

October 31, 2017

SENT BY ELECTRONIC MAIL AND U.S. MAIL

The Honorable John Leopold, Chair
Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, CA 95060
john.leopold@santacruzcounty.us

Re: Recommended Changes To The Proposed Commercial Cultivation of Medical Cannabis Licensing Program

Dear Chair Leopold and Boardmembers:

Our office represents VMK, Inc. d/b/a Purple Lotus Patient Center (“Purple Lotus”) regarding Santa Cruz County’s proposed new Commercial Cultivation of Medical Cannabis licensing program (“Proposed Ordinance”). (Santa Cruz County Code, Chapter 7.128.) As you are aware, the County is currently seeking comments on the Draft Environmental Impact Report (“DEIR”) in support of the Proposed Ordinance. The following recommended changes to the Proposed Ordinance are intended to outline an alternative which balances the economic benefits of the “More Permissive Project,” with similar or fewer environmental impacts than the “Project.”

I. Increased Canopy Coverage Allowed Per Acre – Retain Maximum Limit

The Proposed Ordinance establishes a canopy coverage limit based upon the size of the parcel (currently 2% of the size of the parcel), while setting a maximum canopy size allowed no matter the acreage of the subject parcel. (Section 7.128.110(F)(1)(b).) Undoubtedly, this size limitation is intended to address potential land use and environmental impacts from large cultivation operations on nearby properties. However, despite the substantial differences in potential land use and environmental impacts that could result from outdoor and indoor cultivation operations, the Proposed Ordinance does not distinguish between the two types of operations. We recommend the inclusion of an increased canopy coverage limit that recognizes these differences.

Including an increased canopy coverage limit for indoor cultivation operations provides several benefits:

1. Indoor operations can reduce potential impacts from wastewater and stormwater discharge;
2. Indoor operations enhance safety by making it easier to control access and provide security at the facility;
3. Noise and odors from cultivation operations are more easily controlled through site control and air filtration systems;
4. Indoor operations can eliminate visibility of cultivation operations from public rights-of-way, as well as from neighboring parcels; and
5. Encourage indoor cultivation operations where feasible, which promotes the reduction of potential impacts described above, without mandating any particular type of cultivation operation.

To address these issues, we recommend revising the subparagraph for each license type which establishes the per-acre canopy coverage limit with separate limits for indoor and outdoor operations, while retaining the maximum canopy coverage size. For example, the “Class CA Licenses” type would be modified as follows:

“(b) Size of canopy allowed, subject to approval of the Licensing Official: up to 2 percent of the size of the parcel containing the an outdoor cultivation site, and up to [X] percent of the size of the parcel containing an indoor cultivation site, not to exceed twenty-two thousand (22,000) square feet.”

Given the maximum canopy coverage limit would remain the same, we recommend “X” to be at least five (5) percent of the size of the parcel.

II. Reduced Right-of-Way Setbacks For Indoor Cultivation

The Proposed Ordinance establishes a minimum setback requirement from a public right-of-way of one hundred to three hundred feet, depending upon the size of the parcel. (Sections 7.128.110(G)(3)(c)-(e).) While arguably necessary to avoid potential impacts from outdoor cultivation operations, such as odors, visibility and security, such large setbacks are not necessary for indoor cultivation operations to avoid these potential land use and environmental impacts. As stated above, indoor cultivation operations can: (1) use air filtration systems to address odor; (2) eliminate visibility of operations whether 25 feet away or 1,000 feet away; and (3) control access and enhance security of the site. Thus, we recommend setting no more than a 50-foot setback from public rights-of-way for all parcel sizes for indoor cultivation operations.

III. Provide Guidance To Licensing Official When Allowing Exceptions To Setback Requirements

The Proposed Ordinance gives broad discretion to the Licensing Official to approve an exception to the setback requirements (except for the setback from schools under State law). (Section 7.128.110(G)(3)(k).) In our experience, staff delegated authority is most successful when guidance from the legislative body is established for the Licensing Official when making such decisions. We recommend adding the following to this section:

“(k) Exceptions. With respect to all setbacks other than the 600 foot setback imposed by State law regarding schools, the Licensing Official has discretion to allow for exceptions to the rules set forth herein for setbacks. If the Licensing Official is prepared to authorize such an exception, the Licensing Official must first require owners and occupants of all parcels within at least 300 feet of the parcel at issue to be notified and given an opportunity to be heard in a public forum before making a decision. When determining whether to allow an exception to the setback requirements, the Licensing Official shall consider the following:

- (i) Whether any land use or environmental impacts would increase as a result of the reduction which cannot be addressed by project conditions of approval;
- (ii) Whether the proposed cultivation site will be located within a building that was permitted and constructed prior to the adoption of this ordinance; and
- (iii) Whether the property's size, shape, topography, location, or surroundings would support the need for a setback reduction.”

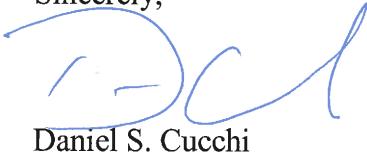
IV. Conclusion

Thank you for considering these recommended changes as part of your deliberation of the Proposed Ordinance. Purple Lotus appreciates your willingness to work with all parties involved, including the residents of Santa Cruz County, to develop a program that will work for all involved and minimize impacts on the community.

Chair John Leopold
County of Santa Cruz
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If you have any questions, please do not hesitate to reach me at dcucchi@aklandlaw.com or (916) 456-9595.

Sincerely,



Daniel S. Cucchi

DSC/pa

cc:

Supervisor Zach Friend, zach.friend@santacruzcounty.us

Supervisor Ryan Coonerty, ryan.coonerty@santacruzcounty.us

Supervisor Greg Caput, greg.caput@santacruzcounty.us

Supervisor Bruce McPherson, bruce.mcpherson@santacruzcounty.us

Clients (*via email*)

Matt Johnston, Principal Planner, cannabiseir@santacruzcounty.us and via U.S. Mail at:

Cannabis Comments c/o Matt Johnston

Planning Department

701 Ocean Street, 4th floor

Santa Cruz, CA 95060

From: "Alexander Jones" <alexandersubhashjones@gmail.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/29/2017 10:56:51 PM
Subject: EIR comments

To Whom It May Concern:

I am concerned that the EIR for Cannabis Regulation in Santa Cruz County is insufficient and lacks appropriate mitigation measures to avoid and minimize environmental impacts to our county's biodiversity. The methods for determining the details of this large-scale land-use change seem to be based on the results of a single, inadequate survey.

The proposed Program significantly changes allowed use within 147,750 (or 164,721) acres of Santa Cruz County, but the DEIR authors have limited the analysis of impacts to a tiny fraction of that area (190.1 acres) based on unreliable, self-reported data from a single survey including a small subset of potential cannabis cultivators. Instead of setting forth major zoning or geographical measures for avoiding many impacts, the central approach of CEQA, the DEIR supposes, without justification, that there will be little impact, while the proposed Program allows for a much greater level of impact. As such, this programmatic environmental review is inadequate in analyzing, avoiding, and addressing the potential impacts of the proposed Program.

Additionally, significant risks may be posed by the use of rodenticides in cannabis cultivation. What will be the impact of rodenticides on wildlife and how can rodenticides be successfully controlled so as not to harm non-target animals? To what extent are special status species affected by current levels of poisonings with rodenticides and pesticides? Given the current baseline use of legal and illegal rodenticides, how will rodenticide use change with the various identified alternatives (the current project, permissive version, and "no project")?

Thank you,
Alex Jones
Aptos, CA

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 10:59:20 AM
Subject: FW: Local grows

From: Alyssa Sowersby [mailto:asowersby@gmail.com]
Sent: Wednesday, October 25, 2017 2:00 PM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: Local grows

Hi there,

I am a resident in Corralitos and currently concerned for the amount of traffic from non locals on our small roads, as well as homes being cased and other illegal activity. I know for a fact we have two grows right near our house and have seen crime jump this past year with it. And I'm not so naive to think they're aren't many more!

How do we go about finding if they're legal or in the stages of being legal? And then if not how do we complain to authorities about these grows while remaining anonymous? We have lived here for 12 years and never had the issues we are experiencing until this past 6 months or so.

Thank you in advance for your time.

Alyssa
831- 840-0650

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Alyssa B. Sowersby
(831) -840- 0650

From: ["Andrew Szasz" <szasz@ucsc.edu>](mailto:Andrew.Szasz@ucsc.edu)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
["Ryan Coonerty" <Ryan.Coonerty@santacruzcounty.us>](mailto:Ryan.Coonerty@santacruzcounty.us)
Date: 10/29/2017 5:27:40 PM
Subject: serious concerns about current cannabis proposals

Dear Members of the Santa Cruz County Board of Supervisors,

My name is Andrew Szasz, professor of Environmental Studies at UCSC and resident of the County's 3rd District.

I write to express my concerns about current proposals to permit outdoor grow of cannabis in Santa Cruz County.

The concerns, in brief:

- impacts on wildlife and water quality when pesticides and/or rodenticides are applied to cannabis crops grown outdoors. Does the County have enough manpower to inspect and enforce application of pesticides and rodenticides on so many, many grow plots sites, comprising, in all, 147,000 to 164,000 acres? In all likelihood, NOT.
- impacts on wildlife, including such important keystone species as the mountain lion, due not just to applications of rodenticides (which are consumed by species that predate on rodents) but also the impacts of habitat fragmentation;
- beyond environmental concerns, I have concerns about outdoor plots becoming hotspots of socially marginal, possibly illegal, possibly dangerous (NOTE: I mean the increased likelihood of wildfires started, even if accidentally) behavior.

I urge the County to consider more restrictive rules. I believe Monterey County is permitting only indoor grow in existing greenhouses. Why would Santa Cruz County consider policy that is likely to be more problematic, both for our environment and for the well being of the County's citizens?

Respectfully,

Andrew Szasz

113 Limestone Lane

Santa Cruz

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Andrew Szasz
Professor
Department of Environmental Studies
University of California, Santa Cruz
office: (831) 459-4662
cell: (831) 332-6521

From: ["Anne Eisenmann" <anneeisenmann@me.com>](mailto:AnneEisenmann@me.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/13/2017 6:53:37 PM
Subject: Public Comment on EIR

Hello,

I would like to add my public comments on the proposed regulations of cannabis in Santa Cruz County. I have reviewed the past and proposed regulations and although I was unable to attend the recent presentation I had friends who reported back to me about it. I have had several conversations with the licensing office about their method of enforcement of code violations at this time.

- 1.). It appears to me that the goal of the county is to get tax revenue from cannabis sales
- 2.) The regulations that are current and the proposed future regulations that are intended to protect our water, land, for fire safety and for personal safety seem to be good or good enough.
- 3.) What it will take to get a license is likely to be way too difficult for the kind of persons who want to make money by cultivating cannabis - and so they will likely skip it - and be unlicensed.
- 4.) Being unlicensed, they will just do whatever they like - cutting down forests, using pesticides and fertilizers, polluting the watershed, etc., without interference.
- 5.) Enforcement of the regulations, current and proposed, seems to be nonexistent. The proposed regulation does not have any detailed mechanism for seeking out violators, enough staff to track down violators, and very meager fines for violations. If the county wants tax revenue it will have to front load some money for strict enforcement of the regulations in order to convince growers to get licensed and not violate codes. It will have to be much more painful not to be licenced than to get licensed. Considering the amount of money to be made from growing cannabis fines should be much higher, and land confiscation considered.
- 6.) Law enforcement seems to be absent.
- 7.) I particularly despise the section on there being no obligation to enforce - although that is exactly what is happening.

For citizens who do not want land and environmental destructions the proposed regulations are not reassuring. Please return to the drawing board and plan ahead for significant enforcement in conjunction with law enforcement. I personally have no confidence that the current office has any ability or personnel to find, pursue correction or any enforcement mechanism to prevent the inevitable landslide of environmental and safety problems that cannabis growing entails.

Yours,
Anne Eisenmann

From: "[Barbara Smith](mailto:Barbara.Smith@charter.net)" <searead@charter.net>
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 4:09:25 PM
Subject: Comments on EIR for Commercial Cannabis Cultivation and Manufacturing Regulation and Licensing Program

I live in a rural residential neighborhood in Corralitos where a sizeable cannabis grow has begun this last season (340 Enos Lane). I have strong concerns about this business being located in a residential area. For the last several months, the skunk-like odor from this grow has been overwhelming and sometimes makes me feel sick. I consider it a great imposition when I cannot even open the windows of my house. This truly diminishes my quality of life in terms of being able to be outside, have my windows open, and being able to breathe fresh air. I have talked to other neighbors who share these concerns.

In general, I would hope you would consider not allowing larger operations in residential areas, requiring odor mitigation measures, limiting numbers of transient employees and their use of private neighborhood roads (there are no public roads to this operation), and placing close scrutiny on water usage and any resulting chemical pollution of the groundwater. Thank you, Barbara Smith

From: ["Becky Steinbruner" <ki6tkb@yahoo.com>](mailto:Becky Steinbruner <ki6tkb@yahoo.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 6:26:53 PM
Subject: Comment on Draft Cannabis EIR

Dear Cannabis Licensing Agency,

I have the following comments on the draft EIR for licensing Cannabis in Santa Cruz County:

1. I protest the Second District overlay to restrict outdoor cultivation in the Second District. This forces operations indoors, requiring more energy for lights, heat and ventilation and also promotes the use of grow houses in the District when the homes are needed for housing people. two houses in my neighborhood burned to the ground because of an electrical overload in a house that was growing Cannabis and heating the harvest rooms. This restriction must be abolished.
2. I protest the 1-mile buffer inland buffer restriction for the North Coast District. This gives preferential political treatment to tourism while restricting residents and land owners of the area to be able to grow Cannabis on their land.
This restriction must be abolished.
3. Our rural mountainous neighborhood nearly burned again last week when a Cannabis refining operation caught fire. Please restrict all extraction licensing to industrial areas within 5 minutes response time by fire jurisdiction and require sprinkler fire equipment to be installed.
4. I approve of fire suppression tanks being required but I think that 120,000 gallons dedicated to that use is unreasonable and may drive rural operations to not apply for licensing and the inherent safety monitoring. Alternatively, I think that growers near each other should be able to share the 120,000 gallons if this requirement remains in place in order to spread the cost and maintenance of the tank(s) and create a water supply for the area's safety. I think another alternative is to require a fire suppressant foam-retardant system installation that would allow a reduction in the amount of fire fighting gallonage required on site.
5. Please add a consideration for rainwater collection to supply fire suppression storage and/or cultivation needs. Please add study of groundwater recharge consideration for operations in suitable recharge soil areas, working with Dr. Andy Fisher at UCSC and the Resource Conservation District, and give a water credit to operations that cooperate with these agencies to help recharge overdrafted aquifer areas.
6. I approve of the restriction on generators. Please add the study of solar and wind-power credits given rural operations that would otherwise require a generator and offer, through the area's Community Power Project or PG&E grants, free permit applications for such alternative power sources and a low-cost loan program to support the ban on generators.
7. I request that a public system of recognition for legitimate licensed operations be posted with a recognizable logo to let the public know which operations are licensed, safe and are being monitored, and which are not. The issue of enforcement will be the greatest asset and detriment of this proposed licensing system and it must be recognized that the public's eyes and ears are crucial to helping law enforcement success.

Thank you for adding my comments for consideration. Please notify me of further developments and events related to this EIR and licensing process.

Sincerely,

Becky Steinbruner
3441 Redwood Drive
Aptos, CA 95003
831-685-2915

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 10:59:11 AM
Subject: FW: Cannabis cultivation in Coralitos

-----Original Message-----

From: Berdell Spellman [mailto:spellfam@ix.netcom.com]
Sent: Wednesday, October 25, 2017 1:34 PM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: Cannabis cultivation in Coralitos

I am a Coralitos resident. I have lived in Coralitos since 1977. I am not in favor of allowing cannabis cultivation in Coralitos. I understand that the environmental review is not complete. I am asking you to consider not permitting the cultivation of cannabis in Corralitos.

Berdell Spellman

Sent from my iPad

From: embiju@comcast.net
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/23/2017 1:18:22 PM
Subject: No on Commercial cultivation in rural neighborhoods

I am a homeowner with 3 parcels in Santa Cruz Co. (325 Molina Dr., 6950 Fern Flat, 242 Felix) and I (and the overwhelming majority of my neighbors) vehemently oppose commercial cultivation or manufacturing of cannabis in our rural residential neighborhoods. Bill Blythe

Comments on Cannabis DEIR 10/30/17

SUMMARY

This DEIR is an instrument of poor government. Our County government has sold out to the cannabis industry. This DEIR is an attempt to document that we agree to their sellout. It short-cuts the process that should include a general-plan review. This DEIR is intended to justify changing the land-use and zoning for areas, particularly in the mountains, to accommodate cannabis growers. This County has historically been exceedingly sensitive to environmental damage caused by development. Suddenly this same County wants to allow growing of Cannabis in areas at high risk of wild-fire. One wild-fire could consume many members of the protected species (to say nothing of the residents) and our redwoods in areas which the County has been militant in protecting. Cannabis grows have been proved time and again, to be the source of wildfires including last year's Loma fire. Santa Cruz mountains are particularly vulnerable. The County has historically ignored the many growers operating illegally here. Enforcement has required individuals to snitch on their neighbors through the Planning Department, which has been ineffective. The steps outlined for licensing for a grower in this DEIR are difficult and expensive to achieve, though far too lenient for the mountains. The likely result will be that illegal grows will continue, and (which has and is already happened) more growers will flood into our County. Past enforcement history indicates that the County will do nothing. So, what might be the DEIR motivation? County government will have a document with which to protect itself (at the expense of the residents who live here).

- The County must reconsider the current DEIR and at least remove the mountain areas from the changes in zoning and/or land-use, allowing legal cannabis growing only on those properties that currently allow Agriculture.
- Proactive and continuous enforcement by the Sheriff, Cal Fire, and Fish and Wildlife must replace enforcement through the Planning Department Snitching program. Further, all cannabis-tax-related revenues must be explicitly directed to these agencies until all cannabis operations are legal and all illegal operations have been terminated.

COMMENTS: General

Fundamentally this DEIR is a document to support a new land-use plan [2.3.8] which has been hastily produced with much more input from cannabis growers than from the public. The County has not enforced laws prohibiting cannabis cultivation over the many years that cannabis has been grown here illegally. The Program Impact Analysis [Section 3.1.1] states:

"The Program could result in inconsistencies between plans and policies and adversely affect existing communities."

We live in one of those communities which would be adversely affected. County regulations and program mitigations could address potential inconsistencies, however traditional non-enforcement of even licensed cannabis activities introduce significant risk to our community. Based on the County's historical lack of enforcement, even with significant improvement of the mitigation requirements in the DEIR to protect us, we have no confidence that the County would enforce them. This makes the whole plan unacceptable.

Concerns for us in the mountains include: wild-fires; pollution of adjacent properties and streams, excessive water use, reckless driving, driving under the influence of drugs (including cannabis and alcohol). There has been significant increase in traffic and reckless/drug-influenced-driving by many growers appearing in our community since State legalization was approved. County Planning approved our living here (with the current zoning and land-use designations) and County government

must take full legal responsibility in approving new land-use designations which are clearly intended to accommodate cannabis growing.

Growers tell me that this area is ideal for growing cannabis, not only because it is remote and “at the end of the road” (which should not be an issue for licensed growers), but also because the microclimate is ideal. Residents, chose to live here because it is ideal for living a quiet life close to nature, and that’s what current land-use and zoning designations allow.

Our most significant concern is wild-fires. Cannabis grows have been proved time and again, to be the source of wildfires including last year’s Loma fire. Santa Cruz mountains are particularly vulnerable. Our property and those of 54 neighboring parcels depend on a single, dead-end, private road for access and egress—we have no second “escape route”. County Planning approved our living here (with the current zoning and land-use designations) and County government must take full legal responsibility in approving new land-use designations which are clearly intended to accommodate cannabis growers.

The loss of life, devastation of property and homes in the recent Sonoma and Napa fires should be a stark warning to Santa Cruz County. If such an event happens here, particularly in the mountains, a class-action suit could be mounted by mountain-dwellers against Santa Cruz County for fire losses and would likely be joined by both residents and growers.

There have been a wide variety of responses of other county governments to pending legalization of cannabis growing and distribution. Some have prohibited growing and distribution entirely. Our Supervisors have exhibited excessive permissiveness and encouragement of cannabis growing both in the allowable size and in location. State legalization of cannabis does not require this County to invite or facilitate growing or distribution, or change land-use policy specifically for this purpose.

Cannabis growing should best be done in warehouses/greenhouses and/or on farm land which is designated agricultural. Such structures already exist, or can be built in locations where access by fire equipment is rapid and fire can be contained. Instead of changing land-use policy in the mountains, legal cannabis growing could be allowed only on those parcels which are currently designated for agriculture land-use.

The “hoops” (designated in the DEIR) through which a cannabis grower must jump to be legal are onerous, though we support those listed as well as all the changes included in this document. Our concern is that there will be continued illegal operations and this area will simply be “illegal business as usual”, and that the County will do NOTHING.

The current Cannabis enforcement policies and process must be changed. They have clearly not been effective. Replace the Planning Department Snitching program with direct proactive enforcement by the Sheriff’s Department, Cal Fire, Cal Agriculture, Cal Fish and Wildlife and Licensing Officials. These organizations would be responsible for identifying and closing illegal grows, initiating raids, and enforcing the law, independent of the Planning Department. To fund this enforcement, the County must commit to reserve all cannabis licensing and tax revenues for enforcement and monitoring until all cannabis operations are legal and in compliance with County and State requirements. The penalties for growing cannabis illegally must be increased substantially including the possibility of loss of ownership of the parcel involved.

The language in *7.132.150 Enforcement* is confusing and must be explained with language showing County commitment to demand exclusively legal growers. It has been suggested by County officials that licensing officers will conduct unannounced inspections of cannabis growing facilities as they discover them, either through routine inspections of licensed facilities or based on other surveillance,

such as aircraft. This needs to be made clear in the document so that potential growers and the public clearly understands.

COMMENTS specific to the DEIR

Mitigations listed in the DEIR are weak and incomplete. Additional mitigations must be added to protect the public and to reduce wild-fire risks. As written, this DEIR is accommodating activities which are, in many communities, unwelcome, at community expense. What/who is the County protecting? the residents, the cannabis industry, a perceived revenue source, or is this simply a County CYA document?

- This document, as written, is changing the rights of those who have lived here legally because of its beauty and remoteness, in favor of recreational drugging. This is short-sighted and contradictory to the County's long history of environmentalism.
- Damage to the health and welfare of existing residents near cannabis growing areas needs to be addressed with rules and diligence at least as strongly as any other agricultural crop.
- Cannabis growers must be subject to the same Santa Cruz planning department rules for all their buildings and operations, such as plan checks, grading, inspections, and code requirements that are required of a person building a new home or placing a large new structure on their property. This needs to include projected water and energy use as well as sources. These projected levels must then be regularly checked against measured water and energy use by inspectors and reported in public documents.
- Potential increased cost of fire insurance for residents in wild-fire-prone areas near cannabis grows needs to be addressed. Our road association has already been denied insurance by some carriers because our area is known for cannabis production.

We exhort Santa Cruz County to allow cannabis growing only in currently designated agricultural areas and particularly to exclude all mountain areas from changes in zoning and/or land-use in this DEIR. Use transparent, public processes to review the General Plan zoning and land-use. What's the rush?

The following information is provided, in the event the County does not choose to exclude all mountain areas from changes in zoning and land-use. The following modifications to mitigations described in the DEIR would reduce the negative impact.

AT4.1a Require all processing and manufacturing which could result in causing a fire (such as flammable chemical use) be done in areas where fire equipment can respond rapidly and fire can be contained. This must preclude rural properties and mountain areas where fire equipment cannot respond rapidly, and fires cannot be easily contained.

AV1.3a Santa Cruz County has a history of failing to enforce laws regarding cannabis. To expedite enforcement and demonstrate commitment: all cannabis taxes collected must be reserved and used for enforcement until all cannabis growers are licensed and comply with all regulations.

Benefits to the County include increased tax collection, maximizing safety, and reducing risks associated with cannabis cultivation and processing as rapidly as possible.

AT1.3b Inspections/reports must occur at least annually for all growers/processors. If the County becomes aware of illegal grows/processing/sales, the County must close them immediately. Listing them in a monitoring report is insufficient.

All documents associated with inspections/monitoring and enforcement must be on file for public review.

Once illegal growers are eliminated, then sufficient cannabis tax revenues must be earmarked first for annual (and interim) inspections/reports and for continued enforcement.

AQ1.1-5 Odor, carcinogenic materials and airborne particulate risks must be evaluated by the County health- and California Agricultural-departments and certified as safe for human respiration on properties near cultivation. This includes all pesticides, fungicides, fertilizers and other tools used to grow cannabis. Any County- or State-restrictions on farmers that are more stringent than those specified in this DEIR must replace those in this DEIR.

Air flow in the mountains can be very restricted, particularly during temperature inversions, which occur frequently. Air circulation needs to be locally monitored, particularly during the summer and fall. Orders similar to “no-burn” days must be required and enforced to limit grower-activities dangerous to human health/respiration during these periods.

AQ 2.1 Traffic impacts including pollution and congestion can and should be reduced considerably as follows:

- Require automated/mechanized harvesting, trimming, and whatever other functions are or become mechanized.
- Separate functions necessary for processing/manufacturing cannabis-products. Encourage specialty businesses that can be used by all legal growers in commercial areas, for example: along public transportation routes such as Soquel and Capitola Road or Highway 9. Locate all dangerous/hazardous functions (and associated materials) in these specialty facilities and require that they be near fire stations so that potential fires can be contained.
- Staggering work periods to avoid the major traffic rush hours (school and commute) will reduce traffic density.
- In cases where workers must regularly travel to/from a growing site, require use of private buses or vans. The residence on the property should house staff and bunk houses should be provided for workers, thereby reducing trips.

BIO 1.1 Add *humans* living on adjacent properties to the special-status/end wildlife evaluation.

The requirements for cannabis growers should be no less restrictive than that for a homeowner building a new house and developing their property regarding protected or endangered species. If the homeowner couldn't build there, then the cannabis grower should not be allowed to grow there.

BIO1.1g Identify all products to be used for fertilizer, rodenticides, fungicides, sprays of any type for any purpose which may be used during cultivation so that each can be determined by the County Health Department and the California Agricultural Department to be safe and not to have detrimental health effects on the health of residents on nearby properties. (Also see AQ 1.1-5)

BIO 1.1h All wells, streams, and other sources of water (including that which is trucked in) must be measured. Wells, streams, and trucks must be fitted with appropriate flow measurement devices, and quantities fully documented, and reported by County licensing officers. These reports must be made public. Water agencies must approve all water plans, measuring methods, and monitoring in each District. Ground-water use limitations should be the same for cannabis growing as for homeowners.

LU-1.1-5.6 The same rules should be applied here as if the owner were building a new house on a rural property. The same (or most restrictive) permits, planning, and inspections should be required in addition to those required for growing.

Water-use plans must be submitted and approved which include predicted water use. Annual Inspections would then compare these predictions with the actual water use (See BIO 1.1h) in publicly accessible reports.

The most frequent cause of fire in cannabis cultivation and processing is poor wiring. It is essential that any wiring be code compliant and performed by professional electricians (see also AT 1.4a)

Renewable energy sources are “nice” but the real issue with regard to fire is Diesel-, gasoline-, or propane-fueled generators and fuel storage. All cannabis cultivation requiring electrical power must use commercial power generated by PG&E or other commercial power production entities and have Planning Department-inspected, professionally installed, code compliant- electrical panels, -wiring, and -lighting etc. If solar panels are used, wiring must be professionally installed and be inspected to see that it is code compliant. Diesel-, gasoline-, or propane-powered generators must be strictly prohibited to supply power for growing cannabis.

TRA-2.1 The County Licensing Officer must annually require proof that the owner(s) of parcel(s) upon which cannabis is cultivated or processed have paid their road dues to any private road associations responsible for road(s) serving their parcel(s).



October 31, 2017

Matt Johnston
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: Comments, DEIR Cannabis Cultivation Regulations

Dear Mr. Johnston,

Big Creek Lumber Company has been in business and conducting sustainable forestry operations in Santa Cruz County since 1946. Our company was the first redwood production sawmill to have company-owned lands certified as “Well Managed” by the Forest Stewardship Council (FSC) ®.

We appreciate the opportunity to comment on the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program Draft Environmental Impact Report (Draft). We have submitted previous written comments to the Board of Supervisors regarding Santa Cruz County’s proposed cannabis cultivation ordinances. These comments have covered broad areas of concern, including potential environmental degradation, impacts to residential neighborhoods and ongoing crime associated with illegal cannabis cultivation. Our comments are part of the public record for the proposed ordinances. This letter is response to the Draft. Our comments will primarily be in response to **Draft Section 3.2, Agricultural and Timber Resources.**

Section 3.2.7 Secondary Impacts most accurately reflects Big Creek Lumber Company’s underlying concerns regarding cannabis cultivation in forested

areas of the County. The Draft lists potential problems such as intentional concealment of cannabis cultivation on forested lands, illegal clearcutting of trees, stepped mountainside grading, illegal water use and soil degradation, among others. The Draft indicates that these secondary impacts **would be significant and unavoidable**. We concur.

While the Draft correctly recognizes these very serious potential impacts, it does not provide sufficient background data to adequately assess the scope of these impacts. In fact, **Section 3.2.4 Methodology and Assumptions** states:

Due to the lack of information regarding unknown cannabis cultivation and manufacturing operations within the County and specific details regarding unknown sites, the discussion of secondary impacts is general in nature.

Without empirical data quantifying verifiable problems associated with existing cannabis operations, how can the Draft accurately assess potential future impacts associated with the project, or its more permissive alternative?

The Draft Executive Summary, Section ES-4 states:

If the Program is approved with significant and unavoidable impacts, decision-makers are required to adopt a Statement of Overriding Considerations pursuant to CEQA Section 15093 explaining why benefits of the Program outweigh the potential damage caused by these significant unavoidable impacts.

How are the decision-makers going to be able to accurately adopt a Statement of Overriding Considerations explaining program benefits if there is insufficient data to compare the perceived benefits with known impacts? The acknowledged lack of information “regarding unknown cannabis cultivation and manufacturing operations within the County and specific details regarding unknown sites . . . ” makes such a comparison nearly impossible.

Draft Section 3.2, Agricultural and Timber Resources, does an acceptable job of describing state statutes as they relate to the regulation of timberland in California. It also outlines (in part) the administrative responsibilities of the California Department of Forestry and Fire Protection (Cal Fire). The Draft points out Cal Fire’s role in enforcing state laws when trees are cut illegally.

Personnel from the Cal Fire San Mateo, Santa Cruz Unit have informed us that currently nearly forty percent of their time allocated for enforcement is being spent investigating and citing illegal cannabis cultivation sites. Throughout the Draft, the potential impacts of the Project, and its more permissive alternative, have been deemed *less than significant* because there are agencies and regulations in place that will minimize impacts. However, the Draft does not consider whether the Project and its more permissive alternative will place additional resource demands on various state agencies. For example, has the County determined whether Cal Fire has sufficient personnel and resources to deal with cannabis related issues if the Project, or its more permissive alternative, result in expansion of cannabis cultivation in forested areas of the county?

Additionally, there are other state agencies that will likely be impacted by the expansion of cannabis cultivation. These include, but are not necessarily limited to, the California Department of Fish and Wildlife, the Central Coast Regional Water Quality Control Board, the California Geological Survey, the California Air Resources Control Board and the California Coastal Commission. The Draft does not appear to address the potential environmental impacts if these state agencies do not have the resources to monitor or regulate increased cannabis activities associated with the Project, or its more permissive alternative.

The Draft outlines the legal processes for converting timberland to other uses. Such conversions involve the removal of trees in order to convert land to another use. However, Cal Fire representatives have informed us that no timberland conversion permit has ever been submitted in Santa Cruz County where cannabis cultivation is the specified conversion activity. How can the Draft adequately assess the potential impacts of such a conversion if none has ever occurred?

The Draft states that:

The [timberland] conversion must be signed off by a representative of the County, making the determination that the proposed conversion is for a permissible activity and that the necessary permits have been obtained.

It is unclear whether the County has designated an authorized representative to make determinations regarding timberland conversion code compliance when the stated conversion activity is cannabis cultivation. The California Board of Forestry and Fire Protection sent a letter to the Board of Supervisors, dated August 23rd, 2017 (attached). This letter states:

When a county does not have an authorized designee, the county relinquishes this opportunity and it falls to the RPF [Registered Professional Forester] preparing the Exemption to certify that the county has been contacted and the conversion is in conformance with county regulatory requirements. RPFs have communicated that this determination has been challenging because they may work in multiple counties, each of which may have different regulatory requirements.

The Draft appears to assume that the County will have a designated representative to review timberland conversions, but the Draft does not address the potential impacts if the County does not designate a representative. Registered Professional Foresters certainly understand state law as it relates to timberland and forest practices, but they may not have knowledge of complex County Code. What are the potential impacts if the County does not designate a representative?

The Draft at 3.2-8 discusses Agricultural and Timber Uses within Regions of Santa Cruz County. With respect to the North Coast Region, the Draft states:

Based on cannabis cultivation registration data, 44 cultivation sites are currently in operation in this region, totaling 2.84 acres of canopy. Existing operations are located primarily near Bonny Doon, within its proximate semi-rural agricultural community.

When analyzing potential environmental impacts, is it adequate (sufficient) to only consider acres of canopy associated with cannabis cultivation based on registration data? Reviewing publicly available satellite imagery on Google Maps, it is clear that there is far in excess of 2.84 acres of what appears to be cannabis cultivation in the vicinity of Last Chance Road alone. Scanning satellite imagery over other rural areas of Santa Cruz County reveals what appear to be numerous greenhouses and outdoor grows. It is reasonable to assume that a number of these operations will continue, either through acquiring necessary permits or continuing to operate illegally. Wouldn't the

Draft be considerably more accurate if it analyzed the actual extent of current cannabis cultivation?

Errata:

Table 3.2-1. **Harvested Acreage** of timber is erroneously listed in board feet instead of acres.

Page 3.2-12, **Timber Production and Harvesting in the County**, third paragraph, first sentence, “Non-NTMP” should be “NTMP”.

Page 3.2-12, **Timber Production and Harvesting in the County**, third paragraph, third sentence states that **“While the County does not have a formal role in regulating timber harvest practices, other than proposing special local rules for State consideration, it does limit through its zoning powers, where timber harvesting can take place.”** This is technically correct. However, as a vested member of the Interdisciplinary Review Team, the County has the ability to non-concur a harvest plan and if they are not satisfied with the response from the permit applicant, the County can appeal the harvest plan to the State Board of Forestry.

Confusing terminology:

The Draft uses the term “timbered”. It appears to use this word interchangeably to mean both land that has timber and land that has been harvested (logged). This interchangeable use is confusing, particularly to forestry professionals. We recommend that the Draft uses the word “forested” when referring to land that has trees. We recommend that the Draft uses the words “harvested” or “logged” when referring to lands where trees have previously been cut.

Sincerely,

Bob Berlage

Bob Berlage
Communications Director

From: ["Bob Strickland" <rls@cruzio.com>](mailto:Bob.Strickland@cruzio.com)
To: [CannabisEIR <CannabisEIR@sanacruzcounty.us>](mailto:CannabisEIR@sanacruzcounty.us)
Date: 10/29/2017 10:26:59 PM
Subject: Cannabis DEIR Comments
Attachments: My DEIR Questions (pdf).pdf

Matt Johnson,

Attached you will find my questions about the DEIR.

Upon reading my questions, you will observe that I'm quite concerned that the DEIR authors don't really understand the quality of life common to the Residential-Ag neighborhoods.

I feel that rejecting the Baseline Project (crafted after years of work) in favor of the Most Permissive Project simply to avoid relocation disruption to the preexisting grow License applicants enables literally thousands of additional parcels to qualify for a Cannabis Industry license. This amounts to a land-grab of neighborhoods throughout the county.

Thank you,

Bob Strickland

123 McGivern Way
Santa Cruz, CA 95060

Neighborhood Quality of Life:

According to the DEIR (Para. 3.3.6, p. 3.3-16) outdoor and greenhouse cultivation would occur on parcels where "*odors from agricultural operations are a typical and anticipated occurrence*". As a 35+ year Bonny Doon resident living in a Residential-Ag zoned home, not until the last 3-4 years (post green rush of growers) have I experienced any odors in the neighborhood. Assuming that neighbors in Residential-Ag neighborhoods are used to the presence of obnoxious odors seems to show a lack of understanding of the baseline environment of Residential-Ag neighborhoods.

- + What is the basis for the claim that agricultural odors are either typical or anticipated in Residential-Ag neighborhoods?

After review of the DEIR sections dealing with Air Quality (para. 3.3, p. 3.3-1 through 3.3-28) it is obvious that the DEIR authors are aware that cannabis industry generates unavoidable "skunky" odors that permeate the neighborhoods. "The acreage projected for outdoor cultivation ... could create objectionable odors affecting a substantial number of people. Therefore, direct impacts due to objectionable odors ... would be potentially significant."

- + Is it the position of the county that the neighbors in Residential-Ag neighborhoods must either endure the obnoxious odors or move out of their neighborhood?
- + Excluding visits to preexisting grow/manufacturing sites, were any Residential-Ag neighborhoods (such as Pine Ridge, McGivern, Braemoor, etc.) visited by the authors of the DEIR?
- + If so, how many DEIR authors visited the Residential-Ag neighborhoods?

Odors, Outdoor Grows:

Primary Program Objective-7 (DEIR para 2.3.1 p. 2-36) is to "*Ensure compatibility of Cannabis cultivation and manufacturing sites with surrounding land uses, especially neighborhoods, ... and objective-9 "...avoid risks of the visual setting and neighborhood character, obnoxious odors..."*"

Mitigation Measure MM-AQ-1.1(DEIR para. 3.3.6.1, p. 3.3-17) states that to reduce odor impacts of outdoor grows "*shall consider siting future grows ... to ensure that any odors ... do not reach a substantial number of people, to the maximum extend feasible*"

- + What is a "substantial number of people"?
- + Is it "feasible" to expect that the surrounding neighbors can be protected from obnoxious odors?
- + Since this only applies to "future grows", are preexisting grows exempt from "feasible" attempts to protect neighbors from obnoxious odors?

Odors, Greenhouse:

The Mitigation plan (MM-AQ-1.2, p. 3.3-18) for Greenhouse Odors requires filtration and scrubbing to reduce odor impacts from airing-out greenhouses "*if an adverse effect previously been documented*" to impact "*a substantial number of people*"

- + How many people are "*a substantial number of people*"?
- + Given the potential for multiple nearby greenhouses, how do neighbors identify which greenhouse is causing the adverse affect?

Attractive Nuisance / Visual Blight:

Alternative-2, the Most Permissive Alternative (DEIR para. 2.3.2, Tables starting on p-2-29) decreases Residential-Ag zoned parcel size, reduces setbacks, and increases allowable canopy, thus pushing much of the additional commercial cannabis industry into Residential-Ag neighborhoods. Assuming that the licensed cannabis industry is conducted by the "good actors", we need to consider the attractive nuisance impacts. Five persons were arrested during the Bear Fire evacuations. There was a confrontation at a grow-site that involved a shotgun, baseball bat and shots fired.

- + Why doesn't the DEIR consider the dangerous attractive nuisance factor for high value product colocated with surrounding family neighborhood that are zoned Residential-Ag?
- + Wouldn't the security measures to protect product pose a visual blight to the neighborhood?

Manufacturing Operations:

Guarded Locked gates, when loading and security bars on the windows (Appendix-C para 7.132.110 p.17) are required for all facilities involved with manufacturing except for residentially zoned parcels

- + Why is safety a lesser issue within Residential-Ag neighborhoods?

Trucked Water:

The More Permissive Project (DEIR para. 2.2, p. 2-34) "*would allow ... importing water by truck for initial filling of water storage tanks*". However, according to (DEIR para. 4.2.3, p. 4-33) would "*Allow imported/trucked water for irrigation and potable use*"

- + Which is correct, is trucked water allowed only for initial filling or can trucked water also be used for irrigation and potable use?
- + After filling the tanks, if normal use draws down water faster than on-site refilling, will

additional trucked water be allowed?

+ How often (if allowed) would additional water trucks be allowed?

Enforcement:

Several accounts have been published In the Santa Cruz Sentinel newspaper (October, 2017) about the Bear Fire and the decades old difficulty the county has enforcing zoning compliance. Various county officials from compliance officials, a deputy sheriff, and a member of the Board of Supervisors have all described a baseline in-which the county is "overwhelmed" trying to enforce existing land-use regulations.

+ Why is it reasonable to expect that the county will have the resources (money and/or staffing) to ensure regulatory compliance for 500-1000 licensed commercial cannabis industrial sites located in Residential-Ag neighborhoods scattered hither and yon throughout the county?

+ Doesn't having fewer licenses in less remote, locations increase the probability that the licensed commercial cannabis industrial sites can be monitored to ensure compliance with the regulations?

More Permissive parcels, setbacks, etc:

After several years of proposing, passing and repealing variations of an ordinance that a) provides a legal supply of Cannabis for Santa Cruz County Medical Cannabis Dispensaries and that b) doesn't have negative impacts to neighborhoods or the environment, the BOS established the C4 committee to study the issues and make recommendations. At the conclusion of the C4 study, the recommendations, reports, analysis data, etc. were presented to the BOS and turned over to Staff. Staff wrote the Draft Ordinance (DEIR Appendix-C, SCCC 7.128 and 7.132). The draft ordinance specifies the regulations for legal Commercial Cannabis Industry within Santa Cruz County. These regulations cover many topics, including the baseline for parcel sizes, setbacks, etc. The DEIR compares several programs and recommends the Most Permissive Alternative as the recommended alternative. The Most Permissive Alternative decreases parcel size (DEIR Table 2-2, p. 2-29), increases canopy size (DEIF Table 2-3, p. 2-20), and reduces setbacks (DEIR Table 2-7 and Table 2-8, p. 2-33) within Residential-Ag neighborhoods.

Due to the complexity and potential significant impacts to the whole county, rather than start with the Most Permissive Alternative, it would seem prudent to start the licensing program with the Staff proposal written in response to the C4 reports. If more parcels need to be opened to Commercial Cannabis Industry, the parcel sizes, setbacks, etc. can be adjusted later. Starting with the Most Permissive Alternative opens large portions of the county to convert to Cannabis Industrial use. If the Most Permissive Program achieves, and/or has negative impacts to neighborhoods or environment, it will be difficult to change to more restrictive regulations. As they say, "You can't get the Genie back in the bottle"

- + What is the basis of justification for the specification of 2.5 acre minimum parcel sizes rather than the recommended 5 acre parcel sizes for Residential-Ag neighborhoods? i.e.. How was this specific number selected?
- + What is the basis of justification for the specification of 10,000 sq-ft as the maximum canopy sizes rather than the recommended 5,000 sq-ft canopy size for these smaller parcels in Residential-Ag neighborhoods? i.e. How was this specific number selected?
- + What is the basis of justification for reduction of setbacks by a factor of 2 [for most setbacks] within Residential-Ag neighborhoods? i.e. How were these specific numbers selected?
- + Were these changes made (as alluded to) to maximize the number of existing commercial cannabis industrial sites that could be licensed at their existing location?
- + What is the analysis that drove the selection to these numbers and what is the analysis of the impacts upon Residential-Ag neighborhoods?

In any business or employment, relocation is a fact of life. If a restaurant or retail outlet loses its lease, the only alternatives are to either close shop or relocate. If employer relocates a business, then the employee must either find new employment or relocate. It seems as if the Most Permissive Alternative specifications of the Cannabis Licensing Ordinance were selected, not on the basis of recommendations, but rather to allow preexisting sites to continue without relocation.

- + Why are preexisting Commercial Cannabis Industrial sites getting special treatment in that the regulations are being set for the convenience of the owners of the preexisting Commercial Cannabis Industrial sites rather than according to the draft ordinance specified in Appendix-C of the DEIR?
- + Wouldn't it be better for the county to provide relocation assistance rather than open up massive sections of the county to the Cannabis Cultivation Industry?

Orderly Development:

Minimum parcel size, setbacks, etc. (DEIR para 4.2.3, p. 4-33) can be changed at the discretion of the Licensing Official. This seems to create a conflict with Program Objective #1, #3 (DEIR para. 2.3.1, p. 2-26) to "*allow orderly development*" and "*provide efficiency and clarity ... permit processes, regulations and standards*".

- + How does a person considering purchase of a Residential-Ag parcel that may not meet the minimum requirements for a commercial cannabis industrial site determine if a waiver will or will-not be granted?
- + How does a resident or purchaser of a Residential-Ag home know if the surrounding homes might be granted a waiver for a Commercial Cannabis Industry at a future date?

+ Is there a public hearing and/or, are the surrounding neighbors, landowners, and other impacted parties at least notified if a nearby Residential-Ag parcel is being considered for a waiver?



Boulder Creek Pizza & Pub

October 20, 2017

Supervisor McPherson and Santa Cruz Planning Dept,

I am one of the many small business operators in the San Lorenzo Valley that recognize the cannabis trade as a vital part of our local economy. There have been economic estimates of the value of the crop in Santa Cruz County to be near half a billion dollars, putting its financial importance on par with tourism and the agriculture industry as a whole.

Common sense regulations designed to protect the environment, while supporting the thriving Boulder Creek cannabis industry, will continue to support many ancillary businesses that depend on the industry to survive.

A significant amount of cannabis production occurs in the greater Boulder Creek area. This industry supports hundreds of jobs for our neighbors. Cannabis producers are amongst the best patrons of our local businesses. They shop our stores, eat at our restaurants, and use professional services from local providers. The importance of the economic contribution to local businesses by people in the Santa Cruz Mountain cannabis trade cannot be overstated.

I am appreciative of the seriousness that the County has taken to ensure that we implement a viable and environmentally conscious program. I want to see responsible local producers adhering to calculated and meaningful rules and regulations. The cannabis industry has been in the Santa Cruz mountains for decades. In most situations, there is tremendous stewardship by our local producers who care about running a responsible operation that protects the environment in which they raise their families.

I support the findings of the Draft Environmental Impact Report and recommend adoption of the more permissive approach to regulation, which allows for safer audited participation by those in our area and beyond. I'd like to see the environmentally superior alternative to outright bans and restrictive proposals, keeping the impact of the local economies in mind.

Justin Acton

October 30, 2017

Matt Johnston
County of Santa Cruz, Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 9500

Re: Draft EIR Comments

Dear Matt,

I am very encouraged that the draft EIR has concluded the obvious. Of the five potential regulatory options considered in the report, the "Most Permissive Project Alternative" is also the most "Environmentally Superior Alternative." It is heartening to learn that the success of the Program rests entirely on achieving participation, and conversely, the EIR recognizes that unregulated cannabis gardens are the greatest danger to the County's environment. Achieving a high level of participation will be the key to any regulatory program's effectiveness. It is my sincere hope that the County and the Board of Supervisors give significant consideration to these conclusions and the many important recommendations contained in the draft EIR.

I have two comments that pertain to specific language listed in the draft EIR and a few other recommendations that follow.

I commend the statement, "While it is not possible to know the number of cultivators who will be able to relocate from a site setting that is not eligible for licensing to a parcel that is eligible, because it is the County's goal to assist all 760 registrants in finding a suitable location and configuration consistent with the Program, and in order to perform a conservative environmental analysis, this EIR assumes that each of the 760 registrants locates a suitable property and cultivates under the Program."

Regarding Section 4.1.1 - Alternatives Considered and Discarded

1. **Residential Cannabis (Garage Grow) Alternative** - Would allow commercial cannabis cultivation in single family (R-1) residential zoning district per Santa Cruz County Code (SCCC). Demand for this alternative currently exists in the County, as roughly 10 percent (25 applicants) of registrants with known locations are seeking licenses in R-1 zone districts. There are likely more R-1 registrants that did not disclose a location in the License Registration data. To proactively address SCCC compliance, this alternative could build on the current Cottage Industry cultivation category to permit a limited level of residential cultivation (e.g., 500 square feet of canopy per site) while balancing environmental, public service, and quality of life concerns.

This alternative was discarded in that it would not meet key Program objectives. This would include Program Objective, No. 4, which states: "Prevent impacts of cannabis cultivation and Manufacturing sites on children and sensitive populations." Interspersing cannabis grows within residential zones would likely expose children, seniors and other sensitive population to cannabis activities and odors.

This premise is contradictory. Residential indoor cultivation is occurring in R-1 zoning if you include the vast number of personal medical cannabis gardens in the County. What would be the difference be between allowing indoor Home Specialty Cottage cultivation (maximum 200 sq ft) and a personal medical cannabis cultivation (100 sq ft)? One would have regulations regarding safety, security, noise and odor control and the other has none. I imagine that a large percentage of the 298 anonymous registrants are in R-1 zoning and could not risk the potential of prosecution by providing an address. This would add significantly to the roughly ten percent or 25 applicants listed above.

Cottage Licensing

We need to include as many existing, responsible, long-term, and distinctly "Santa Cruz" cultivators in the regulated system as possible. Working together we can provide a framework that supports Santa Cruz values, community, ecology, and economy. Keeping it safe, keeping it small and keeping it local while focusing on sustainable, organic, high-quality, seed-breeding/strain-specific genetics, and artisanal products.

The goal should be to provide a legal pathway for small cultivators who are maintaining the heritage of smaller qualitative production and maintain caution against the industrialization of a historically cottaged based enterprise. We need to determine ways to gently integrate small scale, sustainable cultivations into the cannabis regulatory process.

Please see attached Proposed Santa Cruz County License Tiers for Cottage Licensing, Type 1C - Tier 3: Home Specialty Cottage Guidelines, and Best Practices for Type 1C - Tier 3 - Home Specialty Cottage. These modifications will provide a more fair and equitable process throughout the districts in the county.

Sensible Fire Policy

Define cannabis cultivation as a Type U (Utility and Miscellaneous) usage rather than Type F-1 (Moderate-Hazard Factory Industrial). Requiring twenty foot access roads and 120,000 gallon water storage tanks are inconsistent with other industries, and the associated costs and logistics create a barrier of entry so high as to discourage cultivators from even attempting to apply for licensing.

Continuity of Operation

In order to participate in licensing, existing cultivation operations need the option to continue operating while their applications are being processed. As is already being prepared by the state (which intends to offer temporary licensing before the end of the year), the county should offer some option to allow cultivators to enter the licensing application process while still continuing to cultivate.

Alignment with State Law

Recommend that any regulations passed are written to mirror state law, and particularly MAUCRSA to the greatest extent possible, to avoid confusion and accidental non-compliance of regulations. This should apply to specific License Types (Specialty Cottage, Micro-businesses, Nursery, Distribution, etc.) and their requirements (possibly allowing Multiple Licenses per Parcel).

Thank you for your consideration.

Sincerely,



Brenda Chadwick

PROPOSED SANTA CRUZ COUNTY LICENSE TIERS FOR COTTAGE LICENSING LICENSE TYPE 1C "SPECIALTY COTTAGE"

Include regulations and language creating an additional license type equivalent to the "Type 1C, or "specialty cottage," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises."

Tier 1: Specialty Cottage

Zones:	CA, A , RA, C-4, M-1, M-2, M-3, TP, SU
Acreage:	Two and one-half acre minimum
Parameters:	Outdoor 2500 square feet up to 25 plants Mixed Light 2500 square feet Indoor 500 square feet
Setbacks:	In compliance with 7.126

Recommendation for a two and one-half acre minimum is to accommodate long-term local cultivators who operated in compliance with SCCC Ordinance 7.126. These cultivators will not otherwise qualify under the draft SCCC Ordinance 7.128, without having to relocate their gardens, families and homes thereby suffering economic devastation.

Tier 2: Small Specialty Cottage*

Zones:	CA, A , RA, RR, C-4, M-1, M-2, M-3, TP, SU
Acreage:	One acre minimum
Parameters:	Outdoor 500 square feet up to 25 plants Mixed Light 500 square feet Indoor 500 square feet
Setbacks:	In compliance with 7.128

*Represents the Level One Cultivator License in SCCC Ordinance 7.128

Tier 3: Home Specialty Cottage - Indoor Only**

Zones:	All Zones
Acreage:	No minimum
Parameters:	200 square feet maximum
Setbacks:	In compliance with SCCC Ordinance 7.128

**Represents the Cottage Garden License in SCCC Ordinance 7.128 and Santa Cruz County Code Section 13.10.613 Home Occupations. See attached "Type 1C - Tier 3: Home Specialty Cottage Guidelines"

TYPE 1C - TIER 3: HOME SPECIALTY COTTAGE GUIDELINES

Proposed license tier for very small indoor grows, up to 200 square feet.

Currently, people growing indoors at home constitute a major part of the medical cannabis supply chain in Santa Cruz County. Estimates of how big a part vary, but the best information we have shows that about a third of the cannabis sold in local dispensaries is supplied by people growing, at home, in areas zoned residential. These people have been serving the community for many years, but they are at risk of being left out of the licensing system. They include people developing new and better genetic lines, and people raising plants and providing cuttings for patient's personal grows. Like the early electronics industry, much of the innovation in this industry is taking place in peoples homes.

Fortunately, zoning in Santa Cruz County allows commercial activity in residential zones through the ordinance SCCC 13.10.613 Home Occupation, which allows people to conduct limited commercial activity from their homes as long as certain requirements are met to ensure that there is very little impact on the surrounding neighborhood. Although commercial agricultural activity is not allowed in some residential zones, "agriculture" is defined in SCCC 13.10.700-A as "the art or science of cultivating the ground." Growing agricultural commodities indoors in pots does not involve cultivating the ground, and is therefore not commercial agriculture.

Under the authority of that section and in the spirit of personal independence, innovation and a cottage industry that characterizes much of the Santa Cruz spirit, we propose that the County adopt a cultivation tier for Home Occupation micro-grows as follows:

- Home Occupation grows are allowed in all zones.
- Cultivation must be indoors in a secure and locked facility.
- The operation must use no more than one room, or a floor area equal to 200% of total floor, area, whichever is smaller, up to 200 square feet.
- There must be no smell, lights or noise evident from outside the property, and no other indication that cannabis cultivation is taking place there, other than items, such as bags of potting soil, that would be present with any type of gardening.
- Lighting for cultivation purposes may not exceed 1,200 watts unless a written certification is first obtained from a licensed electrician that the cultivation site has all necessary electrical permits required by the California Building Codes for such wattage,
- The licensee must live on the property. If the licensee is a renter, he or she must have written permission of the property owner.
- The licensee is to have no employees.
- No cannabis sales may take place on the premises.
- The site must be at least 600 feet from any school.
- Operation may take place in single-family dwellings and outbuildings only; not in apartments, condominiums, duplexes, or other units that share walls with another residence, but an exceptions process should be allowed.

BEST PRACTICES FOR TYPE 1C - TIER 3 - HOME SPECIALTY COTTAGE

- Follow SCCC 13.10.613 Home Occupation.
- Protect the small, keep-it-local model where innovation, genetic diversity and research can be done to produce the best quality medicine for patients.
- Maintain a secure and locked facility.
- Use of carbon scrub filters to eliminate odors during all periods of cultivation (vegetation, flowering, curing and trimming).
- No lights visible from the outside of the residence.
- No noise from the cultivation area (insulation).
- All electric must be to code.
- Preferred use of soil due to less water usage - hydro = excess water usage.
- Use of organic based nutrients whenever possible.
- No synthetic fungicide, insecticides, herbicides or rodenticides.
- Sustainable cultivation practices.
- Encourage use of solar energy.
- Absolutely no sales allowed from residence.
- All cannabis tested for contamination.
- Good cultivators that follow regulations are good neighbors.

Basically, if there are no smells, noise, light, or complaints and electrical are to code, there should be no restriction from persons to carry on limited, income-producing activities on their residential properties.

From: thebots@thebots.net
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/28/2017 11:00:18 AM
Subject: comment on cannabis EIR

Hello-

I would like to comment on the Environmental Impact Report(EIR) for proposed regulations concerning commercial cannabis cultivation in Santa Cruz County. I have been studying this industry and sustainable environmental practices for a few years, and I have a couple of comments:

-The EIR cites significant unavoidable impact from increased traffic of people getting to jobs in the cannabis industry. At the same time, we acknowledge the industry will create thousands of local jobs - we need more local employment, and many mountain residents commute to the valley and santa cruz out of necessity to get to their jobs. Therefore, it would make sense to provide tax incentives to cannabis businesses to employ local residents. This could provide the benefit of needed jobs to county residents, and assure that the program would mitigate, rather than exacerbate, traffic and air quality conditions.

-I have heard many people repeating myths about relatively high water usage of marijuana grow operations. You would be well advised to address these myths upfront. NORML for instance provides excellent comparisons of water usage for marijuana vs other agricultural products.

-Although the EIR makes clear that groundwater issues may be mitigated, I see no discussion of the importance of rainwater capture and storage. I see no discussion in the EIR of the possibility of providing incentives for big water users to capture and store that water when it is plentiful in the winter months so as to not burden local aquifers in the dry season. While this is a good idea for anyone in the mountains, you have the opportunity in this nascent industry to set standards and standardize incentives that may ultimately provide broader benefit to the community and other local industries.

thank you

Brian Coburn

santa cruz county resident at

24831 Loma Prieta Ave, Los Gatos CA 95033

From: ["Burney Leboeuf" <leboeuf@ucsc.edu>](mailto:Burney Leboeuf <leboeuf@ucsc.edu>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 9/4/2017 7:30:36 PM
Subject: comment on the draft EIR for Cannabis Cultivation and Manufacturing

Mr. Matt Johnson,

This is an impressive document on a difficult and important matter that affects all of us in Santa Cruz County.

I restrict my comments to a few points:

I am in accord with the point that an applicant must have been operating an established cultivation site since 2013 to obtain a license to cultivate cannabis commercially. This will keep many who would come to Santa County simply grow cannabis.

It is a wise regulation that properties are excluded from licenses if zoned RA, SU, or TP within an area defined by the Coastal Zone + 1-mile buffer inland for the Project, and excluded within the Coastal Zone (but no 1-mile buffer exclusion) for the More Permissive Project (see Figures 2-2, 2-3, and 2-4). Commercial cannabis factories or farms do not belong in neighborhoods.

I am a firm advocate that the use of a generator as a primary energy source is not allowable under the proposed Licensing Program.

Sincerely,

Bernard J. Le Boeuf

320 Kamaur Ln.

Santa Cruz, CA 95060

Bernard Le Boeuf
Professor Emeritus of Biology
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EDMUND G. BROWN JR., Governor
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October 31, 2017

Mr. Matt Johnston
Santa Cruz County
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Matt.Johnston@santacruzcounty.us

Dear Mr. Johnston:

Subject: Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program, Draft Environmental Impact Report, SCH #2017022052, Santa Cruz County

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) provided for Santa Cruz County's Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (Project). The draft EIR was received in our office on August 31, 2017. CDFW previously provided comments on the Notice of Preparation (NOP) of the draft EIR in March 2017. Several of CDFW's comments have not been adequately addressed in the draft EIR.

CDFW strongly supports efforts to regulate cannabis cultivation and to address the numerous and substantial environmental impacts that may occur from unregulated activities. CDFW believes that greater regulatory oversight and enforcement by local Lead Agencies can help minimize the environmental impacts of cannabis cultivation. CDFW provides the following comments and recommendations on the proposed Project in our role as a California Environmental Quality Act (CEQA) Trustee or likely Responsible Agency.

CDFW expends considerable staff time and resources documenting, assessing, permitting, and addressing the environmental impacts and watershed restoration needs resulting from cannabis cultivation (see Bauer et al. 2015). CDFW was one of the first agencies in the State to draw attention to the near exponential growth and substantial adverse impacts of cannabis cultivation on forest lands, including impacts from water diversions and stream dewatering, forest clearing and conversion, pollution, and sediment discharges. CDFW staff have conducted inspections on cannabis cultivation sites throughout northern California, and have published peer-reviewed research on this topic. Therefore, CDFW has considerable experience in assessing the environmental impacts of cannabis cultivation.

CDFW ROLE

Under CEQA, CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. [Fish and Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. Santa Cruz County should advise permit applicants that even if the County process for permitting cannabis cultivation is ministerial, CEQA compliance may be necessary for CDFW and other regulatory agencies with permitting authority. In addition, every license for commercial cannabis cultivation issued by the California Department of Food and Agriculture [Business and Professions Code 26060.1 (b)(3)] and every microbusiness license issued by the Bureau of Cannabis Control [Business and Professions Code 26070 (a)(3)(A)], shall not be effective until the licensee has complied with Section 1602 of the Fish and Game Code or receives written verification from CDFW that an LSA Agreement is not required.

CDFW provides the following comments and recommendations on the proposed Ordinance and Zoning Regulation in our role as a Trustee and Responsible Agency pursuant to CEQA (California Public Resources Code (PRC) Section 21000 et seq.).

CDFW's primary concerns regarding the draft EIR and proposed Project include:

1. The environmental baseline in the draft EIR, including in the cumulative context, does not accurately reflect the existing condition of cannabis cultivation in the County and its adverse impacts on fish and wildlife.
2. Potentially significant impacts to fish and wildlife are not addressed in the draft EIR.
3. As specifically identified below, CDFW does not agree the mitigation identified by the County in the draft EIR will reduce impacts to fish and wildlife below a level of significance.

CUMULATIVE IMPACTS

As stated in the March 2017 letter, CDFW is concerned about the cumulative impacts, not only from permitted and unpermitted cannabis cultivation, but also rural residential development and other types of development that have similar impacts. CDFW recommends that the County establish maximum limits of allowable cultivation sites and/or square feet of cannabis canopy as a proportion of a given watershed to minimize cumulative impacts.

The Guidelines for the Implementation of the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15000 et seq.; hereafter CEQA Guidelines) defines cumulative impacts in section 15355 as "*two or more individual effects which, when considered together, are considerable...*" and may *include "the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects."* Discussion of cumulative impacts is required by CEQA Guidelines section 15130, which also includes "*past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside "the control of the agency...."*" The draft EIR does not address

illegal cannabis cultivation sites as an important and existing contribution to cumulative impacts. The draft EIR states, at page 3-2:

“The impacts of the Program are defined as changes to the environmental setting that are attributable to the Program. Existing cultivation and manufacturing activities are part of the baseline because they are part of the existing environmental condition, even if illegal and difficult to fully describe. Therefore, it is only the projected new and expanded cannabis cultivation and manufacturing activities, which are not part of the baseline, that are the focus of this EIR.”

The environmental impacts of unpermitted cannabis cultivation can be significant. According to data from the County Sheriff's Office, there are at least 1,800 grow sites in Santa Cruz County, over twice as many as the number of participants in the 2016 grower pre-registration survey (draft EIR, Impacts Analysis, pages 3-4 through 3-6). In addition to the impacts of self-identified cannabis cultivation sites, the impacts resulting from the minimum estimated 1,000 cultivation sites that declined to participate should also be included in the cumulative impact analysis.

Cannabis cultivation can lead to road building, grading, pond construction, stream crossing construction, and hydrologic modification including rerouting of streams and interception of groundwater through poorly constructed road systems. The environmental impacts of cannabis cultivation include habitat fragmentation, habitat loss through land clearing and conversion, reduction in instream flow, and delivery of sediment, nutrients, petroleum products, and pesticides to streams (Carah et al. 2015).

Additional environmental impacts documented by CDFW staff include but are not limited to: degraded water quality; degraded riparian and wetland habitat due to development near streams and wetlands; wildlife entanglement and mortality due to on site hazards (e.g. plastic mesh); wildlife entrapment; fish passage barriers due to unpermitted water diversions; altered natural photoperiods from light pollution; noise impacts due to extensive generator use, and introduction of non-native species (fish, amphibians and plants) resulting in predation of native species and degrading habitat quality.

As detailed below, cannabis cultivation has contributed to potentially significant cumulative impacts on several listed species including state and federally listed coho salmon (*Oncorhynchus kisutch*), CESA Candidate species foothill yellow-legged frog (*Rana boylii*), federally threatened California red-legged frog (*Rana draytonii*), and the habitats they rely on.

CDFW considers the cumulative impacts associated with the existing unpermitted cannabis cultivation to be potentially significant and recommends the draft EIR address these impacts.

BIOLOGICAL RESOURCE SECTION

Documented environmental impacts of cannabis cultivation include habitat fragmentation and loss through land clearing, grading and burying of streams, diversion of surface water for irrigation resulting in reduced stream flows and dewatered streams, and delivery of sediment, nutrients, petroleum products, and pesticides into streams (Bauer et al. 2015, Carah et al. 2015). Additional impacts CDFW staff have observed include wildlife entanglement and

mortality due to plastic mesh, improperly designed fences, and other materials used at cultivation sites.

Foothill Yellow-Legged Frog

The entirety of Santa Cruz County is within the range of foothill yellow-legged frog. Historical collection records exist from numerous locations in the County (BIOS, 2017¹).

The draft EIR improperly identifies the foothill yellow-legged frog as a Species of Special Concern. Foothill yellow-legged frog is a candidate species under CESA (California Regulatory Notice Register 2017, No. 27-Z, July 7, 2017, pp. 986-987, Fish and Game Code §2074.2). As a candidate species, the foothill yellow-legged frog receives the same legal protection afforded to an endangered or threatened species (Fish and Game Code § 2085). CESA prohibits the "take"² of any species of wildlife designated as endangered, threatened, or a candidate for listing.

The draft EIR states, "Project and More Permissive Project are not expected to result in loss of aquatic habitat for [foothill yellow legged frog], or in the loss of habitat close to water bodies where they concentrate much of their activities, and required setbacks from riparian and aquatic habitats would also reduce the potential for, and magnitude of impacts to these individuals. Therefore, direct impacts to [foothill yellow legged frog] are considered less than significant." (page 3.4-16). The draft EIR has identified activities which will result in "take" of a candidate species. An activity that may cause "take" to a listed species would require an Incidental Take Permit (ITP) from CDFW pursuant to section 2081 subdivision (b). Any take authorized pursuant to an ITP would require minimization and full mitigation measures [Fish and Game Code, § 2081, subd. (b)(2)], and would require that the applicant ensure adequate funding to implement all mitigation measures and compliance monitoring.

CDFW recommends the temporary and permanent impacts be mitigated by avoidance, minimization of impacts, and acquisition and preservation of at least an equal area and quality as that lost. These measures can then be incorporated as enforceable project conditions to reduce potential impacts to biological resources to less-than-significant levels. Please note that CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing a CESA ITP. Addressing CDFW comments ensures that the draft EIR appropriately addresses project impacts facilitating the issuance an ITP.

Special-Status Wildlife

The draft EIR proposes a qualified County approved biologist assess all proposed new licensing sites and make a determination as to potential impacts to special-status species based mainly upon whether habitat is deemed to be present for special-status wildlife at the time of the

¹ Biogeographic Information and Observation System

² Fish and Game Code section 86 defines "take" to include "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Section 2080 makes it unlawful to "import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter..."

assessment. CDFW recommends the qualified biologist identify suitable habitat for special-status wildlife species well in advance of construction activities and these areas be avoided during project design and construction. Pre-construction surveys should also be required. If habitat is deemed to be present, protocol level surveys for special-status wildlife should be required and appropriate avoidance/minimization or mitigation plans developed. Depending on the species potentially impacted, consultation with CDFW or other avoidance measures (such as installation of exclusionary fencing during construction) may be appropriate.

Special-Status Plants

The draft EIR does not contain specific mitigation requirements for impacts to special-status plants. CDFW recommends botanical surveys be required and conducted according to CDFW's "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities" (2009). This document is available on CDFW's website at: <https://www.wildlife.ca.gov/Conservation/Plants>.

