Contacts:**

Butte County Agricultural Commissioner  
316 Nelson Avenue  
Oroville, CA 95965

CSU Agricultural Extension/Farm Advisors Office  
2270 B Del Oro  
Oroville, CA 95965

Butte-Yuba-Sutter Watershed Coalition  
P. O. Box 3398  
Yuba City, CA 95992

Air Quality Management District, AQMD  
2525 Dominic Street, Suite J  
Chico, CA 95928

National Resource Conservation Service  
150 Chuck Yeager Way  
Oroville, CA 95965