Cannabis Manufacturing Facilities

Unless otherwise housed in an existing structure, CDFW recommends any new cannabis manufacturing facility observe the same setback requirements proposed for cultivation (100 feet from a perennial stream, 50 feet from an intermittent or ephemeral stream, and 100 feet from the high water mark of waterbody). The manufacturing setback would help protect the riparian corridor and waterway/water body from unanticipated manufacturing disasters.

Roads

The draft EIR characterizes road construction resulting from Project-related activities as an indirect impact in the context of Fire Code compliance and new residential construction (draft EIR, Environmental Impact Analysis page 3-10). However, CDFW staff have documented numerous instances of the impacts of poor road construction associated with cannabis cultivation on waterways, habitat and neighboring parcels' infrastructure. Even well-maintained roads can significantly impact habitat for sensitive aquatic species. The Project is likely to include construction and maintenance of roads, landings, stream crossings and other earthwork, which could cause significant effects on the movement of fish and wildlife and cause sediment pollution to aquatic habitat. The draft EIR should include an evaluation of potential significant adverse effects to fish passage and aquatic habitat from physical placement of Project infrastructure (e.g., stream crossings, roads and landings near streams, etc.) and the effects to aquatic habitat from erosion and sedimentation. In order to minimize potentially significant effects, the draft EIR should adopt set-back distances from streams that are adequately protective of natural stream processes in order to reduce impacts to less-than-significant.

Limit on Number or Density of Cultivation Sites

The draft EIR does not propose a limit on the number of licenses that would be issued for cannabis cultivation or manufacturing under the Project. As described in Chapter 2, Project Description, the draft EIR estimates that the future amount of cultivation licensed under the Program would be up to 44.3 acres of cannabis cultivation proposed by current registrants, with plans to expand cultivation up to 79.1 acres over the life of the Program. This would be an increase of between 8 acres and 43 acres of commercial cannabis canopy pursued by registrants in the future as the Project is implemented. However, there is no clear language concerning any cap or limitation on number of licenses, permits, acreage or canopy that would

be allowed under the Project. CDFW recommends the draft EIR include clear and specific language indicating that any development in excess of 79.1 acres will require additional CEQA review.

CDFW is also concerned about the number and density of cultivation sites and how Project related impacts to these sites relate to the potential carrying capacity of each watershed. Prior to issuing permits for additional new cultivation, the County should prepare an analysis describing a) existing water use, b) potential for sediment and other pollutant discharge, and c) percentage of habitat fragmentation within a given watershed. In addition, the analysis should provide detail on the amount of cannabis cultivation the County proposes to permit within each watershed (e.g., HUC 12 or smaller watershed area), and what impacts the allowed cultivation would have on each of these elements. The environmental impact analysis in the draft EIR is currently based upon an assumed number of permit applications, and does not provide a complete analysis disclosing the full potential impacts of the proposed Project. In order to avoid a concentration of cannabis cultivation sites in a particular watershed, which could result in potential significant effects, CDFW recommends that prior to issuing permits for new cultivation, the County defines a watershed cap based on an analysis of the impacts to each watershed as described above.

Noise and Light Pollution

The draft EIR declines to analyze the impacts of noise, based on the conclusion that implementation of mitigation for noise resulting from Project-related activities is less-than-significant (draft EIR, Environmental Impacts Analysis page 3-1). Additionally, the potential impacts of light on wildlife are also not analyzed in the draft EIR.

Outdoor cannabis cultivation increasingly uses artificial lighting in greenhouses, and so-called "mixed-light" techniques to increase yields. The adverse ecological effects of artificial night lighting on terrestrial, aquatic, and marine resources such as fish, birds, mammals, and plants are well documented (Johnson and Klemens 2005, Longcore and Rich 2016, Rich and Longcore 2006). Some of these effects include altered migration patterns and reproductive and development rates, changes in singing behavior in bird species (Miller 2006), changes in foraging behavior and predator-prey interactions, altered natural community assemblages, and phototaxis (attraction and movement towards light), disorientation, entrapment, and temporary blindness (Longcore and Rich 2004, Longcore and Rich 2016).

CDFW has determined that artificial night lighting can significantly affect marine and near-shore wildlife (CDFG 2007). Light pollution disrupts the abilities of night-foraging birds (CDFG 2007). Artificial lighting impacts bat roosts, and Johnston et al. (2004) recommend that artificial lighting be directed away from bat roosts or possibly shaded by trees. Research on the effects of artificial lighting on salmonid populations indicate that increased light intensity appears to slow or stop out-migrating juvenile salmon and affects feeding patterns. Juvenile salmonids in the presence of increased artificial night lighting may be more vulnerable to predation (McDonald 1960, Patten 1971, Ginetz and Larkin 1976, Tabor et al. 2004). Because cannabis cultivation sites are commonly located in remote forested areas that would otherwise not be affected by night light pollution, and because these forested areas contain habitat for many species that are negatively impacted by light pollution, cultivation using artificial light on a landscape scale could have a significant impact on fish and wildlife.

Diesel and gasoline-powered electric generators are a common fixture of outdoor cannabis cultivation sites. Electric generators can produce considerable noise pollution. The effects of noise pollution on wildlife include disrupting communication between individuals, affecting predator-prey relationships and foraging efficiency, and habitat selection and bird nesting density (Barber et al. 2009; Francis and Barber 2013). On a watershed scale, the chronic noise pollution from numerous cannabis cultivation site generators has the potential to result in substantial habitat loss or degradation to a number of wildlife species. Generator-produced noise pollution can be especially harmful to night-foraging animals such as owls and bats, which hunt for prey primarily through hearing. The state and federally Threatened northern spotted owl (*Strix occidentalis*) and marbled murrelet (*Brachyramphus marmoratus*), for instance, occurs in forested coastal Santa Cruz County and is vulnerable to nighttime generator noise impacts.

Impacts to bats are another specific concern. Populations of many bat species across North America and globally are declining. Approximately fifteen percent of the global bat fauna are listed as threatened by the International Union for Conservation of Nature (IUCN). However, a greater number of species (about 18%) are listed by the IUCN as "data deficient," meaning there is a lack of studies that can be used to support assessments of conservation status (Voight and Kingston 2016). This decline has numerous causes, but habitat loss and degradation are principal contributors. According to the California Natural Diversity Database (CNDDDB), 12 of California's 25 bat species are designated as California Species of Special Concern, USDA Forest Service Sensitive, or federally Endangered. Santa Cruz County has ten species of bats either documented or highly likely to occur there, three of which, the pallid bat (*Antrozous pallidus*), Townsends's big-eared bat (*Corynorhinus townsendii*), and western red bat (*Lasiurus blossevillii*), are California Species of Special Concern. Bats have been shown to avoid areas with chronic noise Schaub et al. (2008) and the foraging success of certain bat species is reduced by chronic noise (Siemers and Schuab 2011).

In conjunction with the other habitat fragmentation, degradation, and disturbance-related impacts of outdoor cannabis cultivation already mentioned, both nighttime light pollution and chronic generator-induced noise impacts may contribute to landscape-scale wildlife habitat declines that should be considered significant. Based upon the above, CDFW recommends an analysis of night light pollution and chronic noise exposure impacts to wildlife, and appropriate mitigation strategies be included in the draft EIR. Potential mitigation measures could include but are not limited, shielding of artificial light so light does not escape beyond the cultivation area, requiring the use of low-noise technology equipment, or building noise-reducing structures to house noisy equipment, and the inclusion of clear remedies for cases of violation.

Cultivation Sites on Forested Parcel Impacts

CDFW is opposed to commercial cultivation of cannabis on forested parcels, including lands zoned TPZ (timber production zone) and FL (forest land). The deleterious effects of habitat conversion, fragmentation, and parcelization of forestlands on wildlife and fisheries are well documented in the scientific literature. Therefore, CDFW supports Sections 20.242.050 (D) and (E), which prohibit new cultivation sites in TPZ and FL zoning districts, and place limitations on existing cultivation sites within these zoning districts, and areas defined as timberland pursuant to PRC Section 4526.

Individual Project Review

The environmental setting should contain sufficient information to understand the Project and its alternatives, specifically the Most Permissive Alternative (Alternative 2), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360).

The draft EIR is characterized as a Program EIR, and as such, it does not evaluate the impacts of specific, individual cultivation and manufacturing sites. Each specific future cultivation and manufacturing site will require separate environmental review, as required by CEQA, to secure the necessary discretionary development permits. The draft EIR further states that the Program draft EIR can provide the basis in an Initial Study for determining whether the later activity may have any significant effects, may be incorporated by reference as provided by the CEQA Guidelines [§15168(d)(2)], and can be used to focus an environmental document on a subsequent project to permit discussion solely of new effects which had not been considered before. Based on CEQA Guidelines Section 15168(c)(4), the draft EIR should include a clear procedure to document (written checklist or similar device) the evaluation of individual cultivation and manufacturing sites to determine whether the environmental effects to biological resources were covered in the draft EIR.

Restoration and Abandonment of Cannabis Sites

The draft EIR provides limited guidelines for restoration of “degraded sites” associated with new development (see page 3.4-13: “SCCC Chapter 16.32 includes a requirement as a condition of approval that there be restoration of any area which is a degraded sensitive habitat or has caused or is causing the degradation of a sensitive habitat, provided, that any restoration required shall be commensurate with the scale of the proposed development.”). The draft EIR does not address requirements for provisions to ensure adequate restoration of degraded sites resulting from abandoned cannabis cultivation, which is known to be a significant and ongoing problem in Santa Cruz County, especially on public lands. CDFW recommends that the draft EIR be revised to include specific provisions and sections that provide funding, regulatory and enforcement resources that will allow for evaluation, planning and implementation of adequate restoration on lands that have been adversely affected by previous cannabis cultivation.

Other Mitigation Measures

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts of the Project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable project conditions to reduce potential impacts to biological resources to less-than-significant levels.

MM BIO-1.1a, Special-Status Species Habitat Assessment. The draft EIR includes a provision for a County-approved biologist to perform assessments of parcels on which a new cannabis cultivation site is being proposed, and to determine impacts to special-status species as a result of the proposed new cannabis development. CDFW recommends the draft EIR include specific guidelines and standards for evaluating the experience, education and training of potential qualified biologists.

MM BIO-1.1b, Habitat Compensation. Riparian vegetation provides many important ecosystem functions; it supports habitat and cover for numerous species of wildlife, moderates temperature extremes, reduces soil erosion and sustains water quality. To address all impacts, any loss of riparian vegetation, including non-native species and trees greater than four inches in diameter should be mitigated for. To allow for a greater density and more rapid re-establishment, CDFW recommends replacement of at least a 3:1 per area impacted with phased planting and an appropriate planting palette instead of the proposed 1:1 ratio identified in MM BIO-1.1b.

MM BIO-1.1f, Nesting Bird Survey. CDFW recommends a minimum 0.25 mile buffer for nesting Swainson's hawks and 500 feet for all other raptors.

MM BIO-1.1g, Pest Management Plan. The draft EIR states that the wide-scale use of rodenticides throughout the County by residents and businesses has resulted in the documentation of inadvertent poisoning or killing of non-target species, including special-status wildlife. Any expansion of rodenticide use will exacerbate ongoing adverse effects associated with use of rodenticides. Consistent with the comment provided for MM BIO 5.5 [Rodenticide Use Reduction and Control Program (RURCP)], CDFW recommends that the Project prohibit the use of rodenticides until the Countywide RURCP is developed and implemented.

MM BIO-1.1h and MM Hydro-2.3. Water Draw Restriction. The measure as proposed only allows diversion of water between October 15 and April 15. CDFW recommends mitigation measures be revised to clearly state that all diversions (both groundwater and surface water) regardless of purpose must be limited to winter season diversion periods. CDFW also recommends changing this window to November 1 and March 31 of each year to ensure consistency with State Water Resources Control Board Cannabis Cultivation Policy adopted on October 17, 2017 which includes a forbearance period from April 1 through October 31 of each year to maximize protection for rearing and migrating salmonids.

MM BIO-5.1. Rodenticide Use Reduction and Control Program. To address cumulatively considerable impacts of county-wide application of rodenticides, the County Licensing Official, Environmental & Resource Protection Division, will develop a County-wide RURCP applicable to cannabis cultivation to reduce secondary poisoning of non-target wildlife. The draft EIR states that the wide-scale use of rodenticides throughout the County by residents and businesses has resulted in the documentation of inadvertent poisoning or killing of non-target species, including special-status wildlife. Any expansion of rodenticide use will exacerbate ongoing adverse effects. Therefore, CDFW recommends the draft EIR prohibit the use of rodenticides until the County-wide RURCP is developed and implemented.

MM – HYDRO -1.2. Cleanup and Restoration Plan for Relocated Cultivation Sites. CDFW recommends that any cleanup or restoration plan for relocated and/or abandoned cannabis cultivation sites be submitted for review and approval to CDFW's Cannabis Permitting Program, prior to implementation of any activities proposed in any such cleanup or restoration plan.

MM LU -1.1-6. Cannabis Best Management Practices. CDFW recommends all best management practices under this section be specifically worded to ensure compliance with all applicable state regulations. Emphasis should be placed on regulations including but not limited to the following: water use/diversion; water quality; pollution; avoidance and/or minimization of

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impacts from Project activities to areas within 150' of bed, bank or channel; avoidance and/or minimization of impacts to special-status fish, wildlife or plants.

MM AT-1.3a. Sustained Enforcement Program. Upon approval from the Board of Supervisors, the County is proposing to allocate funding and implementation resources for one year following adoption of the Project. CDFW recommends the County ensure funding and implementation resources are available for sustained enforcement on an ongoing basis for as long as the Project is in existence due to the potential for ongoing impacts if individual projects are not implemented consistent with the Project.

CDFW appreciates the opportunity to comment on the Project and looks forward to working with the County to effectively regulate commercial and/or medical cannabis cultivation while addressing its documented environmental impacts. If you have questions, please contact Ms. Michelle Leicester, Senior Environmental Scientist (Specialist), at (707) 944-5501 or michelle.leicester@wildlife.ca.gov; or Mr. Andy Rockriver, Senior Environmental Scientist (Supervisory), at (707) 944-5570 or andy.rockriver@wildlife.ca.gov.

Sincerely,



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October 27, 2017

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Subject: Commercial Cannabis Regulation Draft EIR

The Santa Cruz District of the California Department of Parks and Recreation (State Parks) appreciates the opportunity to review the Draft EIR for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program.

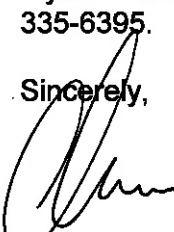
As a land manager with property subject to the impacts of illegal cannabis cultivation, we support the program objective to minimize unlicensed and illegal cultivation and manufacturing activities. We also support regulations to minimize the impacts of licensed cultivation and manufacturing on natural and cultural resources, and to ensure compatibility with surrounding land use.

We have the following specific comments on the Draft EIR:

- To reduce potential impacts of licensed cultivators and manufacturers on the resources and operations of State Parks, we request that the County consider a larger setback from State Park property. At a minimum, we request a 600 foot setback from State Parks outside of urban limits, as included in the Project Alternative, rather than the 300 foot setback recommended in the More Permissive Project Alternative.
- To reduce the impacts of unlicensed cannabis cultivation, State Parks strongly supports the Sustained Enforcement Program included in Mitigation Measure AT-1.3a. It is imperative that County fund and implement a program to enforce the restrictions on licensed activities and reduce the continued impacts from unlicensed operations.

If you have any questions regarding this comments, please contact Joanne Keravaz at (831) 335-6395.

Sincerely,


Chris Spohrer
District Superintendent



DEPARTMENT OF PARKS AND RECREATION

Santa Cruz District
303 Big Trees Park Road
Felton, CA 95018

Lisa Ann L. Mangat, Director

October 31, 2017

Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Subject: Commercial Cannabis Regulation Draft EIR -- Revised Comments

The Santa Cruz District of the California Department of Parks and Recreation (State Parks) appreciates the opportunity to review the Draft EIR for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program.

As a land manager with property subject to the impacts of illegal cannabis cultivation, we support the program objective to minimize unlicensed and illegal cultivation and manufacturing activities. We also support regulations to minimize the impacts of licensed cultivation and manufacturing on natural and cultural resources, and to ensure compatibility with surrounding land use.

We have the following specific comments on the Draft EIR:

- Figures 2.5 and 2.6 erroneously include State Park property within the Proposed Area of Eligibility for Cultivation. Portions of Big Basin Redwoods State Park, Castle Rock State Park, and Henry Cowell Redwoods State Park, and the entirety of The Forest of Nisene Marks are shown within areas for either indoor or outdoor cultivation. Please revise these figures to exclude all State Park property from any Proposed Area of Eligibility for Cultivation.
- To reduce potential impacts of licensed cultivators and manufacturers on the resources and operations of State Parks, we request that the County consider a larger setback from State Park property. At a minimum, we request a 600 foot setback from State Parks outside of urban limits, as included in the Project Alternative, rather than the 300 foot setback recommended in the More Permissive Project Alternative.
- To reduce the impacts of unlicensed cannabis cultivation, State Parks strongly supports the Sustained Enforcement Program included in Mitigation Measure AT-1.3a. It is imperative that County fund and implement a program to enforce the restrictions on licensed activities and reduce the continued impacts from unlicensed operations.

If you have any questions regarding this comments, please contact Joanne Kerbavaz at (831) 335-6395.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Spohrer".

Chris Spohrer
District Superintendent

From: ["Kerbavaz, Joanne@Parks"](mailto:Kerbavaz_Joanne@Parks) <Joanne.Kerbavaz@parks.ca.gov>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 6:36:12 PM
Subject: Cannabis Regulation DEIR
Attachments: State Parks comments_2017.10.31.pdf

California State Parks, Santa Cruz District mailed an earlier version of our comments on 10/30/17. After submitting those comments, the errors on Figures 2.5 and 2.6 were brought to our attention. These figures both show State Park property within the Proposed Areas of Eligibility for Cultivation.

Please revise these figures, and any others that might show Proposed Areas of Eligibility for Cultivation, to exclude all State Park property.

A revised comment letter is attached.

Please let me know if you need additional information.

Joanne Kerbavaz
Senior Environmental Scientist

From: ["Carla Nespole" <cnespole@comcast.net>](mailto:cnespole@comcast.net)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/29/2017 6:26:28 PM
Subject: Cannabis permits

I hope there is a requirement for testing if there is adequate water. I think commercial growers should truck their water in. I sure don't want new crops using up residential water tables.

Sent from my iPhone



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Coast Regional Water Quality Control Board

October 27, 2017

Matt Johnston
Santa Cruz County Planning Department
Matt.Johnston@santacruzcounty.us

Dear Mr. Johnston:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT ON PROPOSED REGULATIONS FOR COMMERCIAL CANNABIS CULTIVATION AND MANUFACTURING, Santa Cruz COUNTY

We appreciate the opportunity to comment on the draft Environmental Impact Report on Santa Cruz County's proposed regulations for commercial cannabis cultivation and manufacturing. We have the following comments that are an attempt to clarify enrollment requirements from our agency and the State Water Resources Control Board and a request for a greater level of detail regarding impact to groundwater resources.

1. The Central Coast Water Board's current irrigated agriculture regulatory program does not regulate cannabis cultivation. Cannabis cultivation will be regulated under the State Water Resources Control Board's proposed statewide general order, WQ 2017-00XX-DWQ (see comments for page 3.9-20 below). Please revise Section 3.9-13 — Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands — accordingly.
2. Change paragraph 4 on page 3.9-20 as follows:

Dischargers are also required to comply with monitoring and reporting requirements to ensure that discharges comply with the numeric action levels and numeric effluent limitation specified in the permit. In addition to the ~~State General Permit~~, commercial cannabis cultivators must enroll in the State Water Resources Control Board Order WQ 2017-00XX-DWQ General Waste Discharge Requirements (WDR) for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order). to the State General Permit requirements, the RWQCB Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands will apply to all licensees. This General Order requires all cannabis cultivators to register or enroll with the SWB and comply with requirements presented in the Cannabis Policy Attachment A including, but not limited to, requirements related to erosion and sedimentation, water quality objectives and standards, winterization, water diversions and waste discharge, and in-stream flow. This Waiver requires all cannabis cultivators to submit a Notice of Intent to the RWQCB, comply with water quality standards, implement water quality protective management practices,

DR. JEAN-PIERRE WOLFF, CHAIR | JOHN M. ROBERTSON, EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast

~~minimize bare soil and implement erosion control, and submit a farm water quality management plan (Farm Plan) prior to any discharge or commencement of activities that may cause a discharge~~

3. Change sentence 7 of paragraph 1 on page 3.9-21 as follows:

As a result, cannabis cultivators and manufacturers are required to obtain a waiver or other permit from the State Water Resources **Control** Board **and, if applicable, the RWQCB**, that addresses the disposal of wastewater in order to obtain a State License. Conformance with this requirement ensures impacts associated with industrial wastewater disposal in areas not served by a domestic sanitation system are considered less than significant.

4. Regarding section Post-Mitigation Level of Impacts [for Impact Hydro-2] (page 3.9-26), it is not clear how *less than significant with mitigation* was determined. It is unclear whether there will be substantial impacts to groundwater resources. We recommend this be changed to *potentially significant with mitigation*.
5. Regarding section MM Hydro-2.3 Water Tank Supply Management (page 3.9.27), it is unclear what the likelihood that water tanks will be able to be shared or how many will be shared. Even at half of the worst-case scenario, water demand from indirect activities created as a result of the total expansion of the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program, as described in paragraph two on page 3.9.27, will be over 100 acre-feet when the regulatory program is initially adopted. This should remain as a *potentially significant with mitigation*, at least initially when tanks are being filled.

Thank you again for the opportunity to comment. If you have any questions, please contact Leah Lemoine at (805) 549-3159 or leah.lemoine@waterboards.ca.gov or Chris Rose at (805) 542-4770 or chris.rose@waterboards.ca.gov.

Sincerely,

for John M. Robertson
Executive Officer

From: ["Chris & Kate Howe/Hildenbrand" <hildenhowe@gmail.com>](mailto:'Chris & Kate Howe/Hildenbrand' <hildenhowe@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/29/2017 4:16:08 PM
Subject: EIR comments

Please consider these points when finalizing the EIR.

Like specialty wine, Santa Cruz is known for its cannabis, both medical and recreational. Please don't make it difficult for the mom and pop small farms to continue providing clean, high quality cannabis to our area. Please reconsider the 20ft wide road regulation. There are many public roads in our county that are not 20ft wide, especially in the mountains. Also, there are a lot of properties in the county where PG&E does not reach. These properties rely on solar power with back-up generators. Please consider this when deciding whether or not the use of generators is permitted. A lot of these same properties do not have permitted structures on them but instead have houses that have been grandfathered in. The county knows they exist and homeowners pay property taxes on them. Requiring a permitted structure on each grow site would put some farmers out of business or force them to be in the black market.

Thanks you for considering these points when finalizing the report.

Farmer Kate, Santa Cruz Mountains

From: "Chris Wilmers" <cwilmers@gmail.com>
To: [CannabisEIR <CannabisEIR@sanacruzcounty.us>](mailto:CannabisEIR@sanacruzcounty.us)
Date: 10/27/2017 5:02:15 PM
Subject: cannabis EIR

Dear County Commissioners,

I have serious concerns about the draft EIR put forward by the county regarding cannabis regulations. As a wildlife biologist in the county who has studied mountain lion populations and other wildlife species, I am worried that the proposed alternative for cultivating cannabis will have dire affects on our county's wildlife species, particularly mountain lions, a species of special concern in the state of California. By allowing cannabis to be grown in areas designated as timber land, you are essentially allowing cannabis to be grown throughout the county's wild lands. This will bring infrastructure and poisons to these areas - two of the main causes for wildlife health problems and populations declines. I hope you will consider limiting cannabis cultivation to areas that are already zoned as agriculture and not add timber into the mix.

Sincerely
Professor Chris Wilmers

October 31, 2017

Matt Johnston
Environmental Coordinator
County of Santa Cruz Planning
Department 701 Ocean Street
Santa Cruz, CA 95060

Email: Matt.Johnston@santacruzcounty.us

Re: Comments on Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnston:

Thank you for providing the Monterey Bay Air Resources District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments:

Section 3.3.6.1

- **MM AQ-1.1 – Siting for Odor Abatement** The Air District recommends requiring cultivation, processing and manufacturing of cannabis to be conducted indoors only so that nuisance odors, dust and pesticides are more effectively controlled. While growing cannabis indoors may increase the use of energy and GHG emissions, it would significantly reduce odor and dust impacts on the local community. Please model Santa Cruz County's cannabis rules after Monterey County's by requiring that all cultivation, processing and manufacturing of cannabis be done indoors.
- **MM AQ-1.2 – Greenhouse Odors** The Air District supports the requirement that odor abatement measures, including commercial air scrubbing and filtration systems, are required for cannabis cultivation, processing and manufacturing. An Air District Authority to Construct and Permit to Operate is required for odor control devices, fume hoods, and engine generator sets. Please contact the Air District's Engineering Division at (831) 647-9411 if you have questions about permitting.
- **MM AQ-1.3 - Prohibit Cannabis Material Burning:** In an ongoing effort to reduce PM2.5 emissions and reduce the potential for public nuisance, the Air District appreciates and supports the proposed prohibition of open burning of cannabis material.
- **MM AQ-1.4 - Consistency of Pesticide Use Setbacks:** The Air District concurs that the SCCC Chapter 7.128 should be consistent with the foreseeable state regulation of 0.25 mile setback from schools and residences. The Air District would also recommend evaluation of a larger setback depending on prevailing winds and topography.
- **MM AQ-1.5:** As stated above, the Air District cannot support outdoor cultivation, processing or manufacturing of cannabis.
- **Impact AQ-2.1 - Implement TDM Measures** In addition to the suggested measures, the Air District encourages the use of electric vehicles in lieu of those powered by fossil fuels and therefore, recommends the inclusion of an electric vehicle (EV) charging infrastructure in your TDM Measures by requiring the installation of publically available EV charge stations at cannabis facility parking lots.

As emissions from increased vehicle and energy use are estimated to cause significant and unavoidable impacts for NOx, VOC and GHG emissions, the Air District requests that the County cooperate with the Air District to develop an offset program to mitigate excessive emissions. Please contact David Frisbey, Planning and Air Monitoring Manager, at the Air District office at (831) 647-9411 or dfrisbey@mbard.org for assistance in developing an offset program.

- **Impact AQ-3.1 - Direct Cultivation/Manufacturing:** The long-term operation-related emissions from cannabis manufacturing are not addressed. Emissions from cannabis manufacturing include PM emissions from the leaf mulching processes (mulching required for extraction process), VOC emissions from the solvent (propane, butane, ethanol, others) based extraction processes and hash oil processing (distillation and winterization) processes. The Air District has already permitted cannabis manufacturing facilities which have the potential to exceed the 137 pounds of VOC per day CEQA threshold. Best Available Control Technology (BACT), may be required such as closed loop extraction systems which minimize VOC emissions. However, these processes still have the potential to exceed the 137 pounds of VOC per day limit even with BACT installed. Please address these potential emissions sources and control systems in the final EIR.
- **Impact AQ-3.2 -** The Air District suggests that, when feasible, cleaner construction equipment be used for construction projects. This includes equipment that conforms to ARB's Tier 3 or Tier 4 emission standards. We further recommend that, whenever feasible, construction equipment use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.

Section 3.7.6.1: Green-House Gas Emissions and Climate Change – Program Impacts

- **MM GHG-1.1- Alternative Energy Sources:** As emissions from increased vehicle and energy use are estimated to cause significant and unavoidable impacts for GHG emissions, the Air District requests that the County cooperate with the Air District to develop an offset program to mitigate the excessive GHG emissions. See comment on AQ-2.1 above.

General:

- Please note that the Air District's name has been changed from Monterey Bay Unified Air Pollution Control District to Monterey Bay Air Resources District (MBARD). For consistency purposes and to prevent confusion please update where appropriate.

Best Regards,

Christine Duymich
Air Quality Planner II

cc avid risbey

From: [Christine <quailridgeranch@yahoo.com>](mailto:Christine@quailridgeranch@yahoo.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/8/2017 10:34:56 AM
Subject: Comments on Cannabis Draft EIR

Thank you for the opportunity to comment.

Our family has 8 acres in District 2 zoned RA, about one acre of that would be available for planting. That acre is surrounded on three sides by wild blackberries and poison oak.

We are inexperienced cannabis growers but do raise sheep and fruits and vegetables, so we have some experience with growing plants. We also have several family members who have illnesses or injuries who would benefit from CBD oil.

So this year we planted six CBD rich seeds in the sunshine without cover and surrounded by 7' field fencing for protection from deer, in large gopher baskets. We also surrounded the bottom 12 inches of the fencing with gopher wire to keep rabbits and wood rats out. We used drip irrigation from our well.

Of the six plants, two died for unexplainable reasons. Two were pulled out because they were male. The two remaining plants grew to need a growing space of 7'x7' each. So we had a 33% success factor.

From our experience we recommend that cover not be required because the white of hoop houses or the gloss of greenhouses causes an impact on the view of neighboring properties in this hilly area. Also the cost of greenhouses would put this plan out of financial reach for us. Without facts to prove it, we believe that crops exposed directly to sunlight are healthier, but the associated possible exposure to rain on a mature plant, and its associated possible development of mold is a problem for uncovered plants. We would plan to use temporary plastic cover when rain threatens.

Because of the size of mature plants, we recommend the deletion of a space limitation and that the requirement states the number of allowable plants for a small operation such as ours; this would also allow for the scattering of plants around a property such as ours.

Because of our own conditions, we are in favor of the more permissive regulations.

Again, Thank you for the opportunity to comment.

Christine Kelsey

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 10:59:39 AM
Subject: FW: Corralitos Cannabis

From: groucho114@aol.com [mailto:groucho114@aol.com]

Sent: Wednesday, October 25, 2017 7:06 PM

To: Cannabis Info <Cannabis.Info@santacruzcounty.us>

Cc: steveengebrets@gmail.com; elppaelppans@aol.com

Subject: Corralitos Cannibis

I'm completely opposed to cannabis grows in Corralitos. I lived in Eureka Canyon for many years. Cultivation fouls the streams, causes erosion, creates garbage, puts pesticides into the land, and brings criminals into the neighborhood. Growers have no consideration for the ecosystem or their neighbors, only making money.

My son drove his motorbike near a grow and was threatened with a rifle, told he never saw this, and to get out.

Criminal cannabis growers are already rampant in the Corralitos mountains.

No more.

Cindy Engebretsen
Corralitos

From: ["Cindy Scott" <cdleescott@gmail.com>](mailto:Cindy.Scott<cdleescott@gmail.com>)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR<CannabisEIR@santacruzcounty.us>)
Date: 10/30/2017 4:11:59 PM
Subject: Comment on Draft EIR

October 30, 2017

Comment submitted for review: Draft EIR county of Santa Cruz commercial cannabis cultivation

I live in Corralitos and have been exposed to diesel exhaust for approximately two years now due to a large cannabis operation next door.

Although I had had a cordial relationship with my very large commercial farmer neighbors for 15 years prior to their cannabis undertakings, they have continued to use an enormous diesel generator for their huge warehouse of cannabis over the past two years, despite my complaints. I have to assume they are burning more fuel than the filter they finally installed a year ago (after my repeated phone calls) to mitigate the fumes, can handle.

My neighbors keep telling me they are awaiting PG&E to be hooked up to the grid. I've waited a year now. Months ago, I contacted the Sheriff's dept. twice to no avail, before educating myself at the public meeting in September about the draft EIR and about the status of the licensing process. At one point my neighbors informed me they were already licensed and permitted. Guess not!

However, even when the EIR is finally passed, I have considerable concern about the level of actual enforcement of regulations for both licensed and un-licensed growers. I think it's great the EIR does not propose for generators to be used, but it's the enforcement I'm worried about. If my neighbors do not qualify for licensing, will I have to helplessly endure this situation for the rest of my life?

The stress of fumes entering into the back of our home, breathing fumes while trying to work in my garden, or tending to property maintenance or my chickens, has been impacting my life and health for far too long. I suffered five months of shingles disease and loss of wages this summer, and I squarely place the blame for succumbing to this stress induced disease on this toxic situation.

I couldn't care less about the weed, just the exposure to toxic fumes. I also highly resent being put in a position for this long of a time to be a neighbor who constantly feels the need to harangue their neighbor, whether I do or not. I am not a person who likes to complain and I feel everyone needs to make an honest effort to get along with ones neighbors. However, I cannot deal with the stress anymore, and as it is obviously useless to try and negotiate with these greedy neighbors, I've given up.

My only hope is for an EIR that has sufficient regulation with enforcement built into it to enable and encourage compliance. I would favor a more "helpful" approach, rather than punitive, as I am

not a fan of heavy policing in general. However, on the other hand, I would want gross offenders to be penalized, as I have suffered greatly in my situation, as I'm sure many others have. And, as an environmentalist, I have grave concern for our environment due to those farming illegally in the mountains and elsewhere, and the damage being done to the land, water, and wildlife. It's a very serious situation.

Therefore, I have enormous appreciation and admiration for the team of people who are working so hard to tackle this huge topic of regulating cannabis cultivation. As a person who has always supported the legalization of marijuana, I now feel somewhat hypocritical for having such doubt in a permissive approach to licensing the commercial growing of this crop, but that is how I currently view the situation.

Thank you for your consideration and hard work,

Sincerely,

Cindy Scott

144 Pioneer Rd., Corralitos, 95076

406-9071

From: ["Claudia Galbo" <ClaudiaGalbo@hotmail.com>](mailto:ClaudiaGalbo@hotmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/5/2017 3:52:32 PM
Subject: follow up to previous email; PLEASE STOP POT FARMS IN MOUNTAINS

In my plea for help, I did not include the name of our street, nor the name of the individual who owns the home that is causing all the problems. If you would like to have them, please contact me. I just wasn't sure if you wanted specific names and places in the letter.

Thank you

From: ["Claudia Galbo" <ClaudiaGalbo@hotmail.com>](mailto:ClaudiaGalbo@hotmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
["Claudia Galbo" <ClaudiaGalbo@hotmail.com>](mailto:ClaudiaGalbo@hotmail.com)
Date: 10/5/2017 3:37:17 PM
Subject: PLEASE STOP POT FARMS IN THE MOUNTAINS!!!!

I am writing to respectfully request that the county put an end to the illegal grows in the mountains. I have lived in the mountains happily for 11 years, at the dead end of a remote HOMEOWNER MAINTAINED ROAD. We have known nearly all our neighbors and people have been good neighbors, helping each other, protecting our environment and putting in the massive amount of work required to maintain a long mountain road. We have enjoyed quiet, clean, safe roads, abundant wildlife and clean air. My children have been able to play freely on our property in redwood trees and safety. Coming home at the end of a long day has always brought a sense of calm serenity and peace.

THIS HAS ALL DRAMATICALLY CHANGED.

The so-called "neighbor" two houses above me decided to turn his cliff dwelling home, with NO flat land, into a huge pot farm. Gutting the home, leaving the contents all over the driveway, renting to MULTIPLE sketchy people who drive recklessly on the small road, throw trash and cigarettes on the ground and park their multiple cars all over other people's property. They are disrespectful, DO NOTHING TO CONTRIBUTE TO THE HUGE TASK OF ROAD MAINTENANCE, but continue to have more and more strangers coming and going from the home at all hours of the day and night. The pot fumes are consistently noxious and overwhelming, and I must drive through them multiple times a day with my YOUNG KIDS in the car. They have dug into multiple unstable hillsides to grow their pot. Their plants can be seen from my driveway, and ARE NOT secured in anyway. My young children have come upon their grow areas just walking on our adjacent property. They are also SCARED of these multiple strangers who come and go and have been found trespassing on our property for cultivation purposes. Last winter, their irresponsible cutting into an unstable hillside caused a MASSIVE slide onto our driveway, TRAPPING MY FAMILY FOR 7 DAYS!!!! We were unable to drive out because of their irresponsible behavior.

A dead mountain lion was found under their deck, and when checked by the Puma Project was determined to most likely have died from rodenticide poison (it was a young mountain lion). The list of irresponsible, disrespectful behaviors goes on and on.

I have attempted to get help from the county and the sheriff. Mark Stewart of the Cannabis Licensing Office and his co-workers have come out and cited this homeowner multiple times, including a "Cease and Desist" order which have been completely ignored. The sheriffs have come out and told me that they cannot do anything because the regulations and laws aren't clear enough. They essentially said that they could not do anything until the Board of Supervisors clarifies and strengthens the laws.

PLEASE, PLEASE help my family and all the other innocent families whose lives have been turned upside down by these irresponsible individuals. Our QUALITY OF LIFE has taken a HUGE DIVE, my children and I FEAR FOR OUR SAFETY (not only from the numerous strangers coming and going, but the REAL possibility of FIRE and/or SIGNIFICANT SLIDES or ROAD COLLAPSE due to their irresponsible behavior.) Our environment is so very fragile and we have already seen significant damage, causing thousands of dollars damage to our driveway. If we have more rain this year, there is NO doubt our situation will worsen, as they have clear cut oak trees, and cut into hillsides everywhere.

It is only a matter of time before something really tragic happens down here. We have put up with this long enough. The mountains are NOT APPROPRIATE GROW SITES. There is far too much at stake. My children shouldn't have to grow up smelling pot fumes EVERYDAY in their own front yard. My kids are no longer allowed to play outside on our own property because I never know who may just wander in. Would you want YOUR KIDS to grow up next to a pot farm? Would you like YOUR home to change from a place of serenity to a barren wasteland of druggies and pot plants? These people are NOT responsible and should NOT be running an ILLEGAL BUSINESS in a family neighborhood.

PLEASE PLEASE PLEASE HELP US!!!!!

Thank you

October 31, 2017

VIA EMAIL

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060
Email: cannabiseir@santacruzcounty.us

Re: Draft Environmental Impact Report for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (SCH No. 2016102018)

Dear Mr. Johnston:

This law firm represents the Coalition for Environmental Santa Cruz (CESC) regarding the above referenced Draft Environmental Impact Report (DEIR). CESC has multiple concerns regarding this program. After careful review of the DEIR we have concluded that the document is among the most deficient we have seen in our years of practice. The DEIR engages in circular reasoning, sets up straw arguments to conclude that the most permissive regulations are the environmentally superior alternative, makes bold assumptions without any analysis or information concerning the amount of additional cultivation that will occur, relies on the County's lack of enforcement to argue for more lax regulations to ostensibly bring cultivators and manufacturers into compliance, and confuses the public with two dueling project descriptions. The DEIR fails to comply with the California Environmental Quality Act (CEQA), must be revised to address the legally inadequacy of the document, and must be released for a second round of public review.

Below, we provide specific itemized comments, each requiring a response pursuant to CEQA Guidelines § 15088(a).

1) The DEIR's Project Description does not comply with CEQA. The DEIR describes the Project as both the Project and a More Permissive Project. The DEIR confuses the public and the analysis throughout the DEIR is faulty. There is no detailed analysis, only superficial analysis, of the differences between the Project and the More Permissive Project. Nevertheless, the more damning problem is that the DEIR cannot have alternating Projects. The DEIR should have placed the More Permissive Project in the Alternatives Analysis.

Mr. Matt Johnston
Re: DEIR for Cannabis Program
October 31, 2017
Page 2

The DEIR violates CEQA's prohibition against providing a shifting project description. The seminal California Supreme Court case concerning an EIR's project description held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. The defined project and not some different project must be the EIR's bona fide subject." *County of Inyo, supra*, 71 Cal.App.3d at 199. In *County of Inyo*, the City of Los Angeles unlawfully presented a project description that attempted to minimize the project's impacts. *Id.* at 193. While the City of Los Angeles was required to analyze increased pumping for water export, it downplayed the amount of water that would be exported by obscuring the project description in a manner that failed to adequately communicate the project's true impacts. *Id.* at 195. In *County of Inyo*, the court noted, "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input. Among the public comments in the final EIR were many objections and expressions of uncertainty aroused by the department's homemade project description." *County of Inyo* at 197. The Supreme Court further admonished: "The incessant shifts among different project descriptions do vitiate the city's EIR process as a vehicle for intelligent public participation." *Id.* By contrast, "If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self-government." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392 ("*Laurel Heights*"). The Supreme Court has also concluded that the pattern of continuous shifting project descriptions prevents the EIR from being "a document of accountability." *Laurel Heights*, 47 Cal.3d 376, 392.

To prove the point, the DEIR admits that the Board of Supervisors initiated environmental review under the Project. But, County staff developed the More Permissive Project to be included side by side with the Board's authorized Project description. (DEIR, 2-26). The DEIR is at best difficult to follow. And, the comparisons of the Project Description with the dual projects against the Alternatives is confusing. The different Project Descriptions between the two dual projects also makes it impossible to truly understand the impacts of the Project. The DEIR must be revised to only include the Project, and include the More Permissive Project in the Alternatives Analysis.

2) The Project Objectives are drawn too narrowly as to make the more restrictive Project alternatives impossible.

The purpose of an EIR is not to identify alleged alternatives that meet few if any of the project's objectives so that these alleged alternatives may be readily eliminated. Since the purpose of an alternatives analysis is to allow the decision maker to determine whether

Mr. Matt Johnston
Re: DEIR for Cannabis Program
October 31, 2017
Page 3

there is an environmentally superior alternative that will meet most of the project's objectives, the key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts.

Watsonville Pilots Assn. v. City of Watsonville (2010) 183 Cal.App.4th 1059, 1089.

Alternative 1 was dismissed as not meeting "the vast majority of the Project objectives" (DEIR, ES-7) simply because it does not provide more lax regulation, thus it is assumed that more illegal cannabis cultivation will occur due to cultivators not complying with regulations. The DEIR assumes that having more strict standards means that cannabis operations will not be brought into compliance. This is untenable under *Watsonville Pilots Assn. v. City of Watsonville*. Thus, the objectives and alternatives analysis must be revised.

3) Since Alternative 1 is dismissed because it assumes that illegal cultivation will expand, the DEIR must consider a similar Alternative with a larger enforcement component. Indeed, such a program would meet the DEIR's stated "fundamental purpose" of the Program "to reduce illegal, unpermitted, and unlicensed commercial cannabis activities and associated impacts." (DEIR, 2-1). The County cannot rely on its failure to enforce laws as a means to avoid more strict cannabis regulations.

4) The DEIR admits that the unintended consequence of adopting SCCC Chapter 7.126 in February 2014 was that it triggered a "green rush." What type of environmental review was conducted for the adoption of Chapter 7.126?

5) If the County adopted Chapter 7.126 providing limited immunity, which caused a "green rush," why then does the County conclude now that tightening regulations or making them more strict will result in exacerbating the current condition of illegal cultivation?

6) Since the County is amending the County's General Plan, the DEIR must explain how the County is complying with Sustainable Groundwater Management Act of 2014 mandate regarding any substantial amendment to the County General Plan. In 2014, Governor Brown signed a package of groundwater laws that change the legal landscape. Effective on January 1, 2015, AB 1739 mandates cities and counties to engage in groundwater planning. The County's requirement to engage in such planning is triggered by any substantial amendment to the County General Plan. The Legislature clearly thought that when the County engages in substantial amendment of its General Plan, that is an opportune moment to also engage in groundwater planning. It is particularly critical with respect to the Program because cannabis is known to result in an extreme use of water.

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Government Code § 65350.5 requires the following:

Before the adoption or **any substantial amendment** of a city's or county's general plan, the planning agency shall review and consider all of the following:

- (a) An adoption of, or update to, a groundwater sustainability plan or groundwater management plan pursuant to Part 2.74 (commencing with Section 10720) or Part 2.75 (commencing with *Section 10750*) of *Division 6 of the Water Code* or groundwater management court order, judgment, or decree.
- (b) An adjudication of water rights.
- (c) An order or interim plan by the State Water Resources Control Board pursuant to Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6 of the Water Code.

(Emphasis added). The County has not indicated in the DEIR how this mandate will be met.

7) The DEIR at 2-21 states that license registration data captured a total of 36 acres of existing cultivation. "This constitutes an unknown but potentially substantial percentage of total Countywide cultivation." The DEIR at 2-22 also states that "The actual amount of existing activity is unknown." The DEIR at 3-7 also baldly states that "cannabis cultivation occupies a relatively minor amount of the County's landscape, with direct and indirect cultivation disturbances likely confined to thousands rather than tens of thousands of acres." But, the County does not analyze how much acreage is actually in cultivation now. The entire basis of the DEIR's conclusions regarding impacts associated with illegal growing activities, and the superiority of the most permissive alternative is based on the rampant illegal activity. However, if the County does not know the extent of the problem, it cannot make the conclusions it makes regarding impacts and alternatives. The County must provide details of the illegal cultivation sites in order to support its conclusions. Please provide empirical analysis of the amount of acreage currently in cultivation.

8) The proposed cultivation ordinance provided in Exhibit C only concerns medical marijuana. However, the DEIR assumes that the ordinance also permits the cultivation of recreational marijuana. The DEIR must clarify this discrepancy and recirculate the DEIR for further comment on this issue.

9) The DEIR at 2-29 states that the maximum cultivation limit is 100,000 square feet for the Project, and 150,000 square feet for the More Permissive Project. However, these limits may be raised by the Board of Supervisors. Therefore, the DEIR must consider the impact of these very large cultivation sites, which is virtually limitless. These larger sites could have far more environmental impacts associated with energy use, water use, and wastewater disposal. Please

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provide analysis of the impacts of a large cultivation site.

10) The DEIR at 2-34 discusses by right approvals for multiple licenses under the More Permissive Project. However, there is little discussion of the other by right approvals that licensees may receive. Therefore, the DEIR must be revised to include a discussion of all by right approvals, and the impacts of these specific types of approvals. Since certain approvals are by right, this is the last opportunity for environmental impacts to be considered, and the DEIR's lack of specificity about the impacts of these by right approvals reduces public participation and the ability of environmental impacts to be considered.

11) The DEIR states that only those applicants who previously registered with the County can apply for local cultivation, and farmers who have farmed non-cannabis crops for three years on CA zoned land. The DEIR then, in conclusory fashion, states that only 190.1 new acres will be cultivated. This assertion is baseless. Under the Project, 147,750 acres are eligible for cultivation. Under the More Permissive Project, 164,721 acres are eligible for cultivation. (DEIR 2-40). It stretches credulity to argue that only 190.1 additional acres will be cultivated. Nothing limits registrants to buy more property to enlarge their businesses. And, farmers on CA lands will always have the right to expand their business into cannabis production. Over time, the amount of land dedicated to cannabis can and may grow substantially. This is particularly true since some adjacent counties are taking a more restrictive approach. (DEIR, 3-21).

12) The absurdity in the DEIR's conclusions that only 190.1 new acres will be dedicated to cannabis is also highlighted by the DEIR's assumptions regarding the alternatives. Alternative 1 is dismissed as not meeting all the Project objectives because it does not adequately provide enough opportunity for cultivators to operate legally, and that "secondary" impacts would not be minimized. (DEIR 4-33). However, even under Alternative 1, 61,200 acres would be available for cultivation. To assert that cultivators searching for 190.1 additional acres cannot be accommodated on 61,200 acres is outrageous.

13) The DEIR at 2-47 to 2-48 states that

It is extremely unlikely that over the life of the Program, licenses would be requested and/or received for the entire eligible area in CA zoning, as existing and proposed General Plan policies emphasize the need to protect lands for food production and to balance the level of cannabis cultivation within the County with other crops and agricultural pursuits, and applications for discretionary permits to allow construction of new greenhouses could be denied by the County if imbalance was occurring.

However, on what basis does the ordinance allow the County to deny a discretionary permit

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based on this perceived imbalance? What findings would be required for the making of this denial? This cavalier statement is not based on any reality given the nature of land use approvals and denials on the basis of the County's arbitrary decision to declare an imbalance.

14) The impacts analysis in each section in the DEIR is fatally flawed. Each environmental subject (e.g., aesthetics, air quality, etc.) contains a three-part analysis that breaks the environmental impacts into direct impacts, indirect impacts, and secondary impacts. This approach is an attempt to break the analysis into smaller pieces so that each impact appears less.

First and foremost, there is no distinction between an indirect impact and secondary impacts. Courts use them interchangeably. CEQA Guidelines § 15064, subdivision (d) mandates that both primary (direct) and “reasonably foreseeable” secondary (indirect) consequences be considered in determining the significance of a project's environmental effect. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204-1205) “Effects” and “impacts” are synonymous and include (1) “[d]irect or primary effects [that] are caused by the project and occur at the same time and place” and (2) “[i]ndirect or **secondary effects** [that] are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable.” (CEQA Guidelines § 15358, subd. (a).) (*County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1581. “[T]he lead agency shall consider the **secondary or indirect** environmental consequences of economic and social changes, but *may* find them to be insignificant. Such an interpretation is unequivocally consistent with the mandate that secondary consequences of projects be considered.” (*Id.*, at p. 170.) (*Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 446 [243 Cal.Rptr. 727].) The DEIR confuses these issues in order to minimize environmental harm.

Second, the development of residences and infrastructure in conjunction with cultivation or manufacturing can cause direct environmental impacts. Not all impacts emanating from this type of development are indirect or secondary. The DEIR fundamentally lacks an understanding of direct, and indirect (or secondary) impacts.

Third, direct, indirect and secondary impacts must be considered together. A ““Project-specific effect’ means *all* the direct or indirect environmental effects of a project *other than* cumulative effects and growth-inducing effects.” Public Resources Code § 21065.3. ““Significant effect on the environment’ means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project . . .” 14 Cal. Code Regs. § 15382. The project's total impact on the *environment* is what matters, not the direct or indirect *source* of the impact.

What the DEIR has done is minimize each impact by breaking the analysis into pieces,

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akin to piecemealing environmental review when breaking a project into smaller pieces. The DEIR must be revised to reflect the true nature of the impacts as a whole.

15) The DEIR then finds that most “secondary effects” associated with illegal activity are significant and unavoidable. This assertion was drummed up by the DEIR to make a more restrictive program appear to not meet all the Project Objectives (i.e., Alternative 1). The notion that perceived illegal activities can be used to trump more restrictive regulations is a ruse. This is particularly true since the County could dedicate fees, and the additional tax base generated from cannabis, to enforcement to reduce illegal cultivation that is caused by the legalization of cannabis. Even the County acknowledges that enforcement, if funded, can reduce illegal cultivation. The DEIR’s assertions concerning these “secondary” impacts is also fallacious and not based on any projections concerning future illegal cultivation. Indeed, as the DEIR admits elsewhere, the County does not know the extent of illegal activity. To then come to conclusions regarding environmental impacts associated with this illusory activity is absurd.

16) Nearly all of the cumulative impacts analysis in all sections of the DEIR is fatally flawed. The routine conclusion is that “the Program’s contribution to cumulative change ... would be minor and cumulative direct impacts associated with the Program would be *less than significant*.” (For example, DEIR 3.1-24, 3.14-33). Or, that because the Project and other projects comply with law, that there are no cumulative impacts. Also, the DEIR concludes in some instances that “As impacts from the program are fully mitigated, these cumulative effects would be considerable and, therefore, would be less than significant.” (DEIR, 3.2-31). However, cumulative impacts do not concern whether the project’s impacts are a minor contribution to the cumulative impacts. Instead, the question is whether the impacts of the project in conjunction with the impacts of other projects is significant. The whole point of the cumulative impacts analysis is to look at those impacts in conjunction with other developments to determine whether the impacts are cumulatively significant. “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” 14 Cal. Code Regs. § 15355. Moreover, compliance with law or policy alone does not mean that there are no significant impacts. Please revise all the cumulative impact sections accordingly.

17) The DEIR makes the same fatal mistake with regard to cumulative impacts by separating direct from indirect impacts. The question is whether the impacts as a whole are significant. Thus, the DEIR must be corrected and recirculated with respect to cumulative impacts.

18) The DEIR states that the County is “updating the regulations to implement Measure J.” (DEIR, 3.2-16). Measure J is a citizens’ initiative. Unless the County is putting the regulations to a vote of the people, the regulations cannot be “updated” by the County without a

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vote of the people.

19) Mitigation MM AT-1.3a calls for a sustained enforcement program to be adopted. However, the mitigation itself states that funding will be determined later based on other County priorities. (DEIR, 3.2-29). This is an inadequate mitigation measure. “A commitment to pay fees without any evidence that mitigation will actually occur is inadequate.” *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140. When a project will result in an adverse change to the physical environment, CEQA instructs that

“the agency ‘shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures’ ([Public Resources Code] § 21081.6, subd. (b)) and must adopt a monitoring program to ensure that the mitigation measures are implemented ([Public Resources Code] § 21081.6, subd. (a)). *The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.* (See § 21002.1, subd. (b).)”

Federation of Hillside & Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1260–126 (fn. omitted.)

In *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, the court considered a fair share mitigation fee program that required the proposed project to pay 16.87 percent of the estimated cost of an interstate highway interchange. *Id.* at 1188. After noting fee-based mitigation programs may constitute adequate measures under CEQA, *Anderson First* cautioned that “[t]o be adequate, these mitigation fees, in line with the principle discussed above, must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing.” *Id.* at 1188 (italics added.) The mitigation measure in that case did not pass muster under CEQA because it was “vague regarding ‘the program to provide [those] improvements’; in staff reports, City states it [was] preparing an update to the traffic impact fee program to include the I-5 interchange improvements, and note[d] that ‘Condition 16 requires payment of the impact fee.’” *Id.* at 1188–1189. Instead, the City of Anderson was required to “make these fees part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue.” *Id.* at p. 1189.

Under these standards, a vague commitment for funding does not pass muster. Please provide more detail on the level of funding necessary to perform adequate enforcement.

20) The DEIR at 3.3-19 states that the “Licensing Official shall have discretion to determine an acceptable distance between an open air extraction area and a sensitive receptor on

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a case-by-case basis.” However, there are no standards set forth in the DEIR. The Licensing Official summarily deciding the appropriate distance provides no basis for determining the extent of the environmental impact. Please provide analysis of the types of factors that determine when there is a significant impact to sensitive receptors from an open air extraction area.

21) Section 3.4 of the DEIR does not discuss the panoply of federal environmental laws and regulations that might apply, such as the Endangered Species Act. Please provide the appropriate analysis of all applicable federal laws.

22) The DEIR at 3.4-42 states that “as a recommended MM, if the County does not implement MM BIO-5.1, cumulative impacts of rodenticide use Countywide would be *significant and unavoidable.*” The Program must incorporate all feasible mitigation measures. Is there a reason the DEIR is noncommittal as to this mitigation? Is it considered infeasible? If so, why?

23) Does the GHG analysis of Post-Mitigation Level of Impacts on page 3.7-19 of the DEIR consider GHG emissions associated with transportation? If so, what are the transportation-related impacts post-mitigation?

24) Based on the numbers provided in the DEIR, the DEIR grossly underestimates the amount of water consumed by cannabis. The state’s Program DEIR concludes with respect to outdoor cultivation (Page 3-12) that “Estimates of daily water usage per cannabis plant range from 5 gallons (Live Science 2014) to 6-8 gallons (CDFW 2016). During field visits conducted by technical staff, two cultivators reported applying 1.4-2 gallons of water daily per plant.” Another study found average water use to total “slightly more than 3 gallons per plant per day.” For indoor cultivation (Page 3-14) the state’s DEIR concluded that “several cannabis cultivation studies indicate that water needs for indoor cultivation activities may be much greater (approximately 40 gallons per day for a cultivation area of approximately 236 square feet) than soil-grown water applications more commonly used for outdoor or mixed-light cultivation activities (Mills 2012, BOTEC Analytical Corporation 2013).” It appears that the County wildly underestimates water use. Why does the County conclude that water use for cannabis is infinitesimal compared to the state’s conclusions?

25) The DEIR concludes that the program will comply with Waste Discharge Requirements for irrigated lands. However, is the County aware that the State Water Resources Control Board will be addressing Waste Discharge Requirements for cannabis (Water Code § 13276(b))? Please discuss.

26) The DEIR again concludes that fees will be determined to mitigate for transportation

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impacts. (DEIR, 3.13-17). However, as stated above, this is not an adequate mitigation measure. “A commitment to pay fees without any evidence that mitigation will actually occur is inadequate.” *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140.

27) The DEIR fails to consider traffic hazards associated with increased cannabis use, which will occur with legalization and more availability locally. Please discuss.

28) Alternative 1 has two options related to SU zoning. Like the Project Description, this is confusing. Alternative 1 should be broken into two separate alternatives.

29) The Alternatives Analysis should include another alternative based on land use that is not based on the registered persons, some of which have no identified the properties that they are growing cannabis or intend to grow cannabis. The Alternatives Analysis is limited to one approach that consolidates power among certain individuals to the exclusion of other possible options.

30) If the intent of the Program is to bring illegal cultivators into compliance, how will illegal cultivators, who are largely unregistered, get a permit to cultivate in any event? The entire analysis is based on the faulty premise that illegal growers and manufacturers will now become part of a program that is limited to registered persons or farmers currently farming CA lands. This is why the most permissive program is allegedly the environmentally superior program. Please provide an explanation of how those persons that are unregistered will become legitimate participants in the Program.

31) Please explain how the Most Permissive Program will bring unregistered, illegal cultivators and manufacturers into compliance.

For the foregoing reasons, the DEIR must be substantially revised and recirculated for public review and comment. The DEIR is inadequate and the changes necessary to make it adequate are substantial.

Pursuant to Public Resources Code § 21167(f), we are requesting that the County forward a Notice of Determination to us if and when the Project is finally approved. That section provides:

If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves

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or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

Thank you for your consideration of these comments. I look forward to the County's written responses.

Very truly yours,
WITTWER PARKIN LLP



William P. Parkin

cc: client

October 31, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060



Re: Cannabis Regulations – Draft Environmental Impact Review

Dear Mr. Johnston,

Thank you for considering input from the Coastal Watershed Council (CWC) in the County's evaluation process of the draft EIR for regulation of commercial cultivation and manufacturing of cannabis. CWC's mission since 1995 has been to preserve and protect coastal watersheds through community stewardship, education and monitoring. We enjoy a positive working relationship with the County of Santa Cruz and thank County staff and leadership for honoring the community values of natural resource protection and for being stewards of the unique environment that makes this region a special place to live, work and play.

CWC requests that the County, in finalizing these regulations, follow the recommendations of your advisory bodies, namely the County's Water Advisory Commission and the County Commission for the Environment. Each of these bodies has shared specific input about the regulations and draft EIR that would aid the County in its efforts to serve our residents. CWC supports those recommendations and supports Alternative 1 – Most Restrictive Alternative.

Beyond that input, CWC offers only one other comment on these regulations. Too often, regulations are put into place without the resources to effect the outcomes intended by the ordinance or code. Already the County has riparian protection ordinances that are partially enforced due to limited County resources, despite the diligent efforts of competent and committed County staff. CWC recommends that the County carefully consider the *implementation* of the regulations as final language is considered. We believe that the importance of this aspect of the regulation-crafting process cannot be overstated.

We support the most restrictive alternative *and* strongly believe that careful attention for how to fund and manage the roll out of these regulations is the path that best serves the local economy and protection of forests, rivers and creeks we all love. Thank you for considering this input as you finalize this important new set of County code.

Respectfully,

A handwritten signature in black ink that appears to read "Greg Pepping".

Greg Pepping
Executive Director
Coastal Watershed Council



County of Santa Cruz

COMMISSION ON THE ENVIRONMENT

701 OCEAN STREET, ROOM 400, SANTA CRUZ, CA 95060-4073
(831) 454-2580 FAX: (831) 454-2131 TDD/TTY CALL - 711

October 27, 2017

Cannabis Comments c/o Matt Johnston
Planning Department, 701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Subject: Commission on the Environment comments on the Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnston,

Thank you for the opportunity to comment on the above referenced draft EIR. The Commission is impressed by the breadth and depth of this multifaceted and far-reaching analysis of an issue that strongly impacts the environment of Santa Cruz County. Our comments focus on areas of the DEIR that we feel need revision, and do not mention many other areas that we feel were well analyzed.

The Commission strongly endorses each point made by the Water Advisory Commission in their comments on this draft EIR. Their comments are attached for reference. Without diminishing the importance of other points made, the Commission on the Environment (COE) would like to emphasize the Water Advisory Commission (WAC) comments that:

- County cultivation regulations should not be less stringent than those adopted by the State Water Resources Control Board or other State agencies

- Third party certification and product branding should be developed to incentivize adherence to regulations, such that only licensed cultivators and manufacturers benefit from Santa Cruz brand recognition and access to legal markets
- Trucked water should not be allowed for any commercial cultivation activities because this opens up otherwise unacceptable areas to cultivation and allows for potential abuses of water rights and water extraction policies
- The Resource Conservation District should be enlisted to provide training and support for implementation of best practices to protect water, soil, habitat, biological and energy resources
- Specific regulations should be included to prohibit or greatly limit tree removal to create space for Cannabis cultivation. This is particularly important in redwoods and sensitive habitats. Deforestation concerns, especially with compounding impacts from climate change, could be significant and are not adequately addressed in any of the Biological Resources Impact categories
- Water rights must be validated by the SWRCB, and Streambed Alteration Agreements must be in place before water is allowed to be drawn from surface waters or extracted from groundwater where such groundwater extraction is expected to affect stream base flows
- Riparian set-backs and organic cultivation practices must be enforced to protect streams and riparian habitat from degradation due to increased temperatures, sedimentation, eutrophication or pollution
- Preferred Alternative: We agree with the WAC that the most permissive alternative is not the most environmentally protective. The premise that the most permissive ordinance will bring the most growers into compliance is predicated upon a respected level of enforcement and substantial disincentives for illegal growers. However, the County faces serious enforcement challenges, and illegal grows will continue to be widespread because of illicit grower difficulty with a complex licensing process and because penalties for illegal grows are minimal. It is very likely that greater environmental

protection would result from higher standards, better brand recognition and greater market access for legal operations.

In addition to our support for the above points made in greater detail by the WAC, we offer the following comments, which focus primarily on Section 3.7 Greenhouse Gas Emissions and Climate Change, Section 3.14 Utilities and Energy Conservation, and assumptions about the effectiveness of suggested mitigation measures for these impacts.

Section 3.7 Greenhouse Gas Emissions and Climate Change

The greenhouse gas emissions analysis in Section 3.7.6 is thorough, but includes key assumptions that, if not borne out, could add substantial greenhouse gas emissions that make it far more difficult for the County to meet its Climate Action Strategy goals. While climate change is heavily driven by many factors beyond County control, the countywide impacts of climate change will be overwhelming, and substantial sacrifices by others in the County would be required to compensate for the additional burden of sourcing and paying for carbon-free energy equivalent to the 273,266 MT/y of carbon that the Cannabis industry is expected to produce (34% over current levels).

The key assumption (MM GHG-1.1. Alternative Energy Sources) that Cannabis operations will acquire that much carbon-free power from Monterey Bay Community Power puts substantial additional performance expectations on a joint powers authority that has yet to begin operations. Encouraging onsite solar generation and conservation is good, but it will take strong regulations or incentives to induce indoor growers to devote the capital and space necessary to produce carbon-free energy to even partially offset the demands of intensive lighting and heating equipment operating up to 18 hours per day year-round.

The assumption that 273,266 MT/y of carbon can be mitigated is too great a leap to declare this impact “less than significant with mitigation,” even with the proposed revisions to SCCC Chapter 7.128 and 7.132 that require alternative energy sources as stated in MM GHG-1.1. Most growers, if they comply at all, will simply opt for MBCP electricity, leaving this new JPA and the rest of the community to deal with acquiring more than a third more carbon-free power than it would otherwise need.

A more realistic and equitable approach would be to allow indoor cultivation (or other excessive energy demand operations) to be licensed only if they generate a far greater proportion of carbon-free power onsite.

The ordinance and EIR should evaluate another way to mitigate the excessive energy use of some Cannabis operations by adopting a taxation system similar to that in Arcata. In November 2012, citizens of the City of Arcata passed Measure I, electing to levy a tax on excessive electricity use in residential households. Passing with a vote of 68% to 32%, the measure assesses a 45% tax on residential household meters that use more than 600% of baseline electricity. The stated goals of the tax are to:

- Assist the City in meeting its adopted greenhouse gas emission reduction goals,
- Align the City of Arcata with emerging California energy policy, and
- Create a disincentive for “egregious” energy use in residential neighborhoods.

That egregious use includes high energy demand by Cannabis operations. Such a surcharge could be levied by Monterey Bay Community Power and used to more successfully obtain carbon-free energy, at higher prices if necessary. It would also provide a strong incentive for Cannabis operations to produce more renewable power as part of their operations.

Section 3.14 Utilities and Energy Conservation

Evaluating Implementation of MM GHG-1.1

The comments above related to greenhouse gas emissions are directly relevant to impacts related to energy consumption. The DEIA states (on page 3-14-25):

“As provided in Appendix F, operation of the Program is estimated to result in the demand for an additional 844 GWh/year of electricity for cannabis cultivation alone, approximately 69 percent of the 2015 total County electricity demand...”

This demand is clearly significant, and assumptions that it can be mitigated without stringent regulations or incentives are hard to accept without extensive further analysis. The DEIR should include some analysis of the mechanisms by which conservation efforts would be required and implemented, as well as an estimate of the energy savings that would accrue. The conclusion that implementation of MM GHG-1.1 would maximize use of alternative energy sources and increase energy efficiency, resulting in impacts less than significant, appears to be wishful

thinking. This issue is too important to rely on conservation and alternative energy implementation assumptions that have not been demonstrated in any significant US jurisdiction over past decades.

Preferred Alternative

As mentioned above in reference to comments by the Water Advisory Commission, we do not agree that the most permissive alternative is the most environmentally protective. The premise that the most permissive ordinance will bring the most growers into compliance is predicated upon a respected level of enforcement and substantial disincentives for illegal growers. However, the County faces serious enforcement challenges, and illegal grows will continue to be widespread because of illicit grower difficulty with a complex licensing process and because penalties for illegal grows are minimal. We believe that greater environmental protection would result from higher standards, better brand recognition and greater market access for legal operations, as is more closely represented by Alternative 1 — Most Restrictive Alternative.

Thank you for your important work on this issue and for considering these comments.

Sincerely,



John Hunt, Chair
Santa Cruz County Commission on the Environment

Attachment:
Water Advisory Commission Comments on Cannabis Draft EIR



COUNTY OF SANTA CRUZ

WATER ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA

95060

(831) 454-2022 FAX: (831) 454-3128 TDD: (831)
454-2123

October 6, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Re: Comments on the Draft Environmental Impact Report (DEIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnson,

Thank you for the opportunity to comment on this DEIR. It is obvious that staff have taken this complicated policy matter very seriously and considered the impacts of the various projects alternatives very thoroughly. Overall, the document has a high level of sophistication as a planning tool. While there are many aspects of the document that we are supportive of, we will limit our comments to those issues which we feel warrant clarification or further analysis:

- 1. Mapping/GIS analysis.** Many of the figures have inappropriately identified parcels for their respective role in a future licensing program. For example, City of Santa Cruz lands on Newell Creek are identified as being eligible for cultivation in Figure 2-6 and federal land in Bonny Doon is also identified as eligible for cultivation in other figures. Hopefully, the impacts analysis is not GIS-based. However, if the analysis is GIS-based, then it seems prudent to clarify and correct mapping errors and refine the environmental review.
- 2. Land use.** Commercial cannabis cultivation and the related concentrates manufacturing activities would be no different than other industrial agribusiness activities if not for its federally illegal status and the associated culture which has grown around illegal cultivation since the 1970s. Rather than trying to impose rigorous licensing conditions upon operations that are inherently ill-suited to their current locations, primarily in the mountains, which the County plainly admits in this document that it is likely to be less successful than desired. Limiting this

commercial activity to areas already dominated by agribusiness seems more appropriate. The existing infrastructure for cannabis-related activities is located in the mountains not only because the growing conditions are favorable there, but also because the illegal status and subsequently inflated value of cannabis over the decades has required defensible and secure cultivation locations. However, with cannabis now coming out of the legal shadows and the relatively new found ability to openly cultivate in greenhouses, an alternative would be to consciously move this activity into existing agribusiness – dominated areas of the County and out of mountainous areas, which provide other important functions for the County water supply, cold water fisheries, recreation, etc.

3. Alignment with state policies. Several of the standards in the County cultivation regulations are less stringent than policies already in place in other areas of the state. It is unclear to us what requirement the County has for conformance with these standards, but it seems rational that the County regulations ought to be at least as stringent as state standards. For example, mitigations for riparian buffer widths, water diversion forbearance season limits and the need for farm or water resource management plans are not well aligned with state standards.

SWRCB standards can be reviewed in more detail at the following links:

http://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/cannabis_boardworkshop_colorfullscreen.pdf
http://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/cannabis_go.pdf
http://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/staff_report.pdf
http://www.waterboards.ca.gov/centralvalley/water_issues/cannabis/general_order/r5-2015-0113_att_a.pdf
http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf

Assuming the SWRCB will adopt relatively consistent standards statewide, mitigations regarding riparian buffer widths, water diversion and water resource management or farm management plans should be modified to be as protective as their respective state standards.

4. Market branding. Support of a market branding program similar to that used in Humboldt County would be an incentives-based method of protecting both the legacy of small “mom and pop” mountain grows and the natural resources potentially threatened by them in the mountain locations where they have historically farmed . While many of the standards already proposed in the County’s proposed regulations are equal to or superior to certified and branded cannabis from other jurisdictions, Santa Cruz County Certified branded cannabis could be developed as a mitigation and include more rigorous environmental protection standards than more traditional cultivation methods. These standards could include, but not be limited to:

- Organic only pest control methods
- Solventless concentrate manufacturing
- Educational requirements for licensees such as the “Master Gardener” program.
- Enhanced forest preservation, water use, erosion control and related standards
- Third party compliance inspections and certification

Some examples of such programs can be found at the following links:

<https://www.cleangreencert.org/>

<https://www.certified-kind.com/certified-kind-rules>

[http://mbmg.ucanr.edu/Learn To Be A Master Gardener/](http://mbmg.ucanr.edu/Learn%20To%20Be%20A%20Master%20Gardener/)

5. Allowance for trucked water. Trucked water should not be allowed for any commercial cultivation activities. Not only does trucked water open up a plethora of new acreage to cultivation that might not otherwise be possible, the ability of the County (not to mention water purveyors) to oversee a trucked water program is highly speculative when consideration is given to the nuances of water rights, use tracking and related issues. Furthermore, we are not aware of any water purveyors who have analyzed this issue at a level of complexity that would allow for thoughtful accommodation for this new system demand through their Urban Water Management, drought contingency and other related plans.

6. Resource Conservation District role. Many of the proposed mitigations are not unique to cannabis and could very readily be implemented with the assistance of the Resource Conservation District of Santa Cruz County (RCD). The RCD commonly assists landowners with similar issues and is uniquely qualified to provide technical assistance to this sector of the agribusiness community as well. The RCD may be able to provide a unique role in certifying cultivation operations, given their vast experience with supporting agriculture and the objectivity that would come from their lack of pre-existing connections to the cannabis industry.

7. Impact AT-3. Considering all the environmental services that forestlands provide regarding retention of runoff, wildlife habitat, carbon sequestration and overall watershed functions and the fact that many of our watersheds support special status species and water supply for the majority of County residents, the impact of forest conversion or rezoning of TPZ lands could be significant. Furthermore, vegetation community shifts due to climate change predicted by Point Reyes Bird Observatory indicate that redwood forests may be severely limited in the County in the future, thereby exacerbating this issue. Including more rigorous mitigation for this impact such as prohibiting rezoning of TPZ parcels for commercial cannabis cultivation, prohibiting expansion of the agricultural use of TPZ zoned parcels for commercial cannabis cultivation or prohibiting all commercial cannabis operations on TPZ zoned parcels seems appropriate.

8. Impact Bio-1 – MM BIO-1.1b. Habitat Compensation. Many permitting authorities use a 3:1 ratio for mitigation rather than a 1:1 ratio. Consideration of a more rigorous mitigation bank concept seems appropriate given the scale of impacts associated with this project.

Implementation of any such program will obviously be very challenging and success may be a speculative, remote possibility. That said, leveraging this mitigation to provide improvements on other public lands, which currently have insufficient resources to do so (State Parks, County Parks, etc.) and habitat mitigation banking criteria that have enough flexibility to trade impacts in upland areas for mitigation in riparian areas, for example, may help facilitate the success of this mitigation.

9. MM BIO-1.1h. Water Draw Restrictions. We strongly support this mitigation, however it is not entirely consistent with state standards, nor will it necessarily be entirely protective of

instream flows and related aquatic biota. The SWRCB is currently proposing a surface water forbearance period of April 1 – October 31. If it is determined that groundwater diversions have the potential to significantly affect surface water supply, forbearance periods may extend to groundwater diverters as well. In Santa Cruz County there are also instream flow problems during the winter period in some creeks, particularly during drought periods. Aligning this mitigation with state standards and protecting non-forbearance period instream flows during drought would make this mitigation more rigorous. Of course, water rights validated by the SWRCB and Streambed Alteration Agreements for any surface water diversions will also be necessary to make this mitigation meaningful.

10. MM BIO 4.2. No Cannabis Activities allowed within Sandhills Habitat or Salamander Protection Zone. We strongly support this mitigation as well. It is notable that this mitigation may also serve as mitigation for hydrologic impacts by reducing the groundwater pumping associated with the project in overdrafted groundwater basins such as the Santa Margarita groundwater basin.

11. MM BIO-4.1. Avoidance of Conflict with an Approved HCP. It is likely that the City of Santa Cruz will have an approved Anadromous Salmonid HCP that includes instream flows for the San Lorenzo River, Newell Creek, Laguna Creek, Liddell Creek and Majors Creek within the next two years. Any licenses granted subsequent to that time in these watersheds should not include allowance of activities which affect instream flows or otherwise affect aquatic habitat to the extent that there are conflicts with implementation of this HCP. This may also be true for other water purveyors such as the San Lorenzo Valley Water District or other San Lorenzo River tributaries in the future.

12. Impact HYDRO-1. Commercial cannabis cultivation under the Program could introduce sediment and other pollutants to surface flows and groundwater, which would cause water resource contamination. With mitigation, this impact would be less than significant. The County is already considering karst protection language for several existing regulations and inclusion of karst protection standards in commercial cannabis cultivation regulations and inclusion of karst protection standards mitigation measures in this EIR seems appropriate as well. Given that several public and private water sources are located adjacent to “M” zoned parcels in karst terrain where commercial cultivation appears to be possible, the impact is currently not sufficiently mitigated. These standards could include but not be limited to:

- Site-specific geologic investigations
- Setback for any structures, roads and manufacturing from sinkholes or other karst features.
- Routing drainage away from karst features

See the following link for more information on this issue:

http://santacruzcountyca.igm2.com/Citizens/Detail_LegiFile.aspx?ID=2578&highlightTerms=karst

<https://www.americangeosciences.org/sites/default/files/karst.pdf>

13. Impact HYDRO-2. Commercial cannabis cultivation under the Program could adversely affect groundwater supplies and groundwater recharge. This impact would be

less than significant with mitigation. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water, particularly during drought during both the wet and dry seasons, are not exhaustively analyzed in this document, nor have they been analyzed by local water purveyors. Therefore the impacts cannot be well-understood at this time. Furthermore, new greenhouse construction could potentially increase runoff rates and reduce groundwater recharge, though it is not clear what analysis has been conducted to characterize this issue and provide commensurately appropriate mitigation in the DEIR. This has been a significant issue in other groundwater basins, particularly the Oxnard Plain, where greenhouse-based cultivation practices have replaced row crops or other agricultural practices that do not result in development of landscape-scale impervious surfaces. Given the existing dire situation with water supply in the County and the mitigations currently proposed, it seems speculative to say that the impact is less than significant with mitigation. Further analysis of the demand posed by the program would facilitate a more rigorous discussion of the true impacts on water utilities.

14. MM-HYDRO-2.1. Water Efficiency for Cannabis Cultivation. While we strongly support this mitigation, implementation success of the mitigation will take an ongoing, long term commitment and significant resources. The success of such a mitigation may be enabled by the involvement of a third party such as the Resource Conservation District. Again, RCDs have a long history of success with such programs. Furthermore, this mitigation measure would be much more successful if it included a requirement for metering groundwater pumping.

15. MM HYDRO-2.3. Water Tank Supply Management. It is not clear if this mitigation applies to water used for irrigation as well as water used for firefighting purposes. However, as previously mentioned, we support the surface water forbearance period water diversion and tank filling. However, there may be non-forbearance period flow issues to consider and consistency with SWRCB standards that need further consideration in development of this mitigation. Obviously, the standards for the County's program will need to parallel the state standards, if only because state permits are required for water diversions.

16. Impact HYDRO-4. Commercial cannabis manufacturing under the Program would result in a less than significant effect with mitigation on the introduction of sediment and other pollutants to surface flows and groundwater, and on the groundwater supplies and groundwater recharge. This impact would be less than significant with mitigation. The County is already considering karst protection language for several existing regulations and inclusion of karst protection standards in commercial cannabis cultivation regulations and inclusion of karst protection standards mitigation measures in this EIR seems appropriate as well. Given that several public and private water sources are located adjacent to "M" zoned parcels in karst terrain where commercial manufacturing appears to be possible, the impact is currently not sufficiently mitigated. These standards could include but not be limited to:

- Site-specific geologic investigations
- Setback for any structures, roads and manufacturing from sinkholes or other karst features.
- Routing drainage away from karst features

See the following links for more information on this issue:

http://santacruzcountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=2578&highlightTerms=karst

<https://www.americangeosciences.org/sites/default/files/karst.pdf>

17. Impact UE-1. The Program could increase demand or result in the expansion of facilities for water, wastewater, or solid waste services within the County due to licensing of commercial cannabis cultivation and product manufacturing activities. This impact would be less than significant with mitigation. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water (particularly during drought during both the wet and dry seasons) are not exhaustively analyzed in this document, nor have they been analyzed by local water purveyors. Therefore the impacts cannot be well-understood at this time. Given the existing dire situation with water supply in the County and the mitigations currently proposed, it seems speculative to say that the impact is less than significant with mitigation. Further analysis of the demand posed by the program would facilitate a more rigorous discussion of the true impacts on the water supply

18. Sustained (and enhanced) enforcement program - The most permissive alternative may be the most expedient way to get operations into the licensing program, but it seems like a logical stretch to say that it is therefore the environmentally superior alternative. The County will have serious challenges with program implementation on licensed grows and especially with enforcement on unlicensed grows with any project alternative. As the DEIR itself states, it is quite likely that, even with the most permissive project, illegal grows will be rampant due to the complexity of the license process, perceptions of excessive taxation, temptation of illegal out of state markets and related issues. These illegal grows operating in the shadows of legal grows will be even more difficult to enforce if they are scattered county-wide and the standards for legal grows are so low that differentiating between legal and illegal grows is challenging. Furthermore, while our recent experience with County Code Compliance has been mostly positive, it has also been our experience over the years that frequently there have been times when there were insufficient resources for Code Compliance to be adequately responsive to enforcement needs. At the very least, dedication of cannabis licensing and sales - related tax revenue should be implemented to help ensure some long-term viability of an enforcement program that is commensurate with the scale of the industry in the County, be it legal or not. Without this assurance, given the history of Code Compliance, the complex nature of the cultivation regulations and the scale of potential illegal cultivation under any project scenario, it seems somewhat speculative to conclude that impacts will be mitigated to a "less than significant with mitigation" level by a sustained and enhanced enforcement program.

Thank you for your consideration of these important issues. Please do not hesitate to contact me if you have any questions or concerns about these comments.

Sincerely,

Carol Hamilton - Monkerud
Water Advisory Commission Chair

Community Prevention Partners Cannabis Cultivation and Manufacturing Environmental Impact Review Comments- October 2017

In order to meet our shared objectives to:

4. Prevent impacts of cannabis cultivation and manufacturing sites on children and sensitive populations;
7. Ensure compatibility of commercial cannabis cultivation and manufacturing sites with surrounding land uses, including residential neighborhoods, educational facilities, agriculture operations, and timber production;
9. Regulate sites and premises used for commercial cannabis cultivation and manufacturing to avoid the risks of criminal activity, degradation of the visual setting and neighborhood character, obnoxious odors, hazardous materials, and fire hazards;
10. Ensure cannabis is cultivated and manufactured into products in a manner that supports public health and safety;

CPP would like to commend:

- **MM AV-1.1. Fencing Requirements,**
 - Requiring fencing, including natural (plant) fences or other barriers where appropriate, as a deterrent to unlawfully accessing cannabis or drawing attention to its location.
- **MM AT-1.3a. Sustained Enforcement Program and MM AT-1.3b. Annual Survey and Monitoring Report,**
 - COMMENT: to provide enforcement and ensure ongoing compliance of requirements and best practices. Compliance checks help to prevent diversion, sales to minors, and other negative consequences with the alcohol and tobacco industry.
- **MM AQ-1.2. Greenhouse Odors.** -revised prior to adoption to require greenhouses that cultivate cannabis to install and utilize a commercial air scrubbing or filtration system sufficient to prevent the odors associated with cannabis production from escaping the structure
- **MM AQ-1.4. Consistency of Pesticide Use Setbacks.** proposed SCCC Chapter 7.128 shall be revised to clarify that the County shall not issue a cultivation license to any site that would apply pesticides using aircraft, airblast sprayers, sprinklers, dust, powder, or fumigants located within 0.25 mile from a school.
- **MM AQ-1.5. Open Air Extraction Area Setbacks.** To reduce air pollutant and objectionable odor impacts associated with open air extraction areas under the Program, proposed SCCC Chapter 7.132 shall be revised prior to adoption to clarify that setbacks from open air extraction areas shall be maintained from schools, libraries, alcohol and

drug treatment facilities, parks, and other sensitive receptors in addition to residence receptors to mitigate impacts from objectionable odors.

- **MM LU-1.1.2. SU Eligibility.**- to clarify that if a parcel is within the SU zoning district, it is only eligible for licensing under the Program if it has an eligible land use designation.

CPP would like to reinforce the importance of maintaining of the following features in the existing draft ordinance/proposed program, in order to meet the above program objectives:

Cultivation, CHAPTER 7.128:

- Set-backs from libraries, schools, parks, youth centers and AOD treatment centers, of a minimum of 600 ft, with 1000 ft preferred.
- Include monitoring and enforcement minimum protocols in Santa Cruz County cultivation and manufacturing ordinances, in order to contribute to youth diversion prevention, and public and environmental health and safety. This information can be paired with data on youth use and perception of harm, when tracking trends in Santa Cruz County.
- No lighting for cultivation purposes, except that necessary for security, shall be visible at cultivation sites from sunset to sunrise.
- Maintaining a comprehensive application process with inspections and system of suspending or revoking licenses if out of compliance.
- No license may be issued to cultivate cannabis in solely residential zoned districts, including home based cultivation for commercial purposes.
- If cannabis cultivation occurs outdoors, the growing area must be fully secured and enclosed...to prevent unauthorized entry.
- Cannabis shall not be cultivated indoors unless the cultivation site has a commercial air scrubbing or filtration system sufficient to prevent the odors associated with cannabis production from escaping the structure...
- Licensees are required to maintain an adequate security plan approved by the Licensing Official, which is intended to protect crops from unauthorized diversion and to protect the health, safety, and welfare of cultivation workers and the general public.
- Grounds for revocation to include: Failure to conduct cultivation operations in a manner that ensures the security of the crop and safeguards against diversion for nonmedical purposes; Allowance of any person younger than 18 years of age to enter the cultivation site without a parent or legal guardian; Failure to allow unannounced inspections of the premises by the Licensing Official or law enforcement at any time, without notice.
- That: Whenever the Licensing Official determines that a public nuisance as defined in this Chapter exists at any parcel within the unincorporated area of Santa Cruz County, he or she is authorized to issue a Notice of Violation pursuant to section 1.12.070 of this

Code, except that the violator shall be provided with seven (7) calendar days from notice of the violation to correct the violation before the imposition of civil penalties under section 1.12.070(D)(2)(a) of this Code.

- No on-site advertising is allowed at cultivation sites, other than one business identification sign that complies with all existing rules and restrictions regarding signs.
- Direct sales to the public from cultivation sites are prohibited, unless otherwise authorized as part of a licensed dispensary.
- Designing a system to facilitate access to medical cannabis for very low and low-income residents.

Manufacturing, CHAPTER 7.132

- License renewal to include “any law enforcement or license enforcement activity related to the licensee’s operations during the last year.”
- Set-backs from schools, daycares, youth centers of at least 600, preferably 1000 ft.
- Class 4 licenses forbidden in all residential zone districts.
- With class 4 extraction and Co2 extractions, only closed-loop systems may be permitted in the County for cannabis extraction, subject to all Fire and Building and Safety regulations, other fire safety measures.
- No cannabis used in manufacture may be sourced from an unlicensed cultivator or operator..facilities must maintain complete and accurate records of all raw and/or cannabis extract source material used in manufacture processing with all source identification information.
- All items...shall be individually wrapped at the original point of preparation.
- Equipped with a mechanical source capture system for odors.
- No minor may enter the facility unless accompanied by a parent or legal guardian.
- The facility shall provide adequate security precautions at all times.
- The facility shall not print, publish, advertise, or disseminate in any way or by any means of communication, or causing to be printed, published, advertised, or disseminated in any way or by any means of communication, other than by way of a dedicated business Internet website accessible only through an age gate portal, any notice or advertisement that includes the following information: pricing of products, details regarding specific cannabis products, or cannabis photography or graphics related to the cannabis plant or cannabis products. Notwithstanding the limitations imposed by this subsection, a facility may provide the following: an entry in the telephone directory with the name, location, and phone number of the facility; or signage as permitted by this section. Such directory entry or signage may identify the business as a “cannabis product manufacturing facility,” but shall not include pricing of cannabis, details regarding specific cannabis products, or cannabis photography or graphics related to the cannabis plant or cannabis products.

- The facility shall not post any signage for the facility other than one identifying sign stating the facility name, address, and hours of operation. Any sign posted under this section shall not exceed six square feet in area, shall not be directly illuminated, shall not contain graphics identifying cannabis, and must comply with all existing County regulations and restrictions regarding signs. a. No signage is permitted in residential zone districts.
- The facility shall not receive more than one citation for violation of Santa Cruz County Code, Chapter 8.30 (Noise) within a single year.

Setbacks have been shown to be an important protective factor influencing youth access and norms in alcohol and tobacco control, and it is advisable to use those lessons to put those setbacks in place for Santa Cruz County Cannabis. It is also much more difficult to add them retroactively.

The More Permissive Project “generally reduces required parcel or growing area separations and setbacks, which would increase the potential area available for cultivation within a site. Under the Project, required setbacks range from 50 feet up to 600 feet. Under the More Permissive Project, required setbacks range from 50 feet to 300 feet.” The halving of some of these setbacks is a significant shift from previous recommendations. As the Draft EIR notes, “Maintaining distance between cultivation and adjacent uses and resources is intended to minimize land use conflicts and potential hazards to public health and safety and the environment.” Minimizing conflict and creating a balance between different community interests, should continue to be a priority. It is understandably important to provide opportunities for regulations, and carefully consider barriers to regulations, but preventing saturation and maintaining neighborhood character and compatibility are also important.

CPP would therefore, like to reiterate the importance of maintaining the proposed setbacks and minimum parcel size in order to balance different community interests, as well as having strong regulations against advertising and products that target youth.

For the Cannabis that is produced in our County, there is ongoing need for some of it to be used medicinally, including by those who don’t have the financial means. WAMM estimates that 34-40% of their patients need economic assistance to access the right types and amounts of medicinal cannabis. The draft ordinance mandates, “designing a system to facilitate access to medical cannabis for very low and low income residents” which could include making cannabis accessible to this population through tax funding, or required donations, in the final ordinance.

Questions:

- Will neighbors be able to have any input in the granting of licenses?
- How will disputes over odor be resolved? Is there an opportunity to use olfactometers?

- Why does it look like cultivation is allowed inside the Forest of Nisene Marks on the map in Chapter 2, p. 59, when there is no cultivation or manufacturing on public land?
- Is there any regulation against combining multiple small acre parcels into one larger one in RA neighborhoods?

10/26/2017

Santa Cruz County Board of Supervisors
And Ms. Robin Bolster-Grant, Cannabis Licensing Manager
Department of Cannabis Licensing
701 Ocean Avenue, Room 520
Santa Cruz, CA 95060

Subject: EIR Comments regarding (1) non-publication of cannabis site addresses; and (2) increased cultivator square footage to 10% for small 1-10 acre parcels.

To Regulators and Supervisors:

In response to the EIR, I am writing to comment on two cannabis regulation issues relating to personal safety, crime, and small business economics. Specifically, I am concerned that (1) publication of cannabis site addresses will put small grower or manufacturer lives and products at risk; and (2) small growers (1 to 10 acres) and small manufacturers will not be able to survive economically.

1. Proposed cannabis regulations put small grower and manufacturer lives and products at risk due to crime. Please do not disclose cannabis grow or cannabis manufacturing locations to the public. If you publish cannabis production locations, you are advertising "gun-free zones with high street-value cannabis products where any criminal can easily steal \$20,000 to \$50,000 or more in cannabis products or cash with a gun or superior force". By regulations and government publication of cannabis cultivation and manufacturing sites to the public, criminals will know both the locations that have cannabis and that smaller cannabis production site operators will not have guns on site to defend themselves. This situation will likely lead to numerous robberies, particularly at smaller licensed cannabis sites. It will also needlessly put hundreds or thousands of lives at risk due to violent crime potential. One can easily imagine cannabis site operators, employees, families, site suppliers, and other site visitors being hurt, injured, or killed during such robberies or robbery attempts.

Larger cannabis growers, manufacturers, and distributors will have the capital resources to pay for expensive security systems, armed guards on site 24-7, and other effective self-protection schemes. Small growers and manufacturers will not be able to afford armed guards on-site 24-7 because they will not have sufficient site-based revenues to pay for such security. This security risk is extremely dangerous for small cannabis site operators (and their families) who would live on-site, and puts many other lives (employees, suppliers, visitors, regulators) at risk unnecessarily.

In addition, a side effect will be to decrease cannabis site property resale values for sales for subsequent non-cannabis uses. Because of prior cannabis site address publication, subsequent non-cannabis use buyers or tenants of former cannabis cultivation or manufacturing sites would be subject to the same security risks as prior cannabis site operators. This risk would very likely lower property values for former cannabis cultivation and manufacturing sites.

The main parties who have a “need to know” grower and manufacturer locations are cannabis licensing and regulatory agency officials, and law enforcement in the immediate jurisdiction. Insurance companies insuring the site will also need to know. However, insurers will have insurance policy exclusions to protect them against claims if they do not.

If the County insists on publishing licensed cannabis site locations, then the County should be obligated to provide low cost cultivator and manufacturer (1) electronic video security and alarm systems with remote online 24-7 video monitoring by trained security systems staff; together with (2) effective, very fast licensed security guard and armed law enforcement response times (5 minutes or less).

2. Small cannabis grower (one to ten acres) and manufacturer economics require more permissive land use permitting. Small growers (one to ten acre parcels) need to be permitted to use up to 10% of their properly-zoned land for their cannabis business. Otherwise, small growers probably cannot hope to achieve business-survival level revenues.

Unless you want the licensed cannabis industry to be dominated by a few large companies, County and State ordinance parameters for smaller parcels must permit larger revenue generation. Otherwise, the predictable economic result will likely be the elimination of most small growers and manufacturers within 3 to 10 years due to government requirements.

Previously emphasized government (and citizen) goals have been reducing crime by reducing illicit cannabis industry size, encouraging small (boutique) cannabis industry participants and jobs, and increasing government tax revenues. The following will help accomplish all three.

- Keep cannabis grower and manufacturing site locations confidential for regulator and law enforcement use. Do not make this cannabis site address data available to the public.
- Increase the allowed grow square footage for licensed cultivators for small parcels under 10 acres to 10% of parcel size.
- Double small-manufacturer square footage permitted.

Thank you for your consideration.

A Concerned Citizen and Voter

October 24, 2017

Santa Cruz County Board of Supervisors
701 Ocean Ave. #500
Santa Cruz, CA 95060

Dear Sirs:

I am greatly alarmed at one aspect of the proposed Cannabis Ordinance in which the addresses of Cannabis growers will be available for public information. While transparency is usually a positive thing, in this case the lives and property of individual growers and their families are at stake.

For large growers with thousands of feet of industrial space with 24 hour guards, my concerns may not apply. However, individual growers with small operations on one to ten acre parcels throughout the county will be vulnerable to robbery, violence or murder by every thug, gang member and criminal with easy access to grow locations if this information is made public. The logic of this proposal defies imagination. The public's right to know who is growing or manufacturing what cannabis products and their exact locations is eclipsed by the need for safety of growers, their families and workers.

Clearly, law enforcement and regulatory agencies who provide oversight have a need to know. However, I do not believe the dangers of providing grow locations to the public have been adequately balanced with the very real danger that criminal elements could easily prey on remote small grow locations, many of which will have families living at the same location. Also, once published, the information will linger in the public information system no matter if the grow is no longer in business, further endangering individuals who may live on or own these properties in the future. These real dangers far outweigh any possible public disclosure "need to know" arguments. In fact, we are aware that criminal elements have already attacked growers in Santa Cruz County, stealing their products and leaving growers gagged and bound.

Please reconsider the logic and imminent danger of the proposed public disclosure of Cannabis growing and manufacturing locations. Why needlessly endanger participants working in a local and state legal enterprise?

Sincerely,

A concerned Santa Cruz County resident and voter who, incidentally, does not use, grow or manufacture Cannabis.

XC: Robin Bolster-Grant, Cannabis Licensing Manager

From: craig@excel4x.com
 To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
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 Date: 11/1/2017 12:02:06 AM
 Subject: Cannabis Regulations Environmental Review and Expansion in Santa Cruz County

To: Santa Cruz County Board of Supervisors and Matt Johnston, Planning Department

As a resident of the 2nd district in Santa Cruz County, I am quite concerned about the expansion of commercial cannabis cultivation and manufacturing in the RA areas Santa Cruz County. In my view the EIR leaves many unanswered questions and raises many doubts.

The EIR claims that the No Project Alternative has the most significant impacts and that the Most Permissive Alternative is the Environmentally Superior Alternative. The Most Restrictive Alternative is between these two, but probably more towards the worst side from an EIR perspective. I am not sure how all the underlying assessments were determined and on review, I do not agree with some of them. However, I realize that I may not understand all of the assumptions and considerations.

That said I see a major gap in the EIR assessment: The EIR seems to assume a single transition at one point in time to the chosen alternative. There is no consideration of a staged approach - e.g. starting off with Most Restrictive, gaining experience, and then deciding if, how, and when to go further. Such an approach might score significantly better, since insights and experience could help with the longer-term rollout.

The EIR also seems to assume that existing, non-compliant grows cannot be eliminated, reduced or transformed into more environmentally beneficial alternatives. Using this line of reasoning, California would not have been able to reduce vehicle emissions and lead the way for the country on environmental issues. In a complementary vein, the EIR seems to assume that under a permissive alternative, existing non-compliant growers will voluntarily and quickly comply with all regulation and licensing requirements. This seems very unlikely and unrealistic. I question these claims. I challenge the Board of Supervisors to do the same and demand justification. There is too much at stake for our County.

I will cover my concerns below in more detail. Bottom line: I believe that the County should move slowly and very carefully as it considers expanding cannabis cultivation and manufacturing. I am not convinced that the economic potential is as large as the EIR projects. There are also many potential downside economic costs and environmental and quality of life risks. My first choice, if legal and in compliance with state law, would be to defer expansion in Santa Cruz County for 1-2 years so that we can benefit from the experience that Monterey County and the Central Valley gain in rolling out programs. If deferring expansion is not a legal

option, then I vote to restrict expansion to larger operations in Commercial Agriculture areas. This is variation on the Most

Restrictive Alternative. This would allow the county to work with a small number of well-established commercial agriculture growers.

They are in the best position to comply with all regulations and licensing requirements. After 1-2 years of experience with these

growers, the County will have a better understanding of the issues, administrative requirements, costs, etc., and can decide if,

how, and when further expansion should be considered.

Here is a more detailed list of concerns, based on a review of the EIR and discussions with neighbors, some of whom have many years of experience in commercial agriculture:

1) Creating 7000+ new jobs seems very optimistic. The current number of unlicensed growers is not well understood. Thus, the existing baseline may be higher than expected. There is also currently a significant shortage of agriculture labor in the County.

This is unlikely to improve in the near future given the current political climate. As a result, cannabis expansion is likely to

compete with other agriculture employment. The net increase may be much smaller. In fact, the agriculture and associated job base within the County might substantially increase if the labor supply was increased. An even more constricted labor force may also drive up wages and thus increase costs for farmers, which could hurt the local economy.

2) The economic costs of increased traffic are not quantified in the EIR. While hard to measure, increasing travel times and delays for County residents and businesses have economic impacts. The upcoming construction work will exacerbate these problems. This cost should be quantified and included.

3) The economic costs of increased air and water pollution/contamination/runoff are not quantified. While hard to measure, these factors are likely to lead to higher healthcare costs, which put strain on local healthcare providers and residents. This cost should be quantified and included.

4) Since most growing will be indoors, the risk of fire damage is significant. Indoor grow hazards have burned down structures and spread to nearby homes. Indoor grows have also caused significant property damage. These risks are probably much higher in RA and mountain areas due to hills, unmanaged landscapes and less visible activities.

5) Property values may also decline, particularly in RA areas. Odors, fire risks, water run off, visible bright lights, increased traffic, and commercial activities are likely to make these areas less desirable for families. In addition to reducing the quality of life, this may have an economic impact. This cost should be considered and included.

6) The estimated ~200 acre expansion is quite small relative to existing agriculture production. If this was all concentrated in a small area, it would relatively easy to manage. However, by including RA and mountain areas, the number of sites and growers becomes large and difficult to license, regulate, and monitor.

7) The Agriculture Commissioner's Office appears to be significantly understaffed today. Working with hundreds of small, new or newly licensed growers will severely strain the staff. Hiring, training and supporting the staff required to support such an expansion seems unrealistically challenging. This cost should be quantified and included.

8) In a similar way, law enforcement will also experience increased demand. The value of cannabis crops may lead to increased crime.

Increased legal and illegal production will also require significant staff increases to patrol and ensure public safety. This cost should be quantified and included.

9) Established growers are familiar with existing regulations and maintain staff, consultants and third parties such as PCAs (Pest

Control Advisors) to ensure quality and compliance. Rapid expansion is likely to cause a shortage of these advisors and limit their

ability to train and ramp up to cannabis requirements. New and small growers are unlikely to procure or even understand the need for such services and advisors, leading to significant impacts.

10) The licensing fees are unlikely to cover all of the associated costs, which so far have not been adequately quantified. This is

likely to further jeopardize the success of the expansion.

The EIR appears to minimize many of these concerns and maximizes the benefits of moving forward aggressively. I urge the Board of

Supervisors to carefully review and assess these factors as well as the rest of the impacts discussed in the EIR. I also urge the

Board of Supervisors to probe the EIR drafters about the assumptions that drive the EIR conclusions. In particular, please ensure

that the relative impacts of the alternatives are accurately assessed and that restrictive alternatives, including staged expansion, are properly considered.

Thank you for your time and consideration,

Craig Chatterton
Resident (RA), 2nd District

From: ["Craig Wilson" <crwilson1225@gmail.com>](mailto:Crwilson1225@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/3/2017 8:45:15 AM
Subject: Public Comment Draft Cannabis EIR

Please accept and add my comments concerning cannabis cultivation in Santa Cruz County.

If cannabis cultivation is permitted to be grown, it should be grown within existing agricultural zones.

Cannabis should not be grown in the mountains, where sensitive land and habitat will be damaged; it should not be grown in or near residential neighborhoods, where it disrupts the peace; and it should not be grown in commercial space because it is incompatible with existing land use.

Cannabis cultivation should be regulated like any other agricultural product and restricted to areas appropriate for large growing operations.

Craig Wilson
3447 N Main St
Soquel CA 95073

Dear Matt Johnston,

Would you like to live near a cannabis-grow? How about an unregulated grow? How about your children, would you like them to live near a cannabis-grow, or work on one? Before you answer these questions please read my story.

My name is Daniel Burke. I live at 398 Shadow Mountain Road in Boulder Creek. My parcel number is 089-431-43. I have been here for 12 years. The first few years have been peaceful just the way I expected and hoped for, when purchasing this property. Because of the peace-of-the-redwoods, I don't mind that I have to haul my own water (at least until the SLVW district can pipe water up here).

But things have drastically changed since I first moved in. The peace has been shattered, ever since the two property owners (I will call them property owners because they are not 'neighbors' in the true sense of the word) above me, conspired to join forces to use their properties to cultivate and grow marijuana. The property owner's names are Brent White and Andrew Kimpel. Brent's property parcel number is 089-431-38 (under 5 acres). Andrew's property parcel number is 089-431-46.

Brent is the main driving-force behind this 'grow.' According to one Santa Cruz County Sheriff that I talked to about Brent, "he is a crook." No kidding! (His property was raided a few years ago (when it was strictly illegal), for attempting to grow marijuana (that should be on record). Andrew is the money-guy who lives in San Francisco. Neither property parcels have dwellings on them although Brent lives/squats full time up on his parcel. Their properties are at the dead end of Shadow Mountain Road. Shadow Mountain Road is a private road with a 50-foot-non-exclusive right-of-way to the ridgeline. Their properties are at a higher elevation than my property.

From what I've seen, and heard, and witnessed, Brent does whatever he wants, and can do, to just skirt the law, and or break the law. For instance he has the 'grow' just small enough and spread just across property lines, to make it look like it is two different grows, but it is essentially 'one-grow.' Also, he has cut down and burned many, many trees on his property to make room for the sun, for his 'grow.' He burns scrap and branches anytime of the year that he wants. I reported this to the Sheriff (Felton office) and to Richard Sampson of CAL Fire (also in Felton), (on 04-18-16) but they said they could do nothing about it. Brent has had two 5000-gallon water tanks put up on Andrew's property (without permits according to my knowledge). Why Andrew's property? Because the County Building Codes department came out to inspect Brent's property to make sure he wasn't building on the property and so he can now say, that "the water is not his." Which brings up the question, doesn't legal-cannabis-growers have to have their own water source? Brent and Andrew have to truck their water in from out of the area and pump it into these storage tanks using heavy trucks and gas powered pumps and generators and then again they use gas powered pumps to water their cannabis. Brent smokes cannabis and drives his truck on public roads. I have witnessed this on many occasions. I have also seen that his reaction time while driving is slower than it is safe. Brent has not paid any Harmon Gulch Road Association dues which is required

if he uses this road, Harmon Gulch, which he does. (Harmon Gulch Road connects Shadow Mountain Road to Bear Creek Road).

I could go on and on, but let me summarize:

I've expressed my concerns to the Santa Cruz County Sheriff Steve Ryan (07-28-16).

I've expressed my concerns to Bruce McPherson's office. (07-2016)

I've expressed my concerns to the Santa Cruz County Building Department. (07-2016)

I had to call the Sheriff because of Brent dumping his unburned logs onto my property...logs that he cut down from his property, to make room for his 'grow'. Sheriff Daniel McCall (11-09-16).

I've expressed my concerns to the County Office of Daniel Peterson, Code Compliance, Cannabis Licensing. I talked to Mark Stewart. I told him my concerns about this cannabis grow (07-11-17). Mark mentioned that I am not the only one complaining about the situation up here.

I called Mark Stewart for an update and to give him two license plate numbers of trucks that help with Brent's 'grow.' CA license number 75792M1, and CA license number 4UDP534, (belonging to Ed Hayes), (09-06-17).

I called Mark Stewart for an update. He said that they were going to inspect the 'grow' today. (09-11-17) I'm not sure if that happened.

My list of grievances:

Cutting down trees. (Fewer root systems now, to help control wet land movement.)

Moving large amounts of earth.

Setting multiple water tanks without permits.

Excessive wear and tear on the road from large water trucks and 4x4 trucks.

Running generators anytime of the day or night, to run pumps and equipment.

Growing (and building) partly in the 50-foot non-exclusive right-of-way.

Added noise anytime of the day or night including; loud music, loud obnoxious talking and laughing, truck engines, generators.

Minors (under 18 years old) working as 'trimmers' or 'clippemigrants' and-or other duties. (I suspect one of the minors is related to Ed Hayes).

Strangers, and their dogs, roaming around on the backside of my property.

Trimmers letting their dogs run free on my property.

Are there sanitary restrooms for these workers, or for Brent?

Strangers driving up and down the road, forcing me to wonder: should I arm myself?

I avoid walking up to the upper part of my property out of fear.

My property value has decreased with the possibility that nobody will want to purchase my property. This unregulated 'grow' would have to be disclosed.

My obtaining water for legitimate use is now in question because the water sellers are lumping 'surplus water' users in, within, those people that are getting water to grow marijuana.

Ruining the legitimate use of, and growing of, marijuana, by flooding the market with untaxed cannabis.

Basically, these guys are "crooks" (as the Sheriff said), and their presence destroys the peace up here.

Would you like to live up here? Would you like to live up here with your children? Would you like to live up here where it appears that the authorities are either, unconcerned, afraid, or under-staffed to be able to respond to your concerns? Would you like to live up here and have to worry about arming yourself with a weapon? Would you like to live up here and watch the value of your property go down more than other properties?

I understand, certainly, that not all cannabis growing will have these problems. In fact, the problems I am facing up here, may actually be very uncommon, I don't know. I understand also that the county wants to be careful about being overly rigid about the 'growing' rules. I have not read the 637-page environmental report on the growing of cannabis, but I would certainly welcome some very close monitoring of this specific cannabis grow up here...this grow of, Brent White and Andrew Kimpel. I have to say, these two people have given me (and my neighbors, Joe Levine and Tommy Jameson) a very bad taste for cannabis growers.

If indeed this 'grow' is in compliance, than I will have to live with it. But if it is not in compliance, I sincerely hope that it can be shut down, plus, periodically monitored. It is not even January, 2018.

Thank you for reading this,

Daniel Burke
October 12, 2017

From: ["Davis, Daniel" <Davis.Daniel@cbnorcal.com>](mailto:Davis.Daniel@cbnorcal.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/30/2017 5:48:23 PM
Subject: county commercial cannabis cultivation

Dear County Supervisors,

I am sending you this message to voice my concerns regarding how marijuana, the new agricultural product to our area, will be regulated. I have lived in various areas of Santa Cruz county since attending UCSC in 1970; I owned my first home in Davenport in the 1970s, moved to the Seabright area, then Live Oak and have lived in Aptos for the past 30 years. I've witnessed many changes during this time. I've seen the significant growth and the changes and impact associated with that growth: some changes I'd say for the good; some not so good. It makes me think how nice it would be if the clock could be turned back and some previous decisions redone. But we know that will not happen so I ask you to take the time to look closely how to proceed. Check other areas who have gone down this path seeing anticipated huge tax revenues and realizing other unforeseen costs and conflicts.

The new industry developing around marijuana is unlike any other ag change we've seen occur. It is not like changing from apples to berries or almonds that are food products which are regulated for health and safety reasons. Let's face it, marijuana is a drug which while having medicinal benefits for some people has been primarily used as an illegal substance that has like alcohol brought severe heartbreak to many families and posed a serious crime problem for society at large. Marijuana use and distribution is supposed to be regulated.

Just as importantly, growing and cultivating marijuana needs to be very strictly regulated and monitored. Like other agricultural products, where it can be grown should be identified as strictly agricultural use and the activity should be closely monitored. Neighbors know to expect the dust, odors, noise and commercial traffic associated with agricultural business. And that's just what this is, Business, and it needs to be zoned and treated as such.

We hear to frequently about the problems associated with the marijuana growing business in various areas in the "country": crime, shootings, heavy unregulated water use, erosion and fires. I'd feel more comfortable knowing this new industry will occur in areas such as south county already identified as ag zoning and handled by people who have history respecting and complying with ag regulations.

Thank you for the opportunity to voice my concerns as you decide how best to proceed in governing the use of this change,

Dan Davis

This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system. Nothing in this email creates a contract for a real estate transaction, and the sender does not have authority to bind a party to a contract via written or verbal communication.

From: [DanielHirsch <dhirsch1@cruzio.com>](mailto:DanielHirsch<dhirsch1@cruzio.com>)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR<CannabisEIR@santacruzcounty.us>)
Date: 10/10/2017 8:12:00 PM
Subject: EIR comments

I am troubled by the potential environmental impacts of marijuana growing in sensitive areas of Santa Cruz if not conducted under strict environmental and fire safety restrictions. In the Santa Cruz Mountains, substantial damage has already been done by:

illegally clearcutting redwoods to create areas for marijuana growing;

by using dangerous insecticides, rodenticides, and pesticides, that migrate into streams;

by creating illegal stream diversions;

by use of generators, grow lights, and unpermitted wiring, creating substantial fire risks;

and by conducting these activities in areas where there is no access sufficient for fire trucks and other emergency vehicles to reach the site in case of fire or other event.

I believe that all of those activities associated with unsafe marijuana growing must be barred by the County ordinances.

I believe that any site where these unsafe practices have occurred should be prohibited from future marijuana growing.

I believe that sensitive environmental areas such as the Santa Cruz Mountains should be off-limits. These areas are precious environmental resources and must be protected.

Growing marijuana commercially should be conducted just as any other commercial farming is — on real farmland, with full regulation of appropriate water access, fire protection, pesticide etc. use. No site should be approved where fire trucks cannot readily get.

If people want to grow marijuana commercially, it should be done as any other agricultural activity. Because until recently it was illegal, all sorts of environmentally inappropriate locations and activities have been employed. If marijuana is to come out of the shadows, it must meet the requirements for legal agriculture, in typical agricultural areas, not hidden in sensitive redwood forests where stream diversions, pesticides, clearcutting, and fire risks can be major environmental impacts.

Sincerely,
Daniel Hirsch

From: ["Daniel Paduano" <daniel@aboundingharvest.com>](mailto:Daniel.Paduano@aboundingharvest.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 9/7/2017 2:47:51 AM
Subject: Comments on EIR

Greetings,

I have read through your draft EIR, and, in light of the fact that so many impacts are significant and irreversible, I don't believe your conclusions are restrictive enough. I encourage you to push for the strictest regulations possible. If cannabis is really to be legalized and grown as an agricultural commodity, I believe its commercial growth should be restricted to designated agricultural lands. You should definitely not permit growing in unincorporated mountain terrain. I have witnessed firsthand the destruction that accompanies many of these grows and have serious concerns about erosion, water usage and fire threat in the mountains. The Santa Cruz Mountains are in many ways a uniquely pristine environment. It would be a shame to see them trashed by a shortsighted policy that prioritizes tax revenue over safety and environmental/societal impact.

Thank you for your consideration,

daniel

Daniel Paduano
Abounding Harvest Mountain Farm
25015 Mountain Charlie Road
Los Gatos, CA 95033
831-621-6206
daniel@AboundingHarvest.com
www.AboundingHarvest.com

From: ["Daniel Sampson" <dsampson5@gmail.com>](mailto:Daniel Sampson)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR)
Date: 10/27/2017 5:05:37 PM
Subject: Comment on Cannabis plan

Hello,

As a more-than-40-year resident and property owner in Santa Cruz County I would like to comment on the draft EIR for cannabis cultivation in Santa Cruz County. It is my understanding that this document does not sufficiently address major environmental concerns for our increasingly densely-populated County. Some of these concerns are:

- Loss of wildlife habitat
- Wide and under-controlled use of rodenticide, which can have a devastating collateral effect on wildlife that feed on poisoned rodents
- Land use in undeveloped areas
- Insufficient ability to enforce regulations

I believe that it would be prudent to start with a very limited scope of approval to ensure the County is not suddenly flooded with a host of problems it isn't equipped to address. Perhaps beginning with indoor cultivation only, which would help minimize the effect on wildlife and natural habitat, would be the right way to ease into this new paradigm.

Just to note: I am not against Cannabis or its cultivation in any way, in fact I am strongly in favor of recreational and medicinal use. But I am very concerned that the County not act too quickly and without sufficient caution. It's likely much easier to add more permissive regulations later than it would be to try to roll back overly-permissive ones after people have invested significant resources into their businesses.

Thank you for the opportunity to provide feedback.

Sincerely,

Daniel Sampson
La Selva Beach, CA

"The real index of civilization is when people are kinder than they need to be."
-Louis de Bernieres, novelist (b. 1954)

From: [Dave <babadave@yahoo.com>](mailto:Dave@babadave@yahoo.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 1:01:32 AM
Subject: Cannabis EIR comments

Greetings,

The Cannabis EIR for Santa Cruz County reemphasizes the same thing the majority of people at the supervisor meetings and the C4 have been saying all along; bringing more people into a regulated system via licensing will reduce environmental and neighborhood impacts. I still cannot comprehend how every single public meeting has had overwhelming support for our existing small farmer cottage industry yet the county supervisors continue to insist that more than 60% of current cultivation be moved to the moldy fog zone of district 4 where traffic on Hwy 1 is sure to increase. I also cannot comprehend how The Cannabis Cultivation Choices Committee's recommendations were ignored after spending months and months discussing and finally concluding that a more permissive system is the best path forward. Now we have an EIR that again tells us that allowing more of the existing cultivators into the licensing program will reduce the environmental impacts. What is wrong with our Board of Supervisors? We are a cottage industry. It is this cottage industry that needs to be licensed as is.

Traffic:

One of the big environmental impacts in the EIR is new traffic especially in the South County area where traffic is already a burden. According to a survey conducted in 2015, 70% of cultivators in Santa Cruz County are on parcels less than 5 acres and 50% are in San Lorenzo Valley. The proposed ordinance would like to relocate these people to the CA zones of south county. This is a lot of new traffic on our already saturated Hwy 1. Why not allow cultivators to continue working from home where the commute is zero miles? I recently viewed a video of Leopold suggesting these new dislocated workers drive EVs to help offset carbon emissions. Really? That's a practical solution? A better solution is to give the small cultivators a cottage license and allow them to work from home and not drive at all.

Environment:

Environmental concerns such as illegal grading, pumping from streams, improper pest and mold management, and fires are some of the major arguments the NIMBYers have against cultivation. The EIR has confirmed that bringing more people into a licensed system will reduce these environmental impacts by requiring proper grading permits, proper electrical permits, and odor "nuisance" mitigation. I know a group of neighbor cultivators in Boulder Creek that came together during the drought to all agree not to pump from their shared creek. They did not need a permit, or an ordinance, or state workers to tell them to do this. They did it because they care. I think these types of caring cultivators are the majority of who we are dealing with in our county. They all want to do the right thing. Let's get them ALL in the system so they can continue to do the right thing.

Jobs:

The EIR estimates that 7100 jobs will be created. This is simply not true! There are at least 7100 jobs in the industry now, but these jobs are under the table and invisible to the system. Allow workers to continue to work from home to mitigate traffic impacts. The proposed cultivation ordinance will displace many entrepreneurs and small businesses and force most people to work as farm labor as part time minimum wage workers. This county absolutely does not need any more minimum wage jobs. I've been in Santa Cruz a few decades and I have never seen people struggle with paying rent as I do today. Also, how are these farm workers supposed to afford a new Leopold EV to commute to their jobs in south county? What about the traffic? The EIR failed to look at the effects of a cottage license where most current cultivators can continue to work from home and be their own boss and set their own wages.

The EIR also failed to review the effects of grandfathering in the current good standing cultivators under the current 7.126 parcel sizes and setbacks. What if the county included a grandfather clause that issued a type 1C cottage license that maintained the 99 plant limit for those who are registered and currently in compliance but would otherwise need to relocate? The EIR has clearly stated that a more permissive ordinance would have less environmental impacts. Let's improve on that and bring in all of our current cultivators under a 1C cottage license option.

Sincerely,
 Dave Faulkner

From: ["David Brissenden" <david@cosmosedibles.com>](mailto:david@cosmosedibles.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 7:41:30 PM
Subject: Public Comments for Manufacturing..

Hello and thank you for all the work you all have been doing to get this ball rolling..

I wanted to add a few comments on to the EIR..

-Distance from schools for cannabis activity, I feel should be a little more defined.. our kitchen which has no retail front should be exempt from that since no public is allowed in the store and nothing is being sold from the premises.. it is only a manufacturing facility basically. This barrier will prohibit a lot of kitchens that are already in the proper zone, and will create a lot of businesses to move out of county or go underground which will impact the environment more.

-Test results in food vs flower.. my chocolate is a high-end, natural blend, so are my almonds and fruits and other ingredients that have been FDA approved to be available for consumer consumption, if they are required to have the same levels of cleanliness as the Cannabis, it might disqualify a lot of companies unless we change all of our ingredients to organic. (which I am for, but can't charge for that if people won't pay) I feel as long as the infusion is tested properly, then that should qualify the edible. If we don't raise the limits of pesticides on the food itself, there will be a lot more waste.

-The wordage for manufacturing should further divide a kitchen that is for food and a facility that makes volatile extracts should be classified separately.

Thank you,

David Brissenden
Executive Chef / Owner
Cosmo D's Outrageous Edibles
Cosmos_Edibles
www.cosmosedibles.com

Notes on Cannabis and the EIR for Cannabis in Santa Cruz County

Key: Yellow - my comments
White - from County Documents

October 2017

FROM THE PROPOSED ORDINANCE:

WHEREAS, after the enactment of Chapter 7.126, County staff identified a sharp rise in illegal cannabis cultivation sites that constitute a public nuisance by degrading the environment, improperly diverting natural resources, creating fire danger, and negatively impacting the quality of life for residents of Santa Cruz County; (from the new proposed ordinance in the appendices)

I say this is exactly why we do not want this activity in our valley.
In order to reduce Nitrate inputs and protect water quality, and enhance fish habitat in Aptos and Valencia Creeks

And Aptos/Rio del Mar and Seacliff State Beaches, Cannabis farms should not be allowed adjacent to the watersheds in the Aptos Hills.

WHEREAS,
The Board of Supervisors has identified as its major policy goals concerning the cultivation of medical cannabis to be 1) an adequate supply of medical cannabis for local qualified patients; 2) protection of the environment; and 3) protection of neighborhood quality
I have witnessed a serious decline in our Neighborhood Quality over the last 5 years. Growers have run residents and Homeowners off the road, head-on collisions happen, trash never seen before is being tossed out on the road. While volunteering working on our Private road, I have been assaulted by growers in vehicles, several times. Not to mention the ten-fold increase in numbers of cars, trucks, and commercial vehicles on the road, impacting the condition of the road. Growers down on the Seath property, among others, seem to think it is ok to use firearms even during high fire danger days, like during the Cox Fire.

General Eligibility And Restrictions

(a) Cultivation licenses may only be issued to applicants who provide the Licensing Official with sufficient reliable evidence documenting that they 1) have been cultivating cannabis in Santa Cruz County since January 2013; or 2) have been engaged in commercial farming or agricultural production unrelated to cannabis production for over 3 years in the CA zone district, and are applying for a Class CA license.

Nearly all of the growers cultivating in our neighborhood came here after January of 2013

(d) In issuing a license under this Chapter, the Licensing Official may place restrictions on canopy size to maintain consistency with other laws, agricultural uses, and neighborhood compatibility.

In my humble opinion, commercial cultivation of cannabis is NOT compatible with our residential Neighborhood at all.

(c) Cannabis shall not be cultivated within three hundred (300) feet of a State Park located within the urban area defined by the Urban Services Line.

(d) On parcels ranging in size from one to five acres, cannabis shall not be Cultivated within one hundred (100) feet of a public right-of-way.

(e) On parcels ranging in size from five to ten acres, cannabis shall not be Cultivated within two hundred (200) feet of a public right-of-way.

(f) On parcels over ten acres in size, cannabis shall not be cultivated within three hundred (300) feet of a public right-of-way.

(g) Cannabis shall not be cultivated within one hundred (100) of a perennial stream.

Most parcels up here are over 10 acres. Most all of the greenhouses up here are closer than 300 ft. to our main artery, and some are close to the Nisene Marks Park border.

(4) Neighborhood And Land Use Compatibility Restrictions

(a) No license to cultivate may be issued if the Licensing Official determines there is substantial evidence that issuance of the license may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, which has not been previously considered by appropriate environmental review.

(f) No lighting for cultivation purposes, except that necessary for security, Shall be visible at cultivation sites from sunset to sunrise.

(j) Outside of an emergency, generators may not be used as a power source for cultivation purposes.

(5) Indoor Cultivation Sites

(a) Cannabis shall not be cultivated indoors unless the facility has a Commercial air scrubbing or filtration system sufficient to prevent the odors associated with cannabis production from escaping the structure where cannabis is cultivated.

(b) No license may be issued to cultivate cannabis indoors unless all land use and building code requirements are met. Moreover, the applicant shall provide written certification from a licensed electrician that the cultivation location has all necessary electrical permits required by the California Building Codes to ensure that the growing operations can be carried out safely.

(c) No license may be issued to cultivate cannabis indoors where plants or lights are visible from a public right-of-way, an adjacent private right-of-way with public access, or a habitable structure.

These I like, and I note that the desire for Cal-Fire to insist on 20-foot wide roadways should be implemented. This alone will help push Growers down into Agricultural areas like La Selva where they belong and where the County can control them.

In the County General Plan (2.31 (i) Fire Hazards states:

Due to the relative importance of Fire safety considerations, this factor shall be weighted more heavily than other concerns. Criteria for response times, secondary access roads, dead-end roads and road design standards are presented as part of the Counties Fire Safety Policies, and are included in this rating along with the location of the project relative to Critical Fire Hazard Areas. Critical Fire Hazard Areas are those locations in which a fire could, under certain conditions, spread uncontrollably.

Cal-Fire recognizes the Fire Danger, why does the County not recognize this very real issue. By allowing any Cannabis growing in the Mountains Fire Danger is multiplied and can be extremely damaging, as witnessed by the 4000 acre Loma Fire.

Protecting the environment of our precious redwood forests is more important than making money growing cannabis.

In the document Local Hazard Mitigation Plan 2015-2020 for Santa Cruz County it states: 5.3.3 – Assessing Wildfire Vulnerability (A):

Due to topography and limited access, both the protection plus potential reconstruction of these assets will be hampered.

The Impact of wildfire on a community is far-reaching.

The most significant impacts would be loss of life, environmental damage and loss of property.

Air Quality is also a major issue, which can force the closure of schools and businesses as well as limit human activity.

Damage To infrastructure such as culverts, roads and bridges can be difficult to locate and repair in a timely manner.

During the rainy season, burned-over areas are subject to mudslides and debris torrents, which can be exacerbated by infrastructure damage.

Sedimentation due to winter rains can destroy fish habitats, which can have a catastrophic effect on the eco-system.

<https://www.arcgis.com/home/webmap/viewer.html?layers=20cd486897424289b48ff954d20c846c>

This is a critical fire map of Upper Fern Flat
Please note the critical fire zones.

I propose that allowing Commercial Cannabis in residential mountain areas that are rated Critical Fire Hazard areas is negligent to risk management, and should not be allowed. Cal-Fire has raised our hazard rating from 3 to 10, (10 is highest), in our neighborhood of Upper Fern Flat and Aptos View rd. Growers started the Loma Fire. Cal-Fire has stated that it will happen again.

Our road is adequate for homeowners. However, over the last 5 years, the proliferation of illegal grows in the neighborhood has created an untenable amount of traffic. We now see heavy water trucks, flatbeds,

and trucks with trailers hauling fertilizers, rodenticides, insecticides, and diesel fuel for their Generators. Just last week, we witnessed two 8x10' trailers carrying diesel generators up our road. A third trailer with a large generator flipped over down on Trout Gulch rd. near the meadow. The growers run bobcat tractors and larger tractors from grow to grow along our road, engaging in illegal grading. There are Grows on the southeast slopes that directly border Valencia Creek Watershed.

I implore the County to keep growers out of our Fern Flat Neighborhood, and allow us to return to a peaceful coexistence with the irreplaceable Redwood Forests that make Santa Cruz County such a special place.

Addendum

ES 1. Hazards and hazardous materials impact HAZ – 3

I disagree that exposing people or structures to significant risks involve wild-land fires is less than significant. I feel that no cannabis cultivation should be located within high fire hazard areas.

HAZ – 4 states that unregulated cannabis cultivation, and storing hazardous materials located in high fire hazard areas exposes people and structures to significant risks involved in wild-land fires

I agree with this. Thus there should be no growing whatsoever in these areas.

Regarding hydrology and water quality. We already experience significant impacts to the Aptos watershed. We have seen an immense drop and fingerlings in the creek over the last five years in our neighborhood. Now we see foam balls from pollutants instead of fish in our creeks.

Our neighborhood is fed by private wells. We are very concerned that the excess water pulled out of the aquifer in our neighborhood will adversely affect the quality and quantity of water available for human consumption. Many of us have lived here half their life depending on this resource. Some wells in our neighborhood have already gone dry.

ES-1 Secondary Impact LU-3.

Commercial cannabis cultivation and manufacturing under the Program would potentially conflict with an applicable land use plan, policy, or regulation, an adopted habitat conservation plan in the County, or cause adverse effects on existing communities.

Impacts would be significant and unavoidable

This is already happening in our community and has become untenable to residents.

Land use LU-1,2,3

LU – 2 states that there will be no impact on existing community is due to increases in traffic, odors, noise or other quality-of-life issues.

This is not true.

The last five years has become very difficult on our private road from traffic and damage to the road due to increased heavy trucks like water trucks and we see large pickup trucks and many accidents involving growers. Our road was not built for heavy construction vehicles. This is a residential neighborhood and should not have commercial enterprise of any kind.

David Camner
7009 Aptos View rd.
Aptos, Ca. 95003

dcamner9@yahoo.com

I look forward to a response. There is no order of importance in this letter.

September 28, 2017

Cannabis Comments

C/O Matt Johnston
Planning Department
Santa Cruz County
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Dear Mr. Johnston,

You and your staff are to be commended on what is an extraordinary document to analyze the past and potential impact of Cannabis on the environment.

I own a nursery and have been a grower of floral crops for over 50 years. I'm a graduate of Cal Poly with a degree in horticulture and agri-business. I have served as chairman of the California Greenhouse Commodity Advisory Committee and was a member of the national Greenhouse Commodity Advisory Committee, was the facilitator for the Light Brown Apple Moth agriculture committee, and a member of a select committee under Supervisor Sherry Mehl to create greenhouse regulations, define cold frames, and, draft mitigations for greenhouse impacts. I served as President of the 14th Agricultural District, I am a member of the Farm Bureau and presently serving as Director of the PVWMA representing the farm community.

Issues of concern in the cannabis Draft EIR

- A. There is a need to include in the EIR an evaluation of CA and A land for siting Cannabis growing-**The Most Permissive Alternative project is not the most environmentally superior choice and the conclusion reached is indefensible because of the unreliability of data analyzed. sec 4.3 pgs 4-51 through 4-52. The most environmentally superior choice would be to use existing CA and A zoned lands especially where existing greenhouse crops are already being produced, consequently the EIR should address this option.** — The preparers of the DEIR document are to be commended on what is an extraordinarily difficult assessment of the past and future state of cannabis production in Santa Cruz County, unavoidably; much of the data is speculative. It has by the very nature of the “shadow” cannabis industry in Santa Cruz County created an unquantifiable analysis. Existing CA and A production facilities were not analyzed. From all aspects, the growing of Cannabis on CA zoned land permitted for nursery is a superior environmental choice.

Discussion: Established nursery operations, especially greenhouse floriculture businesses would in fact offer the most dependable, manageable and enforceable segment of cannabis production in Santa Cruz County. Revenue for enforcement would be dependable and steady

from operations producing up to 26 crops per year rather than indoor grows that use extraordinary energy and can only reach 4-5 crops per year. With 40- 80% of the cannabis production in the mountains being illegal, there needs to be a stronger program of enforcement that protects our watershed sources of drinking water and the forest environment that has witnessed unbelievable damage from cannabis grows. The most permissive alternative will not offer this, nor will it encourage the most egregious growers to come forward. Cannabis production has been in the shadows in the past and many of those that have been growing are accomplished at evading the law. It is a noble assumption that they will come forward to pay their taxes, follow environmental laws and adhere to regulations, however, this conclusion is not defensible.

Points to consider:

CA zoned businesses with greenhouses offer the best solution for intensive cannabis production for the following reasons:

- Consistent revenues for cannabis program operations including enforcement
- Track record of adhering to Clean Water Act, CARB regulations, motor carrier permits, OSHA adherence, EDD requirements, Workplace heat illness programs, Anti-Harassment programs, etc., etc., and a history of paying taxes
- Existing in-place waste water discharge permits
- Will not replace food crops, only floriculture crops
- Built under Fire codes
- Visual screening in place
- Are included in Right To Farm zones – allowing neighbors to be aware of operations
- Employee parking, offices that are easy to locate and substantial roads to allow large trucks.
- Easily identifiable on a satellite map
- Have utilities in place to support production
- Are permitted to grow green crops on their property.
- Do not harm forests or native land or species.

B. Add to DEIR - No setbacks required of existing greenhouse structures and appurtenant buildings. -

Many greenhouse structures and their appurtenant buildings were built at 25 to 50' setbacks from public roads, some even closer. The setbacks mentioned in the EIR and proposed regulations would make many existing legitimate growing operations in the county unusable. A visual barrier is already in place, however, could be required if not adequate.

Also, allowing CA and A existing structures that are within the 150' foot fire access zone to qualify as permissible growing sites would not trigger extraordinary road and turning radius construction that are required under the proposed 200' setback.

C. Add to DEIR - Allow for increased canopy on CA and A zoned lands with existing greenhouses. – Since this was not studied, there needs to be an evaluation of the potential

Allowing for more canopy cover on CA and A land with existing greenhouses makes sense. The establishment of maximum acreage allowed for cannabis production in the county will control unnecessary new greenhouse construction. Studying the available greenhouse space and those willing to convert would be a good place to start in evaluating the usable area for cannabis production. Also, the conversion of existing food crops on CA and A zoned land to cannabis production should be discouraged. Without these restrictions, the potential for the conversion of food crops to cannabis could be extraordinary. The county may consider no new greenhouses on undeveloped land

D. Change wording - Table 3.0-4 Occupancy Types – define change of occupancy to not include existing CA and A structures presently in greenhouse crop production .

There would be no change in occupancy (as defined in DEIR) in existing production facilities producing horticulture crops. **Many horticulture crops are cultivated no differently than cannabis.** From a cutting or seed to flowering there is no difference in production or the facilities needed to produce a poinsettia crop or other high heat requiring crops. DIFF practices and heat/venting moisture control are already in place. Page 3-11 of the DEIR: *When a structure is subject to review by the SCCFD, the Fire Marshall is responsible for determining the appropriate occupancy classifications of a structure when it is constructed and first occupied and when there is a change of use. Changing from one activity to another or from one level of activity to another is defined as a change of occupancy.* The significance of this point is consequential to the viability of using ag lands already in production of horticultural crops. If cannabis production is considered a new occupancy, it can trigger extraordinary and prohibitive costs excluding many sites of what would otherwise be an intelligent option for cannabis growing.

Future considerations:

CA and A land is variable in size, grade and facilities. There needs to be a process to understand how CA and A zoned businesses can become viable sites capable of meeting proposed Cannabis regulations. There needs to be an assessment of available land and how existing greenhouses can be utilized without triggering extraordinary costs and subsequently rendering those sites unusable. I look forward to that discussion and process and the forthcoming regulations that apply to existing greenhouse operations.

Sincerely,

David M Cavanaugh
Cavanaugh Color, owner

Email: davecav44@gmail.com

From: ["David Hemp" <skybuilderssc@gmail.com>](mailto:David Hemp <skybuilderssc@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
["David Hemp" <skybuildersSC@gmail.com>](mailto:David Hemp <skybuildersSC@gmail.com>)
Date: 10/12/2017 12:09:31 AM
Subject: EIR comments
Attachments: EIR comments 10.docx

EIR comments 10/11/17

David Hemp 2020 Sparrow Valley rd.
Aptos, Ca. 95003
(831)345-1165

To Whom It May Concern:

I live at the top of Trout Gulch in Aptos about three miles beyond the "End of County Maintenance". We are a community of about 150 properties split between two Road Associations, Upper Fern Flat Road Association and Sparrow Valley Road Association. I am the current president of the SVRA.

Although I do not have any problem with Marijuana or people growing it generally, I am having a lot of troubles with the impact of the amount and aggressive nature that comes with the grows in our area. I get a lot of complaints from my constituents regarding traffic, water, electricity, Fire, vagrancy and road ware.

I will try to save the detailed stories and stick with my issue regarding the EIR.

Road maintenance and Traffic seems to be taking up the largest portion of our road meetings since we are suffering from last winters rain damage and find ourselves without the funds to fix everything that needs fixing.

TRA-2.1 Rural Road Management

I see that the mitigation here is to require growers to be a part of any CSA covering their property. This is a double-edged sword. Yes we get money from them, but it is nowhere near the representational proportion of the ware and tear on the roads that a commercial operation in an community inflicts on their neighbors and on already unhealthy road systems.

TRA 2.2 Fire

The last two big fires in the Santa Cruz Mountains have been started by growers. We are extremely worried about this in our area as there are only two ways out and the roads are already compromised. I would like the county to stick with the 120,000 gallon fire tank restriction. Growers are making money by putting communities at risk.

The following comments are a general overview of my take on the EIR as I reviewed it:

I understand the thinking to bring the growers out of the dark and have them regulated. I just want to see this happen in an appropriate area. The growers are making large amounts of money off of the backs of unfortunate neighbors who have to put up with all the impacts.

I know of one woman who purchased a property at 5001 Fern Flat for \$1,200,000 and put \$300,000 into the house only to later have major growers on BOTH sides of her property. There was nowhere on her 5 acre parcel that you could not smell or hear the operations on both sides. I know I would be incredibly angry with that. In the EIR (I forget where) it addressed this as "less than significant". I don't think anybody would feel that way if they were put in her place. It has kept her from moving in and she is thinking of selling.

3.9-10 Water

I have heard from another home owner who says after several grows moved in by her place, her well ran dry and had never done that before. Again it is someone making money off of the back of their neighbors. I am afraid that the accountability for this ordinance will not have the teeth it will take to keep the fair distribution of water to our community.

My last comment is that by only allowing Indoor Grows it forces people to use massive amounts of electricity. This does not seem to square with the values of Santa Cruz communities. I feel we should set the bar licensing to a point that forces them to locate in the valley or in commercial areas where these kinds of community issues will be much less of a problem and can be supervised more easily.

Thanks for listening, Dave Hemp (SVRA)

EIR comments 10/11/17
David Hemp 2020 Sparrow Valley rd.
Aptos, Ca. 95003
(831)345-1165

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Thanks for listening, Dave Hemp (SVRA)

850 Charlson Road
Aptos, CA 95003

October 30, 2017

RE: Cannabis EIR Comments

Planning Department c/o Matt Johnson
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Dear Planning Department:

de Sieyes Brothers LLC is a small family-owned farming and redevelopment company focused on the restoration of agricultural properties in Pajaro Valley. We have a vested interest in the details of regulations set forth by the county supervisors, as we plan to use a number of our eligible agricultural properties for cannabis cultivation. We would like to make the following comments:

GENERAL: Our company agrees with the findings of the County Environmental Impact Report, and in general we believe that the proposed option referred to in the report as the “Most Permissive Alternative” strikes a fair compromise between the needs of all parties. We recommend that the County adopt the recommendations set forth in the “Most Permissive Alternative” studied in the report.

ZONING: We think that cultivation of commercial agricultural crops including cannabis should be limited to properties zoned specifically for the cultivation of agricultural crops, namely ‘A’ and ‘CA’.

SENSIBLE FIRE POLICY: We believe that defining cannabis cultivation as a Type F-1 (Moderate-Hazard Factory Industrial) process, which includes significantly harder to meet requirements including water storage of 120,000 gallons and twenty foot wide access roads, is unduly onerous. These requirements are inconsistent with other agricultural crops and industries. It is not appropriate for an outdoor farm to be classified as a “Moderate-Hazard Factory Industrial” usage for code purposes. With respect to fire policy, agricultural growers cultivating cannabis outdoors in hoop houses should be held to a standard similar to those growing similar flowering and fruiting crops in hoop houses, such as cane berries.

SETBACKS: We are of the opinion that drug treatment facilities should be treated the same as habitable structures when determining the setback calculation. We recognize the

need to keep controlled substances away from people who are recovering from substance abuse problems; however, measuring the setback distance based on property line to property line is unduly punitive to property owners, for several reasons outlined below, and we believe the setback should be measured as the distance between the drug treatment facility and the proposed cultivation area rather than the distance between the parcel boundaries thereof. (Please note that we are also signatories to a letter submitted by Matthew Groves on behalf of a number of individuals and companies, which also outlines the following rationale for modifications to the setback measurement from drug and alcohol treatment facilities.) Our reasoning is outlined below.

- In an agricultural county, parcels can be quite large, and measuring the setback as property line to property line could exclude many otherwise suitable parcels where the proposed cultivation area might actually be thousands of feet away from the drug treatment facility, regardless of the distance between property lines. The ordinance should be protective of the drug and alcohol facility itself, not of the nearest boundary of the parcel housing the facility. In other words, property lines do not need protection; the facility itself does, along with its clients.
- Cannabis grown indoors or in mixed light greenhouses should have minimal to no impact on the drug treatment facility, considering the smell mitigation measures that are being contemplated in the draft EIR. There should be exceptions to the setback requirement based on cultivation methodology.
- There are going to be extensive security protocols in the final legislation, and all cultivated areas will need to be secured or fenced in. Given that the drug treatment facility property line is the furthest a patient could venture without trespassing, and that the cultivation area will be heavily secured, a 200 foot setback from property line to property line is more than is needed to prevent trespassing by recovering drug patients.
- Zoning should be taken into account when determining setbacks, as Commercial Agriculture (CA) zoned land is imbued with the Right to Farm. Cultivation should be guided to CA land as this is the most desirable area for the County to concentrate cultivation. There should be exceptions for land zoned for agriculture, where cultivation of crops complies with the General Plan.
- If drug treatment facilities setbacks must be measured by property line to property line, the setback requirement should be reduced from 300-600 feet to 200 feet consistent with the "Project" and "More Permissive Project" EIR recommendations habitable structure setbacks. A 200-ft setback from CA-zoned properties would also be consistent with the existing Commercial Agricultural Buffer already written into the county code.
- Finally, we recommend that the supervisors adopt regulations which allow planning staff the flexibility to make reasonable setback-related variance

decisions on a case-by-case basis. The ability to make limited exceptions for otherwise eligible individual parcels (without a lengthy, public variance process) should be the prerogative of the cannabis czar.

Respectfully,

Nicholas de Sieyes, PhD
Manager
de Sieyes Brothers LLC

Evan de Sieyes
Manager
de Sieyes Brothers LLC

From: DW Taylor <caricologist@gmail.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 9/1/2017 5:55:34 PM
Subject: Cannabis Regulations Environmental Review

the Draft EIR makes no provision for application of the County Sensitive Habitat Ordinance, moreover makes no requirement for a Biotic Assessment when cultivation is proposed for parcels zoning other than agriculture. Therefore, significant impacts will not be identified during permit review might not be adequately mitigated.

Dean Taylor

From: ["Debbie Yakulis" <deb@siberiancellars.com>](mailto:Debbie Yakulis <deb@siberiancellars.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/1/2017 10:08:56 PM
Subject: County commercial cannabis cultivation

Dear Supervisors,

Thank you for the chance to give community and county feedback for the implementation and roll out of the new guidelines for cannabis cultivation within Santa Cruz county.

I have been a resident in Santa Cruz for over 40 years and a home owner in 3 of the county districts. I have lived in "residential" and "mixed use" zoning areas.

In order to protect the safety, health, welfare and home values, it is extremely important that the cannabis cultivations be kept in areas that are strictly zoned commercial agriculture. This will follow the current guidelines of agricultural land use and prevent problems associated with allowing the commercial operations in neighborhoods that are mixed land use. Variances should not be given in any mixed land use areas for the use of any cannabis grows, no matter the size.

In doing this, the county can insure that health problems associated with smell, odor, dust, noise from machinery and public safety are not compromised. Also, property values in residential areas will not be affected. Cannabis cultivation should be treated the same way that other large agricultural projects and zoned accordingly. Also, water usage (including ground) should be monitored in the same way that other growing operations are monitored.

Please make sure that commercial cannabis cultivation is limited to only commercial agricultural land use zoning.

Thank you for this consideration,
Deborah Yakulis
223 Meadow Court
Aptos, Ca. 95003

Sent from my iPad

From: ["Deborah Whitney" <dwhitney@rwnetwork.com>](mailto:dwhitney@rwnetwork.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 5:30:12 PM
Subject: Marijuana Growing Enviomentsl Impact

My name is Deborah Whitney and I live on Loma Prieta In Santa Cruz County. Water is our most valuable asset in the mountains and watching it disappear to Marijuana, for profit, farms or any other commercial ventures is not an idea I support. Legal growing areas should be kept to a minimum and have impenetrable security as thefts have happened in the Summit area at different times in the past.

Other concerns are fertilizer usage and contamination and the peril we have already had from marijuana growing, fire, which is terrifying and life changing for those of us who have experienced it.

Please be very conservative with allowing these sites as we have no law enforcement here who can respond immediately and there are just too many wild cards with the risks I already mentioned. We do not have to become the go-to area for pot, attracting stoners driving around our county putting current residents in jeopardy.

Sincerely,

Deborah Whitney

From: ["Don Bard" <dbard@ucsc.edu>](mailto:Don Bard <dbard@ucsc.edu>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/29/2017 6:41:57 PM
Subject: I oppose the permissive option for cannabis

Dear Matt Johnston/SC County-

I strongly oppose the more permissive option allowing cannabis growers to use a larger amount of land. I am concerned with the probable negative effects to the land, wildlife, water supply and the health and safety of neighborhoods. Please consider the more limited use of lands and see how that goes. Enforcement of regulations will be difficult enough, without making the challenges even greater with the more permissive land use option. Let's start by seeing if the growers are responsible, the enforcement adequate, and the impact minimal.

Sincerely,
Don Bard

Don Bard
8203 242 Wilkes Circle
Santa Cruz, CA
831.459.5004

From: ["Doug Huskey" <doug.huskey@gmail.com>](mailto:Doug.Huskey@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/30/2017 9:50:32 AM
Subject: Comments on Draft EIR

This email is in support of alternative 2 - the most permissive alternative. In order to reduce black market (unlicensed) activity, the path to licensing grow and manufacturing options needs to be easy and straight forward, not just for large already established commercial operations, but also for small business start ups that are trying to develop a product. Just as in any other industry (e.g. wineries), there needs to be support for the creative entrepreneurial process. This means that co-location and access to legal growing / manufacturing areas are high priorities in the growth of a new business which may not be initially profitable.

The EIR states:

"Under the More Permissive Project, multiple licenses would be allowed by right for all eligible zoning districts, if the total canopy does not exceed the maximum canopy square footage restrictions for the zoning district. On CA parcels, the More Permissive Project would increase the maximum canopy size to 44,000 sf, which could better facilitate co-location."

This is extremely important to the successful use of the regulatory process and encouraging new businesses to follow it.

From: ["merrill E" <ellagnu@gmail.com>](mailto:merrill E <ellagnu@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/30/2017 4:10:54 PM
Subject: Dr. Elaine Ingham's soil foodweb

To: Matt Johnston
Planning Dept.
701 Ocean St.
Santa Cruz, CA 95060

With the sanctity of the monterey bay and surrounding wildlife habitats in mind, I ask if you would please contact Dr. Elaine Ingham PHD in soil microbiology if you have not already done so.

She will enable the best Environmental Impact Report for this oncoming "gold rush" of large scale cannabis grows as well as agriculture in general. She also can enable farmers to ecologically increase yields and overall profits.

Dr. Elaine Ingham PHD
Soil Microbiologist/Educator
wwwsoilfoodweb.com
soilfoodweb@aol.com
elaine@environmentcelebration.com
also: sustainablestudies.org
541-752-5066/530-712-9035

her coauthor on several books for possibly faster or more current contact information for Dr. Ingham: Dr. Carole Ann Rollins: 415-448-5477

Please encourage farmers (perhaps with subsidies and or tax breaks and or grants to finance their training with Dr. Ingham and any transitions to her methods) to use Dr. Ingham's protocol as applied to ROLS (recycled organic living soil) which is also a No Till Organic method for container greenhouse grows as well as in-ground indoor and outdoor agriculture. The main difference between her protocol and other organic techniques is that her methods utilize far more sustainable ingredients being mainly properly made composts: thermal/aerated compost and or earth worm cast with inputs largely from on site generated plant materials.

When her methods are applied to soil or coir, they are vastly more water conservative than conventional chemically based agriculture and perhaps even more water conservative than typical organic operations because one needs only to maintain enough moisture for microlife in the soil to carry on the nutrient cycling from plant to soil life to plant. No salts are generated therefore no need to create runoff so any nutritive elements stay right where the crops are and no where else. In addition, her technique creates outputs of proven high yielding high quality crops.

In addition to excellent water conservation, her methods also preserve and improve soil, require zero fertilizer inputs, and potentially generate zero waste: zero water runoff, zero fertilizer runoff, zero nitrogenous or other undesirable gasses. Also, Zero necessity for Pesticides/herbicides of any kind including biological pesticides/herbicides. These are unnecessary because the plants are simply healthy and thus far more resistant to pathogens and pests because the latter are crowded out or consumed by the beneficial microlife that will be introduced and or encouraged on leaves, stems, roots and in the soil. Beneficial bacteria, fungi, protozoa, nematodes, microarthropods and eventually the larger life of the soil food web are all encouraged for high yielding crops.

Her methods sink and retain Nitrogen in all its forms in the soil and crops, sink CO₂ (think \$ for farmers and tax collection from the carbon cap and trade market), sink methane, and create virtual biological perpetual motion machines in that they create soilfood webs that just get better and better at producing rather than the usual soil depletion, plant degradation, and pollution of typical salt based agricultural methods and her methods use far more sustainable ingredients than typical organic methods and one never needs to replace the soil; it just gets more and more productive just as the soil of an old growth forest produces more and more biomass such as our remnant old growth redwood forests.

Her ingredients are the most sustainable around for they rely heavily on thermal/aerated composts generated on site as well as worm composts; Farmers would not need to import minerals for all the minerals needed by the crop plants are already in the soil and organic materials and made plant available thanks to the beneficial microlife in the soil all in a mere 3 seconds--very fast food. The soil she creates is really a superorganism made up of billions of species of beneficial microlife just as the forest floor of an old growth redwood forest teams with more species than a tropical rainforest.

One additional suggestion:

1) let cannabis be grown out in the sun for the cheapest power consumption; just make sure farmers use reptile friendly physical barriers if necessary to thwart unwanted deer/bird/gopher/rat/mouse invasions though Elaine might encourage all the aforesaid "ag pests" as part of the soilfoodweb.

This is an opportunity to be shining stars in ecological agriculture on a very large scale. Growing cannabis could actually be good for Monterey Bay by contributing in a big way to the reversal of global warming no less. Dr. Ingham has been quoted as saying "if all the farmers in Australia alone adopted the soil food web approach to farming, we could reverse global warming in 3 years."

Talk about a stellar EIR! We could grow cannabis AND save the whales!

Thankyou for your attention to this matter.

Thankyou in advance for implementing her protocols.

Sincerely,

member of the biosphere

From: "Elizabeth Hannah" <e31hannah@hotmail.com>
 To: CannabisEIR <CannabisEIR@santacruzcounty.us>
 Date: 9/21/2017 4:35:14 PM
 Subject: Environmental Impact Report on Cannabis

Please consider these comments:

I would like to have **enforceable laws protecting residents in neighborhoods where pot is being grown** in the County areas. Regulations on placement of pot grows, noise restrictions and odor control must be strict in neighborhoods where people must live close to each other. These regulations should be enforceable and I should be able to get authorities to ensure compliance.

What restrictions will there be on the number of plants allowed in populated neighborhoods? The house next door to me is, I'm sure, a commercial grow and not just a few plants for personal use.

1. I want pot growers to have to abide by **strict codes for electrical use**. I want them to have to have inspections to see if they comply, fines if they do not and shut down if they continue to have unsafe electrical setups.
2. I want enforceable **restrictions on how close to neighboring properties they can have their operations**. At least 100 feet from neighboring dwellings.
3. I want **restrictions on smell radiating from the grow**. There are ways to keep the smell from escaping.
4. I want normal business hours placed on operations. At the very least, noise should cease during times of the day when people are sleeping.
5. The growers should have to pay for whatever personnel and resources are required to enforce these laws through **taxes and permits**.
6. I want **enforceable restrictions on the number of plants grown**.

I live in a neighborhood in the county area. Next door to me is a house where pot is grown in the garage, house, granny house and in a plastic covered area outside. I am concerned about NOISE, SMELL and possibility of ELECTRICAL FIRE.

Production and cultivation creates noise at all hours of the day. I think some of the people tending the plants have day jobs and are doing work on the plants after hours.....sometimes until after midnight and before 6:00 am. Fans blowing over plants under a plastic covering on the other side of the fence are buzzing literally 10 feet from my bedroom window 24 hours. They are loud and disturb my sleep. Also, at times, they have this tented area flooded with light that illuminates my house.

The smell of the plants is strong and even on hot nights, I have to keep my bedroom window closed or my room smells like a skunk. Sometimes the smell is strong enough to surround my house so even areas on the other side of the house are terrible.

And I worry about fire. I believe the entire garage, parts of the house and a granny house in the back contain plants as well as the outside plastic covered area. What is the condition of the wiring for all these areas? This should be checked by an outside agency. My house is just on the other side of the fence from their garage and plastic covered plants and fans. I'm guessing their garage is about 20 feet from my house. This makes it very possible that a fire in their growing areas will ignite my house as well.

It is possible that some of the objectionable aspects of the grow next door would be addressed by enforceable limitation on the number of plants allowed.

My neighbor has a disability and I believe he is getting income from the grow, as well as medicinal
 1/24/2018

help from the cannabis. It would be a financial blow to him if he had to comply with my wishes. I don't wish any harm to him. If there were enforceable laws, perhaps he could have his plants and I could have peace of mind in my own home!

Yours truly

Elizabeth Hannah

Elizabeth Hannah

If you want to feel good, do good.

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/31/2017 1:05:13 PM
Subject: FW: Commercial cannabis cultivation

Hi Matt,

Public comment re. proposed cultivation regulatory program.

Michael Sapunor
Resource Planner IV
Cannabis Licensing Office
(831) 454-3405
michael.sapunor@santacruzcounty.us

-----Original Message-----

From: Elizabeth Sweeney Villavicencio [mailto:brydquoia@msn.com]
Sent: Sunday, October 29, 2017 6:55 PM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: Commercial cannabis cultivation

I am strongly opposed to commercial cannabis cultivation in and around Santa Cruz County. The county already has enough issues to deal with in respect to homelessness, mental health care needs, addiction, and college parties throughout the school year. I want my daughter to move to the area and live with me but if all we have to boast is a large transient population with addiction and frequent unruly college parties with exorbitant housing prices, maybe it's not the place for respectable families to live. Add in commercial cannabis cultivation and Santa Cruz County won't be drawing people and families who want to improve the cities - only more transients and addicts. Just my two cents worth.

Elizabeth Villavicencio

Sent from my iPhone

From: evan.gladstone@nrc.com
 To: CannabisEIR <CannabisEIR@santacruzcounty.us>
 Date: 10/2/2017 3:56:26 PM
 Subject: Comments to EIR

As a Taxpayer in Santa Cruz County

All commercial cannabis growers in the County should be required to pay taxes. However, it is likely that many growers will continue to operate without permits even in the lowest regulation environment to avoid paying taxes, and the cost of complying with County fire, health and safety regulations. The EIR draft specifically states the County will have a hands-off policy regarding unlicensed operations. Nowhere does the ordinance create a clear mechanism to insure all growers register and pay their taxes, unlike any other industry. Without enforcement, many growers will continue to operate illegally and the County will lose millions of dollars in taxes from their illegal operations.

The County collects substantial monies from cannabis taxes currently, and those revenues will increase exponentially as the commercial cannabis industry grows. The County should designate a percentage of cannabis tax revenues to fund regular inspections and enforcement of cannabis rules in the same way that it enforces regulations on other agricultural businesses. Enforcement is the only way the County will get the majority of commercial growers to become legal, pay taxes, and to come under health, safety and environmental rules.

No Reliance on Citizen Complaints

The proposed ordinance currently relies on citizens to make complaints about unlicensed growers, and (first hand) observed fire, health and safety issues. Given the large dollars generated by cannabis cultivation, citizens are fearful of being harassed by illegal growers if they make complaints even if the stated County policy is to keep the complainant's information private. Citizens are not the first line of compliance in any other agricultural business in the County, the County must have an enforcement mechanism which does not rely upon its citizens. The County currently regulates all other commercial agricultural businesses, and has appropriate fines, penalties and processes to insure those businesses comply with County regulations especially in regards to health, safety and environment. Violators should have their businesses shut down. Commercial cannabis cultivation should not be the exception. The County must create reasonable but robust enforcement which does not rely on citizen's complaints as the primary or only method to find illegal operations, levy fines, confiscate illegally grown cannabis, and to force those illegal growers to comply if they want to continue in operations.

As a Resident in a Rural/Residential Forest Area

The history of cannabis cultivation goes back many decades, and in the past growers chose remote locations to set up operations before cannabis cultivation became legal, and no surprise growers still favor areas with minimal or no law enforcement presence. Often these locations are in forested and mountainous areas which are residential in nature. I am a resident in one such area on a private one-lane blacktop road with the Forest of the Nasene Marks to the Northeast and the Cal Policy forest to the South. Dozens of cannabis operations are operating on my road causing:

Increased risk of fire according to Cal Fire especially from unregulated electrical wiring

Manufacturing using chemicals to make hash oil type products including butane

Over-use of very limited water resources

Over-use of the one-lane private road by large trucks, and substantial car traffic from trimmers who do not live in the area in the fall harvest. Increased traffic create car accidents. Excess traffic overtaxes the private road association's road maintenance budgets.

Noxious smells during the fall

Substantial degradation and change of rural residential land use to commercial cannabis growing

Issues Not Properly Addressed in the EIR

While zoning in rural/residential forested areas may allow dozens or hundreds of commercial growing operations in many neighborhoods, the County does not address how to prevent the radical transformation of a residential community into high scale commercial cannabis farming. The County should limit the number of cannabis operations in heavily forested and mountainous terrain to preserve the character of remote rural/residential areas.

- All use of chemicals in manufacturing should not be allowed in rural/residential areas. Chemical production should be done in commercial and industrial areas where it can be done safely.

Conclusion

The County must develop strategies to situate cannabis cultivation into the many existing agricultural areas and discourage cultivation in rural/residential forests.

From: ["Forest Goodin" <foresto@pacbell.net>](mailto:ForestGoodin@pacbell.net)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/2/2017 12:14:26 PM
Subject: Required residence and electricity

Dear Sir/Madam:

I am writing to urge you to consider these thoughts about the proposed cannabis licensing project:

1 . Permitted Residence. I have asked several County officials about the necessity for a permitted residence and was told that it was for "security", and alternately, it would just be easier for the County somehow to confirm zoning, etc.

As to security, one has to question the breadth of the County's experience in protecting pot farms compared to those of us who have been doing it for years. A legal, permitted structure does nothing for security except place the guarding party in a soundproof box.

I have a large parcel with a spot to build a house, if I must, but it is a half a mile from my nearest growing area and a mile from the furthest. Forcing me to spend hundreds of thousands of dollars for a house I don't want, won't use, on a nature preserve I don't want to develop is unjust and onerous. Working with County Planning for a year to build one is worse than death. I am holding my property as a nature preserve and don't want to be forced to develop it.

People who don't grow, may not be aware that security is only an issue for a of couple weeks a year. Thieves don't sneak up and yank immature plants out of the ground. If they arrive at all, it is in the last week of flowering. It's easily monitored by a person, a dog and a cell phone (as long as they are not in a house).

2. Generators. Fire safety is a HUGE issue in the mountainous areas of Boulder Creek. Statistically, fires are largely caused by homeless and tourist campers trying to stay warm, trash burning, cigarette smokers, welders, and cars. Fires from generators are rare because the manufacturers have to make them fire-safe or be out of business. Statistics show that cars whizzing down the road full of gasoline are a far greater danger.

It is proposed that if I use electricity for fans or lights or whatever, I will have to build a 20 foot wide road and pave the grades, theoretically for fire trucks. Asking for equal protection under the law, no one else is required to spend hundreds of thousands of dollars just because they want to use electricity. Boulder Creek has tens of thousands of homes where no such road would be required or even possible to build. Many homes use generators and solar instead of running dangerous, expensive power lines cross our beautiful hills. All the proposed mega roads will cause more and more environmental damage and loss of habitat. We don't want to pave any more of Santa Cruz.

No one in my neighborhood wants the blight and fire danger of power poles coming up our road. We are all of the opinion that PG&E is an obsolete, dangerous and environmentally unsound way to distribute electric power. Solar with a small generator is a much cheaper, safer, and environmentally sound model for power in the Santa Cruz mountains.

One of the tools common to growers is the Atomist Sprayer. Because it does such a great job, with a very fine spray mist of around 22 microns, many of us can use relatively weak, safe organic products such as Safer's Insecticidal Soap. They don't make an Atomister with a gas engine. It requires electrical power.

Many mold and fungal diseases can be controlled with something as simple as a fan. You may notice all commercial greenhouses have fans. Fans require power. A gas generator can be easily operated safely by keeping it on an inflammable surface.

How do we pump water without electricity? How do we store water for fire prevention? How do we fight fires?

Pot farmers are justly asking for equal protection under the law. It will be wildly more effective to include fire safety checks and education as a mandatory part of periodic inspections. Fire safety is one thing we can all agree on, but prohibiting generators will accomplish nothing and render us helpless in the event of a fire.

Thank you,

Forest Goodin

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 10:57:31 AM
Subject: FW: new licensing rules

Loretta Moreno
Resource Planner IV
Cannabis Licensing
County of Santa Cruz
701 Ocean Street, Room 520
Santa Cruz, CA 95060
(831) 454-3406
Loretta.Moreno@santacruzcounty.us

From: Forest Goodin [mailto:foresto@pacbell.net]
Sent: Wednesday, October 25, 2017 9:49 AM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: new licensing rules

I own a large tract of land in the Boulder Creek mountains. It is surround by steep cliffs on all sides and is inaccessible except for one double-gated road guarded by my neighbors.

There is no house on the property nor do we want one. We do not want to be forced to spend many hundreds of thousands of dollars to build a house. No one would be living in it (we live nearby) and it would serve no purpose. The site where we could possibly build a house is a mile from the grow site.

I'm told the requirement is for security reasons. Thieves do not come and tear vegging plants out of the ground.. Nighttime security is only needed two weeks out of the year at harvest time and is easily accomplished by one person with a dog and cellphone.

The rumored road requirement of 20 feet width would be an environmental disaster. Not just for our property but everywhere. The Department of Public Works notes impervious surfaces (roads) are the single biggest source of pollution of our sensitive streams. (<http://dpw.co.santa-cruz.ca.us/Home/FloodControlStormwater/Stormwater.aspx>). Gravel roads are the single largest source of pollution with silt that clogs the gravel need for spawning salmon. Requirements for mindless, unneeded development will be a disaster.

I urge that the person in charge of the Marijuana licensing project be granted broad discretion to employ common sense over poorly considered, extreme regulation.

Forest Goodin



COUNTY OF SANTA CRUZ

FISH AND WILDLIFE ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060

(831) 454-3154 FAX: (831) 454-3128

October 31, 2017

Cannabis Comments % Matt Johnston
Santa Cruz County Planning Department
701 Ocean St.
Santa Cruz, CA 95060

RE: Comments on the Draft Environmental Impact Report (DEIR) for Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing.

Dear Mr. Johnston,

Thank you for the opportunity to comment on this DEIR. As you know, the Fish and Wildlife Advisory Commission (FWAC) is charged with advising the Board of Supervisors on policy matters as they regard protection of our County's great biodiversity. Therefore we take this matter very seriously. Given the existence in the baseline condition of a virtually unregulated, illegal industry and the state vs. federal legal status discord, this is obviously an incredibly complicated policy matter requiring a unique CEQA strategy. While there are many aspects of the document that we are supportive of, we will limit our comments to those issues which we feel warrant further clarification or analysis:

- 1. Mapping/GIS analysis.** Many of the figures have inappropriately identified parcels for their respective role in a future licensing program. For example, public lands on Newell Creek are identified as being eligible for cultivation in Figure 2-6 and federal land in Bonny Doon is also identified as eligible for cultivation in other figures.

Mappy errors should be corrected and, if the impacts analysis in this DEIR is GIS-based, then it should also be reviewed in preparation of the FEIR.

- 2. Land use.** Commercial cannabis cultivation and the related concentrates manufacturing activities would be no different than other industrial agribusiness activities if not for its federally illegal status and the associated culture which has grown around illegal cultivation since the

1970s. Trying to impose rigorous licensing conditions upon operations that are inherently ill-suited to their current locations, primarily in the mountains (which the County plainly admits in this document), is likely to be less successful than desired. Limiting this commercial activity to areas already dominated by agribusiness seems more appropriate. The existing infrastructure for cannabis-related activities is located in the mountains not only because the growing conditions are favorable there, but also because the illegal status and subsequently inflated value of cannabis over the decades has required covert, defensible and secure cultivation locations.

With cannabis now coming out of the legal shadows and the relatively new found ability to openly cultivate in greenhouses, an alternative would be to consciously move this activity into existing agribusiness – dominated areas of the County (including coastal areas) and out of mountainous areas, which provide other important functions for the County like water supply, cold water fisheries, recreation, etc.

Specifically with regard to zoning, this DEIR does not include an environmental review of the proposed zoning changes on parcels zoned RA, TP, and SU (Appendix C Proposed SCCC Section 13.10 amendments, pages 1 - 6). According to CEQA (and upheld by the courts), enactment and amendment of zoning ordinances are considered projects subject to CEQA. The zoning changes that are recommended in this EIR clearly “has potential for a direct physical change or a reasonably foreseeable indirect physical change in the environment”.

These zoning changes will affect over 100,000 acres (Table 2-10 page 2-40), and almost 200,000 acres in the “Environmentally Superior most Permissive Alternative” (Table 4.4, page 4-37), while the DEIR only reviews the potential environmental effects on less than 300 acres (Chapter 3, page 3.9).

The DEIR also states that any future increase in the number of cultivation licenses (or canopy increases) would be subject to further environmental review (Chapter 2, page 2-34). However, this future environmental review will take place in a legal context where the zoning has already been changed to allow such use. And, as stated in the DEIR notes (Appendix G, LCP policy 5.1.6): enforcing the County Sensitive Habitat Ordinance is limited by the landowner’s legal rights to use their land. The right to cultivate commercial cannabis will have a strong legal basis once the zoning is changed. Zoning limitations are one of the most effective means of limiting activities on private land.

Also, further project-specific review will always be evaluating incremental increases and will likely find that such impacts are less than significant, even as total cultivation area grows. This DEIR only looks at impacts for less than 300 acres (DEIR Chapter 3, DEIR Assumptions for the Program, Section: Calculating the Projected New and Expanded Cannabis Activities Beyond the Baseline Page 3.9). That is why most impacts are found to be less than significant or less than significant with mitigation.

Cumulative impacts are also found to be less than significant even though there is no real review of cumulative impacts. This DEIR does not evaluate the cumulative loss of wildlife habitat, wildlife habitat fragmentation, native plant community losses, stream sedimentation, and water use that will occur if even a small percentage of the total acres in the Santa Cruz mountains zoned to allow it are eventually cultivated. Cumulative impacts are not seriously considered in the two program alternatives and are dismissed in Sec. 3.4.6.4 by stating that there is no way to measure potential or actual habitat loss from the landscape. While all of the predictions in this document are based on presumptions and incomplete data, there is no real prediction of future cumulative impacts (particularly for Alternative 2). There are ways to examine potential cumulative impacts. For example, by looking at a few scenarios where a percentage of eligible habitat is cultivated and extrapolating that across the County. The Final Environmental Impact Report (FEIR) should include a more rigorous evaluation of cumulative impacts.

A more thorough review of the full extent of impacts related to the proposed zoning changes should be conducted for the FEIR. Alternatively, the zoning changes could be removed and the County could develop a new mitigation that includes granting waivers to the small number of pre-existing (yet compliant) sites covered by this DEIR. Any future expansion of the program requires further environmental review, and zoning changes can be revisited with new information on the effectiveness of the currently-proposed mitigation measures.

We also ask for a more thorough review of cumulative impacts beyond the initial 300 acres considered in the FEIR.

3. Alignment with state policies. Several of the standards in the County cultivation regulations are less stringent than policies already in place in other areas of the state. It is unclear to us what requirement the County has for conformance with these standards, but it seems rational that the County regulations ought to be at least as stringent as state standards. For example, mitigations for riparian buffer widths, water diversion forbearance season limits, and the need for farm or water resource management plans are not well aligned with currently proposed state standards.

SWRCB standards can be reviewed in more detail at the following links:

https://www.waterboards.ca.gov/board_info/agendas/2017/oct/101717_6_final_draft_cannabis_policy_with_att_a_clean_version.pdf

http://www.waterboards.ca.gov/centralvalley/water_issues/cannabis/general_order/r5-2015-0113_att_a.pdf

http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf

Assuming the SWRCB will ultimately adopt relatively consistent standards statewide, mitigations regarding riparian buffer widths, water diversion and water resource management or farm management plans should be modified to be as protective as their respective current state standards in the North Coast and Central Valley SWRCB regions.

Additionally, the State of CA has published that under MAUCRSA, Senate Bill 94 The Medicinal and Adult-Use Cannabis Regulation and Safety Act: 6 Compliance with Local Authority “Applicants are no longer required to demonstrate local authorization as a prerequisite to obtaining a state license.” Therefore even though the grower is supposed to have a county permit there will be times when a state permit is procured without a county permit. Local enforcement, especially without the zoning restrictions, will be difficult when someone with a state license feels empowered to go ahead and grow without a local permit.

A deeper analysis of the relationship between SB 94 and County regulations and their relative effects on the environment should be conducted prior to completion of the FEIR.

4. Market branding. Development of a market branding program similar to those used elsewhere would be a “value-added” or incentives method of protecting both the legacy of small “mom and pop” mountain grows and the natural resources potentially threatened by them in the mountain locations where they have historically farmed. While many of the standards already proposed in the County’s proposed regulations are equal to or superior to certified and branded cannabis from other jurisdictions, Santa Cruz County Certified branded cannabis could be developed as a mitigation and include more rigorous environmental protection standards than more traditional cultivation methods. These standards could include, but not be limited to:

- Organic only pest control methods, including prohibition on rodenticide use
- Solventless concentrate manufacturing
- Educational requirements for licensees such as the “Master Gardener” program
http://mbmg.ucanr.edu/Learn_To_Be_A_Master_Gardener/
- Enhanced forest preservation, water use, erosion control and related standards

Furthermore, this program would be an obvious “plug in” for third party certification by private parties or an agency like the Resource Conservation District. Some examples of similar programs can be found at the following links:

<https://www.cleangreencert.org/>

<http://www.humboldtsfinestfarms.com/sungrown/>

<https://www.certified-kind.com/certified-kind-rules>

5. Allowance for trucked water. Trucked water should not be allowed for any commercial cultivation activities. Not only does trucked water open up substantial amounts of new acreage to cultivation that might not otherwise be possible, the ability of the County (not to mention water purveyors) to oversee a trucked water program is highly speculative when consideration is given to the nuances of water rights, use tracking and related issues. Furthermore, we are not aware of any water purveyors who have analyzed this issue at a level of complexity that would allow for thoughtful accommodation for this new system demand through their Urban Water Management, drought contingency and other related plans. Finally, trucked water will exacerbate rural road problems that already plague our streams with excessive amounts of sediment. It is not practical to assume that - in spite of newly proposed road standards - increasing the density and frequency of use of rural roads by heavy equipment can be maintained on a long term scale without additional impacts to Santa Cruz County streams.

6. Impact AT-3. Considering all the environmental services that forestlands provide regarding retention of runoff, wildlife habitat, carbon sequestration and overall watershed functions and the fact that many of our watersheds support special status species and water supply for the majority of County residents, the impact of forest conversion or rezoning of TPZ lands is likely to be significant. Furthermore, vegetation community shifts due to climate change predicted by Point Reyes Bird Observatory[1] indicate that redwood forests may be severely limited in the County in the future, thereby exacerbating this issue.

Therefore we request more rigorous mitigation for this impact such as prohibiting rezoning of TPZ parcels for commercial cannabis cultivation, prohibiting expansion of the agricultural use of TPZ zoned parcels for commercial cannabis cultivation beyond what is initially allowed or prohibiting all commercial cannabis operations on TPZ zoned parcels if timber production and active forest management is not maintained on such parcels.

7. Impacts BIO-1 and BIO-1.1. Although this DEIR only evaluates the impacts on a very limited number of cultivated acres, the program could have “adverse effects on unique, rare, threatened, or endangered plant or wildlife species”, and, “Impacts would be less than significant with mitigation.” Impacts have also been identified for “non-sensitive upland habitats” which according to the DEIR “represent a very small proportion of the upland habitats that support these species regionally. Thus, loss of regionally common habitat is not expected to result in a substantial effect on these species’ populations.”

Too many acres of our diverse native plant habitats in the Santa Cruz mountains are put at risk under this plan, and the limited scope of the DEIR doesn’t give a true picture of the future expansion of the program that is set in motion by proposed zoning changes on RA, TP, & SU properties. These “common habitats” include large connected areas used by wildlife, yet there is

no review of potential habitat fragmentation. Further analysis of the loss and fragmentation of “non-sensitive” habitats is needed to fully understand biological impacts.

The identified biological impacts all require complex and costly mitigations (that have limited likelihood of success). Evaluation of the costs associated with these mitigations (both to the licensee and the County) is necessary to determine if these mitigations are feasible.

8. MM BIO-1.1a Special Status Species Habitat Assessment. Relocating special status species (especially plants, and many animals) may not be a viable method of conservation according to many studies. While we acknowledge that this is standard practice in environmental regulatory permitting and CEQA contexts, it is not always biologically defensible and should be evaluated more critically.

Also, in this same section - enhancing the mitigation site can include “removal of invasive species in adjacent suitable but currently unoccupied habitat”. This can be a good tactic, but only if non-natives are monitored and managed over many years.

“The permanent protection and management of mitigation lands shall be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase.” Please explain funding sources for this critical component.

All mitigations require that the licensee either hire a biologist, or request the County to do biological assessments, and if necessary, develop and implement mitigation and long-term monitoring plans. It is hard to imagine that the County staff will be able to fulfill these commitments, especially as the program grows in scale. Please analyze the projected revenue and costs associated with implementation of this program, as that will help determine the likelihood of their successful implementation and their indirect effects on bolstering the illegal cannabis market.

9. MM BIO-1.1b. Habitat Compensation. Many permitting authorities use a 3:1 ratio for mitigation rather than a 1:1 ratio. Consideration of a more rigorous mitigation bank concept seems appropriate given the scale of impacts associated with this project. Implementation of any such program will obviously be very challenging and success may be a speculative, remote possibility. That said, leveraging this mitigation to provide improvements on other public lands, which currently have insufficient resources to do so (State Parks, County Parks, etc.) and habitat mitigation banking criteria that have some flexibility may help facilitate the success of this mitigation.

10. MM BIO B-1.1d Prevention and Spread of Non-Native Invasive Plants. Update language to not require planting with native seed or nursery stock if there is a local native seed bank on the property or on adjacent properties. In that case let there be a requirement for

weeding non-natives during native recruitment with a requirement to plant native seeds if recruitment is not satisfactory.

11. MM BIO-1.1h. Water Draw Restrictions. We strongly support this mitigation, however it is not entirely consistent with state standards, nor will it necessarily be entirely protective of instream flows and related aquatic biota. The SWRCB is currently proposing a surface water forbearance period of April 1 – October 31. If it is determined that groundwater diversions have the potential to significantly affect surface water supply, forbearance periods may extend to groundwater diverters as well. In Santa Cruz County there are also instream flow problems during the winter period in some creeks, particularly during drought periods. This could be especially problematic for early winter run salmonids such as coho salmon - which are currently on the verge of extinction.

Therefore we request that the FEIR further consider alignment of this mitigation with state standards. Protecting non-forbearance period instream flows during drought (at a minimum) would make this mitigation more rigorous. Of course, water rights validated by the SWRCB and Streambed Alteration Agreements that include instream flow requirements for any surface water diversions will also be necessary to make this mitigation meaningful.

12. MM BIO 4.2. No Cannabis Activities allowed within Sandhills Habitat or Salamander Protection Zone. It is notable that this mitigation may also serve as mitigation for hydrologic impacts by reducing the groundwater pumping associated with the project in overdrafted groundwater basins such as the Santa Margarita groundwater basin. As such, it provides benefits to impacts on water supply and also instream flow. Many of the streams in the Santa Margarita groundwater basin area support salmonids such as coho salmon, therefore we strongly support this mitigation. In addition, should new habitat protection zones be required in the future to protect our County's biodiversity, a mechanism for phasing out commercial cannabis cultivation and manufacturing activities in those areas should also be included in this mitigation.

13. MM BIO-4.1. Avoidance of Conflict with an Approved HCP. It is likely that the City of Santa Cruz will have an approved Anadromous Salmonid HCP that includes instream flows for the San Lorenzo River, Newell Creek, Laguna Creek, Liddell Creek and Majors Creek within the next two years. Any licenses granted subsequent to that time in these watersheds should not include allowance of activities which affect instream flows or otherwise affect aquatic habitat to the extent that there are conflicts with implementation of this HCP.

Please clarify how the ordinance will be implemented in the case of future HCP's.

14. Impact HYDRO-1 and Impact HYDRO-4. Commercial cannabis cultivation/manufacturing under the Program could introduce sediment and other pollutants to surface flows and groundwater, which would cause water resource

contamination. With mitigation, this impact would be less than significant/less than significant with mitigation. Karst groundwater systems can make important contributions to instream flow in streams that support anadromous salmonids like endangered coho salmon - particularly in Laguna Creek, San Vicente Creek and on the east side of Ben Lomond Mountain.

Including karst protection standards in the relevant mitigations would not only make help mitigate Hydro - 1 and Hydro - 4 impacts but also strengthen biological mitigations.

These standards could include but not be limited to:

- Site-specific geologic investigations
- Setback for any structures, roads and manufacturing from sinkholes or other karst features
- Routing drainage away from karst features

See the following link for more information on this issue:

<https://www.americangeosciences.org/sites/default/files/karst.pdf>

The County is already considering karst protection language for several existing regulations and inclusion of karst protection standards in commercial cannabis cultivation and manufacturing regulations and inclusion of karst protection standards mitigation measures in this DEIR seems appropriate as well.

http://santacruzcountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=2578&highlightTerm=karst

15. Impact HYDRO-2. Commercial cannabis cultivation under the Program could adversely affect groundwater supplies and groundwater recharge. This impact would be less than significant with mitigation. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water, particularly during drought during both the wet and dry seasons, are not exhaustively analyzed in this document, nor have they been analyzed by local water purveyors. Therefore the impacts cannot be well-understood at this time. Furthermore, new greenhouse construction could potentially increase runoff rates and reduce groundwater recharge, though it is not clear what analysis has been conducted to characterize this issue and provide commensurately appropriate mitigation in the DEIR. This has been a significant issue in other groundwater basins, particularly the Oxnard Plain, where greenhouse-based cultivation practices have replaced row crops or other agricultural practices that do not result in development of landscape-scale impervious surfaces. Given the existing dire situation with water supply in the County and the mitigations currently proposed, it seems speculative to say that the impact is less than significant with mitigation.

Further analysis of the demand posed by the program would facilitate a more rigorous discussion of the true impacts on water utilities in the FEIR.

16. MM-HYDRO-2.1. Water Efficiency for Cannabis Cultivation. While we strongly support this mitigation, implementation success of the mitigation will take an ongoing, long term commitment and significant resources. The success of such a mitigation may be enabled by the involvement of a third party such as the Resource Conservation District. Again, RCDs have a long history of success with such programs. Furthermore, this mitigation measure would be much more successful if it included a requirement for metering groundwater pumping.

17. MM HYDRO-2.3. Water Tank Supply Management. It is not clear if this mitigation applies to water used for irrigation as well as water used for firefighting purposes. However, as previously mentioned, we support the surface water forbearance period water diversion and tank filling due to its intent to protect dry season anadromous salmonid rearing flows. However, there may be non-forbearance period flow issues to consider and the aforementioned consistency with SWRCB standards that need further consideration in development of this mitigation. Obviously, the standards for the County's program will need to parallel the state standards, if only because state permits are required for water diversions.

18. Impact UE-1. The Program could increase demand or result in the expansion of facilities for water, wastewater, or solid waste services within the County due to licensing of commercial cannabis cultivation and product manufacturing activities. This impact would be less than significant with mitigation. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water (particularly during drought during both the wet and dry seasons) are not exhaustively analyzed in this document, nor have they been analyzed by local water purveyors. Therefore the impacts cannot be well-understood at this time. Given the existing situation with water supply in the County and the mitigations currently proposed, it seems speculative to say that the impact is less than significant with mitigation. Further analysis of the demand posed by the program would facilitate a more rigorous discussion of the true impacts on the water supply and thereby allow a better understanding of the indirect effects on instream flows and impacts on anadromous salmonids and other aquatic biota that may precipitate from this added demand.

19. Sustained (and enhanced) Enforcement Program. Unfortunately, the DEIR examines how restrictions will lead to unregulated grows, but does not examine how the program's unwieldy requirements and opening up new zones to cultivation and manufacturing could also lead to more unregulated grows. The most permissive alternative may be the most expedient way to get some operations into the licensing program, but it seems like a logical stretch to say that it is therefore the environmentally superior alternative. The County will have serious challenges with program implementation on licensed grows and especially with enforcement on unlicensed

grows with any project alternative. As the DEIR itself states, it is quite likely that, even with the most permissive project, illegal grows will be rampant due to the complexity of the license process, perceptions of excessive taxation, temptation of illegal out of state markets and related issues. These illegal grows operating in the shadows of legal grows will be even more difficult to enforce if they are scattered county-wide and the standards for legal grows are so low that differentiating between legal and illegal grows is challenging. Furthermore, while our recent experience with County Code Compliance has been mostly positive, it has also been our experience over the years that frequently there have been times when there were insufficient resources for Code Compliance to be adequately responsive to enforcement needs. At the very least, dedication of cannabis licensing and sales - related tax revenue should be implemented to help ensure some long-term viability of an enforcement program that is commensurate with the scale of the industry in the County, be it legal or not. Without this assurance, given the history of Code Compliance, the complex nature of the cultivation regulations and the scale of potential illegal cultivation under any project scenario, it seems somewhat speculative to conclude that impacts will be mitigated to a “less than significant with mitigation” level by a sustained and enhanced enforcement program.

20. Alternative 2, The Most Permissive, is identified in this DEIR as the Environmentally Superior Alternative. This alternative gives county licensing officials discretion on minimum parcel size and setbacks (Section 4.2.3, page 4-33) which are as of yet undetermined. There is no way to estimate how such discretionary rules will impact natural resources, and no way to determine how the program will be administered.

We request that the FEIR and code clearly state how the program will be administered, that enforcement be prioritized and that the County reject the Most Permissive Alternative should the FEIR not provide more assurance that the impacts posed by it can be mitigated to a less than significant level with more certainty.

Thank you for your consideration of these important issues. Please do not hesitate to contact the FWAC if you have any questions or concerns about these comments.

Sincerely,



Chris Berry
Fish and Wildlife Advisory Commission Chair

cc: WAC, COE, Kristen Kittelson

[1] <http://data.prbo.org/cadc2/index.php?page=154>

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/27/2017 4:23:14 PM
Subject: FW: Organic cultivation only

EIR

-----Original Message-----

From: Gail Groves [mailto:gail.groves@icloud.com]
Sent: Friday, October 27, 2017 12:41 PM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: Organic cultivation only

Please restrict cannabis cultivation to be organic only. I live in Corralitos and am concerned about toxics in our air and waterways. As well as chemicals on the crop itself. Thanks.

Gail Groves
374 Hames Rd

Sent from my iPhone

From: ["Gary Green" <gary@regalvalley.com>](mailto:gary@regalvalley.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/4/2017 4:11:24 PM
Subject: Cannabis Comments

Cannabis Comments
c/o Matt Johnston
Planning Department
Santa Cruz, CA 95060

COMMERCIAL CANNABIS CULTIVATION AND
MANUFACTURING REGULATIONS AND
LICENSING PROGRAM
DRAFT ENVIRONMENTAL IMPACT REPORT

With considerable alarm, I read in the cannabis cultivation EIR that, under the "Project" description, cannabis cultivation would be permitted in my RA zoned neighborhood. According to the description, if I were to obtain a permit, I would be able to devote 931 square feet of my house to cultivation of cannabis. The same could be true of my neighbors, with the potential effect of turning my neighborhood into a cannabis farm. According to the "More Permissive Project" description, the potential would be even more problematic.

While only a few of the pre-applications for licensing appear to be in my vicinity, I am not convinced that the county will resist increasing the number of licenses in the future in order to increase tax revenue or to respond to pressure for more licenses. As a result, I consider the threat of cultivation by one of my neighbors to be a real possibility. The effect of such cultivation would reduce the value of my property and create strife among my neighboring homeowners. My conclusion is that cultivation should not be permitted in RA zoned properties such as mine.

Further, I see no reason for permitting cultivation in areas zoned other than CA. Owners in CA zoned areas can be expected to understand proper farming methods, produce product of higher and more consistent quality, be more willing to conform to licensing, fees and taxes, and be far more welcoming of compliance and enforcement activity by the county, all of which would reduce costs to the county and ultimately to the tax payer.

While limiting permits only to CA zoned properties would almost certainly reduce the number of cultivation permits issued, I can think of no reason that the county must license as many cultivators as proposed by the EIR. It is a certainty that actual cultivators will exceed the number of licenses issued, no matter how small or large that number is. In fact, I regard the large number of licenses anticipated to be an unwise attempt to convert present lawbreakers into future law abiders. Given the number of registrants that failed to qualify under either proposal of the EIR, I fail to understand how the behavior of present cultivators will be changed to any significant degree.

In summary, I request that the county restrict cannabis cultivation to CA zoned areas only and that it limit the number of cultivation permits accordingly.

Gary Green
142 Norma Court
Aptos, CA 95003

From: geewhit@earthlink.net
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/16/2017 12:46:27 PM
Subject: Cannabis Impact

To Whom It May Concern:

I am a resident of the Summit Community. Last year's Loma Fire was caused by negligent Cannabis growers and so far I have heard of very little penalty to those responsible. The results of that fire included an enormous amount of stress, smoke inhalation and general health concerns. It also impacted me personally as a specialized musical instrument was damaged while hastily trying to evacuate. Twenty plus man hours, 3 trucks, finding a place to put everything in town and costs for gas/ food/ storage etc. were my personal fallout from Cannabis growing.

We also live under a constant threat of ripoff marauders and one such event also took place in this area last year. As long as prices are not inexpensive there will be those that will try and steal from these sites. The Federal Government does not allow for tax deductions from un-sanctioned businesses and therefore Cannabis prices will be commensurate with needing to make a greater profit until the model changes. Thieves are a threat to mountain residents.

I have not heard of a Cannabis shortage, so why the need for more than a very few grow sites and licenses? I personally do not believe that a substantial number of new smokers will suddenly appear because of legality.

I also believe that overuse of water that we desperately need in the mountains, the potential for pesticide contamination are also reasons to severely limit commercial sites and to me it makes more sense to have grows in commercial buildings, where insect and animal contamination is greatly reduced or eliminated and similar to Canadian practices.

What people do in their own homes is fine with me but commercial cannabis activities should again, be very limited. We don't have the infrastructure, immediate emergency police response available and why should we residents bear the responsibility to those making a profit when we residents are taking the most risk from grower's mistakes or negligence.

Regards,

Gary Whitney

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/27/2017 6:24:03 PM
Subject: FW: Pot growers

EIR comment.

-----Original Message-----

From: George Limburg [mailto:gslimb@charter.net]
Sent: Friday, October 27, 2017 4:03 PM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: Pot growers

Don't need that crap in my neighborhood

Sent from my iPhone

From: ["Jim Coffis" <jim.coffis@greentradesantacruz.org>](mailto:jim.coffis@greentradesantacruz.org)
To: ["Jim Coffis" <info@greentradesantacruz.org>](mailto:info@greentradesantacruz.org)
Date: 10/28/2017 3:40:51 PM
Subject: Cannabis EIR comments due Tuesday

Boo!

Attached are draft comments to the EIR that GreenTrade intends to submit before 5PM Tuesday. Feel free to use any or all suggestions offered or let us know if we are missing any key considerations.

Basically we believe, as the report clearly states, that the most significant environmental damage will occur as a result of unregulated activity.

The most permissive approach is regarded as superior since it allows more existing operations into the regulatory system subject to standards and conditions.

You can deliver your own comments via this email address:

cannabiseir@santacruzcounty.us

Watch for more emails next week as we try to digest the most recent BOS actions and how we should proceed on a variety of fronts before final State regulations are published in a matter of weeks.

--

Jim Coffis
Deputy Director
Green Trade Santa Cruz
A Coalition of Cannabis Businesses
831-345-9643

EIR COMMENTS

GreenTrade agrees with the findings of the County Environmental Impact Report. Their finding that the proposed option referred to in the report as the “Most Permissive Alternative” strikes a fair compromise between the needs of all parties, will encourage the highest degree of participation in the regulatory process. As demonstrated by the EIR findings, the success of the program rests entirely on achieving participation. It is our recommendation that the County adopt the recommendations set forth in the “Most Permissive Alternative” studied in the report, with the following additions:

1. *COTTAGE LICENSING*- Include regulations and language creating an additional license type equivalent to the “Type 1C, or “specialty cottage” state license type, which would allow for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.” We recommend the following three tiered system:

Tier 1: Specialty Cottage

Zones: CA, A , RA, C-4, M-1, M-2, M-3, TP, SU

Acreage: 2.5 acre minimum

Parameters: Outdoor 2500 square feet or up to 25 plants
 Mixed Light 2500 square feet
 Indoor 500 square feet

Setbacks: In compliance with 7.126

Recommendation for a 2.5 acre minimum is to accommodate long-term local cultivators who operated in compliance with SCCC Ordinance 7.126. These cultivators will not otherwise qualify under the draft SCCC Ordinance 7.128, without having to relocate their gardens, families and homes thereby suffering economic devastation.

Tier 2: Small Specialty Cottage*

Zones: CA, A, RA, RR, C-4, M-1, M-2, M-3, TP, SU

Acreage: One acre minimum

Parameters: Outdoor 500 square feet up to 25 plants
 Mixed Light 500 square feet
 Indoor 500 square feet

Setbacks: In compliance with 7.128

*Represents the Level One Cultivator License in SCCC Ordinance 7.128

Tier 3: Home Specialty Cottage - Indoor Only**

Zones: All Zones

Acreage: No minimum

Parameters: 200 square feet maximum

Setbacks: In compliance with SCCC Ordinance 7.128

2. **MICROBUSINESSES**- allow licensees the opportunity to apply for and receive Type 12/Microbusiness licenses.
3. **DEFINITION OF THE TERM CANOPY**- It is our recommendation that, for the purpose of determination of garden size, the term “canopy” be defined to include the net vegetative area of mature plants only, and that plants which are not in a flowering state not be considered when calculating canopy size. This recommendation is based upon previously referenced “Text of Proposed Regulations” made by the Department of Food and Agriculture, which recommended the following method be used to calculate canopy:

“Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries.”

As previously stated, the “Text of Proposed Regulations” regulations referenced here has since been withdrawn due to the passage of MAURSA, but because MAUCRSA’s cultivation regulations are substantially similar to the MCRSA regulations for which the text was written, it is likely that this, or a very similar, definition will appear in future regulations.

4. **SENSIBLE FIRE POLICY**- Greentrade recommends defining cannabis cultivation as a Type U (Utility and Miscellaneous) usage rather than Type F-1 (Moderate-Hazard Factory Industrial), which has been suggested, and includes significantly harder to meet requirements, including water storage of 120,000 gallons and twenty foot wide access roads. These requirements are inconsistent with other industries, and the associated costs and logistics create a barrier of entry so high as to discourage cultivators from even attempting to apply for licensing. In addition, it is not appropriate for an outdoor farm to be classified as a “Moderate-Hazard Factory Industrial” usage for code purposes.
5. **MULTIPLE LICENSES PER PARCEL**- Previous proposals allowed for only one cultivation license to be granted per parcel, regardless of the size of the parcel. Our

recommendation is to allow multiple licenses per parcel. This recommendation is based upon the previous “Text of Proposed Regulations” made by the Department of Food and Agriculture in January 9, 2017 when developing rules for the predecessor (the Medical Cannabis Regulation and Safety Act a.k.a. “MCRSA”) of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which was not passed until July 2017. The “Text of Proposed Regulations” (see Section 8602) explicitly allows for “multi-tenant cultivation” on a single property. When MCRSA was repealed by the passage of MAUCRSA, the Department of Food and Agriculture withdrew its entire above referenced “Text of Proposed Regulations” and is in the process of developing new recommendations in light of the changes caused by MAUCRSA. The legal framework for cannabis cultivation under MAURSA has not been significantly changed from the MCRSA regulations, so common sense dictates that use of a single parcel by multiple licensees will be recommended again, as MAUCRSA is generally more liberal than the previous MCRSA.

6. *NURSERIES*- cannabis breeders and nurseries have significantly different needs for their sites. We recommend that future regulations include a section creating a license type to correspond with the California state Type 4 nursery license. These regulations should allow additional space not counted towards canopy limits to be used for non-commercial research and development.
7. *CONTINUITY OF OPERATION*- in order to participate in licensing, existing cultivation operations need the option to continue operating while their applications are processed. As is already being prepared by the state (which intends to offer temporary licensing before the end of the year), the county should offer some option to allow cultivators to enter the licensing application process while still continuing to cultivate.
8. *DISTRIBUTION*- licensed distributors will be required to broker any legal sale of cannabis. The County should include a provision creating a license type for distributors as set forth in MAUCRSA.
9. *INCENTIVES AND GRADUATED LICENSING FEES*- excessive initial licensing fees will discourage participation in the programing. Reasonable licensing rates will be effective to assist in more applicants. In addition, incentivize, organic-equivalent cultivation, compassion programs, living wage employment and participation by women, people of color, and historically marginalized groups.
10. *ALIGNMENT WITH STATE LAW*- conflicting local and state law consistently creates confusion and accidental non-compliance with regulations. We recommend that any regulations passed are written to mirror state law, and particularly MAUCRSA to the greatest extent possible.

The EIR recognizes that unregulated cannabis gardens are the greatest danger to the County’s environment, and therefore achieving a high level of participation will be the key to any regulatory programs effectiveness. We believe that including these additions to any future county cannabis regulations will help maximize participation while also allowing the local cannabis industry to operate successfully.

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 3:39:36 PM
Subject: FW: AGAINST commercial cannabis cultivation grows in Corralitos and Santa Cruz County

EIR Comment

From: gjestrada@gmail.com [mailto:gjestrada@gmail.com]
Sent: Thursday, October 26, 2017 9:41 AM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: Fwd: AGAINST commercial cannabis cultivation grows in Corralitos and Santa Cruz County

To whom it may concern,

We are against commercial cannabis cultivation grows in Corralitos and Santa Cruz County. Commercial or for personal use..

I would like to share my first hand experience with marijuana grows in the area of Mt. Madonna and Hazel Dell Roads, there are shady people coming and going at all hours of the day and night. At night, we stare at the glow of grow lights all night long! We hear the guard dogs barking nonstop sometimes to the point you just want to scream for it to stop. We hear this day and night every day. These pot grows are a fire threat due to illegal wiring, lighting and generators. It is not a safe feeling to know that your neighbor needs armed guards to protect their grow. Who knows what these people do with the chemicals they use to grow? I seriously doubt that they care about the runoff into the City Of Watsonville's drinking water. Let's face it these people who partake in growing marijuana are growing a drug that can and will hurt people. It is getting out of hand and we are tired of living by multiple illegal grows. It's already a problem having young people driving our windy roads who are openly smoking it now like it is a cigarette. If we start to have more grows around, these people who choose to smoke it, will do whatever they can to get their hands on it. Neither myself or my family want to be anywhere close to when the war starts over that!

There are enough problems in this County that are not being addressed or enforced. I can assure you that approval of commercial growing will only lead to a further over strained County staff and law enforcement resulting in a dilution of services.

We ask you to please vote against this.

Thank you,
Greg Estrada

From: "Greg Illes" <illesg3@gmail.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/28/2017 8:00:24 PM
Subject: commercial farming in the Summit area

Water usage is my principal concern. Many of my neighbors have already seen their wells go dry, and commercial farming is going to exacerbate that situation.

I also have some concerns about public safety:

- increased fire hazards
- criminals drawn to "attractive nuisance"
- odors adjacent and downwind

Lastly -- difficult to measure or legislate -- the impact on property values. Tough issue.

Thank you

Greg Illes
23446 Sunset Drive
Los Gatos, CA 95033

COALITION FOR ENVIRONMENTAL SANTA CRUZ

<https://cesc2017.wordpress.com/>

Cannabis Cultivation Regulations DEIR Comments
c/o Matt Johnston
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

October 29, 2017

Dear Mr. Johnston,

I am writing you as Chairman of the Coalition for Environmental Santa Cruz (CESC), to share our comments on the cannabis ordinance DEIR. We have appreciated the way you, and members of your staff have cooperated with us. We realize this is a taxing project for everyone involved. We also realize you were not responsible for the DEIR report.

As you know I've been part of the cannabis discussion since 2013 when I represented District 3 on C-4, and I was instrumental in alerting the BOS to the ravages of anticoagulant rodenticides on wildlife throughout the state.

Reading this DEIR made it clear that knowing Santa Cruz County history on this issue, and the decisions along the way, really does matter. It was sobering to read a DEIR that circled back to the 2014 BOS *faux pas* when a cannabis ordinance was launched without any consideration for our unique environmental and neighborhood issues: Grow sizes were published in the newspapers without any regulations in place. Lt. Governor Gavin Newsom singled out Santa Cruz in his 'Pathways Report' to municipalities and counties throughout the state. Santa Cruz County was his example of how **not** to do legal cultivation.

To be sure, there are significant differences in the volume of material produced for this DEIR, and the frail stand-alone documents of 2014, but when boiled down, both offer a cultivation system as friendly to growers as anywhere in California – which will likely attract more and more growers to the second smallest County in the state. Is this one of the county's objectives?

Sincerely,

____signed hard copy submitted subsequently____

Eric Hoffman, CESC Chairman

Grey Hayes PhD, Treasurer

cc Wittwer Parkin, Wittwer Parkin LLP

Coordinating Editor: Grey Hayes PhD

Writers:

Grey Hayes - Wildlife/Fire

Eric Hoffman - Rodenticides/Wildlife

Jen Michelsen - Water

Bob & Phyllis Strickland - Neighborhoods

Summary of CESC work:

- 1) **Land Use:** despite what the DEIR says about acreage to be cultivated we conclude the two alternatives being considered are: the ‘project’ = 6,228 parcels totaling 147,750 acres or the ‘most permissive alternative’ = 8,888 parcels totaling 164,721 acres.
- 2) **Poor Analysis:** The DEIR relies on voluntary and anonymous surveys that are a small subset of growers – as a result the analysis focuses on potential impacts on only 200 acres of cannabis.
- 3) **Why grow in neighborhoods:** Because 50% of the survey responders said that’s where they wanted to grow. The DEIR’s ‘preferred alternative’ places the majority of commercial cannabis in the neighborhoods, the same neighborhoods that the SCC Supervisors have said they want protected in directives to C4 and others working on this issue. The impact of not protecting neighborhoods will be substantial for families.
- 4) **Streamlined Negative Biological Impacts:** This streamlined process to permit commercial cannabis cultivation has grave implications for negative impacts on wildlife.
- 5) **Rife with Rodenticides:** The DEIR recognizes that rodenticides are a big issue. And yet, the County suggests that there are laws to control such use, so everything should be okay. In case the County is so motivated in the future, there are some guidelines in the DEIR for monitoring, but these are largely discretionary. As a result we expect that rodenticides will increasingly harm wildlife as cannabis cultivation spreads on the wild land interface and in pristine mountain areas described in the literature.
- 6) **Cannabis Cultivators are County Partners – that’s how it works:** The proposal suggests that, as long at the County is as permissive as possible, cannabis cultivators will abandon illegal growing and be good citizens, fully compliant with the law...and, the number of illegal growers will steadily decline along with negative impacts. We don’t share this point of view.
- 7) **Enforcement is Everything – Enforcement Doesn’t Work:** Throughout the DEIR, the County claims license fees will pay for enforcement and inspections that will mitigate any negative consequences of cultivation. The County proposes to start two new enforcement divisions and is asking for bullet proof vests to go on ‘annual’ inspections. And then, the DEIR admits that enforcement won’t work and that anyway the budget is contingent on the Supervisors approving funding annually. Fire and law enforcement personnel say they are overwhelmed.
- 8) **Negative Consequences Inevitable, but the Money’s Worth It:** There are many, many ‘significant and unavoidable’ impacts in the DEIR, That is, the plan is to have lots of unmitigatable damages—to the environment, to safety, and to neighborhoods. Somehow the Supervisors will have to explain why it’s worth it.

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General Comments

Unsupported suggestion that the most permissive project will be the most effective at reducing unlicensed cannabis cultivation

"Implementation of the Program would reduce the total number of unlicensed cannabis cultivation sites in the County through licensure of compliant sites and enforcement actions taken against noncompliant sites which would in turn reduce adverse impacts on surface and groundwater quality and quantity in the County. The More Permissive Project would more effectively reduce impacts from unlicensed cultivation and manufacturing as this scenario increases the area of eligibility for licensing and has an additional opportunity in the future for licensing of cannabis cultivation sites, which have the greatest potential for hydrologic impacts related to site disturbance and runoff." (3.9-32)

This supposition runs throughout the DEIR and this position is absurd. There is no basis for the notion that by loosening regulations, that environmental impacts would be reduced. The DEIR fails to take into account alternatives such as the use of fees and taxes to conduct more enforcement to enforce restrictions.

Insufficient review-no avoidance measures

The proposed Program significantly changes allowed use within 147,750 (or 164,721) acres of Santa Cruz County, but the DEIR authors have limited the analysis of impacts to a tiny fraction of that area (190.1 acres) based on unreliable, self-reported data from a single survey including a small subset of potential cannabis cultivators. More importantly, this conclusion ignores that farmers on property zoned for Commercial Agriculture could expand without prior registration as a cultivator, and that registered cultivators are not limited to a particular acreage and could expand onto other lands zoned for cultivation. Thus, the analysis of 190.1 acres is simply flawed.

Instead of setting forth major zoning or geographical measures for avoiding many impacts, the central approach of CEQA, the DEIR **supposes**, without justification, that there will be little impact, while the proposed Program allows for a much greater level of impact. As such, this programmatic environmental review is inadequate in analyzing, avoiding, and addressing the potential impacts of the proposed Program.

- What percent of the Program objectives could be achieved by limiting commercial cultivation to CA and A zoning?

DEIR sets up decision makers to consider "Statement of Overriding Consideration" – without data to support such a determination

There is a litany of ‘significant and unavoidable’ negative impacts associated with the alternatives presented by the DEIR authors.

- Does the DEIR present the ‘best available information?’
- To what degree of certainty can the DEIR authors attribute to their recommendations?
- How did the DEIR authors use the precautionary principle in their analysis?
- What percentage of available information have the DEIR authors used to make their determinations?
 - Was funding for the DEIR preparation a significant consideration in whether or not to pursue additional information to support the analyses?

Program scope unclear

The exact nature and scope of the Program is unclear in the DEIR for many reasons.

- 1) There is a lack of clarity on the process of determining the scope of the Program and direction of the DEIR analysis
 - Why did the lead agency determine a) that this process required a programmatic EIR and b) that prior cannabis cultivation processes (such as the 2013 process) did not?
 - What was the process, who was involved and to what degree did they inform the process, within the lead agency in determining the scope of this Program?
 - What specific individual working as an employee of the County of Santa Cruz was ultimately responsible for directing the DEIR authors to analyze the ‘most permissive alternative?’
 - Was the scope of the DEIR analysis of the Program determined by the number of individuals who registered during the November 2016 process?
- 2) There is a lack of clarity about who gets what rights to cultivate commercial cannabis under the Program. To clarify this, the CESC asks:
 - Which of the following most accurately defines the scope of the Program: a) the number of individuals granted a right to grow commercial cannabis, or; b) the number of properties where commercial cannabis could be grown?
 - The following two questions seek further clarification on this issue.
 - Have lead agency personnel directed the Program’s DEIR authors primarily to review the impacts of granting certain individuals the right to obtain site-specific license(s) to cultivate commercial cannabis?

- In which case, see comments under heading ‘Confusing information-which individuals have a right to apply for a cannabis cultivation license.’
 - Have lead agency personnel directed the Program’s DEIR authors primarily to review the impacts of granting certain property owners the right themselves or with others to cultivate commercial cannabis?
 - In which case, see comments under heading ‘Confusing information-which property owners can expect a right to obtain a cannabis cultivation license.’
 - What is the purpose for granting staff discretionary power to grant licenses for reasons not defined in the ordinance?
 - What are the specific limits of discretionary decision-making authority about which individuals or parcels qualify for commercial cannabis cultivation?
 - In what cases will neighbors have input into the conversion of their neighborhood from a residential to a commercial one?
 - Should discretionary decisions include the approval of bordering property owners?
- 3) The scope of the disturbances associated with the alternatives are inadequately presented to the public
- How does ‘maximum canopy size’ (p 2-29) relate to the total area of anticipated new disturbances associated the Program at each parcel size in each alternative?

[**Confusing information-which individuals have a right to apply for a cannabis cultivation license**](#)

The DEIR authors present confusing, and contradictory, statistics that are used for impact analyses. For instance:

“At the close of the registration period in November 2016, 951 existing cannabis cultivation operations located throughout the County were registered” (p. 2-16)

- *Is this statement accurate?*
- *How could the public verify the “951” statistic?*

“At the close of the registration period in November 2016, 951 existing cannabis cultivation operations located throughout the County were registered. Of those, 760

registrants are continuing with the licensing process as of February 2017" (p. 2-16)

- *Why does the DEIR consider the "760 registrants" number as relevant, when "at the close of the registration period in November 2016, 951 existing cannabis cultivation operations located throughout the County were registered" and thereby allowed to seek licenses?*
- *Does the figure of 951 include anonymous applicants and applicants who submitted their legal names?*
 - o *Was it possible for an applicant to be both anonymous and named?*

The following two quotes from the DEIR seem to be in contradiction:

"Whether there would be an eventual cap on the number or type of manufacturing licenses or any future additional registration period for cultivation licenses, or whether the Board might consider any other new or substantial changes to the proposed Program, is not addressed by this EIR, and would be future considerations by the Board of Supervisors that would be subject to further environmental review for CEQA compliance" (p. 2-34)

"With the implementation of the Program, the number of licensed cultivation sites within the County would be largely fixed by the registration pre-applications for licensing that were received prior to the November 6, 2016."

- Do the policy measures set forth for the Program set a cap, a finite number of allowable licenses with 1:1 correlation of licensed, cultivated commercial cannabis production parcels and the number of eligible individuals during the baseline of the DEIR period, February 2017?
 - o If not, how is that ration expected to change during the life of the Program?
- What regulatory or policy procedure would 'largely fix' the number of licensed cultivation sites?
- Are there cultivator 'continuing the registration process' or 'existing farming' deadline dates, or acreage or license number caps being proposed to "fix" the number of licensed cultivation sites for the purposes of analysis of the DEIR?

"Only cultivators who registered during the 90-day process in 2016, who are either already on an eligible parcel or could locate to an eligible parcel under the Program and can secure a local and state license along with any required land use or other permits, would be allowed to commercially cultivate cannabis in the County." (p. 2-45)

- Would all 951 registered cannabis cultivators (see immediately prior section of this commentary) be eligible to seek licenses to cultivate cannabis in the County?

"The County's 2016 License Registration period identified 760 cultivators who would seek a license to cultivate cannabis commercially under the Program" (p. 2-45)

- How does the '760 cultivators' statistic relate to the '951 registered during the registration period' statistic?

"While it is not possible to know the number of cultivators who will be able to relocate from a site setting that is not eligible for licensing to a parcel that is eligible, because it is the County's goal to assist all 760 registrants in finding a suitable location and configuration consistent with the Program, and in order to perform a conservative environmental analysis, this EIR assumes that each of the 760 registrants locates a suitable property and cultivates under the Program." (p. 2-47)

- Why did the number of eligible cannabis cultivators change to 760 in this section, when the number of eligible growers was previously noted as 951?
- Was it possible for an applicant to register anonymously or under different names?
- Why does the County not have a goal to assist the 191 cannabis cultivators registered by November 2016 (the deadline to qualify for applying for a license), who did not continue with the registration process as of February 2017?
- Where is there a statement in the ordinance, or DEIR measure, stating that registrants, or qualified farmers, are limited to 'a (single) suitable property'?
- Does the scope of the Program diminish over time as the 760 (951?) registrants are deceased or otherwise cease cannabis cultivation?
- What is the anticipated timeframe of the Program?

The DEIR authors later note "Where avoidance of species' sensitive habitat is demonstrated to be infeasible..." (p. 3-4- 22). This quote suggests that the Program is granting a Constitutional right to cultivate cannabis on an eligible parcel.

- Does the Program establish the Constitutional right of a parcel owner, should they be or work with an eligible grower, to cultivate cannabis on their land?
- Why would it be infeasible to avoid avoidance of a species' sensitive habitat?

Table 2-13 Estimated Cultivation under the Program: "Total Registrants" 760 (p. 2-50)

"At a maximum, the County would license the 760 registrants, plus an additional unknown number of existing commercial farmers on CA zoned lands and with existing

greenhouses who are not required to have registered in order to receive a license. Any cultivators not in one of those categories would not be licensed under the Program”
(Section 3.0.2- Subsection: Unlicensed Commercial Cannabis Activities- p. 3-8)

- *Why did the number of eligible cannabis cultivators change to 760 in this section?*
- *What is the relevance of the number of a subset of ‘existing commercial farmers on CA zoned lands and with existing greenhouses’ when 1) there is no clarity in the document of the term ‘existing’ for farmer qualification, and 2) farmers with or without greenhouses would be eligible.*

“EXISTING FARMERS - New Cannabis Cultivation

Existing greenhouses are converted to cannabis use, assumed to occur at 147 acres, primarily in facilities that have traditionally been used for growing cut flowers and potted plants to cannabis” (p. 2-51).

Note that there are no regulations, policies, or procedures proposed or analyzed in the DEIR or other correlated, proposed County policy that would define ‘existing farmers’ or a timeline for a farmer to become ‘existing’ or for a particular parcel or place for that farmer to cultivate cannabis.

- *What is the definition of ‘existing farmers?’*
- *Why does the DEIR only include acreage of greenhouses in the tally for where existing farmers might cultivate cannabis under license?*
- *Is it possible for an ‘existing farmer’ to obtain a license to grow outdoors?*
- *How would adding the potential for ‘existing farmers’ to cultivate cannabis on outdoor acreage, on any or all parcels that qualify for cannabis cultivation licenses, affect the DEIR analysis?*
- *How can the public understand the level of impacts of the proposed projects when the DEIR fails to accurately identify the number of ‘existing farmer’ or potentially qualifying farmers who would enter into the licensing program?*

Lack of demonstration of the feasibility of mitigation, inspection, and enforcement measures

In two places, the DEIR authors outline monitoring programs requiring annual inspection before license renewal:

“The Licensing Officer shall ensure best management practices are applied as needed as criteria of the licensing process and implemented on an ongoing basis during annual license renewals” (3.10- 36).

“The County Cannabis Licensing Office shall ensure ongoing compliance with the Plan during annual renewals and inspections” (3.14 – 22).

For the mitigation measures which are only practicable through annual inspection, the public needs better documentation that such mitigation measures are feasible:

- What is the percent probability that the Licensing Office will be able to have on site inspection in order to renew licenses annually?
- Will annual inspections be by appointment or unannounced?
- Will an annual inspection be adequate to monitor the cultivator’s activities that could cause a wildfire or poison non-target wildlife?
- Will licenses expire annually, without renewal?
- What will the procedure be for enforcing an expired license?
- What time frame will a grower be allowed to operate with an expired license?
- How will the public be notified about the location of either active or expired licenses?
- How will the public be informed about the status of a given site inspection and license?

[Mismatch of Program Objectives with DEIR Alternatives](#)

Program Objective 2: Develop a program that encourages cannabis cultivators and product manufacturers to operate legally and secure licenses.....and minimize unlicensed activities.

There is a lack of clarity about how the Program alternatives meet the Program Objective 2: *“Develop a program that encourages cannabis cultivators and product manufacturers to operate legally and secure licenses.....and minimize unlicensed activities.”*

On the most permissive alternative, the DEIR authors state: “*The goal of this alternative would be to increase licensing, registration, and compliance for cultivation operations and maximize legal regulated cultivation and participation in the Program to minimize adverse impacts of unlicensed cultivation. [...] One main objective of Alternative 2 is to legalize operations (both current and future) that may be illegal or non-compliant. This option **may potentially** reduce the impacts associated with unlicensed grows by increasing the area of license eligibility [...]*” (p. 4-33)

To clarify this, the CESC asks:

- For each of the alternatives, how does the Program meet Objective 2?
- On what basis do the DEIR authors make a finding that Program Objective 2 is best met by the most permissive alternative?
- What parallel permitting program do the DEIR authors use to illustrate that the approach of being ‘most permissive’ creates the least amount of illegal activity?
- Isn’t the inability to legally export commercially grown cannabis products the primary reason small growers with a well-established black-market pipeline will not become licensed?
 - o Numerous sources, including the report listed below and numerous articles in both cannabis news outlets and the New York Times, estimate that only 20 % of the cannabis grown in California is consumed here, while 80% is exported to states where it has not been legalized.

There are no restrictions on personal use grows (6 plants) or medical cannabis permitted grows (10X 10 ft) on RA. zoned parcels.

- Why doesn’t the Program include medical and personal cannabis cultivation?

The DEIR conclusions that the most permissive alternative is the best are based on the false premise that increasing the density of cannabis commercial ventures in RA (Residential Agricultural) neighborhoods while allowing twice as much canopy per parcel will result in greater numbers of current growers obtaining licenses thereby decreasing the number of illegal grows in the county and that this expansion will not erode neighborhood quality of life.

“*Under the Project, [...] The minimum parcel size requirements, described in section 2.3.2, Program Components, have the greatest effect in eliminating potential [...] sites from eligibility...*” (p. 2-46).

- Why is ‘eliminating sites from eligibility’ at odds with Program Objective 2?

- How does the effect of minimum parcel size requirements eliminating potential sites from eligibility help meet Program Objective 2?

Program Objective 3: provide efficiency and clarity to the licensing and permit process, regulations and standards to facilitate participation

The stipulation that the licensing agent would have discretion to adjust the rules on a case-by-case basis regarding many of the site development and quality of life protections is disrespectful of the neighborhood. It also undermines respect for the standards stipulated in the resulting ordinance. Objective 3 states “provide efficiency and clarity to the licensing and permit process, regulations and standards to facilitate participation”. The licensing agent should have clear guidance in the ordinance and requests for modifications to setbacks, reduced parcels size, etc., should go through the planning department variance process giving neighbors an opportunity to weigh in on the suitability of the commercial operation for their neighborhood.

- To what extent does giving licensing agent discretion interfere with Program Objective 3?
- What are the major barriers to the Program’s improved compliance with Program Objective 3?
- In what ways does each of the alternatives of the Program meet Objective 3?

Program Objective 4 “Prevent impacts of cannabis cultivation and manufacturing sites on children and sensitive populations.”

- What methods do the Program alternatives each use to meet Objective 4?
- Using census data on children and sensitive populations, how do the alternatives compare in meeting Objective 4, especially with regard to RA zoning?
- How does this objective square with the DEIR’s most permissive alternative undermining the integrity of neighborhoods by decreasing the permissible lot size to 2.5 acres, a common lot size in rural neighborhoods?

Program Objective 7 “Ensure compatibility of commercial cannabis cultivation and manufacturing sites with surrounding land use, including residential neighborhoods, educational facilities, agriculture operations and timber production.”

- What specific criteria did the DEIR authors use to define ‘residential neighborhoods?’
- What are standards of compatibility used for weighing the Program alternatives for residential neighborhoods?
- How will compatibility of the Program with residential neighborhoods be monitored and the results made public?

Program Objective 8, “Minimize adverse effects of commercial cannabis cultivation and manufacturing on the natural environment, natural resources and wildlife, including riparian corridors, wetlands and sensitive habitats, as well as effects on water supply, water quality and instream flows”

The CESC disagrees that the Program has taken sufficient steps to “Minimize adverse effects of commercial cannabis cultivation and manufacturing on...wildlife....”

Throughout this review process, the CESC has focused on the effects of the Program on wildlife. We submitted extensive commentary on the NOP about wildlife impacts, and we have submitted literature and documentation to County personnel overseeing this process to support our concerns.

The following are a number of comments that the CESC submitted during the NOP comment period. None of these questions were answered. We include these questions here, again, in expectation that the authors of the DEIR will answer them during this stage of the process. All of these questions are central to Objective 8:

- How will the different alternatives differently impact wildlife?
- To what extent are non-target animal species currently affected by poisonings with rodenticides and pesticides?
- Over the past ten years what has been the level of compliance with regulations governing rodenticides?
- What has been the means of enforcement of rodenticide poisoning of wildlife and pets?

- What are the specific thresholds beyond which non-target poisoning of animals is considered significant?
- What are acceptable levels of rodenticides and pesticides in the environment?

During the NOP process, the CESC asked the following questions:

- “The over-arching questions regarding rodenticides are:
 - o What will be the impact of rodenticides on wildlife and
 - o how will rodenticides be successfully controlled so as not to harm non-targeted wildlife?”

The DEIR writers demonstrate that they are cognizant of the complexity and seriousness of the poisoning problem, but how they got to their conclusion is not readily apparent based on the references they cite and their very subdued and incomplete text.

- Why did the EIR writers did not cite or include source material that the CESC sent to them by way of Matt Johnston, the Environmental Coordinator for SC County?

To address significant impacts of rodenticides on wildlife, the DEIR authors propose “MM BI0-5.1 Rodenticide Use Reduction Program (RURCP)” in which they suggest Santa Cruz County should work with state agencies to create a rodenticide reduction program and if they do this they will be successful in curbing non-target killing of wildlife.

Concerning MM BI0-5.1 Rodenticide Use Reduction Program (RURCP), the CESC asks:

- How will success be measured, given the lack of baseline data?
- Without presenting data and analysis on the poisoning of non-target wildlife in Santa Cruz County, how do the DEIR authors conclude mitigation would result i.e., “Cumulative impacts to biological resources would be *less than significant?*” (p. 3.4 – 40)
- With knowledge that cannabis-growing activities are just one of many sources of anticoagulants that kill non-targeted species how does the Program propose regulation of all sources of anticoagulants in a manner that will reduce wildlife poisoning?

In the RURCP proposal, the DEIR authors suggest wildlife-monitoring practices for different parts of the county. However, no suggestions on how to overcome the technological and economic realities that have proven to be stumbling blocks are given. It is imperative to identify sources of *cumulative impact* poisoning and other types of

illegal poisoning practices, including the use of outlawed neurotoxins, etc. banned in the United States.

And so, the CESC asks:

- Is there a proven and affordable program to accurately monitor non-target wildlife exposure to anticoagulants?
 - Can this program work with the volume of cannabis cultivation recommended in Santa Cruz County in this DEIR?
- Will monitoring wildlife reveal the sources of anticoagulants in a given area?
- How is the cost for this program calculated?
- How much will it cost to enact this program countywide with the various Program alternatives?

The DEIR authors acknowledge that monitoring is conceptually important, but the authors do not acknowledge how programs have already been successful in identifying numerous populations of predator species throughout California that are under duress and experiencing steep population declines, due to anti-coagulant rodenticide poisoning.^{5, 6, 7, 11, 17, 18, 19, 20, 21}

There are numerous studies of rodenticide impacts resulting in the poisoning of wildlife from many other parts of the state that involve solely cannabis growing activities in the urban/wildlife interface.^{5, 6, 7, 20, 21}

And so, the CESC asks the following questions:

- Why didn't the DEIR present information they've received that exposes the magnitude & severity of poisoning taking place in the state?
- What has been the impact on wildlife by large cartel-like grows operating in forest areas in California far from human habitation?
- Why is this type of grow operating the aforementioned environment considered a significant danger to wildlife?
- Why didn't the DEIR authors present information gathered from large grow operations by authorities and scientists in remote areas in the state?
- Specifically, what are the best candidate species (both mammalian and avian) for monitoring impacts from rodenticides?

- How will the magnitude of the rodenticide poisoning problem be verified and reported to the responsible agencies and the public?
- Can the DEIR authors describe specifically how findings from monitoring wildlife in regions within the county can be utilized to protect and reduce poisoning of non-targeted wildlife species?
- Is it possible to accurately assign responsibility to a specific source (farm) for poisoning non-target species?
- Specifically, what are mortality and/or exposure rates that would be acceptable or not acceptable?
- In the history of Santa Cruz County how many farmers have been penalized or in any way been held responsible for poisoning wildlife of any kind?
- What would be the criteria to declare *cumulative impact* of “non-target species”?
- Besides mortality rates, and high exposure rates, what other criteria would be important to predict if rodenticide poisoning of any species of the region’s wildlife is a significant cause of regional extinction?
- If improper anticoagulant use can’t be interdicted, why shouldn’t mountain areas with high bio-diversity be inappropriate for outdoor cultivation of cannabis?
- If commercial cannabis operations are to be allowed in mountain areas with high bio-diversity why shouldn’t commercial cannabis operations be relegated to rodent-proof greenhouses to separate rodents from cannabis growing and thus eliminate the need for anticoagulant rodenticides?

On page 37 (Biological Resources) The DEIR authors state “*Commercial cannabis cultivation and cannabis product manufacturing under the Program could have adverse effects on unique, rare, threatened, or endangered plant or wildlife species. Impacts would be less than significant with mitigation.*” In looking at “Table 3.4-2 Summary of Biological Resources Impacts” the CESC’s over arching question needs to be asked again:

- What will be the impact of rodenticides on wildlife and how can rodenticides be successfully controlled so as not to harm non-target animals?

- To what extent are special status species affected by current levels of poisonings with rodenticides and pesticides?
- Given the current baseline use of legal and illegal rodenticides, how will rodenticide use change with the various identified alternatives (the current project, permissive version, and “no project”)?

In MM Bio-5.1, the DEIR authors present the following language - “To address the management of rodenticides throughout the County, the RURCP should consider...” (a list of measures.

- How does the word ‘should’ affect the probability that this mitigation measure will be executed?
- Given that the RURCP is given only ‘should’ guidelines, how can the public analyze the DEIR to determine that MM Bio-5.1 is feasible in reducing impacts to less than significant for the alternatives presented?
- Given extensive pre-DEIR baseline ballooning of cannabis cultivation and potential corollary increased use of rodenticides, how can the Program establish a baseline from which to monitor and manage rodenticide use in the County?
- How successful have efforts been to date to regulate rodenticide use in the County
 - o If success has occurred, what data are available to support such success?
 - o What are one or more locations and names of successful projects that have reduced non-target poisoning with collaborating statistical data?
- If the outcome was unsatisfactory please explain why and identify the location and project.
- By including ‘toxicity studies’ in that list of things that the RURCP ‘should consider,’ will the Program establish a baseline of nontarget poisoning?
 - Will these toxicity studies include necropsy sampling?

The DEIR suggests a “permissive option” of making much more grow space available by dropping the Residential Agriculture (RA) zoning size for a commercial operation from 5 to 2.5 acre(s) minimums while increasing the grow size by 2x.

- According to the DEIR author calculations, how will increasing the number of growers 2x and grow sizes by 2x still result in an outcome of “less than significant” to the potential impact on wildlife?”
- Would there be more poisoning of wildlife and pets if the number of growers and their close proximity to neighbors increased to the level suggested in the “permissive option”?
- Where is the evidence that a comparable program has been so successful, and
 - o How does that example pertain in comparison to this Program given uncertainties and variables unique to this environment and situation?
 - o In other words, how have the DEIR authors applied the precautionary principle with regard to Program use of rodenticides and their impacts to wildlife?

Here are two CESC “alternative informative” paragraphs on the same information offered in the DEIR (above paragraph, labeled “DEIR”) as a counter balance to DEIR’s paragraph to show that reporting accurately within the facts can leave entirely different impressions based on the fact used.

From CESC: The DPR decision to restrict 2nd generation anticoagulants allows pesticide manufacturers to continue selling a potent poison that kills non-target middle-sized and large predators and family pets in alarming numbers. Merely restricting use of 2nd generation anticoagulants to “certified applicators,” people “under their supervision” and exterminator companies is controversial. With the DPR decision to limit the use of Second-generation anticoagulants, to exterminator companies and “applicators” and people under their “supervision” there was no move to change the ingredients in second-generation anti-coagulants’ or otherwise dilute potency. The DPR “field operating rule” that specifies this poison can’t be placed further than 50’ from a structure does not prevent poisoning of avian and mammalian predators of all kinds who often come close to structures during the night while searching for food.³ More than 30 cities and counties in California have passed resolutions urging citizens to quit using anticoagulant rodenticides.¹⁵ This includes Santa Cruz County in a 5/0 nonbinding vote from the Board of Supervisors on June 6, 2017.¹⁶

On September ^{20, 19,17} a senior scientists at the California Fish & Wildlife Investigations Laboratory, who necropsy dead wildlife, stated there are no known studies either proving or disapproving the effectiveness of the 2014 DPR policy change to restrict who legally applies 2nd generation anticoagulants. However, in study after study (See “Problem: Omitted Material” on page 7) conducted by governmental agencies and university based researchers, the rate of anticoagulant contamination (often leading to death) was around 80% of animals studied. ^{6,7,17,18,19,21} Also, undercutting the efficacy of

the DPR's 2014 restrictive policy, is the fact that people living in California who want 2nd generation anticoagulants can still get them via the Internet from out-of-state sources. In addition, within the cannabis growing community in California entirely illegal and very potent neurotoxin poisons banned, both in the US and Europe have been found repeatedly grow sites in remote areas in California. ^{6,7,21}

Questions:

1. With balanced information do you think the understanding would better meet CEQA's criteria?
2. Are there any factual errors in CESC's alternative paragraphs?

Program Objective 9, "Regulate sites and premises used for commercial cannabis and manufacturing to avoid the risks of criminal activity, degradation of the visual setting and neighborhood character, obnoxious odors, hazardous materials and fire hazards."

- What measures does each of the Program alternatives employ to meet Program Objective 9?

Commercial cannabis cultivation currently includes increased cash on hand, increasing the risk of robberies and the probability of increased possession of guns.

- What levels of law enforcement presence is necessary to shield youth in neighborhoods from this criminal element?

Program Objective 11: Ensure adequate law enforcement and fire protection response to commercial cannabis cultivation and manufacturing sites

Enforcement is a DEIR key reducing the significant impacts of the Program

*"this EIR introduces mitigation measures that would lessen these impacts through **enforcement** and surveys of unlicensed cannabis activities"* (p. ES-6)

*"...opportunity to mitigate impacts and increase County tax revenue to support ongoing improvement and **enforcement** programs"* (p. ES-7)

Enforcement is key to DEIR goal of transitioning illegal cannabis cultivation into the legal, licensed realm

“Over time, that type of cultivation may be more affected by market conditions as the industry matures, due both to legalization of up to six plants as personal grows, due to operation of the legal commercial cannabis marketplace, and due to increased reporting and enforcement activities related to cannabis operations.” (p. 2-19)

Illegal grows would be “potentially reduced over time through private market forces and government enforcement.” (p. 2-21)

“as increased enforcement is undertaken and given that illicit goods will not be eligible for sale in the State of California.” (p. 2-53)

“Code enforcement by the Licensing Office and other agencies would occur, which on balance is expected to prevent increases in the overall level of these types of operations.” (p. 3-4)

Illegal operations “would be subject to SCCC enforcement.” (p. 3-6)

And yet, the DEIR consistently notes the inadequacy of enforcement programs

“The staffing levels available for cannabis code enforcement by county staff did not provide a sufficient enforcement program. Many of these green rush cases resulted in environmental damage associated with vegetation clearing, illegal stream diversions, extensive grading, illegal development and habitation, and solid waste management.” (p. 3-6)

“With implementation of MMs AT-1.3a and AT-1.3b, unregulated cannabis cultivation and/or manufacturing would be reduced over time either through enforcement/closure of grow sites, and residual secondary agricultural and timber resource impacts would be reduced, but it cannot be ensured that unlicensed activities would be reduced to a less than significant level.” (3.2-30)

“there is a high likelihood that secondary impacts would continue to occur due to the nature of County enforcement” (3.2-30)

Concerning biological impacts of the Program *“high likelihood for continued operation of unlicensed manufacturing regardless of increased enforcement throughout the County, secondary impacts of the Program are considered significant and unavoidable.”* (p. 3.4-41)

Concerning geological impacts of the Program *“unregulated cannabis cultivation and/or manufacturing would be reduced over time either through enforcement/closure of the grow sites or the permitting and licensing of new grow*

sites. Therefore, unregulated cannabis activity in areas susceptible to geological hazards or causing extensive erosion would be reduced. However, since unregulated cultivators/manufacturers are unlikely to alert the County if their activities cause erosion or are adversely affected by geological hazards, residual impacts associated with Impact GEO-3 would remain significant and unavoidable." (3.6-18)

Concerning the greenhouse gas emissions impact of the Program "However, due to the high likelihood for continued unregulated cannabis cultivation and manufacturing activities regardless of the enforcement and annual survey programs, and the inability to completely and effectively ensure compliance with the Program's regulations since the locations and nature of these unregulated activities throughout the County are unknown, secondary residual GHG emissions impacts associated with Impact GHG-2 would be significant and unavoidable."(3.7-21)

Concerning the hazards and hazardous materials impacts of the Program "due to the high likelihood for continued operation of unlicensed cultivation and manufacturing regardless of increased enforcement throughout the County, as well as the inability to enforce standard requirements and regulations relating to fire protection and emergency response and ensure the protection of unlicensed cultivation and manufacturing facilities, secondary impacts of the Program are considered significant and unavoidable." (3.8-22)

"With implementation of MMs AT-1.3a and AT-1.3b, unregulated cannabis cultivation and/or manufacturing would be reduced over time either through enforcement/closure of the grow sites or the permitting and licensing of new grow sites. However, it is not possible to ensure that all land use impacts would be avoided or minimized; therefore, this impact is significant and unavoidable." (3.10-39)

"However, due to the high likelihood for continued operation of unlicensed cultivation and manufacturing regardless of increased enforcement throughout the County, as well as the inability to enforce standard requirements and regulations relating to fire protection and security and ensure the protection of unlicensed cultivation and manufacturing facilities, secondary impacts of the Program are considered significant and unavoidable." (3.11-19)

"enforcement could not effectively guarantee the elimination or reduction of impacts on roadway safety and emergency access. Therefore, secondary impacts of both the Project and More Permissive Project are considered significant and unavoidable" (3.13-22)

"due to the high likelihood for operation of unlicensed cultivation and manufacturing regardless of increased enforcement through the County,

secondary impacts of the Program are considered significant and unavoidable.” (3.14-33)

As evidenced by the extensive DEIR quotes above, the CESC notes that the Program as it is designed insufficiently meets the Objectives through an anticipated inadequacy of enforcement programs

- What factors are most influential at reducing the effectiveness of the enforcement Objective and outcomes of the Program?
- What are the thresholds or standards that the DEIR authors used in each of the DEIR quotes to judge the inadequacy of enforcement at addressing the Program Objectives?

Despite the prior section, DEIR authors suggest the Program does not exceed the capacity of current enforcement capacity

“Overall, the proposed Program would not exceed the capacity of existing fire protection or law enforcement services and would not require provision of new or physically altered facilities to maintain service capability. Additionally, the ongoing application of existing and proposed regulations to avoid siting development related to cannabis cultivation close to parks, schools, or libraries, and outside of emergency access areas, would ensure that indirect impacts due to increased demand for public services under the Project and the More Permissive Project would be considered less than significant.” (3.11-16)

The CESC disagrees that the extensive nature of the enforcement program outlined in the DEIR would not result in the need for additional fire and law enforcement services as well as both new and physically altered facilities.

- How many additional personnel would the “Sustained Enforcement Program” require to sufficiently address the anticipated demand of the mitigation program of the DEIR?
- How many additional personnel would the “Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program” require to sufficiently address the anticipated demand of the mitigation program of the DEIR?
- Where would the two aforementioned enforcement programs be housed?
- What evidence is there, including agency testimony, that this Program is within the current capacity of existing fire and enforcement personnel?

The list of the Program's reliance on enforcement to meet mitigation, Objectives, etc.

"MM AT-1.3a. Sustained Enforcement Program. To address continued unlicensed cannabis cultivation within the County that may adversely affect agricultural and timberland resources, the Cannabis Licensing Office, in consultation with the Planning Department and County Sheriff's Office, shall recommend to the Board of Supervisors an Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program. The enforcement program shall have sustainable funding and feasible implementation within the first year of adoption of the proposed Program to address enforcement of unlicensed cannabis cultivators and manufacturers. The funding and implementation program shall be subject to approval by the Board of Supervisors. Within two years of adoption of the proposed Program, funding shall be determined with assistance from the Annual Survey and Monitoring Report described in MM AT-1.3b and appropriately balanced with other County and/or local community priorities to provide a feasible level of funding for an effective ongoing enforcement program.

Requirements and Timing. The Cannabis Licensing Office and Planning and Development

Department shall develop and recommend the provisions of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program prior to adoption of the Program. The County shall allocate funding and implementation resources for one year following Program adoption.

Monitoring. The Cannabis Licensing Office shall monitor enforcement programming, in coordination with the Planning and Development Department and the County Sheriff's Office."(3.2-29)

Funding recommendations for enforcement will be made to the Board of Supervisors- "The Annual Report shall contain recommendations regarding enforcement and staffing resources, to provide a feasible level of funding for an effective enforcement program."(p. 3.2-31)

"With implementation of MMs AT-1.3a and AT-1.3b, unregulated cannabis cultivation and/or manufacturing would be reduced over time either through enforcement" (3.2-30)

"Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts related to air emissions and objectionable odors associated with unregulated cannabis cultivation/manufacturing and related development activities, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact AQ-4." (3.3-27)

“However, due to the high likelihood for additional or expanded unregulated cannabis cultivation and manufacturing activities regardless of the enforcement and annual survey and monitoring programs, secondary residual impacts associated with Impact AQ-4 would be significant and unavoidable.” (3.4-1)

“degraded habitat that has occurred from cannabis operations would be required to be restored as part of the licensing and enforcement process, which would have a beneficial effect on biological resources” (3.4-30)

“Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts to special-status species, sensitive natural communities or habitats, the movement of native resident or migratory species from installation of security fencing, and conflicts with adopted HCPs, associated with unregulated cannabis cultivation/manufacturing and related development activities, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact BIO-5.” (3.4-39)

“Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts to historical and cultural resources associated with unregulated cannabis cultivation/manufacturing and related development activities, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact CR-3.” (3.5-19)

“unregulated cannabis cultivation and/or manufacturing would be reduced over time either through enforcement/closure of the grow sites or the permitting and licensing of new grow sites. Therefore, unregulated cannabis activity in known sensitive cultural resource areas would be reduced.” (3.5-20)

“Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts to geologic resources associated with unregulated cannabis cultivation/manufacturing and related development activities, MM AT-1.3a, addressing County implementation of the “Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program”, shall apply to Impact GEO-3.”

“Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts related to considerable GHG emissions associated with unregulated cannabis cultivation/manufacturing and related development activities, MM AG-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact GHG-2.” (3.7-21).

“Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts associated with cannabis cultivation/manufacturing and

associated hazardous activities, MM AT- 1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact HAZ-4.”

“Implementation of the Program would reduce the total number of unlicensed cannabis cultivation sites in the County through licensure of compliant sites and enforcement actions taken against noncompliant sites which would in turn reduce adverse impacts on surface and groundwater quality and quantity in the County. The More Permissive Project would more effectively reduce impacts from unlicensed cultivation and manufacturing as this scenario increases the area of eligibility for licensing and has an additional opportunity in the future for licensing of cannabis cultivation sites, which have the greatest potential for hydrologic impacts related to site disturbance and runoff.” (3.9-32)

“Implement MM BIO-3.2. Wildlife Fencing. To reduce direct and indirect land use and planning impacts associated with cannabis cultivation, MM BIO-3.2, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact LU-1.1.” (3.10-29)

“Implement MM AT-1.3a. Enforcement. To reduce secondary land use and planning impacts associated with cannabis cultivation/manufacturing and related development activities, MM AT- 1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact LU-3.” (3.10-39)

“Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts to public services associated with unlicensed cannabis cultivation/manufacturing within the County, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact PS-3.” (3.11-19)

“Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts related to population, employment and housing associated with unregulated cannabis cultivation/manufacturing and related development activities, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact POP-2.” (3.12-17)

“unregulated cannabis cultivation would be reduced over time through enforcement/closure of the illegal grow sites which would reduce employee demand for housing and therefore would reduce secondary population and housing impacts.” (3.12-17)

“Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts from roadway operations, safety, and emergency access

within the County, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact TRA-4." (3.13-22)

"Implement Mitigation Measure AT-1.3a. Sustained Enforcement Program.
To reduce secondary utilities and energy conservation impacts associated with unregulated cannabis cultivation/manufacturing and related development activities, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact UE-3." (3.14-33)

"With implementation of Mitigation Measure AT-1.3a and AT-1.3b, unregulated cannabis cultivation/manufacturing would be reduced over time through enforcement/closure of the grow sites, which would reduce residual impacts to utility service systems as well as electricity, natural gas, transportation fuel, and other similar energy supply uses and conservation." (3.14-33)

"this EIR introduces mitigation measures that would lessen these impacts through enforcement" (3.15-2)

As can be examined by the list above, the DEIR relies extensively on enforcement through two different programs to achieve the Objectives and reduce impacts to a number of CEQA issues. Throughout the DEIR, authors variously rely on enforcement and, in some cases suggest it will lessen impacts to greater or lesser degrees- in all cases without any evidence whatsoever.

- For each of the above DEIR quotes, what evidence supports the conclusions the mitigations will be effective in significantly reducing impacts?
 - o Are there data from other areas of California that could be applied to these issues to improve the public's understanding of the DEIR conclusions?
- If enforcement funding or effort is insufficient, will there be mitigation funding, for impacts to timberland and agricultural resources?
- Given that enforcement of cannabis growing and manufacturing activities have been nearly non-existent in much of the County, will a continued lack of adequate enforcement nullify some or most of the DEIR recommendations?

Chapter 2.0 Project Description

2.3.3 Potential Cannabis Cultivation and Manufacturing under the Program

Limited scope of analysis unsupported

The DEIR authors, in outlining the project description, rely on various barely supported suppositions to suggest limited impacts. These include:

- 1) A limited number of potential licenses, given the limited number of eligible applicants.
- 2) Limited landowner interest
- 3) Limited areas that could receive licenses, based on regulatory, geographic, or environmental barriers

Commentary on and questions about each of these suppositions follows.

- 1) DEIR Presumption: There will be a limited number of potential licenses, given the limited number of eligible applicants.

The DEIR states: "*Under the Project, there are 6,228 parcels totaling 147,750 acres within which cultivation could occur on portions of those parcels with a license and any required permits. (Figure 2-3). Under the More Permissive Project, the number of eligible parcels rises to 8,888 within a total of 164,721 acres within the County, an increase of approximately 16,971 acres over the Project.*" (Figure 2-4).

Under the Project and the More Permissive Project, only cannabis cultivation registrants who completed a license pre-application to the County by November 6, 2016 are eligible to receive a license to cultivate commercial cannabis, except that those farmers that have commercially farmed another crop on a parcel zoned for Commercial Agriculture (CA) for 3 consecutive prior years are eligible to obtain a license without having registered during the registration period.

The DEIR states that 951 people have registered.

- How many licenses might each of the 951 registered individuals obtain?
- How many parcels might each of the 951 registered individuals cultivate cannabis on?

On the DEIR language: "except that those farmers that have commercially farmed another crop on a parcel zoned for Commercial Agriculture (CA) for 3 consecutive prior years are eligible to obtain a license without having registered during the registration period."

- Specifically, what is the definition of "farmers?" Does this include farm workers, farm owners, farm managers? Does the definition include part time employment, sporadic employment, and/or full time employment?

- How might the protocol allowing farmers to farm another crop for 3 years on CA zoned lands allow for an indefinite and ongoing supply of additionally qualified individuals to apply for commercial cannabis growing licenses in the future?
- How would this CA zone farming requirement for licensing impact lease and land values of CA zoned land?
- What is the baseline of eligible farmers that “have commercially farmed another crop on a parcel zoned for Commercial Agriculture (CA) for 3 consecutive prior years?”
- How will the number of eligible farmers unending that “have commercially farmed another crop on a parcel zoned for Commercial Agriculture (CA) for 3 consecutive prior year” change in the foreseeable future?
- How would the employment and land use tenure of farmers that “have commercially farmed another crop on a parcel zoned for Commercial Agriculture (CA) for 3 consecutive prior year” be verified?

2) Limited landowner interest

- How does the survey data from cannabis cultivators relate to land owner interest in sponsoring third party cannabis cultivators on their land?
- What data can the DEIR authors cite to support limited landowner interest in developing their land for cannabis cultivation?
- Does “the Program’s” enforcement effort include mandatory identity of all part owners to an LLC or other type of partnership prior to a license being issued?

3) Limited areas that could receive licenses, based on regulatory, geographic, or environmental barriers

[Confusing information- which property owners can expect a right to obtain a cannabis cultivation license.](#)

The following suggests that owners of certain parcels can expect to be eligible for licenses:

The DEIR language states: “*Geographic restrictions, including minimum parcel sizes, parcel separation requirements, and setbacks from key features such as schools, streams, libraries, and municipal boundaries, further exclude parcels from license eligibility. Also, other requirements such as that a single family dwelling must be*

provided on site, and that Fire Code requirements for road access and water storage must be met, further limit eligibility.” (p. 2-46)

- Is eligibility to obtain a cannabis cultivation license determined primarily by an individual's eligibility or a parcel's eligibility?
- Does granting a parcel eligibility to obtain a commercial cannabis license construe a property right under the US Constitution?

In another section, the DEIR states “*a GIS-based analysis of the Project and More Permissive Project scenarios was conducted to determine the areas of the County where commercial cultivation and manufacturing would be allowed, considering all the various prohibitions and restrictions proposed in the Project and More Permissive Project scenarios*” (p. 2-39).

- With the GIS mapping illustrated in Figures 2-5, 2-6, 2-7, and 2-8, what percentage and what acreage of the highlighted parcels that are both ‘eligible’ and in fact available for cannabis cultivation?
 - o Which specific, and what percentage of the parcels illustrated as ‘eligible’, are owned by public entities where cannabis cultivation would not be permitted?
- Given the prior language, why have the DEIR authors neglected to analyze the effects of such restrictions, presenting the public with a more accurate accounting of the number and type of parcels, total acreage, and geographic distribution of potential cannabis cultivation sites?
- Are there GIS analyses that could be performed to inform the public more accurately about the potential acreage and geographic distribution of cannabis cultivation sites proposed under the alternatives?
- What data are missing that prohibit GIS analysis to support a more refined public presentation of potential acreage and geographic distribution of cannabis cultivation sites proposed under the alternatives?
- Who specifically gave the preparers of the DEIR guidance on the depth and breadth of the analysis necessary to inform the public about the number and type of parcels, total acreage, and geographic distribution of potential cannabis cultivation sites?

Inclusion of most permissive alternative unsupported by need

While the DEIR relies on self-reported data to ascertain certain impacts, the authors ignore other aspects of the same survey data. For instance, (Subsection 2.3.3 p.2-40) the DEIR estimates *between 36 percent and 44 percent* of current registered growers are not located on eligible parcels. However, in 1 sampling of such registrants, of 37 registrants none of them were located on RA properties (p. 2-45), yet RA

neighborhoods are anticipated to absorb all the growth. The assumption is that displaced growers will want smaller RA parcels, yet 48% of registrants indicated they plan to move to larger parcels to increase their cannabis cultivation.

- How do the remaining 250 licenses available compare with the number of 5 acre or larger parcels in the county?

DEIR Table 2-13 suggests that there are over 6000 eligible parcels under one scenario, with the most permissive project increasing that to nearly 9000. According to the DEIR, these parcels would accommodate 760 growers. While proposed changes to RA zoning would substantially change the character and safety of these residential communities, among 256 registrants of known address only 20 would profit from the changes.

- Why have the preparers of the DEIR chosen alternatives that benefit so few of the anticipated individuals who are interested in cannabis cultivation?

The DEIR authors state "*The minimum parcel size requirements described in 2.3.2 have the greatest effect in eliminating potential registrant-provided cannabis cultivation sites from eligibility, particularly in the Mountain Region where smaller agricultural and timber parcels under 5 acres in size would not be eligible for cultivation licenses*" (p.2-46).

Yet, even with adoption of the more permissive project standards, the percent of eligible registrants only increases from 56% to 64%.

- Since this region of the county seems to have a culture with a greater tolerance for high density cannabis cultivation why not use the zoning variance procedures to involve surrounding neighborhoods in decision making?
- Isn't it more likely that smaller growers in remote mountain communities with minimal enforcement pressures will be less likely to participate in the Program based on benefit/risk analysis and the other factors listed above?
F
- What level of enforcement and at what cost would change the benefit/risk assessment in favor of leaving the black market?

[Chapter 3.0 Introduction and Approach to Analysis](#)

[3.0.2 Assessment Methodology- Establishing the Baseline Environmental Conditions](#)

[DEIR baseline analysis flaws](#)

The DEIR states:

"This section describes the environmental baseline as accurately as possible, given the limits of the available data for the existing cannabis industry in the County."

And

"Baseline conditions are defined as the existing physical setting that may be affected by the Program (State CEQA Guidelines, § 15125, subd. (a)). Baseline conditions are the local and regional physical environmental conditions as they existed at the time of the Notice of Preparation (NOP), which was published on February 13, 2017. This environmental setting constitutes the baseline physical conditions against which the County will determine whether impacts from the Program and alternatives are significant. The impacts of the Program are defined as changes to the environmental setting that are attributable to Program."

- Why did the DEIR authors not use 2013 as the baseline, the time before poor ordinances attracted the first wave of commercial cannabis cultivators to the County?

During the NOP public comment process, CESC requested the following analysis of the environmental baseline:

- What is the current baseline use of legal and illegal rodenticides and pesticides?
- What is the baseline permeability of the landscape to wildlife movement across the County?
- What is the current baseline (acreage and habitat viability) of sensitive habitats in the County, including maritime chaparral, coastal prairie, Shreve oak, woodland, northern coastal shrub, freshwater wetland, riparian areas, inland sand hills, and San Andreas oak woodland?
- What is the current baseline of light pollution throughout the County?
- What is the baseline wildfire ignition rate (in each of the study areas)?
- Will technologies such as olfactometers be used in establishing the baseline (for offensive smells)?

In all cases, the DEIR authors fail to establish the baselines for the issues CESC requested. The baseline conditions of these factors are important to adequately disclose to the public the magnitude of changes due to the proposed project. The DEIR authors instead suggest that the lack of baseline description is due to the limited information about cannabis cultivation. However, the baseline conditions of the factors for which the CESC requested information are affected by many different activities and require analysis to adequately assess levels of significance. And so, CESC asks again:

- What is the current baseline use of legal and illegal rodenticides and pesticides?
- What is the baseline permeability of the landscape to wildlife movement across the County?
- What is the current baseline (acreage and habitat viability) of sensitive habitats in the County, including maritime chaparral, coastal prairie, Shreve oak, woodland, northern coastal shrub, freshwater wetland, riparian areas, inland sand hills, and San Andreas oak woodland?
- What is the current baseline of light pollution throughout the County?
- What is the baseline wildfire ignition rate in the various areas proposed for additional cannabis cultivation?
- Will technologies such as olfactometers be used in establishing the baseline (for offensive smells)?

In addition, the CESC asks:

- How do the activities of the existing cannabis industry relate to the environmental baseline?
- How much of the baseline of cannabis cultivation activities change since the legalization of medical and commercial cannabis cultivation?
- Why did the lead agency neglect to establish the baseline conditions of neighborhoods, wildlife habitat, water resources for this DEIR?
- Is it possible to document the baseline condition of the sensitive habitats (area, condition) that could be affected by cannabis cultivation?

[Section 3.1 Aesthetics and Visual Resources](#)

The water storage requirements (120,000 gallons) translates into 3 X 40,000 gallon tanks measuring 32 ft diameter X 7 ft tall. That's a 32 x 100 ft. area in close enough proximity to a cultivation area to allow fire truck access.

On 2.5 acre parcels, this would create an onerous, industrial like eyesore. On smaller acreage, there are conflicting issues of planted visual screens and fire safety fuel breaks required by CDF. With 4 years of drought and numerous fires, we can now see houses that 5 years ago were hidden in dense chaparral and trees.

- How will the Program balance fire safety with aesthetic and visual resource impacts, given fire clearances and installation of infrastructure?
- What are the cumulative impacts to aesthetic and visual resources with the Program alternatives?
- How will those most affected by aesthetic and visual resource changes be able to comment on proposed changes affecting them?

Section 3.10 Land Use and Planning

Neighborhood quality of life issues

The Program concentrates commercial cannabis activities in residential agricultural communities at increased density and concentration of cannabis cultivation.

Rural neighborhoods are clusters of houses sharing a common road. Often these house clusters are isolated from the next nearest neighborhood. Rural neighborhoods often are more tightly knit than suburban or urban neighborhoods. Typically rural neighbors will help one another maintain roads, remove down trees, report suspicious vehicles or strangers to one another and look out for one another's children. In rural neighborhoods neighbors generally partner to maintain the neighborhood and assist one another during times of adversity, such as violent storms, a disabled vehicle, wild fires and threats of any kind. Generally, people living in rural neighborhood realize participating in the general good provides both psychological and physical security. For a rural neighborhood to be nurturing there must be trust.

Alternatives considered and discarded

R1 parcels were excluded from commercial licenses citing Obj. 4 and 7 and “*the potential for commercial-residential land use conflicts, exposure of children to cannabis activities and increase in odor complaints and other impacts*” (p. 4-3)

- What specific metrics did the DEIR authors employ to characterize R1 parcels with RA parcels to determine that the latter were less likely to present commercial-residential land use conflicts with regard to commercial cannabis cultivation?

Table 2.10 makes it clear that the most permissive option increases the number of parcels available for grow licenses predominately in RA parcels. 7,246 RA acres out of the total of 16,971 increased in all zoning designations. Current estimates of grows

throughout the county indicate that only 25% are in RA zones (page 2-53 to 2-67 geographic region data).

This is accomplished by both reducing minimum lot sizes from 5 to 2.5 acres and double the grow size, essentially increasing the amount of cannabis produced by a factor of 4. When also reducing the size of setbacks from roads and adjacent houses (Table 2.7, 2.8 page 2-33) RA zoned neighborhoods become even more similar to R1.

With the more permissive alternative, the DEIR authors chose reduction in RA minimum parcel size and an increase in permissible canopy; reduction in setbacks were arbitrarily doubled or halved.

- What were the justifications for the choice to reduce RA minimum parcel size, increase permissible canopy, and reduce setbacks with the more permissive alternative?

The DEIR authors state "*The most permissive alternative would have the most eligible area and would involve the least relocation to license the 760 existing and proposed cannabis businesses into eligible areas*" (p. 4-37).

The areas emphasized by the most permissive alternative are concentrated in locations with the least infrastructure and least law enforcement presence. This is also where the black market grows will continue to have a presence with co-mingling of licensed facilities with black market operations, making it easier for licensed facilities to siphon off excess product to the black market to boost their bottom line.

- What is the public information strategy to prevent unlicensed grows co-mingling with licensed facilities?
 - o How will the public be informed about the location of licensed facilities?
 - o How will a person living in a rural neighborhood know if a neighbor's next door cultivation is legal or illegal?
 - o How will a neighbor know if a commercial operation is also involved in illegal and dangerous practices such as hash oil manufacturing (high fire risk) or using the legal grow as front for a much larger illegal grow that would avoid taxes or regulation?
- What is the law enforcement strategy to prevent unlicensed grows co-mingling with licensed facilities?

The DEIR authors illustrate that registration data indicates 36 acres of existing cultivation county-wide. (p. 2-21), possibly growing to 200 acres (page 2-22), while Table 2-10 indicates a total increase in eligible acreage of nearly 17,000 acres.

- Why do the DEIR alternatives create license-qualified acreage well beyond current needs?

CESC comments - DRAFT Environmental Impact Report (EIR) on the proposed regulations for commercial cannabis cultivation and manufacturing October 31, 2017

Other neighborhood issues not recognized in the DEIR:

Commercial cannabis cultivation is often correlated with increased security fences and security dogs, changing the nature of the neighborhood especially for youth, in terms of freedom of movement and neighborhood trust.

- How will neighborhood character changes, especially with regard to youth outdoor activities, be mitigated by the Program alternatives?
- What percentage cannabis operations requiring a visit from the sheriff resulted in discovering crimes other than simply growing cannabis?
- How many fires or explosions were attributed to cannabis operations in Santa Cruz County during the last ten years?

Edibles in cannabis manufacturing sites pose an attractive nuisance/ danger to youth.

- How will these be secured at residential-based manufacturing sites?

Discretion of Inspector Czar to change setbacks, and reduce parcel size requirements increases still more the concentration of cannabis into residential neighborhoods.

- How have historic crime rates correlated to concentration of cannabis grow canopy?
- What do the levels of cannabis exposure/use by youth correspond to amount of cannabis being produced in the nearby community?

Section 3.4 Biological Resources

Analysis of impacts to natural communities and habitats inadequate and confusing
The DEIR authors fail to provide reference to the public for the nomenclature used in the document, and so it is impossible for the public to verify the DEIR findings. For instance, Table 3.4-1 Habitat Types and Associated Communities in Santa Cruz County, lists a number of natural communities without reference and without annotation about the level of sensitivity of those resources. And so, CESC asks:

- What professional nomenclatural system did the DEIR authors use for naming the natural communities listed in Table 3.4-1?

- Where can the public access natural community descriptions for the communities listed in the DEIR?
- What level of sensitivity are each of the natural communities found in the project area?
- Why did the DEIR neglect to include karst habitats, which include a number of sensitive animal species?

There is a photo caption associated for an unlabeled figure with the Santa Cruz County Sandhills section which includes mention of “the Sandhills support two rare and endemic plant communities - maritime coast range ponderosa pine forest and northern maritime chaparral.” However, these two plant communities do not appear in Table 3.4-1.

- Why were the two ‘rare and endemic plant communities’ in the figure caption omitted from the natural community types in Table 3.4-1?

The legend in Figure 3.4-1 introduces yet another nomenclature for natural communities, which do not agree with those presented in Table 3.4-1.

- How do the habitat types listed in figure 3.4-1 relate to the natural community types presented in Table 3.4-1?

There are geographic information sources, such as those used in the Conservation Blueprint, by the Land Trust of Santa Cruz County, that would provide the public with a better understanding of the relationship of the proposed project with the distribution of sensitive natural communities.

- Why did the authors of the DEIR not use the best available information to disclose to the public the relationship and distribution of sensitive natural communities with the proposed project?

During the NOP process, the CESC asked the following questions about baseline, which the authors of the DEIR did not address in the document. The CESC again submits these questions for consideration by the lead agency:

- What is the current baseline (acreage and habitat viability) of sensitive habitats in the County, including maritime chaparral, coastal prairie, Shreve oak, woodland, northern coastal shrub, freshwater wetland, riparian areas, inland sand hills, and San Andreas oak woodland?
- Over the past decade, what has been the level of compliance with protection of sensitive habitats in the County?

Presenting the public with baseline compliance levels for protection of sensitive natural communities and discussing how the proposed project would be similar or deviate from

that level of compliance is essential for analysis, especially as the same agency would be responsible for future such compliance measures.

- What proportion of protected, sensitive natural communities have been lost since the passage of the County's protective ordinances?
- What is the annual loss due to non-compliance of those resources?
- Would the proposed project result in an increase or decrease of the level of compliance?

The DEIR curiously focuses on only 2 of the many sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Game. And so, we ask:

- Why did the DEIR authors omit analysis of sensitive natural communities listed in the County's General Plan?
 - o What are the baseline conditions of those sensitive natural communities?
 - What percentage of the natural distribution of those communities remained at the time of the NOP publication?
 - How many acres of each of those communities remain, intact?
 - What is the threshold of significance for direct, indirect, and cumulative impacts on those communities?
- What are the sensitive natural communities listed in the County's General Plan in the project area?
 - o What are the baseline conditions of those sensitive natural communities?
 - What percentage of the natural distribution of those communities remained at the time of the NOP publication?
 - How many acres of each of those communities remain, intact?
 - What is the threshold of significance for direct, indirect, and cumulative impacts on those communities?
- Why did the DEIR authors omit analysis of sensitive natural communities recognized by the California Department of Fish and Wildlife?
- What are the sensitive natural communities recognized by the California Department of Fish and Wildlife in the project area?
 - o What are the baseline conditions of those sensitive natural communities?
 - What percentage of the natural distribution of those communities remained at the time of the NOP publication?
 - How many acres of each of those communities remain, intact?
 - What is the threshold of significance for direct, indirect, and cumulative impacts on those communities?
- Why did the DEIR authors omit analysis of sensitive natural communities recognized by the California Coastal Commission?
- What are the sensitive natural communities recognized by the California Coastal Commission in the project area?
 - o What are the baseline conditions of those sensitive natural communities?
 - What percentage of the natural distribution of those communities remained at the time of the NOP publication?
 - How many acres of each of those communities remain, intact?
 - What is the threshold of significance for direct, indirect, and cumulative impacts on those communities?

Similarly, the DEIR authors focused only on State and Federally listed sensitive plant species.

- Why did the DEIR authors neglect to include the list of locally sensitive plant species recognized by the County of Santa Cruz?
- What are locally sensitive plant species in the project area?
 - o What are the baseline conditions of those species?
 - What percentage of the natural distribution of those species remained at the time of the NOP publication?
 - How many populations of each of those species remain?
 - What is the threshold of significance for direct, indirect, and cumulative impacts on those species?

Even with the DEIR authors focus on State and Federally listed sensitive plant species, the DEIR fails to establish baseline.

- What are the baseline conditions of the federally and state-listed plant species in the project area?
 - o What percentage of the natural distribution of those species remained at the time of the NOP publication?
 - o How many populations of each of those species remain?
 - o What is the threshold of significance for direct, indirect, and cumulative impacts on those species?

Inadequate analysis of impacts to sensitive wildlife species

- To what extent are special status species currently affected by poisonings with rodenticides and pesticides?
- How, will this change with the alternatives under consideration?

Inadequate analysis of impacts to movement of native resident or migratory species

CESC submitted the following question with our NOP comments:

- What is the baseline permeability of the landscape to wildlife movement across the County?

Nevertheless, the DEIR failed to address this point. And so, we reiterate:

- What data were used to determine the baseline movement of native resident or migratory species across the proposed project area?

CESC submitted the following question with our NOP comments:

- How would the various alternatives affect the movement of wildlife across the County?

The DEIR provided the public insufficient information to verify the document's conclusions. And so, we ask:

- Given the baseline, what specific data and specific analysis tools (GIS, etc) were used to determine the level of impact of the various alternative to movement of native resident or migratory species across the project area?

CESC submitted the following question with our NOP comments:

- What are the cumulative impacts of this proposal with other proposals (including housing development, for safety/farming, transportation projects) that would negatively affect wildlife across the County?

The DEIR provided the public insufficient information to verify the document's conclusions. And so, we ask:

- Specifically, what data on past, present, and future proposed developments (including housing development, agriculture- including farm food safety regulations, transportation projects, etc) were used to assess cumulative impacts of this proposal's impact to movement of native resident or migratory species across the proposed project area?

CESC submitted the following question with our NOP comments:

- What are the specific thresholds beyond which wildlife movement would be significantly impaired?

The DEIR provided the public insufficient information to verify the document's conclusions. And so, we ask:

- What specific methodology and data were used to determine the threshold of significance for impacts to movement of native resident or migratory species across the proposed project area?

MM Bio- 3.1 suggests that fencing would be allowed that would 'prevent movement in and out of cultivation sites by larger mammals such as deer.' The DEIR presents inadequate analysis, suggesting that larger mammals, such as deer, are excluded from the CEQA process. And so, we ask:

- What are the specific native resident or migratory species were included in the analysis for the project impacts to movement of native resident or migratory species across the proposed project area?
- What is the baseline for and thresholds of significance to determine impacts to each of these 'larger mammals.'

CESC submitted the following question with our NOP comments:

- What would be the necessary levels of funding, personnel, monitoring, and oversight to assure that wildlife movement impairment would not exceed the defined thresholds?

The DEIR fails to give specific analysis for the feasibility of implementing the proposed mitigation measures.

- To feasibly mitigate project impacts to the movement of native resident or migratory species, what is the level of funding that would be required for reviewing, approving, and monitoring in accordance with implementing mitigation measures MMs AV-1.1 and BIO-3.1?

Inadequate analysis of non-target animal poisoning with rodenticides and pesticides

CESC submitted the following question with our NOP comments:

- What is the baseline use of illegal, and legal rodenticides and pesticides?

The authors of the DEIR provided no answer to this question, and so the CESC asks once again:

- What is the baseline use of illegal, and legal rodenticides and pesticides?

In August, 2017 --- Matt Johnston, in the capacity of The Environmental Coordinator for the County of Santa Cruz asked the CESC for a PDF of their compilation of scientific publications. This 109- page collection of technical science writing, necropsy reports and journalism included 17 articles, from 40 contributing authors and with more than 300 references. The CESC then provided the County with this compilation.

CESC is an environmental advocacy group who relies on high quality scientific research to guide their input on environmental matters affecting Santa Cruz County. CESC believes their information, specifically gathered for the EIR and SC Supervisors (who voted [5/0] to adopt “RESOLUTION URGING SANTA CRUZ COUNTY RESIDENTS TO AVOID THE PURCHASE AND USE OF ANTICOAGULANT RODENTICIDES)¹⁶ should have been addressed in the DEIR because the content goes further in understanding the severity of the poisoning problem, the role of mange in anticoagulant poisoning that results in very high mortality rates, dramatically reduced lifespans & other information not included in the EIR.

None of the aforementioned reference material is cited in the EIR’s “List of Preparers and References,” In Chapter 4, Alternatives Analysis on page 4-1 the EIR writers state, “Alternatives were developed based on: information provided by the County...” The

CESC agrees “that the information was provided by the County” and the quality of the material sent to EIR writers by Environmental Coordinator Matt Johnston was sent because he believed it had merit that was worthy of inclusion.⁹

We also feel the information that did not make its way into the DEIR discussions is a violation of the intent and rules of CEQA. For these reasons we have summarized some of the missing content and asked questions as if this material had appeared.

And so, the CESC once again asks:

- What the impact will rodenticides have on wildlife as a result of this Program?
- What affective mitigation measures have been demonstrated to be feasible and effective to avoid or minimize the effects of rodenticides on non-targeted species?

The CESC provided the lead agency with one study that illustrates a means to determining baseline and effects of rodenticides on non-targeted and sensitive animal speices: Serum Chemistry, Hematologic, and Post-Mortem Findings in Free Ranging Bobcats (*Lynx rufus*) with Notoedric Mange.

This study (and others) establishes that 100% of a population of bobcats with mange also had significant levels of anticoagulant poisoning. The onset of mange throughout a population is often due to anticoagulant poisoning that weakens the animal allowing mange (an opportunistic parasite) to flourish. Mange was not mentioned in the DEIR.¹⁹

In addition, the following study also illustrates the extent of the rodenticide problem in California, and can be used to illustrate the type of monitoring necessary to assess this problem in conjunction with the Program.

Anticoagulant Exposure & Notoedric Mange in Bobcats and Mountain Lions in Urban Southern California. Both bobcats and mountain lions exhibit severe mange while succumbing to anticoagulant rodenticide toxicity and complications due to mange. This study supports the previous study on bobcat vulnerability to anticoagulants causing toxicity, and in this study victims include mountain lions, who as apex predators who regularly prey on coyotes, who are themselves suffering from anticoagulants from eating poisoned rodents. This study verifies anticoagulants can move up the food chain to apex predators who may not have relied on poisoned rodents. This bobcat population's life expectancy dropped from 7 years to 2 years due to the pervasive influence of anticoagulants. Both mountain lions and bobcats live in Santa Cruz County, as do coyotes. Mange has been reported in these species.¹⁷

The level of exposure in this population was above 90 percent. This population and others with about the same level of exposure are declining populations with possible trajectories of regional extinction.¹⁷

- Would an effective mitigation and monitoring measure for the program include a website where citizens could report mange in bobcats (and other common predators)
- Could such a website serve as an inexpensive early warning system that will allow monitoring of the Program's impacts on wildlife species with an added mitigation measure of addressing anticoagulant poisoning should this aspect of the Program surpass threshold levels of significance?
- Do the DEIR authors agree that the scientific methodology and objectives in these two studies would benefit Santa Cruz County Cannabis Program staff in understanding the "impact of rodenticides on wildlife" and how to spot early warnings of the pervasive nature of the problem?

Anticoagulant Rodenticides in Urban Bobcats: exposure, risk factors and potential effects based on a 16-year study. In this 16-year study in two different areas, 92% of the populations were exposed, including fetal transfers to young. Anticoagulants are blamed for population decline and the study concluded, "anticoagulants are a substantial threat to bobcats, and likely other mammalian and avian predators, living in the urban-wild land interface." Toxicant exposure was associated with commercial, residential and agricultural development and numerous subdivisions of these categories.¹⁸

A question concerning this article:

- Have wildlife/urban interfaces been identified in Santa Cruz County?

Anticoagulant Rodenticides on our Public & Community Lands: Spatial Distribution of Exposure & Poisoning of a Rare Forest Carnivore⁷ and, Cartels are growing marijuana illegally in California – and there's a War Brewing.²¹

It is well documented that the urban/wild land interface is an anticoagulant-laden environment in California and a difficult place to survive for middle-sized predators. This was acknowledged in the DEIR. However, there is no mention of an equally devastating interface: the "pristine environment in mountain areas" far from human habitation turns out to equally worthy of our attention because wildlife is commonly annihilated through the use of a wide range of poisons. These remote grows also offer a clear view of what a large cannabis grow can do to the surrounding environment with no influence from other sources of anticoagulants. In these remote forest grows toxins include a long list of outlawed poisons (neurotoxic insecticides, carbofuran, etc.) -- illegal in Europe, the US & Canada. These super toxins have been discovered repeatedly in large remote grows. Their use is shared knowledge amongst a segment of the cannabis farming world and often associated with cartels. Much of mountain areas and timber preserves

in Santa Cruz County fit the “pristine habitat” profile described in these articles and utilized by this growers relying on their remote location to protect them.^{6,7,21}

Questions regarding the above articles:

- What factual errors do the EIR writers or the experts listed in the “Chapter 5 List of Preparers and References” find in the two articles cited above?
- How will the Program include developing the expertise to identify a wide range of toxic materials often found on large remote grows?
- What will the consequences be for cannabis cultivators be when they possess illegal poisons regardless of the farm’s status as an illegal or legal cannabis operation?
- Has Santa Cruz County ever identified any “cartel-grows?”
- Does Santa Cruz County keep records that are comparable to neighboring counties in cannabis related problems and legal issues?
- Have Santa Clara County and other neighboring counties identified “cartel grows?”
- Does anyone in law enforcement or compliance know who owns the LLCs that have purchased large acreages on Summit Road, in Boulder Creek & other remote areas in the county?

A prior CESC submission to the County: Documents & Anecdotes from Santa Cruz

This collection of news articles & other documents focuses solely on what is known about non-target animal poisoning in Santa Cruz County, which has never conducted a regional toxicity study of wildlife. The information includes a necropsy report of a dead fox found 35' from a cannabis grow in 2016. The animal had five poisons in its body, from both 1st and 2nd generation anticoagulants, proving the second generation anticoagulants were still killing non-target wildlife two years after (2014) the DPR restricted the use to exterminator companies and applicators and people they supervise. This fox's necropsy result triggered a notification to the Agricultural Commissioner in Santa Cruz County and a copy of the necropsy report from the state's Investigation Laboratory in Rancho Cordova. There were also articles about numerous poisoning of bobcats in both south and north county. And, descriptions of photographs of groups of coyotes revealed widespread mange (a telltale sign of poisoning).

The DEIR had this to say about this information: (Section 3.8-4) “Bonny Doon homeowners have noted concerns over the use of acutely hazardous rodenticides which have resulted in known cases of secondary poisoning of predators and other non-target wildlife.”

Questions regarding this submission:

- Why didn't DEIR writers include in the document a description and explanation of the necropsy results of the fox?
- Based on articles and scientific studies in the compilation of papers sent to DEIR writers by Matt Johnston, why wasn't the presence of mange in a predator species population noted as an important indicator of rodenticide poisoning in various areas of the DEIR analysis?
- Do the DEIR authors believe the information sent to Matt Johnston had merit for the analysis of the Program alternatives?
- Given the body of knowledge about anticoagulant rodenticide poisoning from scientific studies on wild predators in California is it reasonable to establish a baseline for levels of toxicities in wildlife prior to expanding cannabis operations in Santa Cruz County?

[Section 3.4 - Outdated and factually incomplete reporting](#)

In section 3.4 “Biological Resources,” much of the reporting is dated, not balanced, lacking important data and concepts and appears to be lifted from existing texts. For example this passage appeared on page 8 of “Biological Sources.”

The DEIR authors state “*On July 1, 2014 California DPR (Department of Pesticide Regulation) adopted new regulations that restrict the purchase, possession, and use of rodenticide baits that contain active ingredients brodifacoum, bromodialone, difenacoum, and difethialone, which are known as second generation anticoagulants. The new regulation limits their purchase, possession, and use to “certified-pesticide-applicators” exterminators, and those who work under their supervision.*” (p. 3.4 – 9)

The California DPR adopted these regulations due to the overwhelming evidence of wildlife being weakened or killed by second-generation anti-coagulants. Other categories of rodenticides – first-generation anti-coagulants, acute toxicants and certain burrow fumigants—are still available.

The DPR decision to restrict 2nd generation anticoagulants allows pesticide manufacturers to continue selling a potent poison that kills non-target middle-sized and

large predators and family pets in alarming numbers. Merely restricting use of 2nd generation anticoagulants to “certified applicators,” people “under their supervision” and exterminator companies is controversial. With the DPR decision to limit the use of Second-generation anticoagulants, to exterminator companies and “applicators” and people under their “supervision” there was no move to change the ingredients in second-generation anti-coagulants’ or otherwise dilute potency. The DPR “field operating rule” that specifies this poison can’t be placed further than 50’ from a structure does not prevent poisoning of avian and mammalian predators of all kinds who often come close to structures during the night while searching for food.³ More than 30 cities and counties in California have passed resolutions urging citizens to quit using anticoagulant rodenticides. ¹⁵ This includes Santa Cruz County in a 5/0 nonbinding vote from the Board of Supervisors on June 6, 2017. ¹⁶

On September 20,¹⁴ a senior scientist at the California Fish & Wildlife Investigations Laboratory, who necropsy dead wildlife, stated there are no known studies either proving or disapproving the effectiveness of the 2014 DPR policy change to restrict who legally applies 2nd generation anticoagulants. However, in study after study (See “Problem: Omitted Material” on page 7) conducted by governmental agencies and university based researchers, the rate of anticoagulant contamination (often leading to death) was around 80% of animals studied. ^{6,7,17,18,19,21} Also, undercutting the efficacy of the DPR’s 2014 restrictive policy, is the fact that people living in California who want 2nd generation anticoagulants can still get them via the Internet from out-of-state sources. In addition, within the cannabis growing community in California entirely illegal and very potent neurotoxin poisons banned, both in the US and Europe have been found repeatedly grow sites in remote areas in California. ^{6,7,21}

Our questions from the NOP stay focused on the “over-arching” questions: “What will be the impact on wildlife and can rodenticides be successfully controlled as to not harm non-target wildlife?” Some of our other questions are tangential to eliciting more information from diluted quality of DEIR reporting.

- What data or scientific analysis do the DEIR authors use to support their supposition that management of 2nd generation anticoagulants has been corrected satisfactorily?
- Are there any factual errors in CESC’s paragraphs preceding this set of questions?
 - o Does acceptance of these statements change the CEQA analysis?
- Which experts or agency personnel did the DEIR authors consult to formulate the Program’s rodenticide control components?

- Why didn't the DEIR include the fact that there are no known studies underway to see if the new policy of limiting who can apply the second-generation anticoagulants (SGAR) has actually benefitted wildlife and family pets?

Further down the page (p. 3.4 – 9) the DEIR authors state “*It is not clear what types of rodenticides are used and to what degree [in Santa Cruz County].*”

Though there have been no comprehensive studies of wildlife poisoning in Santa Cruz County as have been done in other parts of the state, the DEIR writers were given a necropsy report from a poisoned fox found close to a cannabis grow site, showing the types of poisons being used in the Bonny Doon region plus news articles stating bobcats were dying due to rodenticide poisoning in different location in the county, plus information about mange infestations (sign of poisoning) in coyotes and bobcats.²

- Why wasn't the material submitted by CESC during the NOP process used in the DEIR analysis?
- Who does the 2014 decision on restricting the legal use SGARs benefit most?
- Who does the 2014 decision hurt most?

3.4.6.2 Summary of Project Impacts and Proposed Mitigation Measures

The CESC asks the following questions about the mitigation measures associated with “Impact BIO-5.1 Secondary Cultivation/Manufacturing”

- Because it is expected that illegal cannabis cultivation will continue to exist in Santa Cruz County simultaneously with legal cannabis cultivation, how will the licensing authority be able control non-targeted poisoning?
- How will proposed rodenticide use be monitored by the licensing authority?
- How many farm inspections will occur within a year and
 - o what percentage of these inspections will be by appointment and
 - o what percentage will be unannounced? ¹
- How many SC County or state personnel will comprise an inspection team and
 - o what will be their roles and job titles?

- With the interval of a year between inspections will rodenticide cultivators be able to use rodenticides in any manner they desire without detection most of the time?
- How many farms can an inspection team evaluate in a day in remote areas?
- Does Cal-Fire consider cannabis inspections dangerous and require more than one inspector for each inspection?
- Does the Santa Cruz County Sheriff's Department consider inspections dangerous and require more than one deputy for each inspection?
- Does the SC County Agricultural Commissioner consider inspections dangerous and what precautions would he like?
- Does the SC County Cannabis Program Licensing Manager consider inspections dangerous?
 - o Has that person asked for bullet proof vests to assist the inspections teams?
 - o What has been the result of that request?
- Will live animals be trapped, outfitted with radio collars and collected for testing from time to time in the programs the DEIR authors have recommended?

Inadequate mitigation measures for biotic impacts

MM BIO-1.1a. Special-status Species Habitat Assessment

The DEIR authors suggest that inspection will help avoid impacts: "County Cannabis Licensing Office staff, or other qualified staff or professionals determine through a site visit whether a biotic assessment is necessary based on the potential for special-status species to occur" (p. 3-4- 18)

Santa Cruz County is vastly biodiverse with even the most experienced professionals struggling over definitions and identification of habitat conditions that could support special-status species.

- Who and by what means will it be determined who is "qualified staff or professionals?"
- What will be the minimum qualifications of County Cannabis Licensing Office staff to determine the need for biotic assessments?

The past track record of the County should inform the feasibility of this mitigation measure.

- What is the baseline level of protection of special status species by current County planning processes?
 - o Examining the 5-year reviews published by the USFWS, what has the trend of federally protected sensitive species been in Santa Cruz County over the past 20 years?
- By what means can the DEIR authors demonstrate feasibility of this mitigation measure?

The DEIR authors state: "*If a biotic assessment is required, the Licensee shall hire a County-approved biologist to conduct an assessment of habitat suitability for such species*" (p. 3-4-20).

In order for this portion of this mitigation measure to be feasible, the County must demonstrate that its approved biologists list contains persons qualified for such assessment. And so, the CESC asks:

- By what means does the County review biologists to determine their ability to assess habitat suitability for sensitive species?
- What is the means for removing a 'County approved biologist' should that biologist make mistakes that negatively impact sensitive species?
 - o During the past 20 years, on how many occasions has the County removed County-approved biologists for reasons of omitting or overlooking information critical to the conservation of sensitive species?
- During the past 20 years, how successful has the County been in instituting mitigation measures similar to MM BIO-2.1a through MM BIO 4.2 where they pertain to other types of projects?
 - o To what degree does the County monitor the success of their required mitigation measures?
 - o What metrics has the County used to monitor the success of their ecologically oriented mitigation measures?

Incorrect information, poor assumptions and poor standards for protection of sensitive wildlife and plants

The DEIR authors state: "*The biologist will take into account conditions that may preclude the use of the area by such species, such as developed lands or historically tilled agricultural fields; lands not within the dispersal of the nearest suitable breeding habitat, or lands separated from the nearest breeding habitat by barriers to dispersal, and will document these conditions in making a final determination*" (p. 3-4-19).

Note that few of the ‘may preclude’ example reasons given by the authors pertain to the species given as examples. Indeed, such presumptuous generalizations do not well qualify as ‘standards’ that would make this mitigation measure feasible.

- To make this mitigation measure feasible, what professional standard will be used to determine habitat suitability for each of the sensitive wildlife species in Santa Cruz County?
- What level of expertise will a County-approved biologist need to demonstrate to be qualified for the entire suite of sensitive wildlife species found in Santa Cruz County?

The DEIR authors state: “*Should the assessment result in a determination that there is a potential to encounter listed species, the biologist shall include measures to avoid, minimize and mitigate impacts to those species, including site design, and exclusionary fencing, timing restrictions, or other measures specific to the species that may be present*” (p. 3-4-19).

It appears that this programmatic EIR is attempting address mitigation measures at an inadequate scale. Should there be potential for listed species, that seems to be the correct time to trigger additional environmental review through CEQA.

- What specific standard will be used to require initiation of additional environmental review, including State or Federal wildlife agency consultation and/or CEQA analysis, when sensitive wildlife species could be impacted?

The DEIR authors state: “*Special-Status Plants: To determine habitat suitability, a County-approved biologist will determine whether the impact areas (plus a 100-foot buffer) consist entirely of land uses that are unsuitable for special-status plants, such as historically tilled agricultural fields or gardens, and developed or degraded lands*” (p3.4-19)

Note, again, that the DEIR authors make generalized and mistaken claims, suggesting that these sometimes false claims are ‘standards.’ For instance, one of Santa Cruz County’s most endangered plant (Santa Cruz tarplant) species has persisted and thrived in a tilled environment (Watsonville Airport) for generations. Many other species thrive in what might be construed as ‘degraded’ areas.

The ‘standards’ as stated also provide suggestions to would-be cultivators for how they might make suitable habitat not-so-suitable.

- To make this mitigation measure feasible, what professional standard will be used to determine habitat suitability for each of the sensitive plant species in Santa Cruz County?

- To make this mitigation measure feasible, what level of expertise will a County-approved biologist need to demonstrate to be qualified for the entire suite of sensitive plant species found in Santa Cruz County?
- What activities will be allowed in the 100-foot buffer set forth in this standard?
- How will the 100-foot buffer be monitored?

The DEIR authors state “Where avoidance of species’ sensitive habitat is demonstrated to be infeasible, compensatory mitigation for permanent impacts on the California red-legged frog, California tiger salamander, and/or SCLTS, due to loss of suitable habitat, such as loss of continuous connection within an upland stream or riparian corridor for the California red-legged frog, shall be provided at a ratio of 1:1” (p 3.4-22)

This quote is rife with misinformation about the sensitive habitat of the species listed

- What scientific publications support which of the species listed requiring ‘continuous connection within an upland stream?’
- What scientific publications support the use of riparian areas as dispersal corridors for the California red-legged frog?
- What scientific publications will be used to outline standards for delimiting ‘suitable habitat’ for the species listed?

[Only 2 of the County’s no take species are addressed](#)

The DEIR authors note only two of the many species in the County that are ‘fully protected’ species: SCLTS and SF gartersnake.

- What other fully protected species are known to exist in the County?
- Why did the DEIR not list all fully protected species and similarly address avoidance measures?
- What are avoidance measures for all of the fully protected species known to occur in Santa Cruz County?

[Mitigation measures for Santa Cruz Long Toed Salamander confusing and illogical](#)

The DEIR authors state: “*Because the SCLTS is fully protected, individuals cannot be handled. To avoid take of this species, no conversion of oak woodland to cannabis production shall occur within 0.25-mile of a known or suspected pond or between such ponds up to 1 mile apart,...*”(p. 3.4 – 20).

The use of the word ‘or’ in this ‘standard’ is confusing and could be used to suggest that the .25-mile buffer is all that is truly required. Also, SCLTS is known to occur in a variety of settings, including willow groves, eucalyptus stands, maritime chaparral, etc.

- Does the ‘up to 1 mile apart’ mean that there could be no cultivation within pond complexes that are less than one mile apart?
- What is the standard for defining ‘1-mile apart?’
- What would compel cannabis cultivators to choose the more restrictive of the setbacks of 1-mile if they could choose the .25 mile buffer, instead?
- Why do the DEIR authors choose only oak woodland when SCLTS can be found in many other habitats?
- What is the professional standard for pond surveys for SCLTS?

[**Mitigation measures for sensitive plant species confusing and illogical**](#)

The DEIR authors state “*In cases where an initial site assessment determines that special-status plants may occur in the disturbance area, prior to initial ground disturbance, a focused survey in the appropriate bloom season for potentially occurring special-status plant species shall be conducted in the identified suitable habitat and a 50-foot survey buffer. The purpose of the survey will be to assess the presence or absence of the potentially occurring species. If none of the target species are found in the impact area or surrounding 50-foot buffer, then no further MMs will apply*” (p 3-4-20).

The California Native Plant Society has published Rare Plant Survey Protocols. These are considered the accepted standard for such surveys.

- Why is this assessment methodology, which is significantly less rigorous than CNPS standards for rare plant surveys, suggested?
- What scientific information supports halving of the buffer distance (50') for sensitive habitat (100')?

For CRPR 1 or 2 sensitive plant species, the DEIR authors state “*If more than 10 percent of a listed species located on the cultivation site would be impacted, the affected species shall be transplanted to other undisturbed areas of the site. If relocation is not possible, the license shall not be granted*” (p 3.4-21)

- Considering the potential for below-ground persistent seedbank, what standard would be used to determine the 10%?

- What professional standard would be used to determine ‘if relocation is not possible?’
- To illustrate the effectiveness of this standard and mitigation measure, what percentage of CRPR relocation projects have been successful?
 - o For those that were successful, what were the explanatory variables for success?

The DEIR authors state: “Mitigation lands cannot be located on land that is currently held publicly for resource protection unless substantial enhancement of habitat quality would be achieved by the mitigation activities” (p 3.4 – 20)

- What professional standard would be used to determine whether or not ‘substantial enhancement of habitat quality’ could be achieved?
- What percent of the variables that determine habitat quality for our sensitive plant species are understood with any degree of certainty?
 - o What examples of such understanding exist to demonstrate the feasibility of this standard and mitigation measure?

The authors of the DEIR state: “*MM BIO-1.1d. Prevention of Spread of Nonnative Invasive Plants. The Licensee of a cannabis cultivation and/or manufacturing site shall employ the following Best Management Practices (BMPs) for weed control to avoid and minimize the spread of nonnative invasive plant species*” 3.4-24)

- What species will be considered a ‘invasive weed’ (bullet point 2)
- Will the persistent soil seed bank be removed as well as the above-ground material? (bullet point 2)
- What standards will define the ‘extent practicable?’ (bullet point 4)
- What scientific information supports the use of native plant seeds and plantings as mitigation for preventing the spread of nonnative invasive plants?

Section 3.8 Hazards and Hazardous Materials

The DEIR authors admit that cannabis cultivation is associated with increased fire risk:

"Sheriff records and other enforcement data show that existing cannabis operations are associated with fires"(3.8-2)

"Because data indicates that existing cannabis operations are concentrated within the remote forested areas of the County that are subject to greater threats of wildfire, such as the Mountain Region and foothill areas of the South County Region, there is concern that cannabis activity could spark wildfire. Registration data confirms significant overlap between current grow sites and high fire severity zones." (3.8-6)

And yet, the analysis falls short of any level of detail of the comparative risks between the alternatives. And, the DEIR authors fail to cite any data from Santa Cruz County or surrounding counties on the correlation between cannabis cultivation and increased fire risk. The CESC is aware of fire officials from adjoining areas that have testified to the extent of such correlations.

- Using expert testimony and/or data, what is the correlation between wildfire and cannabis cultivation?
- How many additional fires would the alternatives be predicted to cause in the next 10 years?
 - o What additional loss of life and property would occur?
- What is natural fire return interval for the areas eligible for commercial cannabis cultivation under the DEIR alternatives?
 - o How has that interval changed due to cannabis cultivation in our region?
- What width of access roads are State fire officials recommending for fire safety?
- What are the number of cannabis related fires and explosions in Santa Cruz County in the last 15 years?
- Have the incidents of cannabis related fires increased in frequency over the last ten years? If so please express rate of increase in percentage over the previous year.
- What is the total expenditure in dealing with cannabis related fires in Santa Cruz County in the last ten years.
- How much did the Castle Rock Fire (July 16, 2008) cost to control?

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- How many marijuana plants were removed by law enforcement a couple weeks prior to the fire?
- What was the cause of the 2008 Castle Rock Fire?
- How much did the Loma Prieta Fire (LPF) (2017) cost to control?
- What was the cause of LPF Fire?
- How many cannabis related fire incidents have been reported in the Summit Road area in the last ten years?
- Have individual growers in the Summit Road area had more than one fire in a three year period and continued to grow cannabis?
- In the last ten years have fire fighters been denied entry onto cannabis farmer's property to fight a fire?
- In the last ten years have fire fighter denied entrance to a cannabis fire had to wait for armed deputies to establish egress onto the property?
- Are fire roads and access to property regularly blocked with locks and metal gates making entry difficult for fire fighters?
- What are the total number of cannabis related fires and cannabis related hazardous incidents in San Mateo, Santa Cruz, Monterey, San Benito and Santa Clara counties on an annual basis over the last five years?
- How many arson fires involving cannabis farms have been reported in Santa Cruz County in the last five years?
- In what regions were arson fires identified in the last five years?

Section 3.12 Population and Housing

The Program requires a residence on parcels used for commercial cultivation in an area already heavily impacted with a lack of affordable housing.

- How will the Program affect rental and housing prices?

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Grey Hayes, PhD

Curriculum vitae

[Grey Hayes, PhD- c.v.](#)

Education

B.A. Environmental Studies (Agroecology), University of California at Santa Cruz. 1991

M.A. Environmental Studies (Restoration Ecology), University of California at Santa Cruz. 2002

Ph.D. Environmental Studies (Restoration Ecology), University of California at Santa Cruz. 2003

Expertise

Environmental education program design and evaluation; natural systems research design, methods, monitoring, and analysis; group facilitation; conservation biology; restoration ecology; conservation lands management; ecologically-oriented agriculture and landscaping; species management and recovery; California botany.

Professional Experience

Elkhorn Slough National Estuarine Research Reserve. Program Coordinator: Elkhorn Slough Coastal Training. Design and implement professional training, outreach, and scientific review to support improved decision making; the program's focus is on land managers, regulatory agency personnel, planners, and biological consultants. Apply social science to better understand educational and other needs to improve decision making on California's central coast and beyond. 2002 – present.

University of California at Santa Cruz. Lecturer in Environmental Studies. Advanced undergraduate course instructor for “Management of Protected Lands” course focusing on theory and practice of managing protected lands with climate change impacts given policy, economic, and social realities of the United States. Additionally, guest lecturer, California Naturalists Program.

2008 – present.

Biological Consulting, Independent. Biological consulting for private and public entities. Work focusing on botanical inventories and environmental impact assessment (esp. CEQA), land management and restoration planning, wetland delineation, and conservation easement creation and monitoring. Work

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has included mapping of remote areas over rough terrain often off road, using ATVs and 4WD vehicles.

Clients include: The Nature Conservancy, California Department of Fish and Wildlife, California

Department of Parks and Recreation, City of Santa Cruz, Land Trust of Santa Cruz County, and many private individuals. GIS mapping/analysis. 1992 – present.

University of California at Santa Cruz Natural Reserves. Land manager for 3 natural reserves: Ft. Ord, Younger Lagoon, and UCSC Campus Natural Reserve. Work included ecological restoration, coordinating teaching and research, neighbor relations, invasive exotic species control, erosion control, prescribed fire, advising on livestock grazing, monitoring, membership in Fort Ord Reuse Authority and Gray Whale Citizens Advisory Council. 1992 – 1998.

Project Experience

Central Coast Rangelands Coalition (CCRC)

I have been chair of this organization's education and outreach committee and founding member of the organization's steering committee. The CCRC serves as a co-management body for the rangelands of California's central coast and includes managers of 800,000 acres of rangelands who meet regularly to inform each other on progress towards more sustainable grazing management regimes to create biologically diverse ecological systems that support increasing economic and social prosperity. Membership includes community members, ranchers, regulators, State and Federal public trust resource regulators, land trust managers, researchers, rangeland consultants, scientists, and educators. My work with the group focuses on maintaining and facilitating these dialogues, evaluating progress, and increasing the membership of this community of practice. 2002 – present.

Linking science to practice: helping coastal managers design salt marsh conservation strategies in the face of environmental change

I worked with a diverse team of scientists, estuarine managers, planners, and regulators to improve salt marsh conservation strategies with the evolution of sea level rise models. The outcomes of this work included improved understanding of decision makers considering three different approaches to sea level rise models, improved understanding of scientists of the needs of decision makers, and improved understanding of both scientists and decision makers on the need for better communication. Various

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publications and reports have been published from this work and other work remains in process, such as a white paper outlining sea level rise modeling frameworks for the San Francisco Bay area. 2009 – 2012.

Central Coast Fire Learning Network

I convened a group of stakeholders interested in reducing the dangers of wildfire while maintaining the resilience of natural communities that are fire adapted. Membership included community members, fire safety agencies, State and Federal public trust resource regulators, scientists, educators, and municipal planners. The group met occasionally to exchange perspectives and to explore the efficacy of fire safety and methods to ensure the conservation of biological diversity. My role with the group was as a convener and facilitator of dialogue. 2007 – 2012.

City of Santa Cruz HCP Science Advisory Committee

I became a member of this important committee designed to advise on the activities of the City's water department as they develop long-term strategies for conservation while providing water, recreation, and open space facilities. Other committee members include Dr. Peter Karieva (The Nature Conservancy) and Dr. Peter Moyle (UC Davis). My role with this group was to represent local expertise to a group of largely academic and researchers. 2004 – 2006.

California Department of Fish and Game Land Management Planning

I co-authored 4 land management plans for California Department of Fish and Game lands in Eastern California and the Mojave Desert. These were comprehensive management plans addressing all aspects of use, conservation, and management for highly sensitive ecological lands with listed species and sensitive habitats. My role with these planning efforts was to advise on botanical conservation and conservation biology elements. GIS mapping/analysis. 1997 – 2005.

The Nature Conservancy, Mount Hamilton Project Area

Member of a team of scientists inventorying and protecting the natural resources of over 200,000 acres in the Mount Hamilton Range. Monitoring three ephemeral streams before and after installation of fencing to exclude cattle grazing. I developed rapid assessment techniques to inventory botanical resources and worked to help standardize inventories across taxa. GIS mapping/analysis. 1999-2002.

Grey Hayes, PhD

Curriculum vitae

Central Coast Ecological Restoration Projects

As manager of a system of natural reserves, I planned, managed, and monitored restoration for the restoration of Moore Creek and Younger Lagoon, administered by the University of California, Santa Cruz Natural Reserves office. Work on UCSC campus included restoration of habitat for the rare *Rana draytonii* (California red-legged frog) with artificial ponds. Work at Younger Lagoon included restoration of grassland, scrub, and riparian communities, buffering the reserve from development and agriculture, and facilitation of ongoing monitoring of numerous ecological communities. During this same time period, I founded two native plant nurseries and an ecological consulting firm, planted 40+ acres of native grasses for local genotype seed production, and consulted on numerous small-scale ecological restoration projects, especially in Santa Cruz County. 1990 – 1997.

Peer-Reviewed Publications

- Buisson, E., S. Anderson, K.D. Holl, E. Corcket, G.F. Hayes, A. Peeters, and T. Dutoit. 2008. Reintroduction of *Nassella pulchra* to California coastal grasslands: Effects of topsoil removal, plant neighbour removal and grazing. *Applied Vegetation Science* 11:195-204.
- Ford, L.D. and G.F. Hayes. 2007. Coastal prairie and northern coastal scrub. pp. 180-207 in: Terrestrial Vegetation of California. Barbour, M. and Keeler-Wolf, T., eds. Berkeley: University of California Press.
- Buisson, E., K. D. Holl, S. Anderson, E. Corcket, G.F. Hayes, F. Torre, A. Peteers, and T. Dutoit. 2006. Effect of seed source, topsoil removal, and plant neighbor removal on restoring California coastal prairies. *Restoration Ecology* 14: 569-577.
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- Barry, S., K. Guenther, and G. Hayes. 2006. Grazing impacts. UC Davis: University of California Agriculture and Natural Resources.
- Holl, K. D. and G. Hayes. 2006. Challenges to introducing and managing disturbance regimes for *Holocarpha macradenia*, an endangered annual grassland forb. *Conservation Biology* 20: 1121-1131.
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- Hayes, G., and K. D. Holl. 2003. Site-specific responses of native and exotic species to disturbances in a mesic grassland community. *Applied Vegetation Science* 6: 235-244.

Other Professional Publications, Presentations, and Reports

- Lyon, G., Hayes, G., and Nutters, H. 2016. Training Needs for Coastal Planners and Regulators. Elkhorn Slough and San Francisco Bay National Estuarine Research Reserves. 70 pp.
- Guhin, V. and G. Hayes. 2015. Habitat Restoration and Water Quality Management: Key Projects and Practices for Streams, Riparian Areas, and Wetlands in California. Moss Landing, CA: Elkhorn Slough Coastal Training. 116 pgs.
- Lyon, G., Hayes, G., and Psaros, M. 2012. Lands Manager Needs Assessment Web Survey. Elkhorn Slough and San Francisco Bay National Estuarine Research Reserves. 51 pp.
- Hayes, G.F. 2008. Working together to sustain a viable future for California's grasslands. Presentation at: 2008 Annual Conference of the California Native Grasslands Association. Santa Rosa, California.
- Curry, R., G. Hayes, and S. Schultz. 2005. Land Management Plan for By Day Creek Ecological Reserve Mono County. Prepared for: The California Resources Agency Department of Fish and Game. May 2005. 57 pp.
- Curry, R., G. Hayes, B. Emery, and S. Schultz. 2005. Camp Cady Wildlife Area Land Management Plan. Prepared for: The California Resources Agency Department of Fish and Game. July 2005. 163 pp.
- Hayes, G. 2005. Carrying capacity analysis for managing visitor use in protected areas. Presentation to: National Association of Resource Recreation Planners' 2005 Conference. Sacramento, California.
- Hayes, G. 2004. Listening to California's grasslands and their stewards. *Fremontia* 32:12-18.
- Hayes, G. 2004. Coastal planners and regulators: an audience needs assessment. Elkhorn Slough National Estuarine Research Reserve, Coastal Training Program. Watsonville, CA.
- Hayes, G. and K.D. Holl. 2004. The effects of cattle grazing disturbance and implications for the conservation of native plants in California coastal prairie. Proceedings of the Ecology and Management of California Grasslands Conference, April 2-3, 2004. UC Berkeley.
- Curry, R., G.F. Hayes, B. Emery, and S. Schultz. 2003. Land Management Plan for Green Creek Wildlife Area, Mono County. Prepared for: The California Resources Agency Department of Fish and Game. November 2003. 76 pp.
- Curry, R., G.F. Hayes, B. Emery, and S. Schultz. 2003. Land Management Plan for Pickel Meadow Wildlife Area. Prepared for: The California Resources Agency Department of Fish and Game. November 2003. 65 pp.
- Hayes, G.F. 2003. Petition to list the Scotts Valley Polygonum (*Polygonum hickmanii*) as Endangered under the California Endangered Species Act. California Fish and Game Commission. The Resources Agency: California Department of Fish and Game.
- Curry, R., G.F. Hayes, B. Emery, and S. Schultz. 2002. Land Management Plan for Indian Joe Spring Ecological Reserve, Inyo County. Prepared for: The California Resources Agency Department of Fish and Game. November 2003. 33 pp.

Grey Hayes, PhD

Curriculum vitae

Hayes, G.F., and K. D. Holl. 2002. Cattle grazing impacts on California coastal prairie and associated wildflowers over a broad geographic range. Proceedings of the Ecological Society of America 2002 Annual Meeting. Ecological Society of America, Tuscon.

Guenther, K. and G. F. Hayes. 2002. Andrew Molera State Park: East Molera grassland management plan. A report for the California Department of Parks and Recreation. Monterey, CA. Watsonville, CA: H.T. Harvey and Associates.

Hayes, G.F. 2001. Botanical surveys for The Nature Conservancy's Mt. Hamilton Project Area: Simon Newman, Isabelle Valley, Romero, Kammerer, and San Felipe ranches. Reports for The Nature Conservancy. San Francisco, CA.

Hayes, G., and K. D. Holl. 2001. Disturbance effects on *Holocarpha macradenia*, an endangered wildflower from California's coastal prairie. Proceedings of the Ecological Society of America 2001 Annual Meeting. Ecological Society of America, Madison.

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Hayes, G. 1998. Petition to list the Ohlone tiger beetle (*Cicindela ohlone*) as Endangered under the Federal Endangered Species Act. U.S. Department of Interior, United States Fish and Wildlife Service.

Hayes, G. 1998. The Saga of the Santa Cruz Tarplant. Four Seasons. 10:18-21.

Affiliations

Switzer Fellow, Robert and Patricia Switzer Foundation (1999 – Present)

Advisor, Santa Cruz Chapter, California Native Plant Society (1990 – Present)

From: ["Gwen Kaplan" <gwen@lomakgroup.com>](mailto:gwen@lomakgroup.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/11/2017 12:38:33 PM
Subject: Cannabis Comments

Board of Supervisors,

Please consider treating the growth of cannabis in our county as any other agricultural product.
The basic health, safety, environmental zoning regulations should apply as they do with other agricultural products.
Thank you.

Gwen Kaplan
Resident of Aptos

From: "[Gwenviere Astrid](mailto:gwenviere.astrid@gmail.com)" <gwenviere.astrid@gmail.com>
To: [CannabisEIR](mailto:CannabisEIR@santacruzcounty.us) <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 2:43:11 PM
Subject: Lessening the setback from the cultivation area

To the Santa Cruz County Board of Supervisors:

My name is Gwen Benjamin. I am a resident of Santa Cruz who has been following the events unfolding related to proposed Chapter 7.128. This new law would permit commercial cannabis cultivators in the County of Santa Cruz.

While I would like to applaud the County for these efforts, and encourage the Board to pass a permitting system that allows best practice operators to cultivate commercial cannabis in Santa Cruz County, I would like to make some recommendations to the Board regarding the proposed Chapter 7.128.

The percentage of allowable canopy to overall parcel square footage currently proposed hovers around one or two percent (1-2%). There is little reason to apportion the allowable canopy to such a small percentage. Regardless of how the County measures allowable canopy, 1-2% seems like a minuscule and arbitrary peg. Please consider allowing a greater percentage of the parcel to be allowed to cultivate cannabis.

Additionally, the public right of way setback is so large that it blanket-prohibits many buildings that are close to roads simply for efficient agricultural-commercial purposes. Much of proposed Chapter 7.128 already protects the public against the site, odor, and lessons other potential nuisances that may arise from commercial cannabis cultivation.

Please consider lessening the setback from the cultivation area to the public right of way.

Thank you for your time and efforts in bringing safe, clean, and legal cannabis cultivation to the County of Santa Cruz. I appreciate your consideration.

Best,

Gwenviere Astrid Benjamin
1030 38th Ave
Santa Cruz, CA 95062

From: ["Jack Alger" <photoja@gmail.com>](mailto:Jack Alger <photoja@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 5:26:17 PM
Subject: Cannabis EIR comments

Hello Board

Why does it seem that the regulations being developed for Cannabis in SC County are not using established regulations of legal similar adult use industry such as grape farming and wine production as a starting point for acceptable regulation and taxation?

Thank you

Jack Alger

From: "James Fitzgerald" <jbfitzgerald96@gmail.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 6:30:12 PM
Subject: Cannabis EIR

To whom it may concern,

I oppose allowing commercial cultivation of cannabis in the San Lorenzo Valley due to the inability to enforce the regulations and the inability to prevent significant negative impacts on county residents and the environment. I am especially concerned about the potential fire danger of all cannabis cultivation operations but I am especially concerned about the fire danger of unregulated illegal operations.

Consider this paragraph from the EIR:

"Further, this EIR programmatically analyzes the secondary impacts of the Program on changing and expanding unregulated and unlicensed cannabis cultivation and manufacturing in the County. Secondary impacts of the Program would create significant and unavoidable impacts to all resource areas analyzed in Chapter 3, Environmental Impact Analysis, except for aesthetics and visual resources, which would have less than significant secondary impacts. This is because it is not possible for the County to completely eradicate all unregulated cannabis activity. These illegal activities would not necessarily adhere to existing County regulators and/or mitigation measures in this EIR, and could therefore cause significant adverse impacts due to practices such as not following grading restrictions and causing erosion, using chemicals hazardous to biological resources, diverting streams and causing water supply and quality issues, and using diesel generators that contribute to air pollution and GHGs. Although this EIR introduces mitigation measures that would lessen these impacts through enforcement and surveys of unlicensed cannabis activities, as it is not possible to bring all unregulated cannabis activity into compliance with the Program, secondary impacts remain significant and unavoidable."

A program that is not enforceable will not be enforced, and a law that is not enforced is no better than no law at all. For this reason, I am opposed to allowing commercial cannabis cultivation operations within the San Lorenzo Valley.

I am not opposed to people growing a small number of plants for their own use, say 6 plants, assuming that they are grown outdoors. Indoor grows should be prohibited due to the extreme fire danger of the hot lights and associated wiring.

The problem with legal, regulated, commercial cannabis operations in the San Lorenzo Valley is that the illegal operations will be able to hide in plain site. How will anyone be able to recognize if an operation is illegal? Will anyone come to enforce the law if a neighbor calls the authorities? I do not believe the authorities will be able to respond to complaints. The illegal growers will overwhelm the system and there will be significant environmental damage to our community. Eventually, the illegal growers will cause a large fire with the potential for significant property damage and loss of human life.

Sincerely,

Jim Fitzgerald
10751 Visitar St
Felton, CA 95018
ph: (831) 252-0334
email: jbfitzgerald96@gmail.com

From: ["Jason Matthys" <jasonmatthys@gmail.com>](mailto:jasonmatthys@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 6:56:00 PM
Subject: Cannabis EIR

Greetings,

In my opinion, the environmental impact of cannabis cultivation in Santa Cruz County has been low. However, a cannabis cultivation ordinance and licensing program that excludes very few of the current cultivators will succeed in reducing the environmental impact of cannabis cultivation even further.

Ways of achieving an inclusive program include:

- allowing aggregation of multiple licenses on a single parcel of land.
- creating a micro size license for the smallest gardens to participate
- creating incentives for cultivators (such as fee reductions and/or square footage increases) who adhere to USDA organic guidelines for crop production

Thank you for your consideration.

Jason Matthys
Santa Cruz County resident

From: ["Jade Nectar Juice" <info@jadenectarjuice.com>](mailto:Jade Nectar Juice <info@jadenectarjuice.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/30/2017 10:24:52 PM
Subject: Cannabis EIR Comments

Greetings,

- 1: Is any other county in California applying the F-1 Factory Industrial Fire Code to greenhouse cannabis cultivation? Which counties?
- 2: Is any other county in California applying F-1 Factory Industrial Fire Code to drying, trimming, or non-volatile cannabis manufacturing?
- 3: Is any other county in California requiring 20 foot fire roads for greenhouse cannabis cultivation?
- 4: Is any other county in California requiring 20 foot fire roads for drying, trimming, or non-volatile manufacturing of cannabis?
- 5: Is F-1 Factory Industrial fire code applied to any other agricultural cultivation of any other plant in Santa Cruz County?
- 6: Is F-1 Factory Industrial fire code applied to the processing and manufacturing of any other agricultural product in Santa Cruz County?
- 7: Is live growing cannabis plant more likely to cause a fire than a tomato plant? Do living cannabis plants spontaneously combust?
- 8: If someone wanted to build a greenhouse in SU, RA, or TP zoned parcels in order to grow tomatoes in that greenhouse, and they needed to have electricity in that greenhouse to grow tomatoes, would F-1 Factory Industrial fire code be applied?
- 9: Are there any existing greenhouses in Santa Cruz County that were required to have 20 foot roads and 120,000 gallons of water storage? Please document these parcels as examples of existing Santa Cruz greenhouses where F-1 fire code has been applied and required.
- 10: All greenhouses in Santa Cruz County typically fall under the Group U Miscellaneous fire code. Why was there no analysis in the EIR for greenhouses and agricultural buildings with the GROUP U fire code applied? GROUP U is clearly stated in the California Fire code as the typical classification for greenhouses and agricultural buildings.
- 11: The actual F-1 Factory Industrial Fire Code from the California Fire Code was never clearly stated in the EIR, and this seems to be a problem. When one reads the actual F-1 Factory Industrial Occupancy code, it is clearly not intended for agricultural cultivation. For the record, here is the actual CALIFORNIA FIRE F-1 wording. It is clear that this does not apply to the actual growing of plants, and the mention of 'hemp products' is referring to use of hemp fibers, such as for making rope and textiles.

Factory Industrial F-1 Moderate-hazard occupancy.

Factory industrial uses that are not classified as Factory Industrial F-2 Low Hazard shall be classified as F-1 Moderate Hazard and shall include, but not be limited to, the following:

- Aircraft (manufacturing, not to include repair)
- Appliances
- Athletic equipment
- Automobiles and other motor vehicles
- Bakeries
- Beverages; over 16-percent alcohol content
- Bicycles
- Boats
- Brooms or brushes
- Business machines
- Cameras and photo equipment
- Canvas or similar fabric
- Carpets and rugs (includes cleaning)
- Clothing
- Construction and agricultural machinery
- Disinfectants
- Dry cleaning and dyeing
- Electric generation plants
- Electronics
- Engines (including rebuilding)
- Food processing and commercial kitchens not associated with restaurants, cafeterias and similar

dining facilities more than 2,500 square feet (232 m²) in area.

Furniture

Hemp products

Jute products

Laundries

Leather products

Machinery

Metals

Millwork (sash and door)

Motion picture and television production studio

*Sound Stages, Approved Production Facilities
and production locations (without live audiences)*

Musical instruments

Optical goods

Paper mills or products

Photographic film

Plastic products

Printing or publishing

Recreational vehicles

Refuse incineration

Shoes

12: Please correct the wording in the EIR on page 3-12:

"F-1 - Factory Industrial Group occupancy includes the use of a structure, or a portion thereof, for moderate hazard uses, including assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations, including hemp products, tobacco, and food processing establishments/commercial kitchens under 2,500 sf that are outside of restaurants or dining facilities."

This needs to be CORRECTED to read that F-1 applies to commercial kitchens OVER 2,500 sf. It appears that someone completely misquoted the California Fire Code for F-1, and incorrectly slipped into the EIR that F-1 applied to commercial kitchens UNDER 2,500 sf. In fact, the Cal Fire Code states the exact OPPOSITE. Cal Fire F-1 Group clearly states that F-1 only applies to commercial kitchens that are OVER 2,500 square feet. So to be clear, F-1 Group should NOT apply to small commercial kitchens that are UNDER 2,500 sf. So commercial kitchens under 2,500 should not have F-1 Factory Industrial Group applied. (thus not requiring 20 foot roads and 120,000 gallons of water storage). This needs to be corrected!

13: GROUP U MISCELLANEOUS was not analyzed in the EIR whatsoever for greenhouses and agricultural buildings, when this description seems a lot more appropriate for cannabis cultivation, drying, and trimming. From the 2016 California Fire Code:

Miscellaneous Group U. Buildings and structures

of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

Agricultural buildings

Aircraft hangar, accessory to a one- or two-family residence (see Section 412.5 of the *California Building Code*)

Barns

Carports

Fences more than 6 feet (1829 mm) high

Grain silos, accessory to a residential occupancy

Greenhouses

Livestock shelters

Private garages

Retaining walls

Sheds

Stables

Tanks

Towers

California Fire Code clearly groups greenhouses and agricultural buildings in the Miscellaneous GROUP U category. Why was Group U not analyzed in the EIR? And it appears that GROUP U would not require 20 foot fire roads or 120,000 gallons of water storage. So why was GROUP U not analyzed in the EIR?

14: In the EIR Appendix D, why is the 'FIRE CHIEFS ASSOCIATION OF SANTA CRUZ COUNTY', why is their recommendation dated August 15, 2017?? Isn't that date AFTER the Administration draft of the EIR was released to County staff for review? Why was the FIRE CHIEFS ASSOCIATION recommendation for GUIDELINE TO FIRE CODE REQUIREMENTS FOR CANNABIS, why was it written AFTER

the administrative draft of the EIR was already available to County staff?

And why is there no human name associated with this document??

As this document seems to be the justification for applying F-1 Factory Industrial Fire Code to cannabis cultivation in the EIR, why is there no name, person, or title for who authored this document and made these recommendations for the County? Who is the actual person who wrote the FIRE CHIEFS ASSOCIATION document GUIDELINE TO FIRE CODE REQUIREMENTS FOR CANNABIS – the document that the entire EIR recommended fire code is based on? Why is there no person associated with this document?

15: This is the SANTA CRUZ COUNTY FIRE CODE – ROAD WIDTHS – *Note the Exceptions for Local Responsibility Area (LRA)

SANTA CRUZ COUNTY FIRE CODE – ROAD WIDTHS

7.92.202-ALL WEATHER SURFACE. *An all-weather surface shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%. No grade shall be allowed to exceed 16% in State Responsibility Area (SRA) or 20% in Local Responsibility Area (LRA).*

7.92.503.2.1–Dimensions. *Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 15 feet (4572 mm).*

Exceptions:

1. *Within the State Responsibility Area (SRA) of Santa Cruz County, all driveways serving two or fewer habitable structures shall have an unobstructed width of not less than 12 feet (3658 mm) and an unobstructed vertical clearance of not less than 15 feet (4572 mm).*
2. *Within the Local Responsibility Area (LRA) of Santa Cruz County, access roads shall be a minimum of 18 feet (5486 mm) wide for all access roads or driveways serving more than two habitable structures, and 12 feet (3658 mm) for an access road or driveway serving two or fewer habitable structures. Where it is environmentally inadvisable to meet these criteria (due to excessive grading, tree removal or other environmental impacts), a 12-foot wide all-weather surface access road with 12-foot wide by 35-foot long turnouts located approximately every 500 feet may be provided with the approval of the fire code official.*
3. *Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved by the fire code official.*

So if GROUP U MISCELLANEOUS California Fire Code was applied to Greenhouses and Agricultural Buildings (as is the case with all other greenhouses and agricultural buildings in Santa Cruz not associated with cannabis), then only a 12 foot wide road would be required with 35 foot long turnouts every 500 feet in the Local Responsibility Area. Correct?

16: Is it true that the Board of Supervisors make the final decision on what fire code is applied to commercial cannabis operations? Is it correct that the road widths and water storage requirements are decided by the Board of Supervisors? Is it correct that the Board of Supervisors could elect to NOT apply the excessive F-1 Factory Industrial Fire Code to commercial cannabis operations?

If the County truly wants to embrace the findings of the EIR: “**Based on the information in this EIR, the Most Permissive Project Alternative is identified as the Environmentally Superior Alternative.**” Then the Board of Supervisors need to apply the GROUP U MISCELLANEOUS (NOT F-1 Factory Industrial) fire code to cannabis greenhouses, drying facilities, and commercial kitchens under 2,500 sf. No other agricultural product or process in Santa Cruz County requires 20 foot roads and 120,000 gallons of water storage. And legal and regulated cannabis operations are no more fire risk than any other agricultural business.

Regards,

Jeff Nordahl
Santa Cruz County resident

From: ["Jim Coffis" <jcoffis@gmail.com>](mailto:jcoffis@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 5:08:28 PM
Subject: Comments to Cannabis Draft EIR

Background

Throughout the very comprehensive nearly 700 page Draft Environmental Impact Review the following phrase is repeated hundreds of times "***less than significant impact***".

The "***Most Permissive Project Alternative***" that was analyzed was judged as the "***Environmentally Superior Alternative***." because it would reduce any potential impacts to the greatest degree.

If the most permissive alternative analyzed is the superior alternative we are left to wonder what an even more permissive alternative that would include an estimated 50% or more of current cultivation that is being excluded from the proposed project were allowed to seek licensing instead of remaining in the unregulated market.

The most significant and unavoidable secondary impacts identified are the result of unregulated activity that will remain because of the Project's restrictions and the inability of the County to eradicate unregulated cannabis activity.

The report states that "***The potential for future unlicensed cultivators and manufacturers to remain or increase in the County is high.***"

It seems clear that even the "***most permissive Project Alternative***" is not permissive enough to affect those secondary impacts and that an even more permissive project, that significantly reduces the potential unregulated activity would be an even more superior alternative.

Specific responses:

3.15.1 Significant Unavoidable Environmental Effects

Impact TRA-1.

Insufficient data is available to support the conclusions. Employment projections and ADT assumptions are not sufficiently documented to be reliable.

Furthermore the proposed mitigation measure: **MM TRA-1.1. Payment Transportation Impact Fees** is discounted as insufficient to have any impact on even the existing traffic congestion and air quality.

Regarding land use in general the report states that "*development would incrementally increase in rural areas as individual property owners realize development potential on site by site basis, resulting in gradual growth-inducing impacts that would not create immediate significant expansion.*"

Agricultural Activities vs Manufacturing

Cannabis cultivation is an agricultural activity. Manufacturing is defined as "making something on a large scale using machinery." Throughout the report cultivation and manufacturing are used in tandem with little distinction between one or the other.

Within the the cannabis community "manufacturing" describes activities associated with mechanical extraction or infusion of an extracted product into other products.

The assumption that cannabis cultivation sites would require an F-1 Factory Industrial Group occupancy rating is in error.

Greenhouses, Barns, and Agriculture Buildings are all specifically listed in the Cal-Fire description of Miscellaneous Group U and is more applicable to cannabis cultivation activities.

MM AT-1.3a. Sustained Enforcement Program
MM AT-1.3b. Annual Survey and Monitoring Report

Despite significant Federal, state and local resources employed over decades there has been a notable inability to control cannabis cultivation or manufacturing within the County. Expecting the Cannabis Licensing Office or the Planning and Development Department to devise a new enforcement program with any degree of success cannot be reasonably expected. To expect them to develop any practical plan prior to adoption of the the Program targeting unlicensed cannabis activities is unrealistic.

Surveying and monitoring licensed activity is a more realistic goal that further supports a program that encourages the widest possible participation in the regulated framework.

MM AT-4.1b. Land Clearing Restrictions.

Current County Erosion Control Requirements are sufficient and no amendment specific to cannabis cultivation should be required.

From: ["Jodi Keaschall" <keaschall@charter.net>](mailto:Jodi Keaschall)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR)
Date: 10/11/2017 8:18:29 PM
Subject: EIR Public Comment for Cannabis Licensing and cultivation specifically in RA Zone

I live in the Corralitos area 2 blocks away from a resident whom I understand is attempting to acquire a license to grow and cultivate cannabis for financial gain.

This is a HUGE concern to residents of the Enos Lane area!

We are already in a high fire danger area, which this will bring more risk to neighbors and their properties. Already, we are subject to the INTENSE smell of POT inside our own homes. This can NOT be mitigated. No amount of air freshener or candles mask the intensity of the SKUNK SMELL we are being subjected to while trying to live our lives. This is a complete nuisance and directly affects the values of our homes and properties. We moved out to the country for fresh air and less crime. This brings CRIME right into our neighborhood.

Just this past June, four adult hispanic males parked on MY property, leaving their car to walk upon other neighbors properties up to a vantage point where they could scope out ways to rob this Cannabis grow. Their vehicle had open alcoholic containers, bongs, drugs and A HANDGUN! We as residents don't even have the right to bare arms in this county to protect ourselves and this Cannabis grow ATTRACTS these types of opportunistic CRIMINALS into our rural neighborhoods where families live.

There are too many neighbors being subjected to the detrimental affects of this one persons desire to grow pot for a living, putting us all at many risks.

Water is a huge concern here as well. This is a recharge area, whereby chemicals will filter back into our water systems.

This type and size of Cannabis grow should be restricted to Ag areas of District 2 that are meant for large commercial industry (which there is no shortage of in Watsonville).

PLEASE DO NOT ALLOW THESE GROWS IN OUR RESIDENTIAL AG NEIGHBORHOODS!

It is NOT right nor fair to those hard working citizens who paid exorbitant amounts of money for their homes to live here in Corralitos, only to be driven out by the increase of Cannabis growers who move in and bring CRIME, FIRE DANGER AND POLLUTE OUR FRESH AIR WITH THE SMELL OF CONSTANT SKUNK. It permeates into our homes where we are trying to raise children!

Jodi Keaschall
Enos Lane
Corralitos, Ca.

Jodi McGraw
PO Box 221
Freedom, CA 95019

Cannabis Comments
c/o Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

October 31, 2017

RE: Santa Cruz County Cannabis Draft EIR

Dear Mr. Johnston et al.:

Thank you for inviting comments on the Santa Cruz County Cannabis Draft EIR. As a conservation scientist and practitioner, as well as a County-approved biologist who has assisted landowners with County permitting, I am very concerned about the potential impacts of cannabis cultivation in areas not currently zoned for commercial agricultural on sensitive habitat, endangered species, and landscape permeability.

The following are specific comments including recommendations and questions, which I offer as suggestions to improve the DEIR. They reflect my experience gained in more than 24 years of research and professional work in the region, including preparation of the *Sandhills Conservation and Management Plan* (McGraw 2004), *Santa Cruz Mountains Redwoods Conceptual Area Protection Plan* (McGraw 2013), *Santa Cruz Mountains Linkages Conceptual Area Protection Plan* (McGraw 2012), and *Conservation Blueprint for Santa Cruz County* (Mackenzie et al. 2011).

1. **Sandhills Habitat Protection Measures Are Insufficient:** Thank you for excluding Sandhills habitat from those lands eligible for licensed cannabis cultivation. Sandhills habitat and habitat for Santa Cruz long-toed salamander are extremely rare and subject to many other threats such that permitting additional commercial activities would result in significant impacts to endangered species persistence.

I recommend the following changes to the permitting process to goal of avoiding impacts to sandhills species and habitat.

- a. **Sandhills Habitat Mapping Must Be Updated; The Current Maps are Incomplete/Inaccurate:** The layer used to map sandhills habitat does not incorporate all areas that support the listed species. I created the layer in 2004 (McGraw 2004) and our collective understanding of where sandhills species and habitat occur has increased dramatically during the ensuing 13 years such that those maps are no longer accurate.

Notably, the **sandhills quarries all support endangered sandhills species** including the two listed insects (Mount Hermon June beetle and Zayante band-winged grasshopper) and other special-status species. These areas are excluded from the sandhills mapping used in the EIR and shown as “barren” in the ‘habitat map’ (Figure 3.4-1).

The County should update its Sandhills mapping to help ensure cultivation in the sandhills; the updated sandhills map should also be used by the County to evaluate land use or other development projects that would impact endangered species or sensitive sandhills habitat.

- b. **Expert Site Examination Needed to Evaluate Sandhills Habitat and Species:** Even with enhanced mapping, avoiding impacts to listed sandhills species will require on-site examination of habitat conditions and in some cases, surveys. Trained County environmental planners with significant experience evaluating sandhills habitat conditions can perform initial evaluations; however, areas with potential to support listed species should be evaluated by focal species experts prior to permitting any cultivation operations near potential sandhills habitat (NOTE: This recommendation applies to any County-permitted land use or development activity).
 - c. **Impact Bio-2:** The discussion states “The County’s existing policies and regulations protect known location resources, including the Santa Cruz Sandhills, which are protected by the Sandhills Interim Habitat Conservation Plan (HCP).” As you are likely aware, this statement is not accurate. The Interim Programmatic HCP for the sandhills (USFWS et al. 2011) is a permitting document that enables residential development in existing high-density residential areas within the sandhills. It does not protect the vast majority of sandhills habitat, which occurs outside of the IPHCP planning units.
2. **Habitat Map:** The map depicting ‘habitats of Santa Cruz County’ map (Figure 3-4.1) uses very coarse scale data and a highly generalized classification of land cover; in doing so, it fails to accurately depict the numerous mapped sensitive habitats in Santa Cruz County. The layer is not the best available data and as a result, does not adequately depict the occurrence of other sensitive communities and habitats. Specific deficiencies include:
- a. Areas of sandhills habitat are mapped as ‘barren’. Sandhills habitat should be ‘burn into’ the composite data to avoid the current conflicts in the mapping as illustrated in comparing Figures 3.4-1 and 3.4-2.
 - b. Figure 3.4-1 doesn’t depict numerous sensitive habitats including northern maritime chaparral, Santa Cruz cypress forest, or other unique edaphic endemic communities which are just mapped as ‘shrubland’.

- c. Figure 3.4-1 doesn't map and the EIR text does not sufficiently discuss the biological significance of the coastal prairie grasslands as well as the pocket grasslands located within the mountains in the county.
- d. Figure 3.4-a fails to highlight areas of old-growth redwood forest.

These and other additional unmapped sensitive habitats support numerous special-status plants and animals. Several of the sensitive habitats occur inland from the coastal fog and feature open canopies and other abiotic conditions that could render them suitable for cannabis cultivation.

I recommend the DEIR incorporate more fine-scale mapping to adequately depict the known spatial distribution of sensitive habitats, and as outlined below, cross walk these to the habitats for the county's numerous special-status species. The vegetation layer developed for the *Conservation Blueprint of Santa Cruz County* (Mackenzie et al. 2011), which I developed by modifying a more regional dataset (CALVEG 2002) to capture sensitive habitat in the region, should be used unless other more recent or better data are available.

3. **Species Habitat Mapping:** To facilitate avoidance, minimization, and mitigation of impacts to special-status species, the EIR should include a comprehensive list of all of the special-status species in the County, and for each, identify the vegetation/plant communities (i.e., 'habitats') in which they occur. Such a comprehensive crosswalk between vegetation/land cover and species should be used to evaluate and accurately characterize the impacts of cultivation in the DEIR, which currently does not appear to accurately depict the potential for special-status species to be impacted by cultivation.

The crosswalk between vegetation and special-status species would also be an invaluable resource for County staff and others involved with processing license applications, to avoid and mitigate impacts as described below. Because most land cover mapping is based on remote sensing, a habitat assessment should be used to evaluate potential special-status species habitat and occurrences within proposed sites. Since many special-status species can occur in developed as well as undeveloped habitat, even some developed or agricultural areas may need to be examined, not just areas where vegetation removal or grading will occur.

As outlined below, the process for triggering review by a County-approved biologist with expertise in the plants and animals of the region should be specified and refer to the use of such a spatial database; as written, the DEIR is unclear about the criteria that will be used to trigger an assessment, making it impossible to evaluate the potential impacts.

4. **Methods for Avoiding and Mitigation Impacts to Special-Status Species Unclear (MM Bio 1.1a, MMBio-4.2):** It is unclear how the County would determine whether a habitat assessment needs to be conducted by County-approved biologist to protect special-status species and how the County will screen projects for impacts to Sandhills or Santa

Cruz long-toed salamander. Will County staff be trained on how to detect the various habitats associated with each of dozens of special-status species that occur in the county? Will they create and maintain a spatial database to conduct an initial desktop review to screen areas? If so, what habitat and species mapping layers will be used (e.g. what old-growth redwood forest mapping will be used for marbled murrelet)? Will they identify a suite of habitat indicators for each species to evaluate on the ground during their site assessments? What process and criteria will be used to request a habitat assessment by a County-approved biologist, so that an expert can be involved in these assessments?

These steps and details are essential to evaluating whether this mitigation measure will be effective in actually avoiding impacts to sensitive habitat and special-status species, or identifying suitable mitigations for permitting projects. As currently written, it is not at all clear that the process for permitting cannabis cultivation will avoid mitigation and/or identify impacts for mitigation.

5. **Habitat Compensation (MM Bio-1.1b):** Why does this mitigation measure identify ratios for SCLTS if impacts to that species are precluded by MM Bio-4.2? There may be a reason for this but it was unclear to me based on my review so should perhaps be clarified.

Also, I would recommend that this section discuss how projects impacting state or federally listed species will require incidental take permits (ITPs) and how the County will work with applicants to ensure that they take the steps to obtain ITPs prior to issuing licenses. It should note that the process to obtain ITPs, including through preparation of an HCP (federal), may influence the ratios requested by the County (i.e., the state and federal wildlife agencies may require higher ratios).

6. **Analyze Impacts of Cultivation on Landscape Connectivity:** I am very concerned that the permitted cannabis cultivation as well as the unpermitted cultivation it will spur will decrease the permeability of the habitat in the Santa Cruz Mountains, by increasing habitat fragmentation and human presence with extensive tracks of land currently used for infrequent (once every 10 years) timber harvest or as open space. The installation of infrastructure (e.g., greenhouses) and utilities (e.g., electricity and water lines), will remove and fragment areas of intact habitat, and the process of cultivation will increase the human activity in forests and other habitats. Aspects of the ordinance, including limiting the area of cultivation per parcel (rather than applicant or consolidated ownership) and requiring cultivation to occur on parcels with residences, may have unintended consequences; specifically, it will cause multiple, smaller grows to be scattered throughout a series of commonly-owned parcels rather than consolidating the impacts into one area, and promote additional residential development on TPZ or other undeveloped parcels (to meet County requirements for licenses).

This intensified land use and human activities will reduce the permeability of the landscape for wildlife, particularly species that are sensitive to human activity such as mountain lions. Dotting the landscape with commercial agriculture and attendant facilities and infrastructure will also render more difficult vegetation management including prescribed fire, which are essential to maintain fire-adapted species and prevent the risk of catastrophic wildfire in the region.

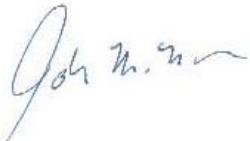
In the section on ‘Wildlife Corridors’ within Section 3.4.2, the DEIR briefly talks about the importance of riparian areas and other corridors of suitable habitat facilitating animal movement through areas of unsuitable habitat, such as urban areas. However, I did not see addressed in the document the biologically more significant and relevant impacts of intensified land use and human activity within intact habitat areas in the Santa Cruz Mountains on regional connectivity and permeability of the landscape. Dr. Chris Wilmers et al. have done extensive work examining such impacts as part of their research on mountain lions in the Santa Cruz Mountains. Theirs and other’s work addressing landscape permeability should be evaluated and integrated into a more complete characterization of the impacts of the DEIR.

7. **Permit Cannabis Cultivation in Areas Zoned for Commercial Agriculture:** Given all of the implications for cultivation on biodiversity in the Santa Cruz Mountains, to say nothing of its impacts to water resources and numerous other impacts that are out of the scope of my letter but which I trust will be addressed by experts in these fields, I recommend the County consider licensing cultivation in areas zoned for commercial agriculture (CA). Such areas generally lack the sensitive habitat and species and are not as important for regional landscape connectivity. They also feature the necessary infrastructure including fire protection services, that will be conducive to safe and low-impact land use.

The County could at least start by licensing commercial cultivation in CA-zoned lands and then, if the demand for additional land for cultivation is still present in Santa Cruz County say 10 years from now, revisit the ordinance and consider expanding use or altering areas zoned CA. This would avoid potentially long-lasting effects of habitat conversion, degradation, and fragmentation caused by an initial ‘green rush’ into the Santa Cruz Mountains, where cultivation may ultimately not be economically viable given the extensive areas of suitable arable land elsewhere in the region and state (i.e., the Salinas Valley and the Great Central Valley).

Thank you for your consideration of these comments. I hope you will not hesitate to contact me if you have any questions.

Sincerely,



Jodi McGraw, Ph.D.

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October 31, 2017

Joe Christy

Bonny Doon, CA

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Dear Mr. Johnston,

As a private citizen with a long history of work on wildfire preparedness in Santa Cruz County, I would like to comment on two impacts – risks involving wildland fire from both regulated and unregulated cannabis cultivation – mentioned in the **Draft Environmental Impact Report [DEIR]** (Department 2017):

Impact HAZ-3. Cannabis cultivation and manufacturing may be located within high fire hazard areas, exposing people or structures to significant risks involving wildland fires, along the wildland-urban interface (WUI), where uses are located in wildlands or through interference with emergency evacuations. Impacts would be less than significant with mitigation.

and

Impact HAZ-4. Unregulated cannabis cultivation and manufacturing may use, transport, or store hazardous materials, expose or release hazards, or be located within high fire hazard areas, exposing people or structures to significant risks involving wildland fires. Impacts would be significant and unavoidable.

Though arrests have been made for arson and related crimes in connection with the Bear Fire, the location of the fire in a high fire hazard area [identified in the **Wildfire Safety Recommendations for C4** (Christy 2016) as the Deer Creek cannabis cultivation region] and discussed there compels me to make three points:

- 1. Retaining the requirement that there be a permitted permanent habitable structure on site is essential, since otherwise fire codes don't apply.**

- 2. Mitigation must include adequate funding to the County Sheriff and County Fire Marshall to send armed teams to conduct unannounced inspections.**
- 3. The carrot of legitimization of registered cultivators must be accompanied by the stick of de-legitimization of unregistered cultivators via the enforcement of nuisance, fire, and building codes at unregistered cultivation sites, to shut down the larger and more dangerous black market in cannabis.**

Context: the Bear Fire and the Deer Creek Cannabis Cultivation Area

The Bear Fire began at 10:37pm at 475 Diane's Way, near the intersection of Bear Creek Road and Deer Creek Road outside of Boulder Creek adjacent to the Deer Creek cannabis cultivation region. The Deer Creek cannabis cultivation region is rife with at least three dozen cannabis cultivation sites clearly visible in Google Earth. Between 2010 and 2016 it the area saw 11 cannabis related fires. Figure 2-4 of the DEIR (Department 2017) indicates that only a dozen of the cannabis cultivation sites are registered. Containment of the fire was hindered by the poor roads, most of them unpaved and originally built for seasonal logging. Only about 5% of these roads are in compliance with local and state fire standards for emergency fire access (Christy 2016). Moreover, during the fire there were reports of cultivators firing shotguns at occupied vehicles (Todd, Shotgun blasts vehicle near Bear Fire 2017).

At its peak 600 firefighters were involved in the suppression efforts. In all, thirteen firefighters were injured, three of them seriously (Santa Cruz County Sheriff's Office 2017), defending unpermitted structures including both registered and un-registered cannabis cultivation sites. The Bear Fire cost \$7.1 million to suppress. Two homes, four outbuildings, and five recreational vehicles were destroyed before the fire was declared fully contained at 5pm October 26.

Requiring a Permitted Permanent Habitable Structure on Site Is Essential, Since Otherwise Fire Codes Don't Apply

Were the registered sites in the area compliant with the fire codes regarding permitting permanent habitable structures emergency, access roads would have been far better suited to handle the traffic from firefighting equipment. This requirement would also have resulted in much more water being available to firefighters to defend cannabis cultivation sites in fire footprint. There is a chance that the fire might have been contained at far less than 391 acres.

In the Executive Summary of the DEIR (Department 2017), it says for mitigation measures related to Impact HAZ-3, “Direct: No mitigation required. Indirect: No mitigation required.” Is this an oversight? Is the mitigation embodied in the requirement that there be a permitted permanent habitable structure on site, so that fire codes apply? How precisely will this be enforced?

Mitigation Must Include Adequate Funding to the County Sheriff and County Fire Marshall to Send Armed Teams to Conduct Unannounced Inspections

The armed violence associated with the Bear Fire suggests that the County Fire Marshall’s estimate that inspection teams include two armed CAL FIRE law enforcement personnel and two armed sheriff’s deputies (Sampson 2016) is on the mark.

The Carrot of Legitimization of Registered Cultivators Must Be Accompanied by the Stick of De-legitimization of Unregistered Cultivators Via the Enforcement of Nuisance, Fire, and Building codes at Unregistered Cultivation Sites, to Shut Down the Larger and More Dangerous Black Market in Cannabis

Page 1-2 of the introduction to the DEIR includes the following paragraph:

An unintended consequence of adopting SCCC Chapter 7.126 in February 2014 was that it triggered a “green rush”, with existing cultivators expanding operations due to a sense that being hidden was less important, as well as new cultivators moving into the area and setting up new cultivation and manufacturing sites both outdoor and indoor. It appeared that many of the cannabis operations, especially new operators, simply acted upon a misunderstanding that the County allows cannabis activities, without reading or complying with the restrictions and requirements of the SCCC. Therefore, the adverse effects of illegal cannabis cultivation were exacerbated and expanded to include increased areas of hillside grading, clearing of trees and vegetation, and other environmental and community impacts. Currently, there is a significant known but difficult-to-quantify level of cannabis cultivation and manufacturing activity within the unincorporated area of the County.

Is there reason to believe that the proposed ordinance, coupled with a lax enforcement regime for illegal cannabis cultivation and the financial advantages arising from

from taxation and substantially higher profits by remaining in the black market, would not have a similar adverse effect? Why is this not discussed in the DEIR?

Interviewed by the Santa Cruz Sentinel, 5th District Supervisor said, with regard to the difficulty of enforcement of nuisance, fire, and building codes in the entire county with just 3 code enforcement officers, "There have been two more hired to for cannabis cultivation, specifically. ... Where is the money going to come from? We're going to take a look at that." (Todd, Bear Fire arrest is expected, according to sheriff's office 2017) Is adequate funding for mitigation measures MM AT-1.3a, MM AT-1.3b, and MM AQ-1.3, cited as mitigations for Impact HAZ-4, actually feasible? Why is this not documented in the DEIR?

Works Cited

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Sincerely,



Joe Christy

CC: Supervisors Leopold, Friend, Coonerty, Caput, and McPherson

From: ["John & Sherry Hall" <john.sherry@charter.net>](mailto:John & Sherry Hall <john.sherry@charter.net>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/30/2017 11:55:04 PM
Subject: comments

10/30/17 Cannabis Comments

Our concerns are quality of life and environmental.

1. In Corralitos there are many small residential lots mixed with large agricultural properties. The quality of life on those small properties will be impacted by odors, dust, noise and pesticides of commercial Cannabis facilities. Odors, dust, noise and pesticides must be regulated so families and individuals can still enjoy their properties and not worry about health issues or loss of property value. Organic growing practices are common in this area and we request that they be required for licensed Cannabis growing in Corralitos.
2. Cannabis is a crop that demands a lot of water and fertilizer. The proposed Green Zone in Corralitos is in the Pinto Lake Watershed. Current farms and nurseries in that watershed are required to have a Farm Plan to prevent sediment and nitrate runoff into local creeks and watersheds. They are required to have wells tested twice a year. The Regional Water Quality Control Board is mandated by the Federal Government to eliminate high nitrate levels in the Elkhorn Slough.
3. There appears to be many illegal Cannabis growing operations with no enforcement of existing laws and regulations. We request that the County of Santa Cruz be diligent in responding to citizen concerns and in enforcing regulations and laws which protect their quality of life and protect our unique and fragile environment.

Thank you,
John & Sherry Hall
Corralitos, CA

Sent from [Mail](#) for Windows 10



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From: "John L. Miller" <john@dep3d.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 3:13:44 PM
Subject: Comments on cultivation EIR

To whom it may concern,

I own property in the Deer Creek Watershed off of Bear Creek Road.

For over 10 years now the number growers in my area have continually increased with practically zero enforcement of current County Cultivation laws.

The direct impact to me includes the following matters.

1. The fragile shared private (mostly dirt) road system is continually being destroyed by 50,000 lb. water trucks and year-round excessive traffic from growers/trimmers. Even though these people are making significant profits, none have attempted to fix this damage or contribute extra.
2. Excessive generator noise all times of day and night for lights, water pumps and trimming machines. Other noise frequently from pesticide/nutrient spraying.
3. Light pollution from the multiple crop per year hoop houses and indoor greenhouses.
4. Water diversion from the creeks. Many years recently they have pumped the creek dry.

The growers in my area will not be able to obtain cultivation permits primarily due to permitted structure and Cal Fire approved road requirements.

Consequently, the growers will continue to produce significant amounts unregulated cannabis unless there is enforcement of the Ordinance.

Further, there is no mechanism for me to be monetarily compensated from damages from these unregulated grows.

Please consider these comments, *that come from actual experience*, when creating the final Ordinance and **be prepared to enforce**.

Sincerely,

John Miller



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From: ["John Ricker"](#)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 3:10:33 PM
Subject: Comments on Cannabis DEIR

The County Water Advisory Commission and others have already submitted important comments related to hydrologic impacts. I would like to add the following:

Impact HYDRO-1 does not seem to address the significant impacts that could result from the extensive grading required construction of 20 ft wide roads and 120,000 gallon water tanks. Such extensive site disturbance in mountainous areas would result in serious disruption to drainage, recharge and slope stability, resulting in erosion and sedimentation. It is questionable whether such site disturbance could be mitigated. A better mitigation measure would be to clearly prohibit such disturbance on slopes greater than 30% and grow sites in those areas would need to be relocated.

In order to get a better understanding of the geographic location of impacts, It would be useful to see the existing and projected cannabis water demand broken out by watershed, groundwater basin and water agency.

John Ricker
Water Resources Division Director
County of Santa Cruz – Health Services Agency – Environmental Health
701 Ocean St. Rm 312
Santa Cruz, CA 95060
831-454-2750
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<http://scceh.com/Home/Programs/WaterResources.aspx>

From: ["Jon Clark" <Metadlogic@earthlink.net>](mailto:Jon Clark <Metadlogic@earthlink.net>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
"Cannabis Info" <Cannabis.Info@santacruzcounty.us>
Date: 10/31/2017 5:19:19 PM
Subject: No Commercial Cannabis

Cannabis Comments C/O Matt Johnston
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Dear Santa Cruz County,

Regarding the commercial growing and production of cannabis:

As a rural resident of Santa Cruz County I am vehemently opposed to the wide scale commercial growing of cannabis in our county. I understand that there are potential financial benefits to the county, but I believe the cost to outlying communities and ultimately the general county residents will far outweigh any possible benefits. I live in an area where Cannabis growing has increased substantially, legal or not I don't know, but I presume not entirely legal, and I have already experienced some of the negative effects associated with growing operations. These effects have been increased criminal activities, including illegal grows and related busts and shootings, chronic nighttime roadside shooting, gang activity, dumping, suspicious activity and an increase of seemingly out-of-place individuals.

Currently Calaveras county is grappling with this issue. They have legalized commercial growing but are now having many issues related to the sharp increase in demands on county resources and are having to find resolution to these issues. There is still quite a lot of illegal grows and there has been a substantial increase in cleanup costs to the county.

Please see this article: <http://www.uniondemocrat.com/localnews/5250854-151/cannabis-and-calaveras-county>

I have stated below several topics that I expect will become a chronic and negative affect of commercial legalization:

1. **CRIME:** As a mountain resident for over 23 years I have seen a sharp uptick in grow-related activity, criminal and suspicious activity, the related law enforcement actions, and shooting. We have directly experienced an increase in roadside shooting and gang activity in our mountain region related to pot farms. Many of which are illegal. Marijuana farming will bring many more undesirable people, activities and crime to the county, regardless of the regulatory intent. I understand that there are those that will grow in an environmentally effective way with respect to their neighbors, the surrounding environment and regulatory efforts. I would have no issue with them. However, my fear is that it will be the dodgers, scammers and criminally inclined that descend on our county once word gets out. People who will push the legal boundaries or outright disregard them to the level of criminality. The negative effects of these attitudes will permeate the surrounding communities with an increase of criminal behavior.
2. **COST:** Even though there will be revenue generated from the legalization of commercial grows, there will also be a steep cost in enforcement, and higher demand on the county's criminal justice system including police. This cost is hidden and will be borne by all county residents. Unfortunately, for all the law abiding growers, there will be many who are not. These people will bring crime and other drug issues to the county, further exacerbating problems that already exist.
3. **ENVIRONMENTAL COST:** The water supply of the county will be placed in jeopardy by the high demands of Marijuana plants, but more importantly, by the massive chemical use that will be prevalent on commercial grows. Focusing on those who will take advantage of this opportunity, there will be more agricultural runoff in our streams and rivers including pesticides and herbicides.
4. **RESIDENTIAL PROPERTY DEVALUATION:** As a land and homeowner, a non-grower in the county, our right to quiet enjoyment will be undermined. If a pot grow were to begin on an adjacent lot we would be subjected to all the related issues that I've said above, plus the extremely strong odor which will permeate everything surrounding a grow site. Currently there is a very strong pot smell associated with the property of our neighbors who currently grow on their land (legal or illegal I don't know). During harvest time the smell wafts all the way to our home, which is a couple thousand feet away, and uphill. I can't imagine the stench we'd have to endure if it were next to us. It would be unbearable, a severe detriment to our quality of life and right to quiet enjoyment. Pot smell is not necessarily bad in low concentrations, but in high concentrations, it is sickening. All surrounding landowners and homeowners will be subjected to that odor regardless of their like or dislike of the smell.
5. **FIRE RISK:** The risk to us and our neighbors will increase. Even though many growers may install their operations in a code abiding manner, it's the many who do not that pose a real risk. We've recently had fires where the probable cause was bad wiring associated with illegal grows. In this way commercial grows, or more specifically, the increase in related illegal grows, can pose a very real danger to life and property.
6. **ENFORCEMENT:** The EIR states that there is only 2 enforcement officers allotted to the county. The county will need at least 20 to be effective. Illegal growers know this very well and will easily dodge enforcement efforts, especially those in the back country, like where we live.

Last and most important is that I have great fear to my and my family's own safety, who's safety and wellbeing I am charged to defend. It is clear, based on the issues found in Calaveras County, and in our own experience living here on the mountain, that criminal activity will increase regardless of regulation. In our area we're central to known and substantial gang activity located in San Jose and Watsonville. It will be these people, and other willfully noncompliant individuals and groups who will take advantage of

the new grow opportunities. They will not do this legally. They will hide within legal grows, and on the outskirts, and be the ones going rogue. Our mountain areas are perfect for them to hide in and our exposure to crime will increase because of this. What are we to do in this situation? In our rural location we already have limited access to law enforcement resources as it currently stands. They are in no way lax; on the contrary, they are very responsive. However, the time delay in those personnel reaching our location is never less than 20 minutes at best, often 30 minutes or more if sheriff's deputies are tied up with other calls. This is an eternity if an emergency were to occur, specifically trespass or criminal activity. Because of this I will be compelled to prepare accordingly for a much higher level of personal security. This means attaining high powered tactical weapons and gear to defend our personal safety on home and land, and training in their use. I would really like not to do this but now feel urgently compelled to do so.

In summary, looking at the same issues in Calaveras County, the likely problem that will result from a full legalization of commercial cannabis growing is a sharp increase in related ancillary crime and lawlessness. These effects will outweigh the proposed benefits in the long term, saddling the county with all the related costs. Please review the issues currently being faced by Calaveras County, it is telling as to what Santa Cruz County can expect.

-If this testimony shall become a matter of public access, please redact my personal identifying information. Thank you.-

Thank you very much for your time,

Jon Clark
2585 Eureka Canyon Road
Corralitos, CA 95076
831-768-7303

From: ["Jon Friesell" <friesell@hotmail.com>](mailto:Jon.Friesell@hotmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
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Date: 10/31/2017 1:50:45 PM
Subject: Cannabis Permitting Santa Cruz County

October 31, 2017

Re: Cannabis Permitting Santa Cruz County

To whom it may concern,

I am writing you today regarding the future ordinance for Santa Cruz County. A little background on my experience here locally... my family goes back 3 generations of Santa Cruz County Farmers. The Friesell family started here as Friesell Brothers, Inc and Robert Saunders back in the 1960s., when flower growers were devastated by the North American Free Trade Agreement. (At this time 95% of flower growers closed their doors and moved across the border.) However, I continued farming 100,000 square feet of Commercial Agriculture in the cut-flower business. I was previously a Director on the Farm Bureau and Water Board... and also on the CSFA for 2 counties helping farmers with grants and micro loans from the USDA.

The past 8 years I've learned the cannabis industry under a small canopy of indoor greenhouse space at one of my cut flower facilities. This location is 2.9 acres of agricultural land, which is completely covered in greenhouses and employs local families. The future ordinance being considered in Santa Cruz County will shut down this location if accepted. I am very diligent about permits, taxes, and upcoming regulations & retain experts in the field to help provide additional guidance with the changing need.

Please consider expanding the ordinance, to allow "current" Commercial Agricultural Greenhouse Zone "A" farmers who are paying the taxes and retaining compliance to *continue* to grow without issues or complaints. I recommend a designated area of 5% minimum. I understand not every ordinance will fit... Please visit my location and meet my staff who total over 60 years of experience.

Respectfully,
Jon Friesell
(408) 799-9311
PO Box 1902
Aptos, CA 95001

Privileged And Confidential Communication.

This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC ???? [2510-2521](#)), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited.

From: ["Joseph Stewart" <joaaelst@gmail.com>](mailto:joaaelst@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/28/2017 12:26:12 AM
Subject: Keep marijuana cultivation on land zoned as ag

Hi,

The already impacted wildlife of Santa Cruz County will suffer further declines if we allow willy-nilly cultivation of cannabis (and the wild-life poison that comes with it) across the county. Please limit commercial-scale cannabis cultivation to land zoned for agriculture.

Thank you,

Joseph Stewart

--

Joseph Stewart
people.ucsc.edu/~jaes

From: ["Joyce Perrelli" <japerr2004@yahoo.com>](mailto:japerr2004@yahoo.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/28/2017 9:15:32 PM
Subject: Cannabis grows in the Summit Road Area

Dear Mr. Johnson,

I understand that people have submitted permits for growing cannabis in the Summit Road area. I have lived in the Villa del Monte neighborhood off Summit Road for more than 20 years and do not believe this is a good use of our natural resources. Cannabis is a water intensive crop and our water table in this area is already stressed by years of drought. Many of us need to pay to bring in water during the summer and fall so there is very little water to spare for growing. Cannabis operations pose an increase risk for fires as people drive offroad, use firearms, and as evidenced by last year's Loma fire and the questionable activity around the Bear fire, the growers and their "employers" have little regard for safety. These grow operations also pose a safety risk as they attract thieves looking for cash and crops.

Please help keep our mountain communities safe and beautiful.

Thank you,
Joyce Perrelli
23500 Sunset Drive
Los Gatos 95033
County of Santa Cruz

From: J.R. <jr@lighthousebotanical.com>
 To: CannabisEIR <CannabisEIR@santacruzcounty.us>
 Date: 10/31/2017 5:16:18 PM
 Subject: Re: Comments Draft EIR

Dear Manager Bolster-Grant & Santa Cruz County Board of Supervisors:

I would like to issue a few comments on the Draft EIR for proposed regulations for commercial cannabis cultivation and manufacturing in Santa Cruz County.

As a second-generation master grower—my aunt was one of the pioneer cannabis cultivators in Humboldt County—and a resident of Santa Cruz County for most of my adult life, I have a unique perspective on the industry. Given that context, I have witnessed first-hand the environmental damage from many of the illegal grows in the mountains of Northern California; I am very pleased to see that you are addressing those concerns with this ordinance, while at the same time facilitating legal grows outside of environmentally sensitive areas in the area, primarily in areas zoned for agriculture.

- 1) As is already suggested by the findings in the EIR, I want to encourage in the strongest terms possible the County “aggregating” parcel-size calculations for ag properties so that grows are consolidated to one parcel for multiple-parcel businesses. Having surveyed a number of greenhouses in Santa Cruz County, it seems that it would make sense for aggregating licenses on commercially zoned agriculture parcels of 15 acres and larger, rather than 40 acres (of which there are only a handful). It would also make sense to allow agricultural enterprises with multiple parcels to calculate their acreage into a single figure and aggregate those grows on a single site. This will cause the least amount of environmental impact, facilitate greater security and fire protection, and diminish community impacts.
- 2) I didn't see how you are addressing nursery grows in the EIR? Perhaps I missed this. This is the preparation of small plants for larger grows. Monterey County defined "nursery" as meaning a site that "produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis." Monterey taxes this activity at a significantly lesser rate ([1/10 th](#)) than that general of cannabis grows. I would again suggest 10 percent nursery activities in greenhouse facilities of parcels of 15 acres or more.
- 3) I have spent a large part of my life's work focusing on so-called “industrial hemp,” or non-psychoactive strains of cannabis, which is used solely for medicinal purposes. I would hope that you would consider “industrial hemp” grows in up to 20 percent of available greenhouse space on commercially zoned agriculture sites of 15 acres or larger.
- 4) I think you should define “canopy” as “meaning the net vegetative grow area of the *flowering portions* of a plant.” The canopy should be calculated by the flowering portion of a plant, not by its broader leaves.
- 5) Finally, and very significantly, I would like to see the County support organic cannabis grows. I have long opposed indoor grows and rogue mountain grows because of their use of pesticides and other chemicals and because of their environmental damage. There is an organization that presently certifies organic grows called Clean Green Certified. I would hope that the County would grant up to 50 percent larger grows on agriculturally zoned parcels that are so certified.

Thank you for your consideration.

Most sincerely,

J.R.Richardson
 Lighthouse Botanicals Coop



COUNTY OF SANTA CRUZ

OFFICE OF THE AGRICULTURAL COMMISSIONER
JUAN HIDALGO
AGRICULTURAL COMMISSIONER
SEALER OF WEIGHTS AND MEASURES

October 31, 2017

Matt Johnston
Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Comments on the Draft Environmental Impact Report for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program.

Dear Mr. Johnston,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program. My office and I strive to serve the public interest by promoting and protecting agriculture, assuring environmental quality, and protecting the health, safety and welfare of Santa Cruz County's citizens. We do this by enforcing agricultural laws and regulations to ensure the safe and effective use of pesticides. We work closely with our growers to ensure compliance of these laws and regulations.

The Draft EIR addresses the potential impacts pesticides and rodenticides used for cannabis cultivation and manufacturing may have on the environment. Airborne pollutants that may be created as a result of pesticide use on operations within a quarter mile of schools are noted as a concern on the Draft EIR. My office offers the following comments regarding the mitigation measures proposed to address these concerns.

1. MM BIO-1.1g. Pest Management Plan

The proposal to require a Pest Management Plan provides a good method to identify pests and assess pest control methods used on cultivation sites. The information contained in the plan would help lay the foundation in implementing a successful Integrated Pest Management program. The Pest Management Plan, however, places restrictions on the use of rodenticides and prohibits their use unless it can first be demonstrated that other non-toxic alternatives were attempted and found to be unsuccessful. Only the Director of the California Department of Pesticide Regulation can regulate the use of pesticides. California Food and Agricultural Code Section 11501.1, renders any regulation or ordinance of local governments attempting to prohibit or regulate the use of pesticides (rodenticides) void. Requirements regarding the proper use of pesticides to minimize impacts on the environment must continue to be addressed through the established regulatory process. This process requires commercial agricultural operations planning on

using pesticides to obtain an Operator Identification Number from the Agricultural Commissioner's Office before they can purchase or use pesticides. This will also be required of cannabis cultivation operations. During this process the grower is informed and educated on regulatory requirements regarding the safe and effective use of pesticides. Educating cannabis cultivators to ensure compliance with pesticide use requirements and restrictions will be especially important due to current limitations on pesticide products that can legally be used on this commodity.

2. MM HYDRO-1.1. Pesticide, Herbicide, and Rodenticide Control

A challenging issue facing cannabis cultivators is the lack of legally available pesticide products and understanding legally allowed options. This proposed mitigation measure is redundant with currently established guidelines from the California Department of Pesticide Regulation (DPR) and could lead to confusion if cultivators attempt to determine on their own what pesticide products meet the requirements of FIFRA Section 25(b) and those of the California Code of Regulations, Title 3, Division 6, Section 6147. This mitigation measure would also preempt the use of pesticides that may be registered for cannabis cultivation in the future and that have established residue tolerances for this commodity. Earlier this year, DPR determined that commercially grown cannabis is an agricultural commodity and therefore cultivators are subject to the requirements of Division 6 and 7 of the Food and Agricultural Code and pertaining regulations (ENF 17-03). These laws and regulations set requirements for the legal use of pesticides and are enforced by my office. In an effort to minimize redundancy and prevent confusion, questions regarding pesticide use need to be addressed by the Agricultural Commissioner's Office as part of the established regulatory process. My office carefully tracks new information and guidelines from DPR regarding allowed pesticide products for use on cannabis. Information on these products would be provided to cultivators through educational outreach and during issuance of their annual Operator Identification Number.

3. MM AQ-1.4. Consistency of Pesticide Use Setbacks

The prohibition against issuing a cultivation license to any site located within a quarter mile of a schoolsite when a cultivator uses specified pesticide application methods is not consistent with DPR's proposed Pesticide Use Near Schoolsites regulation. The proposed regulation will add sections 6690, 6691, 6692 and 6693 to the California Code of Regulations, Title 3, Division 6, that will become effective January 1, 2018. The intent of this regulation is to increase communication by requiring growers to provide annual notification to school principals, child day care administrators and the Agricultural Commissioner for any pesticides that may be used on agricultural fields within a quarter mile of a schoolsite (public schools and child day care facilities) and to prohibit certain pesticide applications Monday through Friday from 6:00 a.m. to 6:00 p.m. to reduce unintended pesticide exposure due to drift during school hours. The regulation does not prohibit commercial agricultural operations within a quarter mile of schoolsites regardless of the application methods used by operators to apply pesticides, but places restrictions on specific methods. DPR's determination that cannabis is an agricultural commodity requires cultivators to comply with all pesticide use laws and regulations that growers of other agricultural commodities must comply with. The same level of consistency should be used when issuing cannabis cultivation licenses.

Thank you for your consideration of these issues. If you have any questions regarding the foregoing comments, please do not hesitate in contacting me.

Sincerely,



Juan Hidalgo
Agricultural Commissioner

JH

Attachments: California Food and Agricultural Code Section 11501.1
DPR Enforcement Letter 17-03
California Code of Regulations, Sections 6690, 6691, 6692 and 6693



State of California

FOOD AND AGRICULTURAL CODE

Section 11501.1

11501.1. (a) This division and Division 7 (commencing with Section 12501) are of statewide concern and occupy the whole field of regulation regarding the registration, sale, transportation, or use of pesticides to the exclusion of all local regulation. Except as otherwise specifically provided in this code, no ordinance or regulation of local government, including, but not limited to, an action by a local governmental agency or department, a county board of supervisors or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the registration, sale, transportation, or use of pesticides, and any of these ordinances, laws, or regulations are void and of no force or effect.

(b) If the director determines that an ordinance or regulation, on its face or in its application, is preempted by subdivision (a), the director shall notify the promulgating entity that it is preempted by state law. If the entity does not repeal its ordinance or regulation, the director shall maintain an action for declaratory relief to have the ordinance or regulation declared void and of no force or effect, and shall also bring an action to enjoin enforcement of the ordinance or regulation.

(c) Neither this division nor Division 7 (commencing with Section 12501) is a limitation on the authority of a state agency or department to enforce or administer any law that the agency or department is authorized or required to enforce or administer.

(d) At the request of any state agency disseminating information on the pesticidal uses of any product, the director shall consult with, and provide technical assistance to, that agency to ensure that the dissemination is based on valid scientific information and consistent with state law.

(Amended by Stats. 1996, Ch. 361, Sec. 15. Effective January 1, 1997.)



Department of Pesticide Regulation



Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

January 25, 2017

ENF 17-03

TO: County Agricultural Commissioners
SUBJECT: PRELIMINARY GUIDANCE ON COUNTY PESTICIDE ENFORCEMENT RELATED TO COMMERCIAL CANNABIS CULTIVATION AND CANNABIS DEFINED AS AN AGRICULTURAL COMMODITY

In response to the recent passage of the Medical Cannabis Regulation and Safety Act (MCRSA) and the recreational cannabis ballot initiative, the Adult Use of Marijuana Act (Proposition 64), the Department of Pesticide Regulation (DPR) has received multiple inquiries from county-level officials about pesticide enforcement. This letter is intended to provide an update on DPR's position with respect to county-pesticide enforcement related to cannabis cultivation, and clarification regarding the classification of cannabis as an agricultural commodity. For purposes of this letter, "cannabis" refers only to cannabis that is cultivated for commercial purposes covered by the requirements of MCRSA or Proposition 64.

MCRSA and Proposition 64 regulate the commercial dispensing of cannabis by establishing "seed to sale" licensing programs for medical and recreational cannabis that will be implemented beginning in 2018. Under these laws, cannabis cultivators will be licensed by the California Department of Food and Agriculture (CDFA) and subject to robust regulatory requirements, including operating procedures such as security protocols. But until that time, the cannabis industry remains largely unregulated. Due to staff safety concerns, DPR continues to urge the County Agricultural Commissioners (CAC) to exercise their judgement based upon the specific situation in their county as to whether to provide compliance advice, inspect, or otherwise enforce pesticide use violations against cannabis growers.

Under MCRSA and Proposition 64, CDFA will have authority to include pesticide requirements as a component of cultivation licenses. However, irrespective of any cultivation license requirements, cannabis cultivators will be subject to Divisions 6 and 7 of the Food and Agricultural Code (FAC) and its implementing regulations. In addition to inspections conducted under their pesticide use enforcement programs, CAC's may enter into cooperative agreements with CDFA as provided under MCRSA to inspect licensed-cultivation sites (Bus. & Prof. Code, § 11362.775, subd. (d)(3)). These inspections would be conducted in order to enforce license conditions, and could also lead to the discovery of FAC violations. Once CDFA finalizes the cultivation license requirements, DPR will likely provide additional guidance for CAC's on conducting pesticide use inspections at licensed-cultivation sites. In the interim, we are providing the following preliminary guidance.

Cannabis is a Schedule I Controlled Substance under federal law and, as U.S. EPA controls pesticide labeling, there are no pesticide products registered specifically for use on cannabis¹. A primary objective for U.S. EPA restricting pesticide use to certain sites listed on the label is to protect human health by assuring there will not be unsafe pesticide residue levels. In recognition of the absence of this regulatory tool, under MCRSA and Proposition 64, unsafe pesticide residue levels will be enforced through rigorous laboratory testing of processed cannabis. Under these testing programs, the Bureau of Medical Cannabis Regulation/Bureau of Marijuana Control (Bureau) will license testing laboratories, establish pesticide levels that are safe for human health, and require testing of the cannabis prior to sale. In establishing these levels, the Bureau shall consider DPR guidelines for pesticide residue in processed cannabis products for final consumption (Bus. & Prof. Code, §§ 19344, subd. (a)(2); 26101, subd. (a)(2)). **For this reason, DPR urges discretion in enforcing use site restrictions for pesticides that do not fall into the categories listed below, but that you do enforce all other label requirements referenced below.**

The attached DPR handout instructs the CAC's not to issue restricted materials permits for cannabis cultivation sites. DPR expects the CAC's to conduct inspections to enforce: the worker health and safety requirements found in 3 CCR 6700, et seq.; the prohibition against the use of an unregistered pesticide; the use of federally restricted use pesticides by an unlicensed individual; and the following pesticide-label requirements:

- » PPE requirements
- » Application method must be on the label
- » Application rate cannot exceed that specified for method used
- » Environmental hazards
- » The longest restricted entry interval required by the label
- » Greenhouse and indoor-specific-use directions

While DPR urges discretion in enforcing use site restrictions generally, it will request strict enforcement of all label requirements including site restrictions for the use of any of the following types of pesticides:

» Materials on the Groundwater Protection List

» Products that do not have any food uses

» Materials identified as having a high acute toxicity. These materials are all pesticide products labeled with the signal word "DANGER," and those pesticide products labeled with the signal word "WARNING" that have a median lethal dose (LD50) of < 100 mg/kg/day.

This inspection guidance is preliminary and more definitive guidance will be provided after CDFA finalizes the cultivation licensing program. You may have seen DPR's guidance to cannabis cultivators on legal pesticide use. That guidance was developed prior to the passage of MCRSA and Proposition 64 and was not intended to provide guidance to the CAC's about pesticide use enforcement related to legal cannabis cultivation under state law.

Lastly, DPR has determined that cannabis meets the definition of an "agricultural commodity" in 3 CCR § 6000, and therefore, any requirement placed on pesticide use on for the production of an agricultural commodity in Divisions 6 and 7 of the Food and Agricultural Code and its implementing regulations, applies to cannabis. One significant impact of this determination is that cannabis growers will be subject to pesticide use reporting requirements under 3 CCR § 6626—as opposed to 3 CCR § 6627. An updated handout to reflect this requirement is attached.

¹ Under section 24(c) of the Federal Insecticide Fungicide and Rodenticide Act, states may register pesticide products for additional uses where a special local need exists. DPR expects to receive 24(c) applications to register pesticide products for use on cannabis. U.S. EPA has indicated that it would consider a 24(c) registration for cannabis if the application meets certain specified conditions.

If you have any questions, please contact the Enforcement Branch Liaison assigned to your county.

Sincerely,

Original Signature by:

Donna Marciano
Chief, Enforcement Branch
916-324-4100

Enclosures:

[Pesticide Use on Cannabis, PDF \(51 kb\)](#)

cc: Mr. Joe Marade, DPR Agricultural Commissioner Liaison
Enforcement Branch Liaisons

1001 I Street · P.O. Box 4015 · Sacramento, California 95812-4015 · www.cdpr.ca.gov
A Department of the California Environmental Protection Agency

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PESTICIDE USE ON CANNABIS

Department of
Pesticide Regulation

The following is being provided for informational purposes only and does not authorize, permit, endorse, or in any way approve the use, sale, cultivation, or any other activity associated with cannabis. Any such activity is subject to prosecution under federal law.

PESTICIDE REGISTRATION REQUIREMENTS

- Pesticides must be registered by both the U.S. Environmental Protection Agency (U.S. EPA) and the California Department of Pesticide Regulation (DPR) before they can be sold and used in California.
- There are no pesticides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety or human health effects.
- Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue-tolerance requirements; and
 - Registered and labeled for a use that is broad enough to include use on cannabis (e.g. unspecified green plants); or
 - Exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and 3 CCR § 6147. (FAC §§ 12973, 12995; 3 CCR § 6490.)

PESTICIDE USE REQUIREMENTS

- Before using any pesticide, ALWAYS read and follow the pesticide label. **The label is the law**
- If you apply pesticides to a field, you must obtain an operator identification number from the County Agricultural Commissioner and submit pesticide use reports to that office. (FAC § 11408; 3 CCR § 6622; 3 CCR § 6626.) Note: No operator identification number will be issued in any local jurisdiction that prohibits cannabis cultivation.
- U.S. EPA designates certain pesticide products as federally “Restricted Use” products when they determine those products may cause unreasonable adverse effects even when used as directed on the product labeling. Restricted Use pesticides are limited to use by certified applicators, or to those under the supervision of a certified applicator.
- DPR designates certain pesticide active ingredients as California “Restricted Materials” when they determine those pesticides are especially hazardous to human health or the environment. Restricted Materials require a permit issued by the County Agricultural Commissioner. Permits will not be issued for cannabis cultivation sites. (FAC § 14001, et seq.; 3 CCR § 6400.)
- Employers must protect their workers from exposure to pesticides. State law requires that employers follow the pesticide label and:
 - Provide required personal protective equipment;
 - Provide required training and access to pesticide labels and safety information; and
 - Properly store, handle, and dispose of pesticides.

(See Compliance Assistance Booklet; 3 CCR § 6670, et seq.; 3 CCR § 6700, et seq.;
<<http://www.cdpr.ca.gov/docs/enforce/cmpliast/bkltmenu.htm>>.)

RODENTICIDE USE

- Rodenticides that require a California Restricted Materials permit cannot be used; and those that are designated as federally Restricted Use products can only be used by a certified applicator. See Above.
- There are some rodenticides labeled for below ground applications that are not designated as California Restricted Materials or federally Restricted Use pesticides that can be used if consistent with the label.
- The following rodent repellants may be used in and around cannabis cultivation sites consistent with the label: Capsicum Oleoresin, Putrescent Whole Egg Solids, Garlic

TEXT OF PROPOSED REGULATIONS

Current wording is indicated by regular type.
Proposed deletions are indicated by ~~strikeout~~.
Proposed additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 2. WORK REQUIREMENTS

Adopt Article 5 heading to read:

ARTICLE 5. PESTICIDE USE NEAR SCHOOLSITES

Adopt section 6690 to read:

6690. Pesticide Use Near Schoolsites.

The provisions of this article pertain to pesticide applications made for the production of an agricultural commodity within ¼ mile of a schoolsite as defined in Education Code section 17609, subsection (f), excluding the family day care homes as defined in Health and Safety Code section 1596.78.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code.

Reference: Section 11501, Food and Agricultural Code.

Adopt section 6691 to read:

6691. Pesticide Application Restrictions.

Effective October 1, 2017, pesticide application restrictions will apply Monday through Friday, during the hours of 6:00 a.m. to 6:00 p.m., depending on the distance from the treated area to a schoolsite, the application equipment used, and type of pesticide applied. The type of pesticide is not the product formulation but the final form applied (e.g., if a powder is mixed with water and then applied, this is considered a liquid application). During these time periods, the operator of the property and the applicator shall assure that an application is not made within the distance of the schoolsite as specified below.

- (a) There must be a minimum ¼ mile distance restriction for applications using a:
 - (1) Aircraft.
 - (2) Airblast sprayer.
 - (3) Sprinkler chemigation equipment.
 - (4) Dust or powder except as provided in subsection (c)(3).
 - (5) Fumigant.

(b) There must be a minimum 25 foot distance restriction when using a:

(1) Ground-rig sprayer. However, if this type of equipment is used to apply a dust, powder, or fumigant, the ¼ mile distance restriction in subsection (a) applies.

(2) Field soil injection equipment. However, if this type of equipment is used to apply a fumigant, the ¼ mile distance restriction in subsection (a) applies; or if used to apply a dust or powder, there is no minimum distance restriction.

(3) Other application equipment not identified in this section, such as drip or flood chemigation equipment. However, if this type of equipment is used to apply dust, powder, or fumigant, the ¼ mile distance restriction in subsection (a) applies.

(c) Notwithstanding subsections (a) and (b), there is no distance restriction when:

(1) the application is made within an enclosed space, such as a greenhouse. However, when applying a fumigant, the ¼ mile distance restriction in subsection (a) applies.

(2) the application is made using bait stations.

(3) a pesticide is applied as a dust or powder using field soil injection equipment.

(4) a pesticide is applied as a granule, flake, or pellet. However, when the pesticide product formulation is applied as a fumigant, or applied by aircraft, the ¼ mile distance restriction in subsection (a) applies.

(5) an application is made using a backpack sprayer. However, when this type of equipment is used to apply a dust or powder, the ¼ mile distance restriction in subsection (a) applies.

(6) an application is made using a hand pump sprayer. However, when this type of equipment is used to apply a dust, powder, or fumigant, the ¼ mile distance restriction in subsection (a) applies.

(d) Notwithstanding subsections (a) and (b), there is no distance restriction when:

(1) school classes are not scheduled for the day of application.

(2) the child day care facility is closed during the entire day of the application.

(e) In addition to the time period and distance restriction specified in subsections (a)-(c), fumigants cannot be applied when school classes are scheduled or child day care facilities are open within 36 hours following fumigation.

(f) Notwithstanding subsections (a) through (c), the application restrictions do not apply when there is a written agreement between the operator of the property, the principal or child day care facility administrator, and the commissioner that specifies alternative application restrictions that the parties agree provide the same or a greater level of protection as provided by subsections (a) through (c). Any party may rescind the agreement at any time by notifying the other parties in writing. If an agreement is rescinded, then subsections (a) through (c) control. The commissioner shall enforce a written agreement for restrictions as if they were requirements in regulation.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code.

Reference: Section 11501, Food and Agricultural Code.

Adopt section 6692 to read:

6692. Annual Notification.

(a) For all applications of pesticides expected to be made for the production of an agricultural commodity within ¼ mile of a schoolsite from January 1, 2018 through June 30, 2018, the operator of the property to be treated shall provide annual notification to that schoolsite no later than October 1, 2017. Beginning in 2018, the operator of the property to be treated shall provide annual notification to that schoolsite no later than April 30 of pesticide applications expected to

be made from July 1 of the current year through June 30 of the next year. The annual notification must be provided to:

- (1) The principal of the public K-12 school and up to two employees designated by the principal;
 - (2) The administrator of the child day care facility and up to two employees designated by the administrator; and
 - (3) The county agricultural commissioner.
- (b) The annual notification must be in writing and include the following information:
- (1) A summary of the operator of the property's requirements to provide annual notification to a schoolsite as described in subsection (a).
 - (2) A summary of the operator of the property's requirement to provide application-specific notification to a schoolsite as described in section 6693, subsection (a), and the option for the principal and the administrator to waive their right to receive such notification as described in section 6693, subsection (e).
 - (3) A summary of the applicable pesticide application restrictions specified in section 6691.
 - (4) Operator of the property's name and contact information;
 - (5) Map showing location of the field(s) involved and the school or child day care facilities;
 - (6) County agricultural commissioner's contact information;
 - (7) National Pesticide Information Center Web site address;
 - (8) Information on the pesticide(s) expected to be used in the upcoming July 1 through June 30 period including: name of each active ingredient, or principal functioning agent for a spray adjuvant; example pesticide product name(s); and the U.S. Environmental Protection Agency or California registration number.
 - (9) A description on how the principal or administrator may designate up to two employees to also receive the annual notifications and application-specific notifications pursuant to subsection (c).
 - (10) The following statements: "This notification is informational only. The county agricultural commissioner may be contacted for questions or additional information; if violations of these requirements are suspected; or other non-emergency situations.
 - (11) A description of the option to negotiate an alternate to the required application restrictions and/or application-specific notification as provided in sections 6691, subsection (f), and 6693, subsection (f).
- (c) The school principal or child day care facility administrator has the discretion to designate up to two employees to receive annual notifications, and application-specific notifications specified in section 6693. The principal or the administrator shall notify the operator of the property and commissioner in writing with the employee(s) name and contact information.
 - (d) The property operator shall retain a copy of each annual notification for two years and make them available to the Director or commissioner upon request.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code.

Reference: Section 11501, Food and Agricultural Code.

Adopt section 6693 to read:

6693. Application-Specific Notification.

(a) Beginning January 1, 2018, the operator of the property to be treated and the pesticide applicator shall assure that application-specific notification is provided to the schoolsites specified in section 6690 for applications within a $\frac{1}{4}$ mile of a schoolsite made pursuant to section 6691, subsection (b), Monday through Friday, during the hours of 6:00 a.m. to 6:00 p.m., except when no minimum distance is required pursuant to section 6691, subsections (c) and (d).

(b) The application-specific notification must be in writing, and be provided at least 48 hours prior to the start of the application to the people specified in section 6692 subsection (a)(1) and (2). The application must commence within four days of the date specified in subsection (c)(10) or a new notification is required.

(1) The new notification does not need to be provided 48 hours prior to the application if it is submitted within four days of the date specified in subsection (c)(10).

(2) The new notification must be provided at least 48 hours prior to the application if it is not submitted within four days of the date specified in subsection (c)(10).

(c) The notification must include the following:

(1) A summary of the operator of the property's requirement to provide application-specific notification pursuant to subsections (a) and (b);

(2) the information specified in section 6692, subsections (b)(4)-(7);

(3) product name(s);

(4) active ingredient(s), or principal functioning agent(s) for a spray adjuvant;

(5) U.S. Environmental Protection Agency or California registration number;

(6) an indication if the active ingredient was not included in the annual notification;

(7) location of areas to be treated;

(8) approximate acres or other units;

(9) method of application;

(10) the earliest date and start time of the application; and

(11) The following statement: "This notification is informational only. The county agricultural commissioner may be contacted for questions or additional information about the requirements; if violations of these requirements are suspected; or other non-emergency situations. If someone is seriously ill, call 911 for help. In less serious cases, call a doctor or the Poison Control Center, 1-800-222-1222."

(d) When application-specific notification is provided pursuant to subsection (a), the operator of the property shall provide the application-specific notification to the commissioner at least 48 hours prior to starting the application. Alternatively, a written notice of intent for the application of a restricted material required by section 6434 may be submitted at least 48 hours prior to starting the application. The notice of intent must indicate that the application is within $\frac{1}{4}$ mile of a schoolsite.

(e) The principal or administrator may waive their right to receive application-specific notification by notifying the operator of the property in writing, and providing a copy to the commissioner.

(f) Notwithstanding subsections (a)-(d), the application-specific notification requirements do not apply when there is a written agreement between the operator of the property, the principal or child day care facility administrator, and the commissioner that specifies alternative application-specific notification. Any party may rescind the agreement at any time by notifying the other parties in writing. If an agreement is rescinded, then subsections (a)-(d) control. The

commissioner shall enforce a written agreement for notification as if they were requirements in regulation.

(g) The operator of the property shall retain a copy of each application-specific notification for two years and make them available to the Director or commissioner upon request.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code.

Reference: Section 11501, Food and Agricultural Code.

831-566-3094 - Mobile

From: ["Julia Gaudinski" <jbgaudinski@gmail.com>](mailto:Julia.Gaudinski@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 12:26:19 AM
Subject: Comment on Cannabis DEIR
Attachments: DEIR comment letterJBG.docx

I respectfully submit my attached letter/comments on the Draft EIR now before the Board of Supervisors.

My letter outlines my absolute disagreement with the findings and the approach of the Draft Environmental Impact Report (DEIR) submitted to the Board of Supervisors on the proposed Commercial Cannabis Ordinance SCCC 7.128. The report is flawed and must be rejected and replaced.

Thank you for your serious consideration,
Julia Gaudinski

October 30, 2017

TO: County Planning Department

cc: Board of Supervisors and Analysts

RE: Comments on Draft EIR

FROM: Julia Gaudinski, resident of Bonny Doon

I have written and spoken to you before about the profound and intense impact cannabis growing has had in my rural neighborhood. I have discussed at length why the unregulated dispersive growing model we currently have does significant harm to wildlife and the environment, neighborhoods and youth, and must not be allowed to continue.

Unfortunately, the findings and the approach of the Draft Environmental Impact Report (DEIR) submitted to the Board of Supervisors on the proposed Commercial Cannabis Ordinance SCCC 7.128 does exactly that – it further codifies and allows for entrenchment and expansion of the destructive dispersive model of cannabis growing in this county.

I am extremely disappointed by the quality of this report, which often relies on faulty and inconsistent logic, unreliable or no data, and weak analysis to reach conclusions that are not only unsupported, but also contradicted by available evidence and our local experience. The central finding of this report is that a much more permissive policy framework than was carefully and painstakingly outlined in SCCC7.128 is environmentally sound. This finding is faulty and must be unequivocally rejected and replaced.

This DEIR threatens to undermine the hard-fought progress that had been made towards a compromise policy that went a very long way towards accommodating the interests of the cannabis growers, while providing a basic level of protection for the community and the environment.

Acting on the findings of this DEIR will fundamentally undermine the trust of many in the community in our local government's ability to provide the leadership we need on this issue.

I still believe the county can provide the leadership we need and find the way forward that allows the cannabis industry to exist in this county—but not via this DEIR and not without standing up to the relentless pressure of the cannabis industry.

The county must develop a reasonable policy proposal that takes commercial cannabis cultivation out of our neighborhoods, timber-zoned properties and watersheds. You must put real enforceable and enforced restrictions on this industry. They must be treated like the commercial, extremely profitable, recreational drug producing businesses that they are, and not given special legacy treatment as a result of past medical marijuana legislation.

Respectfully,

Julia Gaudinski

Justin Acton
7755 Hihn Road
Ben Lomond, CA 95005
831-247-4961
justin@bcpizza.com

October 27, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Santa Cruz Planning Dept,

I am one of the many small business operators in the San Lorenzo Valley that recognize the cannabis trade as a vital part of our local economy. There have been economic estimates of the value of the crop in Santa Cruz County to be near half a billion dollars, putting its financial importance on par with tourism and the agriculture industry as a whole.

Common sense regulations designed to protect the environment, while supporting the thriving Boulder Creek cannabis industry, will continue to support many ancillary businesses that depend on the industry to survive.

A significant amount of cannabis production occurs in the greater Boulder Creek area. This industry supports hundreds of jobs for our neighbors. Cannabis producers are amongst the best patrons of our local businesses. They shop our stores, eat at our restaurants, and use professional services from local providers. The importance of the economic contribution to local businesses by people in the Santa Cruz Mountain cannabis trade cannot be overstated.

I am appreciative of the seriousness that the County has taken to ensure that we implement a viable and environmentally conscious program. I want to see responsible local producers adhering to calculated and meaningful rules and regulations. *However, when rules are overly/unnecessarily strict, cultivators will be forced to operate illegal and unregulated grows.* The cannabis industry has been in the Santa Cruz mountains for decades. In most situations, there is tremendous stewardship by our local producers who care about running a responsible operation that protects the environment in which they raise their families.

I support the findings of the Draft Environmental Impact Report and recommend adoption of the more permissive approach to regulation, which allows for a more audited participation by those in our area and beyond. I'd like to see the environmentally superior alternative to outright bans and restrictive proposals.

Thank you for your time,

Justin Acton

CC Supervisor Bruce McPherson, 5th District

From: ["Karen Asherah" <karenasherah@me.com>](mailto:karenasherah@me.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/8/2017 11:01:02 AM
Subject: Input

Environmental Impact-Seems like having small growers is a better idea for protecting the environment than limiting operations to over 5 acres.

Organic- All product needs to be certified organic.

From: "Jeff mcgee" <mcgeebuilders@gmail.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 6:43:11 PM
Subject: Cannabis comments

Hello,

I would like to express my concerns in regards to the proposed cannabis cultivation regulations for our County. I should note that I live in Browns Valley so my experience with the County is concentrated there, although I would assume that similar locations would have similar issues and concerns.

Although I understand that the agricultural industry as a whole is paramount to our County, I also believe we have many other assets, and things going for us, if you will. The first is the possibility of outdoor recreation and beautiful space to do so. This is made possible for us, and protected for us, by agencies such as the Land Trust. Therefore my first concern is considering and protecting areas in our County such as the Bryne-Milliron Forest. This is a fantastic piece of land that has some of the best hiking and sweeping vistas in our area. I worry that the impending cannabis operations will ruin this experience and that would be a shame. I would like to hope areas such as this, that benefit everyone in the County, and preserved so that the Land Trusts efforts and funds are not wasted. We live in a beautiful part of the world. We should be able to have some parts of the County stay just as nature intended, for us all to share. I worry about glare off of the indoor grow houses, the smell, and the possibility of unwanted activity ruining this special place, and others like it, in the County. I would ask that glare in the immediate area of the forest be kept at an absolute minimum if allowed at all. Additionally, I would hope further comments and testing to be considered so that the smell of the operations would be minimized in these outdoor recreation areas so we can still hike comfortably and bikers from all over the area can still come to our County to bike our scenic back roads. Please limit these operations along our designated scenic roads.

Additionally, as we found out this winter, these small scenic roads can also be fragile. In many cases there is one way in and one way out for entire neighborhoods. Increasing traffic for commercial cannabis operations farms will only further compromise these roads. But my biggest concern for the roads is what happens when, not if, there is an emergency. As we just saw in the fires in Sonoma and Napa Counties, the speed a fire can spread is astonishing. I would hate to see what might happen if one of the operations in an area such as Browns Valley, Hazel Dell, or Cathedral Drive, for example literally goes up in flames. With placing these operations in secluded, one route access areas, many people will be put at risk. And although I believe it was an illegal grow site, isn't a cannabis operation to blame for last year's Loma fire which was a little too close for comfort? Therefore I would ask the County to be extremely cautious when issuing permits in these limited access areas so that overall public safety is made a priority over tax revenue. Additionally substantial water storage should be required.

It is also well known that these operations are a cash-only business. They have very limited banking options, if any. Therefore these operations have large quantities of cash which can lead to increased crime, home invasion, and worse. Again on the small, scenic roads it will be difficult for the Sheriff's department to respond very quickly. This department is already stretched thin. I would suggest that the cannabis operations be in areas where the fire and sheriff's department can more easily access the sites when needed. Please consider requiring sites to have more than one access route before permits are issued.

Lastly, in reading the proposed rules for indoor grow sites I believe that it states that the plants and lights cannot be visible from other habitable structures or certain right of ways. I urge the board to keep and strictly enforce this part of the rules. Although agriculture is a part of our County, at some point all of the residents have a right to enjoy their homes and property. I cannot imagine a Browns Valley that has illuminated grow houses dotting the hills so that the residence across the very narrow valley cannot even enjoy looking at the stars, or having lights shined in their bedroom all night long.

I respectfully request that the County take this process very slow and start the operations in a controlled and close geographical area before allowing operations on every street in the unincorporated areas. There is a great deal of property and facilities that were abandoned after the flower industry all but left this area in the late 90s/early 2000s. Why don't we try to rehabilitate these areas first and go from there? For the most part these are areas that could certainly use redevelopment.

Thank you for your time and consideration.

Kari McGee

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 3:39:16 PM
Subject: FW: only grow it outdoors, organically, with no shared roads.

EIR COMMENT

From: khitt [mailto:khitt@manynamespress.com]
Sent: Thursday, October 26, 2017 11:37 AM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: only grow it outdoors, organically, with no shared roads.

that is my opinion. No electricity, no houses. Just like guns. Cannot make roadway to it or easement.

Kate Hitt
831~728~4302
1961 Main St. # 244 Watsonville, CA 95076

October 20, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Dear Matt:

I am a business owner and owner of commercial property in the Soquel Research Park area. I have the following concerns on the DEIR.

Comment 1. Air Quality. I concur with requirement for air filters on all indoor grow operations. We are currently affected by odor/poor air quality from the numerous grow operations occurring in the Soquel Research Park area.

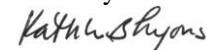
Comment 2. Parking Demand and Seasonal Worker Parking Demand: The DEIR states that it is anticipated that ongoing operation of unlicensed operations would continue, relocate, or expand and generate increased traffic with potential effects on the performance of the circulation system. Secondary impacts also could result from traffic hazards due to the continued operation of unlicensed cannabis cultivation/manufacturing sites throughout the County. The DEIR also identifies the presence of cannabis harvesters traveling from harvest to harvest throughout the region. The DEIR states there would be an incremental increase of new workers that could commute to County of Santa Cruz.

Most of the discussion in the DEIR is focused on rural areas of the County. Commercially-zoned areas within the County that will be affected by this ordinance are largely ignored.

The commercially-zoned area in the Soquel Research Park already supports several cannabis-growing operations. In addition to the use of several 1,000 square-foot commercial condo complexes along S. Rodeo Gulch Road for pot-growing, a large indoor grow facility has established within the former Outdoor World distribution building. A vacant commercial condo complex on Research Park Drive is also being marketed for cannabis growing. This is a significant land use change to a relatively small area of the County. As such, we have experienced an increase in the demand for on-street parking, particularly during the harvest periods. We have experienced a significant influx of multi-day/week-long overnight RV campers parking on public streets during the harvest periods. While we appreciate the routine surveillance and ticketing of long-term overnight RV parking by the Sheriff's office (volunteer patrols), it is a constant concern. We are concerned that the lack of regulation for worker parking will be exacerbated upon approval of the ordinance and more cannabis operations establish in already-impacted commercially-zoned areas.

The DEIR fails to outline the requirements of off-street parking that will be required for each business within commercially-zoned areas and fails to address the impacts caused by the increased parking demand during the four harvest periods used by indoor growers. The DEIR fails to explain how parking requirements for the cannabis businesses will be regulated. Who will monitor and regulate a business' adherence to off-street parking requirements for their workers? Who will monitor and regulate parking requirements for seasonal workers? Who will monitor and regulate overnight RV camping by seasonal workers? The DEIR should provide this information.

Sincerely



Kathy Lyons
2551 S. Rodeo Gulch Road #12, Soquel

Cc: John Leopold, District Supervisor

From: ["KM Toner" <kathyton0623@gmail.com>](mailto:KM Toner <kathyton0623@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/30/2017 9:41:13 PM
Subject: Comment on the DEIR
Attachments: DEIR comment letter kt final.docx

I respectfully submit my attached letter/comments on the Draft EIR now before the Board of Supervisors. I appreciate the hard work that has gone into this report and all the time and effort that the Board and County Staff have invested in this topic. This is such a difficult and complex topic and I do not envy your decision-making role on this.

Regrettably, the findings of this DEIR are a huge disappointment. In my letter I explain the many reasons why I believe the report must be deemed inadequate and replaced. The stakes are too high with this decision to accept such a report.

thank you for your consideration

--

Kathy Toner
831 325 6685 (cell)
skype: kmtoner1

October 30, 2017

TO: County Planning Department

cc: Board of Supervisors and Analysts

RE: Comments on Draft EIR

FROM: Kathy Toner, resident of Bonny Doon

As a resident of Santa Cruz county living in the wildland-urban interface, and directly impacted by the explosion of cannabis growing in recent years, I am writing to express my profound disagreement with the findings and the approach of the Draft Environmental Impact Report (DEIR) submitted to the Board of Supervisors on the proposed Commercial Cannabis Ordinance SCCC 7.128. At the same time, I want to express my strong support for the comments submitted on the DEIR from the Committee for Environmental Santa Cruz (CESC), and similar inputs being made by environmental and community groups and leaders who are shocked and deeply troubled by the DEIR's methodology and findings.

Like the CESC—which has done an exhaustive and fact-based review of the DEIR and is posing significant questions that must be addressed—I am extremely disappointed by the quality of this report, which often relies on faulty and inconsistent logic, unreliable or no data, weak analysis and just plain wishful thinking to reach conclusions that are not only unsupported, but contradicted by available evidence and our local experience. While I understand the political costs in doing so, this report must be deemed inadequate and its central finding that a much more permissive policy framework is environmentally sound rejected. In some way, this EIR needs to be replaced. The stakes are too high to look the other way and accept the findings of such an inadequate report. It would be an abuse of public trust, public resources and public trust to do so.

I join with many others in respectfully demanding that the **Board of Supervisors disregard the central conclusions of this draft EIR, and replace it.** I still hope that this county with your leadership, will develop a reasonable policy proposal that takes commercial cannabis cultivation out of our neighborhoods—or at least controls it carefully—along with our precious timber-zoned properties and watersheds, and put reasonable restrictions on this industry to protect our natural resources, public safety and neighborhood integrity.

The fundamental flaw in this report is its embrace of the supposition being promulgated by the cannabis lobby that “full participation” of the most number of existing growers (and inevitably others) will somehow stop or mitigate the very well-documented harms being done by cannabis growing to safety, environment, wildlife, residential neighborhoods, local economy and public health. The authors conclude, with little to no evidence that by adopting the most permissive policy cannabis growers will be enticed to obtain licenses, abandon illegal growing and harmful practices, and become fully compliant with the law. To do so would mean increasing the cannabis commercial ventures on RA (Residential Agricultural) zoned properties, by reducing the minimum parcel size from the alternative proposal of 5 acres to 2.5 acres, while doubling the amount of canopy per parcel allowed (again versus the alternative policy proposal). This, they assert, will lead to a greater number of growers turning away from the

lucrative black market stopping harmful practices that endanger their neighbors, wildlife and water supplies. **This argument falls apart on many levels and defies common sense and available evidence.**

First, there is no data to support that the growers will step out of the shadows and participate in licensing. The economics push against it. The DEIR's own cost data (table 7, 3.2 – 1) indicates that small outdoor grows are the most expensive to run, and would be the least profitable under licensing requirements. Numerous sources, including cannabis news outlets and the NY Times estimate that only 20% of the cannabis grown in California is consumed here, while 80% is exported to states or areas where it is illegal—and where they can get a better price presumably. Why would a small grower, tucked away in the mountains, sacrifice a substantial percentage of their income and take on the paper work and increased requirements and visibility to make less money when they have been able to operate with impunity (and likely still will) in the black market? The cannabis industry's own publications assert as much. The analysis in the DEIR cites no meaningful evidence nor addresses any incentives towards participation. This county's experience with registering growers is illustrative; many growers—hundreds perhaps (no one really knows) failed to register (a required first step towards licensing) during the county's voluntary, anonymous, and welcoming preliminary registration process last year. If perhaps hundreds of growers failed to step forward, then why would they step forward now?

Even if this weak assumption holds and many more growers participate in licensing, there is no reason to believe they would adhere to licensing regulations or even if they did, that these would be sufficient, under this more permissive model, to mitigate the many impacts not only on the environment but on neighborhoods. In fact, impacts on neighborhoods received little real attention in the analysis.

The ability to enforce and monitor these more permissive regulations in this highly diffused model of commercial cultivation is realistically going to be next to impossible even in the best of scenarios. As noted by the CESC in their comments:

"...the areas emphasized by the most permissive alternative are concentrated in locations with the least infrastructure and least law enforcement presence. This is also where the black market grows will continue to have a presence with co-mingling of licensed facilities with black market operations, making it easier for licensed facilities to siphon off excess product to the black market...."

The same DEIR which states that enforcement and inspections will somehow mitigate the negative consequences of extensive cannabis cultivation, later recognizes that funding for enforcement is dependent on an annual budgeting process that, we all know, will be subject to many pressures. As noted, we have already seen an effort by the cannabis industry to reduce taxes before a comprehensive policy framework is in place. This will continue. The budget required to both prevent and mitigate environmental, social and health damages and to regulate this diffused model of cultivation will be very high. **At the end of it all, the DEIR fails to address how enforcement will prevent illegal operations from hiding in the shadow of licensed operations.**

Finally, the report assumes the only way forward it to move the goal post and legalize this highly untenable and unsustainable model of cultivation. Simply legitimizing this model and ignoring the evidence that this will not change behavior or be truly enforceable—or that in fact this model itself is

flawed—is disappointing and invalid. The same DEIR acknowledges a range of many “significant and unavoidable” impacts in this model to safety, neighborhoods, the environment, etc. it simply concludes that somehow these negative impacts will be lessened or somehow made worth it.

Perhaps due to the pressure of time or other factors, the report has many other flaws that contributed to this conclusion. Clearly, the authors were hampered by a lack of data. The DEIR bases much of its analysis on the number of growers who voluntarily registered, i.e. 760. The same DEIR at various points admits that this is likely a gross under-representation of current reality. Frankly the county has no reliable data on the extent of cultivations, their operations, their motivations, their business models or their practices. Yet, relying on this number the DEIR focused its analysis on potential impact of only about 200 acres. The “more permissive alternative” that the DEIR recommends adopting could potentially open up 8,888 parcels in the county, totaling 164,721 acres. Even if a fraction of this total is cultivated, the county’s ability to regulate and monitor such a model would be nil.

The DEIR failed to take advantage of many data sources and experts readily available in our county or consulted them in only a cursory manner. Most of the DEIR findings are based on self-reporting from certain sectors of the cannabis industry. While their input is vital, and many of these sources believe firmly in the vision they are promoting, by no means can a sound and fair policy be crafted on such a limited sample of self-interested sources. This over-reliance on industry sources is troubling.

There were plenty of other local sources that the authors could have called on to fine tune their analysis. For example, the authors failed to use geographic information sources (GIS) data such as the Conservation Blueprint available from the Land Trust of Santa Cruz County to identify and disclose relationship of the proposed project (i.e., the permissive policy alternative) to sensitive natural communities. Nor was the high-quality research into devastating impacts of rodenticides on wildlife that the CESC produced and provided to the County (which was presumably given to the authors of the DEIR) referenced in the EIR’s list of Preparers and References. The DEIR used an assessment standard for sensitive plant species that is significantly less rigorous than that published by the California Native Plant Society, which is the generally accepted standard for rare plant surveys.

In sum, this DEIR threatens to undermine the hard-fought progress that had been made towards a compromise policy that went a very long way towards accommodating the interests of the cannabis growers, while providing a basic level of protection for the community. Acting on the findings of this DEIR would be a huge mistake, and would I believe fundamentally undermine the trust of many in the community in our local government’s ability to provide the leadership we need on this issue. I believe though that this is not so; I do believe the county can provide the leadership we need and find the way forward that allows the cannabis industry to exist and thrive in this county--but it is not the findings of this **DEIR, which must be rejected and replaced.**

From: "[ken arconti](mailto:kenarconti@yahoo.com)" <kenarconti@yahoo.com>
To: [CannabisEIR](mailto:CannabisEIR@santacruzcounty.us) <CannabisEIR@santacruzcounty.us>
Date: 10/16/2017 3:09:05 PM
Subject: Cannabis Cultivation Comment

To whom it may concern,

My name is Ken Arconti. I reside at 320 Sweetwater Lane, Ben Lomond, CA. I have a neighbor with a large grow operation. We are directly up hill from their property. The skunk like smell of their crop effects us greatly. There are times it is so strong I can get a headache instantly when I go outside. This is particularly true if it is hot outside. We cannot go outside and sit on our deck and enjoy the outdoors because the odor is so unpleasant. We have to close our windows frequently because the breeze blows the smell right up into our house. Our quality of life is greatly impacted by the odor.

We live on a small, private one lane road and when it is harvest time there are many workers driving through our neighborhood, often at too high of speeds, which creates safety hazards for residents and children driving and/or walking in the neighborhood. I have had several close calls both walking and driving.

May it be noted that I am a former marijuana user and pro marijuana legalization. We choose to live in this rural neighborhood to enjoy the peace and quiet, and the smell and beauty of the forest but we are quite often unable to do so. The odor and traffic are the environmental issues that impact us directly. I don't know what other impact this particular operation is having on the environment but I know there needs to be efficient monitoring to keep the odor from being unbearable. This is a rural area but it is still a neighborhood and I think measures need to be taken in regard to these issues.

Sincerely,

Ken Arconti

Kevin Collins
P.O. Box 722 Felton, CA 95018
<europa@cruzio.com>, 831-234-7306

Matt Johnston
Santa Cruz County Planning Department
And to:
Santa Cruz County Board of Supervisors

October 31, 2017

701 Ocean St. Santa Cruz, CA 95060
Rooms 400 and 500
conveyance by electronic mail and hand delivery

Subject: Public Comment on the Cannabis Cultivation and Manufacturing, Draft Environmental Impact Report (DEIR)

Executive Summary and Personal Comments

This DEIR and the Ordinances considered herein are major documents of accountability for your Board of Supervisors. This case may be the defining decision the Board makes during the tenure of its individual member. Caution is advisable.

This "Project" is functionally the most sweeping set of changes to county land use code proposed since the adoption of the modern County Code. The report addresses the code legalization of agriculture and manufacturing for the commercial production of drugs.

Considering the volume of marijuana being produced now, it's clear this expanding drug production is primarily intended for export out of Santa Cruz County. One of the many side effects will be the inducement to develop sub-standard remainder land parcels created from unregulated early 20th Century sub-division patterns.

The pretense of mitigation through the enforcement of codes is least likely to be successful in the Santa Cruz Mountains. These most rural and remote parts of this county are nevertheless the most heavily populated such rural lands in the entirety of California. These mountains are our water source, are fundamental to this County's tourism industry, and to its reputation as a community that respects environmental and conservation values, if indeed that supposed respect remains the case. This DEIR itself casts doubt upon this common assumption.

This huge DEIR with its twelve Attachments is 1,325 pages long. Much of the text involves arbitrary and slyly redundant assumptions and speculations often regarding the most crucial aspects of this Report. The omissions of clear and organized information that would be necessary to make this document reasonably legitimate for public review; to make it internally consistent and accurate; are extensive. The document is confusing, redundant, misleading, and incomplete. Despite this it is excessively lengthy. There is no overall page numbering. It exceeds the length recommended in the establishing law (CA Environmental Quality Act) by several times over. While it is impossible to prove intent, I regard this document as intentionally confusing and misleading. CEQA professionals have known for

decades the various tactics to make these reports obscure and difficult to understand. No Lead Agency is eager for the obligation to reply to a multitude of well-informed comments. Only a professional reviewer such as myself, would be likely to understand the methods necessary to cross-reference this document, so as to verify the consistency of its information. I have reviewed many DEIRs. This one is exceptional. Despite my spending approximately sixty hours with this DEIR, I will only have time to respond to selected sections.

This DEIR fails to address the impacts upon rural neighborhoods and rural residents who will (if the proposed Ordinances are approved) be sacrificed to the desires of those eager to engage in this drug production export industry. The proposed Ordinance versions addressed in this DEIR exclude outdoor cultivation from those areas (primarily the urbanized and residential coastal plain) of the unincorporated County where political opposition from residents would block the adoption of the Ordinances.

Therefore this confusing document is essentially a political exercise rather than an accurate, informative Draft Environmental Impact Report. In this manner the DEIR and the Ordinances are discriminatory toward this County's rural residents. Rural residents, homeowners and landowners of specifically zoned parcels will arbitrarily be the most afflicted by the adoption of the Ordinances described, and by the planned, or at least possible, "certification" of this DEIR by the Santa Cruz County Board of Supervisors.

This DEIR must either be rejected outright or sent back for major revisions that involve the inclusion of specific but currently missing or grossly inaccurate information.

There must also be a clear and unequivocal demonstration, and assertion of intent, to enforce codes and ordinances necessary to make this DEIR legitimate and to make the Ordinances and the existing related land-use and environmental codes effective. Such a demonstration of intent is grossly lacking. The massive environmental and public safety impacts that will be caused by facilitating and legalizing a major export economy of marijuana products production requires new codes and new sanctions to promote compliance. These rules do not yet exist. The DEIR continually invokes code "policies" when it is clear that these policies are widely ignored by the relevant County departments.

The assertions of insignificant cumulative impacts extend over nearly every environmental impact to the physical environment of this county and to the welfare of its people. CEQA impact levels "significant and unavoidable" assigned to impacts addressed in the DEIR are limited to traffic, green house gasses, historical resources, conversion of forest and high quality Ag. land to marijuana cultivation, *and astonishingly*, to the already massive unregulated pot (cannabis, marijuana, ear wax, shatter, hash oil etc.) growing and manufacturing currently taking place.

If the County and the Sheriff's department are, as the DEIR asserts, unable to effectively regulate, or to even account for, the majority unregistered growers illegally operating, then this DEIR is misdirected away from the principle "Project" or impact that needs illumination through compliance with CEQA. It is speculative in the extreme for the County to assume that

"the more permissive option" recommended by Planning will achieve plausible civil regulatory control of pot production. The Board must insist upon an estimate of the length of time needed for this dangerous experiment to unfold. If this "industry" cannot be regulated effectively, then this DEIR has no meaningful purpose and is legally deficient in the extreme.

Attached to this confusing document are twelve attachments, one of which (C) is the actual Ordinances language, the subject of this DEIR. It's peculiar that the Ordinance text is not included in the 636 pages of the DEIR.

Program Overview

"Consistent with state law, the proposed Program would regulate commercial cannabis cultivation and cannabis product manufacturing within unincorporated areas of the County to balance the diverse demands for cannabis products with the health, safety, and welfare of the community, and address the range of demands on County services and adverse effects on the environment and local community. The Program would regulate how, where, and how much cannabis and cannabis products may be commercially cultivated and manufactured to provide a reliable and high quality supply, while also protecting the environment and neighborhood quality."

The authors of this DEIR are puzzled by the word "balance". There is nothing balanced about inducements for drug grow sites involving the clearing of forest, chaparral and other habitat types and the attendant stream water diversions that are causing endangered species fish kills through the dewatering of mountain streams.

As far as the safety and welfare of the community is concerned, the authors display a thorough indifference to the safety of this County's rural residents. In the "Summary of Program Objectives" one finds this sentence "4. Prevent impacts of cannabis cultivation and manufacturing sites on children and sensitive populations."

Well, children walk through my RA zoned and entirely residential neighborhood, just as children walk down any street in Live Oak or Soquel. I am a "senior" but apparently my "sensitivity" is not worthy of consideration. RA and SU zonings in the San Lorenzo Valley are primarily residential zonings. The inclusion of the term "Agricultural" is frequently a misnomer. Aside from a few chicken coops and generally small-scale kitchen gardens, there is, on average, only small-scale activity that a reasonable person would regard as "agriculture". In Santa Cruz Mountain, locations such as the San Lorenzo, Soquel, Aptos and Corralitos creek watersheds there exist a few vineyards, some small orchards and fewer Christmas tree farms, regardless of the zoning. My RA zoned subdivision has no gardens of more than one or two hundred square feet in area. Here we allow the forest to grow and do our best to allow wildlife to prosper.

The proposed Ordinance would completely upend the peace and tranquility of RA and SU zoned neighborhoods as properties progressively changed ownership and drug cultivators moved in, cut down the forest to get the sunlight to grow marijuana, housed employees in

tents or shacks and distributed the rat poisons that are already today killing off wildlife predators, especially bobcats, raptors (owls and hawks) foxes and coyotes, but also mountain lions and raccoons.

No provisions in Chapter (Title) 16 of the County Code *are currently being used effectively* to control the damage caused by commercial drug production. It is speculative at best to assert that somehow these widely ignored codes will suddenly or even progressively mitigate or render to "cumulatively insignificant after mitigation", the environmental and public safety damage that will occur progressively as more forested mountain and canyon areas are converted into a drug production slums.

The Acknowledged and Anticipated Failure to Meet the Program Objectives

Quoting: "Given the nature of unregulated cannabis activities that (sic.) current existing and may occur within the County, secondary impacts, with the exception of aesthetics and visual resources, are considered to result in significant and unavoidable effects on the human and natural environment due to the inability to effectively enforce and regulate such unlicensed operations. Due to the potential for operators to continue to engage in such activities within the County, either due to costs of licensing, associated costs of development, or other reasons, significant and unavoidable secondary impacts are considered to continue to occur, regardless of the Program scenario (see Table 4-6)."

Again quoting:

"3.10.6.3 Secondary Impacts

Impact LU-3. Commercial cannabis cultivation and manufacturing under the Program would potentially conflict with an applicable land use plan, policy, or regulation, an adopted habitat conservation plan in the County, or cause adverse effects on existing communities. Impacts would be significant and unavoidable. Impact LU-3.1 - Secondary Cultivation/Manufacturing. Secondary impacts to land use and planning policy consistency would result from project-induced new or expanded land use conflicts related to unregulated illegal cannabis cultivation and manufacturing activities. After adoption of the Program, unregulated cultivators would either begin or continue operating illegally, or would not seek a license under the Program, causing significant policy consistency impacts. Secondary impacts to neighborhood compatibility and plan inconsistency would result from land use conflicts related to unregulated cannabis cultivation and manufacturing activities within existing communities. With the implementation of MM AG-1.3a, Enforcement, the County would enact a program to address enforcement of illegal cannabis cultivators and manufacturers. With the implementation of MM AG-1.3b, Annual Survey and Monitoring Report, the County would monitor and conduct annual surveys of illegal cultivation and manufacturing locations throughout the County, and ensure feasible levels of staffing and resources are dedicated to enforcement. However, even with the implementation of MM AG-1.3a and MM AG-1.3b, secondary impacts related to land use policy consistency conflicts under both the Project and the More Permissive Project would be significant and unavoidable."

Again quoting:

"Mitigation Measures

Implement MM AT-1.3a. Enforcement. To reduce secondary land use and planning impacts associated with cannabis cultivation/manufacturing and related development activities, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact LU-3.

Implement MM AT-1.3b. Annual Survey and Monitoring Report. To reduce secondary land use and planning impacts associated with cannabis cultivation/manufacturing and related development activities, MM AT-1.3b, addressing County criteria for an Annual Survey and Monitoring Report of licensed activities as well as illegal activities, including recommendations regarding enforcement staffing and resources, shall apply to Impact LU-3. Post-Mitigation Level of Impacts With implementation of MMs AT-1.3a and AT-1.3b, unregulated cannabis cultivation and/or manufacturing would be reduced over time either through enforcement/closure of the grow sites or the permitting and licensing of new grow sites. However, it is not possible to ensure that all land use impacts would be avoided or minimized; therefore, this impact is significant and unavoidable."

--The DEIR incorrectly makes distinctions between "primary" and "secondary impacts". The entire purposes of the Ordinances are to regulate the production of marijuana products (both cultivation and manufacturing). Nevertheless the Lead Agency states that it is unable "to effectively enforce and regulate such unlicensed operations". Unlicensed and illegal operations are not "secondary" when they clearly constitute the majority of the actual marijuana production in this County. The DEIR estimates 1,800 (Sheriff's Dept. 2-22) unregistered operations and the Lead Agency claims that 567 sites are operating in some form of registration.¹ This demonstrates a fatal flaw of deficiency in the DEIR and renders both the DEIR and the entire Program (both the Project and the "more Permissive Project) to be misdirected at the outset. Also there is no discussion of the volume of pot produced in either category. The obligation in CEQA to describe existing conditions has not been met per 14 CCR § 15125 Environmental Setting.

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

¹ For this EIR, a range of locations of commercial cannabis activities is described based on likely existing baseline levels and available data sources and field observations. At a minimum, existing commercial cannabis activities include the 567 sites, out of 760 registered, that are identified by registration data as currently cultivating as of 2016, as described further below. At a maximum that is difficult to substantiate, anecdotal descriptions of the County's existing cannabis industry from the cultivation community indicate that there could be up to 10,000 cultivators or manufacturers located throughout the County, including approximately 300 to 350 established commercial cultivators. It is estimated that there are currently about 100 larger/higher-yield cannabis product manufacturers and from 200-300 smaller/lower-yield manufacturers. It is reasonable to consider that the "anecdotal" possible existence of many thousands more existing "micro" cannabis operations are most likely very small. Beginning in 2015, the County Sheriff's Office investigates cannabis cultivation and manufacturing operations only in response to complaints logged or as a result of criminal investigations.

Available Cannabis Activities Data Sources

- 760 pre-applications received
- 259 known site locations

The environmental setting for this DEIR must include an adequate description of the extent of unregistered and/or illegal marijuana cultivation underway as of the date of publication if there is any hope of legitimately describing the impact of the Project. There are no relevant maps of this illegal cultivation and there is no reasonable discussion of the locations and local scale where marijuana is currently being commercially cultivated or manufactured. For these reasons the obligation (specified in CEQA) to provide a baseline physical condition from a local and regional perspective has not been met. This is hardly an insurmountable task. The use of Google Earth, Sheriff's Department flyovers and other aerial surveys could have provided adequate information and data to accomplish this obligatory task. In fact the DEIR mentions 97 potential cases based on aerial photography making it clear that aerial photography has been used! Instead the DEIR relies upon written and verbal surveys of applicants for cultivation licenses to speculate on the scale of existing activity. This information is not only speculative and subject for false reporting; it is legally inadequate. For these reasons the DEIR is deficient because it fails to define and illuminate the baseline physical conditions necessary for determinations of "significance", "insignificant after mitigation" or "insignificant".

The described mitigation measures such as "conducting an annual survey and monitoring and reporting of licensed activities as well as illegal activities, including recommendations regarding enforcement staffing and resources..." is speculative, not addressed in the Ordinances (attachment C), and implausible in the extreme when viewed in the face of decades of thoroughly ineffective general code enforcement by the Lead Agency, the County Planning Department (and its new partner the Cannabis Licensing Officer).

It is bleakly amusing to read that this primary objective: to "Regulate commercial cannabis cultivation and manufacturing of cannabis products within Santa Cruz County". ES 3#1 is unobtainable and/or so difficult to undertake and to be unworthy of a sufficient expenditure of effort.

If indeed this is the case, then the goal of effective regulation as the principle and virtually only Mitigation under CEQA is absurd, unobtainable and thoroughly misleading at the outset.

Apparently through an act of "magical thinking" the Lead Agency imagines that the massive underground, black market, mountain terrain obscured pot growing currently existing, will become legal without the use of vigorously applied and stern sanctions (automatic fines and peace officer investigations etc.) upon illegal activity.

In rural areas, code enforcement by the County is even more stupendously ineffective and personally dangerous for residents, than in the urbanized parts of Santa Cruz County. Until recently it was a written county policy for code enforcement officers to *only respond to complaints and to ignore code violations that an inspector witnessed in the normal course of their job.*

Most code enforcement actions that have occurred resulted in the obvious question, "Which one of my neighbors filed this complaint. I want to know!" A common response from a code officer seems to be, "Its not my fault, one of your neighbors complained". (source, the long

experience of both myself and of my neighbors and friends.) Of course no County official would ever admit to this. As a result, it is impossible to prove empirically. This dangerous "permissive" approach to code enforcement was recently changed on paper. However anyone with experience in this matter knows that the reality of this situation remains unchanged. This is a major issue of Public Safety that the County completely ignores because it exposes their complicity in creating this immediate danger to County residents.

In the year 2014 to 2015 the DEIR states that code enforcement actions occurred in 31 instances of illegal marijuana grows. These actions are not described in any way, either as resolved or otherwise. These 31 actions may refer simply to a county employee stapling a violation notice to a tree, taking a few photographs and then sprinting away, never to return. This is in fact, is the most likely accurate description. **Considering that the DEIR estimates 10,000 grow sites of any type in the County, this tiny number of "actions" is ludicrously inadequate and completely undermines the legitimacy of virtually all of the mitigations enumerated in this DEIR.**

What follows is one specific example of how the County's Planning and Public Health Departments deal with code enforcement:

Within less than a mile south of my home is a "house", more specifically a shack, with no septic system whatsoever. What existed, which was merely an old pit, was destroyed when a badly built retaining wall collapsed onto the public road a mere 48 hours after its completion. Eventually a permitted steel pier and concrete caisson retaining wall was built correctly (the third wall built at this site). Though it was built both within the public right of way of a publicly maintained and sub-standard width County road, and on top of a slow moving landslide.

Recently I reviewed the administrative record for this parcel held by Environmental Health. Planning apparently noticed that this site has no septic system and may have notified Environmental Health. The last correspondence in the septic record held by Environmental Health is dated 2015. There still is no septic system. This house is less than 50 survey feet (lateral distance) from the bank full channel of a perennial stream. It is upstream of both private and public drinking water stream diversions. There is nothing exceptional about this one example.

Confusion Between a DEIR and Administrative Law

This DEIR is packed with theoretical mitigations measures such as requiring surveys for rare plants and animals before land clearing is permitted. However the proposed Ordinances are silent in connection with all of these supposed mitigations. Also code section 16.22.080 "Land clearing approval" is silent (does not mention) the issue of "surveys for rare plants and animals". An EIR, even if accepted or "certified", is not regulatory code. **Because Chapter 16 is both a separate code chapter and is infrequently enforced, it is entirely insufficient to claim that Chapter 16 will effectively regulate the activity of a new and poorly understood industry that has impacts never anticipated when Chapter 16 was adopted.**

Unless these theoretical mitigations are directly specified and obligatory in the form of

new and specific code within the draft Ordinances themselves, then they are entirely speculative, based only of vague policies and expressions of intent, and legally irrelevant to the adequacy of the Draft EIR.

This merging of the meaning and the purpose of entirely different documents as well as abundant and empty assertions is both bizarre and dishonest. It is also highly misleading to the public at large, who do not understand these legal distinctions. A policy statement is not a regulatory code.

The Santa Cruz County Departments (Planning and Public Health) with the obligation to conduct code enforcement have long demonstrated a clear and consistent pattern and practice of minimizing the effectiveness of their exercise of civil authority to seek compliance with this County's land use, development, environmental and water pollution codes. **The text of this DEIR fully supports my contention regarding this pattern and practice of diminishing code enforcement through its promotion of the "more permissive option" and its assertions that it is unable to regulate the unregistered segment of the presently existing marijuana production industry. The County Sheriff Department's role in this policy may be secondary, but obviously it cannot be dismissed.**

An Export Economy of Drug Production

The consistent tone throughout the DEIR document displays the intent to support and expand this drug production industry as though it were beneficial for virtually everyone, when in fact, and for obvious reasons, it primarily benefits those with a financial self-interest in the sale of marijuana and marijuana extracts. This is especially true considering the fact that the residents of this county could not hope to smoke all of the pot being grown here!

In a letter to the Board of Supervisors dated October 24, 2017 "Report Back on Cannabis Business Taxes" signed by the County CAO, there is the statement: "Cannabis cultivators in the County's registry currently produce an estimated 244,620 pounds of cannabis per year". And furthermore, "County registrants identified the desire to cultivate in excess of 1,743,000 pounds in the future, which would be almost 13% of the currently estimated cannabis production for the entire State. Industry experts believe that current production within the State is five to eight times higher than the 2.5 million pounds the State's population consumes."

With a little arithmetic it is simple to demonstrate that the planned volume of drug production exceeds the consumption demand in Santa Cruz County by many times over. And these numbers do not include the estimated 1,800 unregistered commercial grow sites county wide as stated in the DEIR. There is no evading the fact that the County is in the process of licensing a massive export flow of marijuana products to other states or indeed it is possible for this production to be smuggled across national borders.

The scope of the both the "Project" and the "more permissive alternative" would, with, the designation of law, officially make Santa Cruz County a drug export county because of the volume of marijuana production it would legalize and/or facilitate. This would in no

conceivable manner "*balance the diverse demands for cannabis products with the health, safety, and welfare of the community.*" Where exactly is this huge demand for cannabis products capable of supporting an estimated (in the DEIR) 10,000 marijuana grow sites? Apparently supplying the drug demands of Santa Clara County (were cultivation remains illegal), Idaho or Connecticut is somehow in the incoherent view of the Planning Department synonymous with the general public interest of the citizens of Santa Cruz County.

In Section 3-12 of the DEIR (no continuous page numbering system exists) one finds this statement: "New employees from future growth of the industry, which are projected at a total of 7116 employees for cultivation and manufacturing, would contribute to increased demand for housing."² This is quite obviously an export economy. **The DEIR is silent on this major issue of a large-scale export production of drugs and how this will impact the health welfare and the environment of the citizens of this County.**

Water Demand of Marijuana Cultivation, False Claims and Assumptions

Apparently the authors of the DEIR are able to estimate the scale of the employment that this drug production industry will generate. But they are challenged when required to venture a guess as to how much water will be necessary to supply this new industry. The issue of how much water volume marijuana cultivation will demand is apparently a subject to be dodged in this county with chronic water shortages from drought, depleted aquifers, continuous population growth, and with global warming drying up the entirety of California.

Tucked away in the section titled "Utilities and Energy Conservation" one finds this amazing statement: "As described in Section 3.0, *Introduction and Approach to Analysis*, the County estimates an average water demand of 0.03 gallons per square foot of canopy per day for outdoor operations, and 0.1 gallon per sq. ft. of canopy per day for indoor and greenhouse operations."

The pretense that an outdoor grown marijuana plant needs only 3 hundredths of a gallon per day per square foot of canopy is ridiculous. 0.03 gallons is 6 cubic inches of water. Someone has been smoking pot at work if they were able to write this estimate with a straight face. Large marijuana plants growing on a south facing, sun-struck, formerly chaparral covered ridgeline would quickly dry up and die on such a water ration. It is also pertinent to note that such ridge line chaparral locations are considered prime marijuana grow sites because they have, low humidity and full sun. It is also odd to see an estimate that indoor grown plants would use nearly ten times more water than outdoor plants under the hot August sun despite

² **Cannabis Cultivators.** Cannabis cultivators in the County's registry currently produce an estimated 244,620 pounds of cannabis per year based on information collected during the Environmental Review and registration process. That is roughly comparable to one-fifth of the 1,350,000 pounds produced by the 5-county Central Coast region, which is 10% of the estimated statewide production of 13,500,000 pounds, according to data provided by the California Department of Food and Agriculture. County registrants identified the desire to cultivate in excess of 1,743,000 pounds in the future, which would be almost 13% of the currently estimated cannabis production for the entire State. Industry experts believe that current production within the State is five to eight times higher than the 2.5 million pounds the State's population consumes, suggesting the amount of local production that can be sold into a legal, regulated market for consumption within the State may be a significant reduction from current production levels, not an increase. Bringing cultivators into the regulated, legal market should be seen as a way to daylight and hold on to some portion of the County's existing industry within the new competitive State-wide marketplace.

the fact that marijuana can be forced into 2 or 3 growths per year by manipulating the photo cycle with grow lights. Nothing about the water use estimates contained in the DEIR are consistent or logical.

According to a study by the CA Dept. of Fish and Wildlife³, the water demand per plant is 22.7 liters per plant per day:

"Our water demand estimates were based on calculations from the 2010 Humboldt County Outdoor Medical Cannabis Ordinance draft [27], which states that marijuana plants use an average of 22.7 liters per plant per day during the growing season, which typically extends from June-October (150 days). Water use data for marijuana cultivation are virtually nonexistent in the published literature, and both published and unpublished sources for this information vary greatly, from as low as 3.8 liters up to 56.8 liters per plant per day [7,28]. The 22.7 liter figure falls near the middle of this range, and was based on the soaker hose and emitter line watering methods used almost exclusively by the MCSs we have observed. Because these water demand estimates were used to evaluate impacts of surface water diversion from streams, we also excluded plants and greenhouses in areas served by municipal water districts (Outlet Creek, Fig. 4)."

One must then conclude that the water demand estimates in the DEIR are deficient, false and may be intentionally misleading. The study quoted above was easy to locate and is published in the well known "PLOS one" journal. "Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds"

Scott Bauer¹●*, Jennifer Olson¹✉, Adam Cockrill¹, Michael van Hattem¹, Linda Miller¹, Margaret Tauzer², Gordon Leppig¹ California Department of Fish and Wildlife, Eureka, California, United States of America, 2 National Marine Fisheries Service, Arcata CA

The area where this study was conducted has a weather regime not substantially different from the Santa Cruz Mountains. Six cubic inches per square foot of canopy area can be converted to a similar "per plant" calculation. Assume an average outdoor plant to be three feet in diameter, and this is a large plant on average. That converts to a canopy area of 7.07 square feet. This converts (6 X 7.07) to 42 cu. in. per day. 42 cubic inches is 0.6882567L or roughly 0.7 liters.

We have 0.7 liters vs. 22.7 liters of water per plant per day assuming a plant diameter of three feet. Even with variations such as those between plants rooted in soil and those contained in pots and versions of both, this differential is vast.

The water demand estimate quoted in the DEIR is far less authoritative. Who should the public rely upon for this information, the Milewide Nursery or the CA Dept of Fish and Wildlife, the US National Marine Fisheries Service and Humbolt County? The answer is obvious, the State and Federal agency's estimate used is the authoritative estimate.

It is my assertion that the Milewide Nursery estimate was selected for inclusion in this

³ Citation: Bauer S, Olson J, Cockrill A, van Hattem M, Miller L, Tauzer M, et al. (2015) Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. PLoS ONE 10(3): e0120016. doi:10.1371/journal.pone.0120016

DEIR because it is misleading and because it underestimates the cumulative impact on County water resources. This nursery is associated with the commercial marijuana production industry in Humboldt County. Reference to the "Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds" study is mentioned on a Word Press web page titled "Humboldt Grower". "Humboldt Grower" is associated with the "Humboldt County Growers Alliance". All of these interrelated drug cultivation promotion organizations and individuals are at pains to refute the conclusions of the "Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds" study prepared by Humboldt County and adopted by the CA Dept of Fish and Wildlife and the National Marine Fisheries Service (part of NOAA).

The Lead Agency for the DEIR (Santa Cruz County Planning Dept.) has made a huge mathematical error regarding water use in comparison to *both studies*. This demonstrates the thorough incapacity to comprehend this crucial issue. This DEIR is both deficient, misleading and false. The Lead Agency first selectively presents information from clearly biased sources and then cannot even do the simple arithmetic necessary to estimate the water demand impacts upon Santa Cruz County. This is despite the fact that the DEIR Attachments include acreage of pot that can be produced under their Project versions.

The authors of the DEIR have selected a spurious estimate for water use in outdoor marijuana cultivation. This apparent lack of honesty, clear display of bias and also incompetence on the part of the Lead Agency fully discredits their statements and conclusions. The Santa Cruz County Board of Supervisors must reject this DEIR on this evidence alone.

Neighborhood Impacts Have been Deceptively Dismissed and Ignored

One of the tasks for the C4 advisory committee to the Board of Supervisors was the consistent and repeatedly expressed instruction from the Board to address neighborhood impacts from commercial marijuana cultivation. The DEIR frequently uses the term "existing communities".

Nowhere in the DEIR are neighborhood impacts, or impacts to "existing communities" addressed as a stand-alone topic. Instead the mere terms "neighborhoods", "impacts to neighborhoods", residents, children, "sensitive populations", "existing communities" etc. are scattered throughout the DEIR in a confusing, redundant and perfunctory manner so as to make it appear that this crucial concern of the affected public is actually addressed. In reality this issue has not been addressed in any manner commensurate with the huge public safety, aesthetic, quality of life and home value issues involved. The DEIR does not even attempt to define what a neighborhood or an "existing community" are.

Hence this DEIR is misleading, evasive, defective and fails to meet the standards in the law, the California Environmental Quality Act.

CEQA guidelines, even the simple and common lists of impacts are either neglected or addressed so insufficiently as to render the DEIR illegitimate and deficient. The following impacts, that are indeed specifically impacts to this county's rural residential neighborhoods

include health and safety, aesthetics, scenic quality, anticipated physical changes, anticipated alterations to ecological systems, impacts to wildlife, light and glare, noise, and so on.

What follows is a synopsis of CEQA case law on this subject titled "A CEQA Primer" written by Keith Sugar, deceased. Mr. Sugar was an environmental attorney and a former Santa Cruz City Council member.

"An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, both from a local and regional perspective. The description shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." 14 CCR 15125. "Because the concept of a significant effect on the environment focuses on changes in the environment, this section requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. Discussion following 14 CCR 15125, Office of Planning and Research. An accurate description of the existing environmental setting is indispensable to assessing the impacts that the project will have on the existing environment. 14 CCR 15125(a).

It is axiomatic to observe that on-site natural resources must be discussed in order for the public and the decision makers to know how the project will impact these resources. A corollary of the requirement to provide an accurate description of the existing environmental setting is the requirement to provide an accurate and stable project description. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 CA3d 185, 193. Additionally, the entire project being proposed must be described in the EIR, and the project description must not minimize project impacts. *City of Santee v. County of San Diego* (1989) 214 CA3d 1438, 1450.

Without an accurate description of the project or its environmental setting, an EIR cannot achieve the foremost objective of CEQA, that is, the disclosure and analysis of project related impacts on the environment. A project description must include all relevant aspects of a project, including reasonably foreseeable future activities that are part of the project. (*Laurel Heights Improvement Assn. v. Regents of the University of California (Laurel Heights I)* (1988) 47 Cal.3d 376. Responsibility for a project cannot be avoided by limiting the title or description of the project. *Rural Land Owners Association v. Lodi City Council* (3d Dist. 1983) 143 Cal.App.3d 1013, 1025. The project description must be accurate and consistent throughout an EIR. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193, Discussion following CEQA Guidelines §15124). The primary harm caused by shifts among different project descriptions is that the inconsistency confuses the public and the commenting agencies, thus vitiating the usefulness of the process "as a vehicle for intelligent public participation." (*Inyo v. City of L. A.* 71 Cal.App.3d at 197-198) In preparing an EIR, a lead agency is required to thoroughly investigate the existing environmental setting. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, (1994) 27 CA4th 713, 726. "While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." 14 CCR 15144.

Mr. Sugar has included relevant case law that established the obligation of the Lead Agency to adequately address the following: "An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, both from a local and regional perspective; An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, both from a local and regional perspective; A project description must include all relevant aspects of a project, including reasonably foreseeable future activities that are part of the project; and; In preparing an EIR, a lead agency is required to thoroughly investigate the existing environmental setting."

It is my contention that none of the above legal precedents have been adequately adhered to. This is true in regard to neighborhood impacts, to the multiple impacts to natural resources, to wildlife, to water quality, to geological stability, to public health and safety.

No reasonable attempt is made in the DEIR to describe the types of rural neighborhoods or "existing communities" that are zoned RA and SU nor to explain how these neighborhoods differ from those within the Urban and Rural Services Lines as defined in the County General Plan. Scant effort is demonstrated in the DEIR to address how these neighborhoods will be changed much less "impacted" and harmed by the insertion of commercial drug production into their midst. Lastly no effort or text whatsoever addresses the foreseeable future activities that may result in these neighborhoods as a result of the Project.

For example, a 1950's era RA zoned subdivision, once a congenial neighborhood of responsible people, could be completely disrupted. The "more permissive option" would allow an adjoining neighbor with a 2.5 acre parcel to entirely clear the forest off of an entire acre (or more) of their parcel and then plant 2,723 square feet of marijuana plants within 100 feet of a neighboring house. (Land clearing permits are addressed elsewhere in this letter.) Anyone working for a county planning department *should* be able to understand what this would mean to the people in this example neighborhood.

In the above example many people would be driven into selling their homes and moving away. The Santa Cruz Mountains are beautiful, silent and once were filled with wildlife. People do not live here so as to be personally subjected to commercial drug production, nor to live next to transient employee's tents (without toilets), the imaginary code enforcement zeal of the Planning Dept. notwithstanding.

Aesthetics, including and not limited to the removal of trees and smaller vegetation is a major negative and disruptive visual impact upon the aesthetics of a forested rural neighborhood.

Land clearing and the likely clearing of large areas of forest and chaparral so as to get the maximum hours of sun exposure onto marijuana grow sites that are surrounded by tall forest trees will substantially degrade the existing visual character and quality of the site and its surroundings, in the case of this example, a rural forest neighborhood. Such forested neighborhood subdivisions are very common in SU and RA zone districts. The schedules of areas of land available to grow pot in this DEIR fail to address the impact of tree and terrain shading. This fatally misrepresents the impacts to forests.

The County's existing Title 16 codes provides the following under the heading: "16.22.080 Land clearing approval."⁴ Outside of the Coastal Zone one entire acre of land can be cleared with a simple ministerial permit. Because the commercial cultivation of marijuana is intended to be a fully permitted activity, then there is not even a restriction on terrain slope, but merely *the possibility* of a site visit to review the permit. Hence land steeper than a 30% slope will not require anything but the submission of an "Erosion Control Plan".

In a one hundred year old second growth redwood or redwood and mixed hardwood forest, the tallest trees are now approximately 175 feet tall. A grow site of even 1000 square feet would motivate land clearing for full sun exposure that would be several times over the size of the "pot grow" and could easily induce legal land clearing of 10,000 or even 20,000 square feet, for simple convenience and crop security. An acre is 43,560 square feet. In this example, with no riparian setback, that entire area could be cleared. Such an action would completely demolish the shared esthetics of a rural residential neighborhood.

Astonishingly the Lead Agency makes the following claims regarding Esthetics:

"Secondary impacts of the Program would create significant and unavoidable impacts to all resource areas analyzed in Chapter 3, *Environmental Impact Analysis*, except for aesthetics and visual resources, which would have less than significant secondary impacts. This is because it is not possible for the County to completely eradicate all unregulated cannabis activity. These illegal activities would not necessarily adhere to existing County regulators and/or mitigation

⁴ **16.22.080 Land clearing approval.**

Land clearing shall be kept to a minimum. Vegetation removal shall be limited to that amount necessary for building, access, and construction as shown on the approved erosion control plan. The following provisions shall apply:

(A) When no land development permit has been issued, the following extents of land clearing require approval of an erosion-control plan according to the procedures in Chapter [18.10](#) SCCC, Level III:

- (1) Any amount of clearing in a sensitive habitat, as defined in this chapter.
- (2) One-quarter acre or more of clearing in the Coastal Zone if also in a least-disturbed watershed, a water supply watershed, or an area of high erosion hazard.

(3) **One acre or more of clearing in all areas not included in subsections (A)(1) and (2) of this section.**

(B) When a land development permit has been issued, land clearing may be done according to the approved development plan.

(1) For land clearing in the Coastal Zone which will be more than that shown on the approved erosion-control plan, a new land-clearing approval is required if the land is located in a least-disturbed watershed, a water supply watershed, or an area of high erosion hazard.

(2) For land clearing in any area which will include more than one acre in excess of that shown on the approved plan, a new land-clearing approval is required.

(C) Approval of land clearing shall meet the following conditions. All disturbed surfaces shall be prepared and maintained to control erosion and to establish native or naturalized vegetative growth compatible with the area. This control shall consist of:

(1) Effective temporary planting such as rye grass, barley, or some other fast-germinating seed, and mulching with straw and/or other slope stabilization material;

(2) Permanent planting of native or naturalized drought resistant species of shrubs, trees, etc., pursuant to the County's landscape criteria, when the project is completed;

(3) Mulching, fertilizing, watering or other methods may be required to establish new vegetation. On slopes less than 20 percent, topsoil shall be stockpiled and reapplied.

The protection required by this section shall be installed prior to calling for final approval of the project and at all times between October 15th and April 15th. Such protection shall be maintained for at least one winter until permanent protection is established.

(D) No land clearing shall take place prior to approval of the erosion control plan. Vegetation removal between October 15th and April 15th shall not precede subsequent grading or construction activities by more than 15 days. During this period, erosion and sediment control measures shall be in place.(E) Land clearing of more than one-quarter acre that is not a part of a permitted activity shall not take place on slopes greater than 30 percent. [Ord. 4496-C § 87, 1998; Ord. 3439 § 1, 1983; Ord. 3337 § 1, 1982; Ord. 2982, 1980].

measures in this EIR, and could therefore cause significant adverse impacts due to practices such as not following grading restrictions and causing erosion, using chemicals hazardous to biological resources, diverting streams and causing water supply and quality issues, and using diesel generators that contribute to air pollution and GHGs. Although this EIR introduces mitigation measures that would lessen these impacts through enforcement and surveys of unlicensed cannabis activities, as it is not possible to bring all unregulated cannabis activity into compliance with the Program, secondary impacts remain *significant and unavoidable*."

It is absolutely stunning for the Lead Agency to express such thoroughgoing indifference to aesthetics and visual resources (especially upon neighborhoods!!) as to assert that these impacts are less than significant secondary impacts.

This is profoundly insulting to the rural homeowners, most of whom are the stewards of this County's environment. These claims by the Lead Agency are preposterously illegitimate. Again this DEIR is repeatedly and thoroughly defective, deceptive, misleading, and utterly fails to perform its legal function, i.e. is to inform government decisions that impact the environment.

Quoting: 3.10.6.4 Cumulative Impacts (Established Communities)

"The potential for cumulative development in the County could lead to perceived quality of life impacts to residents and established communities located near future cannabis cultivation and manufacturing areas. Such impacts would likely be related to changes to the existing character of these neighborhoods, land use conflicts, and cannabis-related traffic, odor, and noise increases. However, it is anticipated that restrictions and regulations of the proposed Program, as well as review processes for Plan Updates and/or land use permits would address land use conflicts and existing community issues on a project-specific level before permit or cannabis license issuance. Therefore, cumulative impacts to land use and planning are anticipated to be less than significant."

Response: This is not merely a "perceived quality of life impact". It is a direct, anticipated and fully Significant and Unavoidable negative impact to rural residents, neighborhoods and "established communities". The Lead Agency can anticipate all it will regarding "anticipated future restrictions and regulations". This is irrelevant in a legitimate DEIR. All that is legally relevant are the proposed Ordinances and the existing County code. Speculations about possible future regulations are irrelevant. Again, the Lead Agency is misleading the public regarding how Cumulative Impacts are to be analyzed. Either this or they are simply incompetent to prepare a proper DEIR.

Reasonably Foreseeable Indirect Effect Of Project

This is entirely a government regulation based Program. The Draft EIR is presented as an explanation of how environmental impacts will be 'mitigated to levels of insignificance' (aside from the few impacts that are acknowledged to be "significant and unavoidable" and the listed unavoidable impacts are generally ancillary (traffic, greenhouse gasses etc.) and for the most part in no way exclusive to this Program, but part of every conceivable economic activity.

Arguably all of the proposed mitigations are specifically regulations, those either proposed in the ordinance language now under review or currently existing in County Code. The Lead Agency may falsely claim that a code stipulation such as defining the volume of a water tank or the area of a marijuana grow site is an actual physical mitigation. But in reality, these supposed mitigations are all highly speculative and currently largely non-existent on the landscape of this County. The Lead Agency presents very little objective "hard" data that can support its claims of mitigation made in the DEIR despite the fact that on December 2, 2015 Santa Cruz County adopted an interim marijuana cultivation ordinance which is de facto still in effect and also adopted the original *Chapter 7.126 (adopted in February 2014)* that precipitated what the Lead Agency now calls the "green rush".

The County and the Lead Agency, i.e. the County Planning Department and the Cannabis Licensing Officer have consistently demonstrated their inability or unwillingness to effectively enforce the pertinent regulations that are now in force (Chapter [Title] 16) of the County Code that will be essential to the effective regulation of marijuana cultivation. Assuming 1,800 commercial marijuana cultivation sites exist now (as the County Sheriff has estimated) where might be this imaginary mitigation through the enforcement of County code, Chapter 16 or any other chapter?

The False Pretense of Code Enforcement

In the ES-2 Program Overview one finds this statement: "The Program would regulate how, where, and how much cannabis and cannabis products may be commercially cultivated and manufactured to provide a reliable and high quality supply, while also protecting the environment and neighborhood quality. This section will investigate the DEIR to reveal if and how this goal would be accomplished.

Again quoting from the DEIR:

"On February 25, 2014, the County adopted a similar "limited immunity from enforcement" approach as related to medical cannabis cultivation within the unincorporated area of the County. The purpose of adopting the ordinance was to establish comprehensive civil regulations of premises used for cultivation in order to address existing adverse effects related to degradation of the natural environment, improperly diverting natural resources, risks of criminal activity, obnoxious odors, fire hazards from improper electrical wiring and inappropriate use of generators, and other adverse effects on neighborhood character and community quality of life. SCCC Chapter 7.126 was adopted to establish reasonable regulations upon the manner in which cannabis may be cultivated, including restrictions on the amount of cannabis that may be individually, collectively, or cooperatively cultivated in any location or premises, in order to protect the public health, safety, and welfare in the County.

An unintended consequence of adopting SCCC Chapter 7.126 in February 2014 was that it triggered a "green rush", with existing cultivators expanding operations due to a sense that being hidden was less important, as well as new cultivators moving into the area and setting up new cultivation and manufacturing sites both outdoor and indoor. It appeared that many of the cannabis operations, especially new operators, simply acted upon a misunderstanding that the County allows cannabis activities, without reading or complying with the restrictions and

requirements of the SCCC. Therefore, the adverse effects of illegal cannabis cultivation were exacerbated and expanded to include increased areas of hillside grading, clearing of trees and vegetation, and other environmental and community impacts. Currently, there is a significant known but difficult-to-quantify level of cannabis cultivation and manufacturing activity within the unincorporated area of the County.

Thus in the italicized quote above, the Lead Agency acknowledges that "the adverse effects of illegal cannabis cultivation were exacerbated and expanded to include increased areas of hillside grading, clearing of trees and vegetation, and other environmental and community impacts."

Where I live in a quiet forested RA subdivision *all* of the impacts enumerated above, such as hillside grading and clearing of trees and vegetation are directly community neighborhood impacts. My community is not an asphalt street grid. It is a silent forest sheltered rural neighborhood.

Again quoting:

An unintended consequence of adopting SCCC Chapter 7.126 in February 2014 was that it triggered a "green rush", with existing cultivators expanding operations due to a sense that being hidden was less important, as well as new cultivators moving into the area and setting up new cultivation and manufacturing sites both outdoor and indoor. It appeared that many of the cannabis operations, especially new operators, simply acted upon a misunderstanding that the County allows cannabis activities, without reading or complying with the restrictions and requirements of the SCCC. Therefore, the adverse effects of illegal cannabis cultivation were exacerbated and expanded to include increased areas of hillside grading, clearing of trees and vegetation, and other environmental and community impacts. Currently, there is a significant known but difficult-to-quantify level of cannabis cultivation and manufacturing activity within the unincorporated area of the County."

Considering this text quoted from County documents above; Santa Cruz County has already made bad decisions and enacted uninformed and foolish policies (code Chapter 7.126) that have harmed the rural County and the present and the future of forested RA, SU, and TP zoned neighborhoods and commercial forest lands, and in fact, illegal operations must exist in every zone district.

Within less than one mile of my residence we have had several illegal water diversions (one directly causing a fish kill of endangered steelhead), two open camp fires, one in extremely flammable chaparral, at least one and probably two squatter tent camps established and then one abandoned as piles of junk, poisons and debris, a dead pet dog, and gunfire from marijuana cultivators. Until recently, approximately 2014, none of these problems existed. The County's ill advised actions are the specific proximate cause of the problems.

By the magical thinking displayed by the authors of this DEIR, such impacts are supposedly going to be "mitigated" to insignificance. The authors put forth the preposterous notion that by establishing further and specifically permissive rules, that these illegal activities will magically abate. This is stunning flawed logic. The Lead Agency is unable to learn from experience that compliance with the law is not promoted by a permissive approach.

The assertions of fact and the supposed policy outcomes imagined in this DEIR are imaginary, false, misleading, inconsistent, absurd and beneath the level of integrity I expect from *any* County Government in California.

Water Quality and Water Pollution

Every addressed subset of water pollution impacts is assigned a "less than significant after mitigation" designation. This is ridiculous, both self-evidently false and misleading in the extreme. 10,000 marijuana grow sites, including "300 to 350 established larger commercial cultivation businesses..." (source DEIR 4-4) are estimated to exist." These thousands of marijuana growing (and manufacturing) sites must cause significant and unavoidable cumulative impacts to water quality. The Central Coast Regional Water Quality Control Board has no staff residing in Santa Cruz County. The Regional Board offices are in San Luis Obispo 164 miles from the County Government Building. When the staff of this agency visit this county, it is usually to attend some meeting and most certainly seldom to survey this County for water pollution impacts. The primary task of the Regional Board is to supervise the County's efforts to control water pollution. The County relies upon the County Health Department's Office of Environmental Health to regulate water pollution. I have been unable to locate any reference within the DEIR to this crucial Public Health sub-agency.

Virtually every river and creek in Santa Cruz County is listed as impaired for various pollutants by both the Central Coast Regional Water Quality Control Board and the Federal EPA under the Clean Water Act. The pertinent laws governing water pollution specify a total daily maximum allowed load of allowable water pollution, specifically a TMDL once a water body is found to be "impaired". Nothing in the DEIR is remotely legitimate in response to this water pollution.

Here is the list of pollutants currently accounted for: Boron, Chlordane, Chloride, Chlorpyrifos, DDD,Dieldrin, E. coli, Fecal,Coliform, Low,Dissolved Oxygen, Nitrate, Nutrients, PCBs, Sedimentation/Siltation, Sodium,Turbidity, PH, pathogens, and Enterococcus.

Every impact listed under the heading "Hydrology and Water Quality" is given an impact rating as "less than significant after mitigation". I have previously in this document explained how the Lead Agency has misrepresented the water supply demand for marijuana cultivation. Now we are expected to accept the nonsense that water pollution will also be mitigated to levels of insignificance. This is preposterous. The County can spend all the time it wants promoting Best Management Practices. However there is nothing material in the proposed Ordinances that will accomplish this. Thus the claim of "less than significant after mitigation" is complete nonsense and deserves no further wasted time on my part as the author of this letter.

Biological Resources

There is a rodenticide catastrophe underway in California. Most of these poisons are anticoagulants, both first generation warfarin and far more lethal second generation poisons. When a poisoned dying or dead rodent is ingested by a predator or a scavenging animal these

poisons transfer to that animal and begin to poison it. When the poisoned rodents are eaten by larger animals those animals also die. In some cases, such as with owls, death can occur from eating a single contaminated rodent. Death is caused by internal bleeding through the rupture of capillary blood vessels. The actual cause of death varies by the poison used. Rat poisons are very commonly used by marijuana cultivators because they are easy and inexpensive. The alternative is to wire cage pot plants beginning below the soil and continuing until covering the top of the plant. Only *very* well built tight green houses can avoid this rodent problem. Both wild native animals (wood rats, harvest mice, voles etc) and exotic invasives including brown and norway rats and house mice will eat the xylem tissue from marijuana plants seeking the sugars and water that the plants transmit.

The anadromous steelhead rainbow trout and the virtually extinct coho salmon and other fishes native to the Santa Cruz Mountains are at extreme risk from the large-scale commercial marijuana cultivation taking place and planned to expand in future.

Timber Production (TP) zoned land is the last refuge of our wildlife from these rat poisons. If TP lands are opened up to legal marijuana cultivation then this county's predators and scavengers are doomed to death by rodenticide poisoning. TP lands must be excluded from cultivation for reasons of fire safety, wildlife conservation and water pollution. Marijuana cultivation clearing and conversion will also violate the Forest Practice Act's conversion of use regulations.

Stream water diversions are currently causing fish kills by stranding. This is true both from near stream and aquifer wells and through the direct pumping from creeks and small ephemeral tributaries. **The mitigation proposed in the DEIR to use tanks that are only filled during the rain season is speculative. Once these tanks, if they are ever actually installed, are dry, they become essentially irrelevant. Very few pot grower are going to abandon their crop to dry out if there is a water source like a spring or creek within reach. This mitigation is insufficient.** Only the direct and continuous metering of commercial cultivation water supply sources could come close to managing water supplies so as to not destroy our fish species. The DEIR states that unregulated commercial cannabis cultivation impacts would be significant and unavoidable. Well.... I'm glad we finally agree on something.

Alternatives Analysis

The evaluations of "alternatives" to the Project and the selection of which alternatives to consider is a major obligatory and informational facet of CEQA.

The **alternative rejected** by the Lead Agency is the **Residential Cannabis (Garage Grow) Alternative.** The authors state:

"This alternative was discarded in that it would not meet key Program objectives. This would include Program Objective No. 4, which states: "Prevent impacts of cannabis cultivation and manufacturing sites on children and sensitive populations." Interspersing cannabis grows within residential zones would likely expose children, seniors and other sensitive population to cannabis activities and odors. In addition, residential zones typically support many school

sites, which even with required setbacks, would incrementally increase exposure of children to cannabis activities. Further, allowing residential "garage grows" could conflict with Program Objective No. 7, which states: "Ensure compatibility of commercial cannabis cultivation and manufacturing sites with surrounding land uses, especially residential neighborhoods, educational facilities..." Even accounting for the well managed nature of some known garage grows, allowing commercial cannabis activities in single family residential neighborhoods could lead to commercial residential land use conflicts, exposure of children to cannabis activities, increases in odor complaints, and other impacts. In permitting cannabis cultivation proximate to large concentrations of residential units, this potential alternative could incrementally increase impacts related to safety, noise, and air quality beyond those of the Program. Finally, substantial early public comment on the NOP from residents of neighborhoods indicated strong concerns over the potential impacts of allowing grows in such locations. Therefore, this potential alternative was discarded from further consideration."

Comment: It is ironic that this alternative was rejected out of hand. This was clearly based upon a political and not an environmental consideration. The unstated task of the Lead Agency was to create a DEIR that was politically viable to the majority of the voting population. Garage grows in R1 zoning would annoy the largest sub-set of voters in the County. Cultivation and manufacturing in RA and SU zoning also leads to; " land use conflicts, exposure of children to cannabis activities, increases in odor complaints, and other impacts" as well as; " incrementally increase impacts related to safety, noise, and air quality beyond those of the Program." **In many ways Garage Grows are environmentally superior.** There is far less impact to water resources because of the metering and pricing of "system" supplied water. The impacts to the natural landscape (deforestation, dewatering of streams, rodenticide poisoning of wildlife, road construction and inducement to develop substandard rural parcels are all greatly reduced.

The Alternatives Analysis---- and the "Program" and the "More Permissive Program"----

These two classifications, one described in Chapter 2 and one herein included in the Alternatives Analysis create substantial confusion. These obscure semantic distinctions are another example of how obtuse and confusing this DEIR is.

However because of the similarities between these two set groups of alternatives, I will limit my comments to the Alternatives described within the "Alternatives Analysis". I could just as well propose an alternative of my own. However I am fully satisfied with Alternative 1, Most Restrictive Alternative (described below).

The alternatives selected for consideration by the Lead Agency within " the Alternatives Analys are as follows:

- (1) 4.2.1 No Project Alternative**
- (2) 4.2.2 Alternative 1 — Most Restrictive Alternative**
- (3) 4.2.3 Alternative 2 — Most Permissive Alternative**

The Residential Cannabis (Garage Grow) Alternative was rejected from consideration by the Lead Agency however I consider a discussion of this alternative to be illuminating. I will discuss it. The Lead Agency does not have the authority to distort a

DEIR into total confusion at their whim. They must follow CEQA.

This alternative was "was discarded from further consideration" by the Lead Agency because of their claim that it does not meet the goals of the Program.

While it is true that this alternative "would not meet many of the key objectives of the Program", it would nevertheless empower law enforcement to control the most egregious environmental damage caused by cultivators operating in radically inappropriate locations where they destroy forest and chaparral, poison creeks, destroy rare plants and animals and endanger public health and safety through igniting fires, use the threat of firearms, resort to open gunfire and so forth. **Vigorous and better-funded law enforcement (County Sheriff, City Police, Highway Patrol, Fish and Wildlife Wardens, State Parks Law Enforcement Rangers) will necessarily be a key component of all of the enumerated alternatives in this DEIR.**

(2) 4.2.2 Alternative 1 — Most Restrictive Alternative

The Most Restrictive Alternative would modify the proposed Project scenario as follows:

- Ineligibility of cultivation within RA and TP zoning districts
- Consideration of two approaches to SU zoning district eligibility:
 - Option 1. Ineligibility of cultivation for only those SU zoned parcels with residential general plan land use designations
 - Options 2. Ineligibility of cultivation for all SU zoned parcels
- No outdoor cultivation; only indoor cultivation and indoor greenhouse cultivation allowed
- Within the Coastal Zone + 1 mile buffer area, cultivation only allowed in CA, A, M1, M2, M3, and C4 zoning districts
- A residence or caretaker units is required on cultivation sites within all eligible zoning districts, including CA
- Increased required setback to perennial stream, water body, or wetland from 100 feet to 200 feet
- Manufacturing would only be permitted on M1, M2, M3, C2 (only if in a licensed dispensary), and C4
- Increased setbacks between habitable structures and cultivation in the A zone district
- No cannabis activities licensed on public lands
- These restrictions would be implemented through development standards and zoning regulations included under this alternative to reduce the area of eligibility compared to the proposed Project scenario (Figure 4.1a and 4.1b).
- Similar to both Program scenarios, the 2016 License Registration limits the total number of potential cultivation licensees to a maximum of 760, though the licensees may locate anywhere within the reduced areas of eligibility. Data collected indicated that 567 registrants currently cultivate, while 193 registrants propose new cultivation in the future under the Program. Data collected also provided the location of 259 potential sites for licensing, which allows for comparison between the Program alternatives for what portion of registrants may qualify. Under this alternative, data indicates that approximately 19 percent to 20 percent of registrants would be eligible for licensing based on site location within the Program's area of eligibility (Table 4-1).

Comment: 4.2.2 Alternative 1 — Most Restrictive Alternative: is clearly the ENVIRONMENTALLY SUPERIOR ALTERNATIVE despite the Lead Agency's comments to the contrary.

Alternative 1 (4.2.2) protects rural land environments (forests, sensitive habitats, chaparral, riparian corridors, stream flows, endangered wildlife, sand hills, unconverted coastal grassland terraces, scenic vistas etc. It reduces water use demand,

diversion of stream flows, aquifer depletion and water pollution because of the inherent limitation on cultivation in areas with no established legal water right or identified water supply. It nearly eliminates the promotion of new development and road construction. And it fully protects rural neighborhoods and "established communities" from the disruption caused by rural neighborhood properties being converted into pot farms.

Their theory of compliance with new codes is based upon the nonsense notion that growers will voluntarily comply over time without vigorous enforcement. This is magical thinking and delusional. Enforcement is key and the Lead Agency refuses to acknowledge this obvious and fundamental principle of human nature. The Lead Agency might just as well argue that the Highway Patrol should rely upon the good sense of drivers not to speed or drive recklessly. Their position is ridiculous and flies in the face of thousands of years of human history.

Their assertions about what is the Environmentally Superior Alternative, especially considering their assertion that the County is unable to enforce the code, is false and misleading.

The Ordinance's even include the specific statement that the County has "no duty to enforce". This is an amazing abrogation of responsibility and renders this entire DEIR into absurdity. The County is the applicable civil authority. As such it cannot legitimately claim that it has no legal enforcement obligations for civil code.

The County is fully capable of enforcing its codes. It has all the necessary legal tools. The County merely chooses not to enforce their code for political and financial reasons.

The influx of new taxation funds from marijuana will provide ample funding for enhanced enforcement as long as the Board chooses to use enough of this money for this specific purpose, instead of diverting the money to other uses. The notion of voluntary "good will" compliance is unworthy of serious consideration.

4.2.3 Alternative 2 — Most Permissive Alternative

The Most Permissive Alternative would allow the most damage to natural resources and to the neighborhoods and the citizens of this County. It expands the area of cultivation to virtually the entire County and peppers the landscape of the Santa Cruz Mountains with legalized grow sites that currently have no existing water rights, no fire access complaint roads and no required legal residences. It is growth inducing in areas where the General Plan calls for low density or no development. It fails to protect county water resources and sacrifices wildlife and natural areas. To assert that this is sensible is completely delusional. Apparently the Lead Agency has interpreted its role as to facilitate the marijuana industry at the expense of the environment and the health and safety of this County's rural residents, especially its mountain residents. This Alternative is discriminatory, destructive, and an offence to good sense.

4.3 Environmentally Superior Alternative

"Based on the information in this EIR, the Most Permissive Project Alternative is identified as the Environmentally Superior Alternative. Alternative 2 was found to generate the least adverse impacts, with the potential to substantially improve natural resources and public service conditions associated with secondary impacts, while achieving the most Program objectives. The Most Permissive Project Alternative would give the County the most flexibility and opportunity to bring cannabis operations into compliance with the SCCC and the County General Plan and monitor operations over time. It also provides the greatest opportunity to mitigate impacts and increase County tax revenue to support ongoing improvement and enforcement programs. With implementation of mitigation measures, the Most Permissive Project Alternative provides a balance between meeting Program objectives, including quality of life concerns, while addressing environmental impacts by maximizing participation in the Program and, in doing so, applying SCCC regulations, County policies, and required mitigation measures from this EIR to all licensed cannabis cultivation and manufacturing."

This quote is false, misleading, and filled with magical thinking. It is not worthy of any further response.

Regards,



Kevin Collins

Attachments:

- (1) Report to the Santa Cruz County Board of Supervisors on Two Years of Administrative Exceptions to the County Riparian and Wetlands Protection Ordinance -- June 12, 2012

This report is attached to demonstrate to the Board of Supervisors how easily the Planning Department issues Exceptions to Chapter 16 codes be they riparian, grading, geologic or otherwise.

This is pertinent because the text of the DEIR could lead one to believe that Chapter 16 is strongly enforced, when in fact it is frequently rendered ineffective by the ministerial issuance of Code Exceptions based upon statements such as ""and there is no feasible less environmentally damaging alternative" --- to allow development of a substandard parcel.

And: "This finding can be made, in that the vast majority of the parcel is located within the riparian corridor and the granting of an exception will allow a reasonable use of the property. In addition, a large portion of the property contains unclassified, unstable fill that is prone to erosion and failures. This fill will be removed in order to provide a stable slope and to better control drainage."

Report to the Santa Cruz County Board of Supervisors on Two Years of Administrative Exceptions to the County Riparian and Wetlands Protection Ordinance

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Submission date June 12, 2012

The source files for this report were obtained from the Santa Cruz County Planning Department through use of the California Public Records Act. These source files themselves are "Staff Reports to the Zoning Administrator" that describe individual Riparian Exceptions, with "Development Permit Findings" and "Conditions of Approval". These documents also contain narrative descriptions of building sites and references to other reports including geologic surveys and septic permit reviews. Planning supplied these documents for the years of July 11, 2009 through July 11, 2011. There is no intent with this report to retroactively challenge the approval of past Exceptions such as those enumerated in this document.

Report Summary

The purpose of this report is to demonstrate to the Santa Cruz County Board of Supervisors and others how Exceptions to the Riparian and Wetlands Protection Ordinance (Riparian Ordinance or simply

Ordinance) are administered. That is, the means in which permission to be exempt from the written intent of the Ordinance is provided to applicants by the County. Administrative language is crucial to understand in this context. This is an issue of public policy that is being projected into the future.

The source information is objective in that it comes from County documents. Thus it is not a matter of my personal opinion. Opinions are only expressed in regard to the historical change in how the Ordinance is applied and why that change has occurred. To understand this report more thoroughly, one can read the source material itself. This report contains two appendixes. The first contains detailed descriptions of four example Exemptions. The second appendix is a synopsis of the entire 2 years of the collected Riparian Exceptions that were approved.

No review of the implementation of this important ordinance, nor its practical effect, has ever been prepared before. This document hopefully fills that void.

The Riparian Ordinance establishes defined distance set-backs from streams (and other water bodies) of varying widths in which grading, land clearing, building and paving, tree and shrub removal, deposition of refuse or debris, the use of herbicides, pesticides, or any toxic chemical substances, and any other activities determined by the Planning Director to have significant impacts on the riparian corridor, are all prohibited. The code establishes an administrative process to provide "Exception" to some of these prohibitions, depending on specific circumstances.

Fifty-one Exceptions from the Riparian Ordinance were reviewed for this report. There were a few duplicates provided by Planning and this is noted in the appendix. A number of these Exceptions pertain to Public Works and private road (and driveway) projects and are not pertinent to this report, which primarily concerns the question of Exceptions necessary for buildings. It is important to consider that real estate investment activity has been at an historic low, including during the two years (2010-11) that were researched for this report. This would logically be expected to suppress the number of development-based Exceptions that were sought from Planning during that period.

A limitation of this report is that it does not contain a list of applications for Exception to the Riparian Ordinance that may have been denied by Planning. The reason for this is that Government Records Act requests need to be concise and specific. They are not meant to be "fishing expeditions".

Environmental Ordinances

There are six environmental ordinances in Chapter (Title) 16 of the County Code that are administrated by Planning: the Riparian and Wetlands Protection Ordinance (subject of this report), the Geological Hazard Ordinance, the Grading Ordinance, the Erosion Control Ordinance, the Significant Trees Ordinance and the Sensitive Habitats Ordinance. Of these six, the Riparian Ordinance is the most vital to both the conservation of wildlife *and simultaneously* to the protection of water quality.

These six Chapter 16 codes are only applied in common practice during new construction. An example is the Erosion Control Ordinance. It has little practical effect upon general homeowner site maintenance and management, despite the fact that the authority to control erosion at all times is included in the County Code. Unfortunately erosion from existing home-sites is, by far, the most significant and chronic source of soil erosion when this major source is combined with our extensive public and private mountain road networks (including logging land). In situations that are not connected with active construction projects, enforcement of the Erosion Control ordinance and

determinations of harm are specified in the code "as determined by the Planning Director" and are entirely discretionary. It is clear that at present, this issue is of very low priority.

Riparian and Wetlands Protection Ordinance

The Riparian Ordinance is uniquely important. Riparian woodlands, stream-side trees and plants, the stream channels and stream banks themselves, and the wildlife migration corridors that they represent, are vital to the broadest range of wildlife species of any single habitat in this County. This is usually understood as an issue for endangered salmon fishes. However a simple example of the much broader species impacts is that songbirds are always most common near streams and rivers when compared with the other habitats they occupy. Equally important is the physical condition of these strips of land, because they have a direct and immediate impact on water pollution. If stream banks and near stream areas are eroding soil, this soil and other human caused pollutants flow directly into this County's surface waters. Surface waters are our predominant source of drinking water. It has long been understood that botanically diverse and intact vegetative "filter-strips" are important pollutant traps.

It is common for the stream frontage of entire lots to be stripped of riparian vegetation and trees from property line to property line. Few would expect the immediate site of a home or business to have no disturbance to its native vegetation. However, entire riparian lots are often converted to other uses with little or no consideration taken for these fragile and important locations. This neglect has a major destructive impact upon the public trust resources that the Riparian Ordinance was intended to protect.

How Riparian Exceptions are Granted

Most Riparian Exceptions are granted during the general building permit review process for structures and also for road related repairs and the construction of new roads and private driveways. Exceptions to Chapter 16 codes are "ministerial" and do not require a public hearing. Exceptions must be accompanied by both "Findings" and "Conditions". Interestingly, these Findings do not require any reference to damage to the environment or to water resources, except for Exceptions granted within the Coastal Zone. The language applying to the Coastal Zone reads: "That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and...". I suspect that the Coastal Commission would not allow the ordinance to be applied within the Coastal Zone without this provision. However it is generally voided by the use of the "Conditions" section in some fashion related to mitigation, so as to appear to meet the intent of the ordinance. Also the structure of the clause, "and there is no feasible less environmentally damaging alternative" provides a means to legally allow, at the discretion of the County, actions that are damaging to riparian corridors.

A great deal of confusion arises over the issues of fairness or proportionality when properties that were built before the Ordinance was adopted (most riparian lots), or properties that were built illegally, are located near vacant properties now proposed for new development, and /or previously developed properties proposed for expanded redevelopment.

Exceptions to the Ordinance and to the closely interrelated Zoning Variances (for setbacks from property boundaries and roads) are sought and granted based upon the text below and similar justification language from Planning. It is crucial to understand that the logic of these examples would apply to any of the many remaining severely substandard parcels. These parcels were subdivided before this County had any standards whatsoever for land subdivisions.

Riparian Exception Findings Example

"This finding can be made in that the special circumstances affecting this property include the steep slopes, zoning setbacks, and riparian setbacks which, when combined, limit the developable area of the parcel. From a geologic and geotechnical safety perspective, there is no other feasible location to build a structure on the property."

Related Zoning Variance Findings Example

"This finding can be made, in that parcel (X), the parcel proposed for a variance to the required XX-foot front yard setbacks, is extremely steep in all other areas besides the proposed development envelope and would require a massive amount of grading to create another buildable area on the site. In addition, the parcel is further constrained by a creek located near the only flat buildable area, which creates additional setback requirements. (*Quoted text bolded for emphasis*) **Other surrounding properties are developed with single family residences at rural densities, therefore, strict application of the Zoning Ordinance on this particular parcel would deprive the property of the privilege to build a small single family residence as enjoyed by other properties in the vicinity and under the same Residential Agriculture (RA) zoning district.**"

Thus a "lowest common denominator" effect takes place in the granting of Exceptions (and related Variances) leading to a situation in which the Riparian Ordinance is rendered close to irrelevant except in cases where the parcel has sufficient space. Many if not most riparian lots do not have sufficient space outside the set-back. Comparing a new development proposal to neighboring lots that were built upon before the Ordinance was adopted, renders the Ordinance moot.

Zoning Variance Language Example

"That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.---- This finding can be made, in that the creek runs through many adjacent parcels and the topography is severely limiting in this area: therefore, any parcel of similar size and topography would be granted a variance to site standards for building site location if the building site was the only buildable area on the parcel."

Consideration of adverse environmental impacts, or harm to water quality, have no bearing upon the Findings made in this permitting process in any case that I reviewed in the record. Conditions of approval occasionally suggest limitations upon possible future additional development on a site. However these statements are not binding because no such permit is under review.

Enforcement in the Absence of Building Permits

The Riparian Ordinance is frequently ignored entirely by builders of structures and roads who act without permits. Property owners of stream-side (riparian) buildings build improvements to their back and side-yards such as swimming pools, parking areas, accessory structures and additions of various types. Riparian setbacks are also cleared of trees and shrubs simply to open up views of creeks and the river. Riparian areas are highly resistant to wildfire, but this fact does not deter people from clearing streamside land in response to their fear of wildfire.

From well over 20 years of observing this situation, it is my view that the Ordinance is now rarely enforced in cases where no building permit exists. Violations are rarely noted or enforced without a

citizen filling a formal code violation complaint with the Planning Department. The general public is the primary source of code violation reports. Complaints require the name, address and phone number of the person who files the complaint. Some Planning staff will reveal the identity of the complainant to the person responsible for the code violation. People whom I trust to report facts have described to me how their confidential code complaints to Planning have resulted in them being confronted by the property owner of the lot that was the subject of their complaint, and in specific terms.

This lack of consistent confidentiality very effectively reduces the number of complaints that are ever filed. It is impossible to challenge such a breach of confidentiality. It is deniable in every case. In addition, the person who files a complaint must frequently be persistent in following up their complaint with further inquiries to Planning staff. I am writing in average general terms and I am specifically not making these claims about all code enforcements officers or every situation.

This has not always been the case. In past years, when County environmental codes were held in higher regard, the Planning Department included field staff and code enforcement officers who issued red-tags for violations of the Riparian Ordinance. However this effective practice generally ceased years ago. In private conversations with former Planning Department employees over many years, I have been told that they were pressured by superiors not to act upon their personal knowledge of violations of the Ordinance.

Legal Significance of the Ordinance

The mere presence of the Riparian Ordinance in the County Code is fundamental to various agreements that the County has with State and Federal Agencies, including the Central Coast Regional Water Quality Control Board, the State Water Resources Control Board, the CA Department of Fish and Game, the National Marine Fisheries Service (NOAA) and others.

An example of such agreements are the three TMDLs (Total Daily Maximum Load-*i.e. pollution loads*) for sediment, nitrates and pathogens adopted by the combined Water Boards, under EPA supervision, for the San Lorenzo River. TMDLs exist as instruments of the Clean Water Act to resolve water pollution problems. The Riparian Ordinance is part of the written plans in TMDLs for improving pollution levels in water bodies such as the San Lorenzo. TMDLs are mandatory.

The River was initially placed on the Federal Water Pollution Control Act Sec. 303(d) list of "impaired" or polluted water bodies. Subsequent to that "listing", a plan or TMDL was adopted to reduce the specific pollutant. The County Riparian Corridor and Wetlands Protection Ordinance and its enforcement is cited as a correcting factor in these TMDL agreements.

It is also important to understand that in the case of pathogens and nitrates, the laxly enforced County Septic Code (Chapter 7.4 of the Health and Safety Code) is also tied into these agreements with the State and Federal Government.

Other County agreements involving the Ordinance exist with other agencies such as the National Marine Fisheries Service for the recovery of endangered salmonids (salmon fishes).

The Riparian and Wetlands Protection Ordinance is part of a set of rules, laws and intergovernmental agreements. These rules, permits and agreements either work together to protect public trust resources, such as water resources and wildlife, or instead, they simply exist "on paper" to masquerade for objective reality.

There is always a shifting context in these cases. No regulatory administration is ever perfectly standardized. However in my view, at the present time, an illusion of law rather than its effective administration is the predominant situation in Santa Cruz County in regard to the Riparian Ordinance and related codes.

This is incongruous for a county with a tourism industry, high home prices, and a reputation for "environmental awareness". This situation is, in part, a result of the disconnect between the urban and rural parts of Santa Cruz County. It also results from the fact that local government is prone to complaint driven responses. A prevailing culture of complaint about the very existence of County land use regulations, of any kind, now overwhelms the opposing position of support for conservation-based environmental regulations. This is especially true in regard to the personal risks that private individuals must take in order to demand enforcement of this County's environmental codes.

In certain cases County staff do make efforts to enforce this code, but in my view these efforts come nowhere near to either the intent of the Ordinance, or to the meaning of interagency agreements in which the Ordinance is frequently claimed to be a mitigating and supporting factor.

Conclusion

There are numerous ways that the application of the Riparian Ordinance (and all of Chapter 16) could be improved. There must be the political will to protect natural resources. The Board of Supervisors sets policy at this level. Effectiveness is an issue of public administration and the interpretations that are applied to the code. No one else will have respect for these codes unless the County shows respect for its own code. At present we have a cadre of retired Planners who work as consultants with property owners to find loopholes in the code.

"Takings" case law is sometimes invoked as the explanation for the retreat from the application of general land use authority. This is not a justifiable excuse to dismiss the obligation to protect public resources. Riparian areas are public resources, just as the water that flows down their streams is a public resource. The two cannot be separated. Creeks and rivers are not ditches. Counties bear a clear responsibility to protect the public "commons". This is the reason that Chapter 16 of the County Code exists. It is not decoration.

If disclosure during property transfers included public information about the specific constraints upon sub-standard lots (too steep, in riparian set-backs, below size for septic systems or zone district, within a zoning set-back etc., this would completely transform the current dynamic regarding the sale of severely sub-standard lots and seriously non-conforming structures. When people buy a house having no idea of how constrained or non-conforming to code that house already is, they are in an unfair position. People do not possess the knowledge to understand this and so they blame the County. It might appear a rather simple matter in town such as a side yard set-back, but in the mountains it is another story altogether. Your Board has made non-conforming structure policy more discretionary with little to no public review. It was claimed that this action did not affect the environmental ordinances. This was complete nonsense. The codes intersect in complex ways. Most of the building Riparian Exceptions in this report are coupled with Zoning Variances.

Another necessary improvement is to clarify policy for code compliance and enforcement. Some cases drag out for years in preposterous ways. Enforcement should not be arbitrary or inconsistent. It must be rational and based upon procedures that are clear and easy to understand. It is my understanding that the County only assesses recovery costs for its own administrative expenses in doing compliance work. Planning loses money and has no incentive to improve compliance. Establish fines for violations and use them when necessary. Other cities and counties impose fines. It works. San

Francisco's building code has a maximum fine of nine times the original permit fee. It also has an appeals board. The City of Carmel has one of the most effective tree protection ordinances in the United States. Its success is inescapable when one walks down any street in Carmel. In Carmel this is an issue of civic pride rather than grudging argument.

Unless the County establishes some baseline standard below which the extent of environmental harm is unacceptable then the Ordinance is irrelevant. The examples that follow in the appendixes to this report raise the issue that Exceptions are being granted in some extreme situations.

This report was prepared in the spirit of cooperation. I have had very productive interactions with your Board in years past and I also understand how complex this particular issue is. I am clearly the type of person who responds to environmental problems in a very personal way. But please understand that this characteristic gives me the ability to foresee trends that will have major consequences in years to come.

Regards,

A handwritten signature in black ink, appearing to read "Kevin Collins".

Kevin Collins

Appendix One: Four Examples of Riparian Exceptions Explained in Detail

Example One-No. 4. Development review of a residential lot requiring a lot line adjustment, Zoning Variance, and Riparian Exception, APN 103-171-31 and 32. Note: this is not the record of a building permit. It is the record of an applicant / owner seeking the designation of a building site, perhaps with the intent to sell the lot once this goal has been achieved. This strategy is one I have seen before, as landowners speculate on difficult lots in order to increase their value for re-sale.

Elements of the Exception (APN 103-171-32) that are in conflict with general zoning and building site standards or with the stated intent of the various environmental ordinances:

1. Zoning Variance to reduce the front yard setback (from a road right of way) from 40 feet to 5 feet.
2. Riparian Exception to allow encroachment of approximately 25 feet into the required 40 foot (ephemeral stream setback) Riparian Buffer.
3. "The entire "geologically safe" (*quotation marks are copies of the Planning document.*) habitable area as designated by the building envelope on "Exhibit A" is within the riparian setback area. Some redwoods within the building envelope, which are considered riparian, will be removed for construction. At the closest point, the development envelope encroaches to within 15-feet of the bank full flow line. (amended at ZA 8/3/07)"
4. From Variance Findings: "*the parcel proposed for a variance to the required 40-foot front yard setbacks, is extremely steep in all other areas besides the proposed development envelope and would require a massive amount of grading to create another buildable area on the site.*"
5. Review includes the consideration of 3 septic leach field locations, on the ridge top (pump-up) and on the valley floor near the ephemeral drainage streambed and thus possibly in conflict with septic codes. This is unclear in the report. The septic review analysis was not included with the Exception record.
6. Geological Feasibility study for lot: "*In our opinion, the proposed development might be subject to a greater than ordinary risk from flooding coming from the creek that borders the development area.*"
7. Note: This is not a building permit record, and there is evidence in the record that a problem will exist in providing for parking for the house when a building permit is actually sought. The site may still be too small and constrained.

Selections from Prior Permitting History

1. "In 1972 the property owner was denied a use permit (4399-U) to construct four resort cabins and a restaurant on parcels 103-171-31 and 32."

2. "Between 1973 - 1976, the property owner applied for two variances (1684-V and 75-1132-V) to build a single family residence on parcel 103-171-31 with reduced side yard setbacks and to temporarily reside in a mobile home during construction of the residence (115-T). Both variance applications and the temporary permit application were denied."
3. "In 2001, a code compliance case on parcel 103-171-31 was opened and eventually the property was red tagged for the unpermitted conversion of a non-habitable accessory structure to a second unit, a retaining wall over three-feet in height and electrical problems in the single family dwelling." These problems were apparently later corrected and the red tag was lifted.
4. The administrative record makes clear that this permit is to "designate a building site" (APN - 32) and does not include an actual building permit. This suggests that the intent is to set up a "buildable parcel" for re-sale rather than for building construction by the applicant in this permit record.

5. Three letters in the administrative record of this permit (two from a member of the private road association impacted by the proposed development) address the question of whether this parcel was declared as unbuildable in the past. The County letter explains: "Our files do not indicate that this parcel was determined "unbuildable". In the past, several projects on the two subject parcels have been denied by the County for various reasons; however they were not denied based on a determination that parcel 103-171-32 was unbuildable. This would require a written determination by the County Geologist and Environmental Health Services and would be recorded with the Assessors Office."

Comment: It is clear from the history of development permitting on this lot, that it was indeed considered as "unbuildable" by the County between 1973-'76. It may be that both lots were unbuildable. The Planning Commission denied two Variances necessary to construct a house on this location. This is particularly confusing because apparently both parcels had substantial problems.

It is obfuscation for the Planner, in the quote above, to assert that the denial of those prior zoning site Variances necessary to build, did not constitute a de facto determination of "unbuildable".

For any lot to truly be declared as legally "unbuildable", would require the lot's owner to act against his/her own personal self-interest and force such a determination to be recorded against the advice he or she would naturally be provided by Planning and EHS.

This record is a good example of how the interpretation of the code has changed so as to now allow construction upon severely sub-standard lots that were in the past denied permits under identical codes.

Example Two- No. 48, Proposal to construct a two story single family with attached garage on a vacant parcel. Zoning Variances and a Riparian Exception, APN 041-181-39.

Elements of the Exception that are in conflict with general building zoning site standards or with the stated intent of the various environmental ordinances:

1. Parcel is undersized for the zone district.

2. Zoning Variances are necessary for both front and side yards. **The required Riparian setback of 50 feet plus 10 feet (perennial stream) from Valencia Creek over laps the zoning front yard setbacks.**

3. Variances reduce the front yard setback of 40 feet to 8 feet and reduce the side yard setback from 20 feet to 12 feet.

4. Riparian Exception to reduce the setback from Valencia Creek from 60 feet to 17 feet. House is to be built on a pier and grade beam foundation due to steep slope down to Valencia Creek. The record available for this example does not include any parts of the geological or soils reports that were necessary.

Selections from Prior Permitting History: The record available includes none of the prior history other than references to 1999 in regard to a geological survey and a prior expired Riparian Exception.

Example Three- No. 5 or 47 (duplicates), Proposal to construct an approximately 1,455 sq. ft. single family dwelling, a sewer pipeline crossing over an existing unnamed creek and an approximately 6 foot high retaining wall. (APN 086-082-22)

Elements of the example that are in conflict with general building zoning site standards or with the stated intent of the various environmental ordinances:

1. Variance to reduce the required 40-foot front yard setback to 2 feet.

2. Riparian Exception to build retaining walls within the riparian setback to support a house and improvements (within the same setback), and also an Exception to suspend a sanitary sewer line across a creek to a leaching location of the opposite side of the creek from the proposed house. The developable area of the parcel is apparently so small, due to steep slopes, that the house is being built right up to ("approximately 2 feet from") the Highway 236 right of way. The proposed house site slopes down from the highway to the creek apparently necessitating the use of retaining walls to support the house site. The Riparian setback and the road right of way overlap, apparently including at the location of the house site. The record available does not include any septic design information or other details regarding the site itself.

Selections from Prior Permitting History: The record in the Exception documents available does not include any permitting history other than this statement: "The site has been historically graded and is located below the grade of the adjacent highway."

Example Four- No. 2 or 9 (duplicates) 030-112-05, Rodeo Gulch Creek. Proposal to construct a 2 bay, 2 story lube/oil facility of 2852 sq. ft. Remove 3243 cu. yds. earth. Requires a Roadside/Roadway Exception. Majority of the parcel is within the Riparian Buffer. Requires a Riparian Exception to locate parking, driveway, trash enclosure and part of structure within the 60 foot Riparian Setback. All trees located on the slope to the stream will be removed to accommodate re-grading of the riparian corridor.

The site is described as having been used for illegal dumping occurring in the 1960's. The proposal is to excavate out debris, garbage and un-engineered fill. Re-grade to get a 2:1 slope. Reduce the final width of the Riparian buffer to 20 ft. plus 10 ft. Original code is for total 60 ft.

Elements of the Exception that are in conflict with general building zoning site standards or with the stated intent of the various environmental ordinances:

1. Riparian Exception to reduce the set-back from the stream from 60 feet to 30 feet. Exception to completely re-grade, apparently to the streambed and remove all existing vegetation and create a "bench" above the streambed. Incorporate a new drainage system "that will release runoff at the toe of the slope." Presumably this is associated with the fact that the site drains into Rodeo Gulch Creek.

Note: It is an interesting choice to permit a drive-through vehicle oil changing facility with Exceptions from various codes on a site that drains rain runoff directly to a stream.

2. Roadside-Roadway exception.

Selections from Prior Permitting History:

1. Denied permit in 1978 to construct a 2700 sq. ft. automotive repair and light industrial due to unstable site conditions indicated in soils report.
2. 1984 site visit to delineate the Riparian Corridor and setback requirements. "The determination was that a 50 foot setback would be required; however the letter indicates that a reduced 20 foot setback would be supported by staff."
3. 1985 Proposal to construct a one and two story commercial building and create seven condominium units. Application withdrawn.
4. 1988 site visit to delineate the Riparian Corridor and setback requirements. "Letter indicates that staff would not be able to make riparian exception findings based upon the instability of the slope." Expired.
5. 2006 Riparian Presite for a proposed auto repair shop. "Staff determined that setbacks of 50 feet from the top-of-bank, 20 feet from edge of dripline and an additional 10 feet from all structures would be required. Expired

NOTE: Useful example of Riparian Exception Findings in Coastal Zone etc.

1. That there are special circumstances or conditions affecting the property.

*"This finding can be made, in that the vast majority of the parcel is located within the riparian corridor and the granting of an exception will allow a reasonable use of the property. In addition, a large portion of the property contains unclassified, unstable fill that is prone to erosion and failures. This fill will be removed in order to provide a stable slope and to better control drainage." This demonstrates that the Coastal Zone designation does little to strengthen the Riparian Ordinance.

Appendix 2

Numerical List and a Brief Analysis of the Collected Riparian Exceptions Provided by Planning

Legend and explanations applying to the following list:

The numbering itself is in the order these that the documents (Exception records) were provided by Planning. It has no other significance.

(B) This refers to environmental significance in relationship to a building development proposal, rather than to a road or driveway based exception. (This does not indicate that road development has no environmental significance, but that roads and driveways are always associated with general development in the case of this report.) A numeral after this (B) symbol is a counting of these exceptions as in 1-B1 that follows.

Ten such development based Exceptions were included in the 2 years of data for this report.
(correction dated June 13--There is a mistake in original document submitted to the Board on June 12-- There are 11 development based Exceptions in the record.)

Several of those are particularly striking in that highly constrained (thoroughly sub-standard building sites) were provided with exceptions. In at least two cases the sites had previously been rejected by Planning and had been denied permits to build. The available records are not entirely consistent and do not include the same types of information.

The question naturally arises as to what would constitute the poorest possible building site that Planning (and the Zoning Administrator, or the Planning Commission) would accept as buildable as opposed to unbuildable. This is a changing situation with more and increasingly deficient building sites being granted various environmental code exceptions and Variances from zoning site standards. All of this leads to a continuous deterioration in the aggregate condition of Riparian Areas in Santa Cruz County. From the standpoint of what remaining buildable lots exist in Santa Cruz County, this issue is fundamental.

1- (B) refers to environmental significance in relationship to a building development proposal.

2- (PW) refers to Public Works (usually road work). Eight Exceptions were granted to Public Works.

3- (PR) This refers to Private Road, Bridge or Driveway Work. There were eight of these Exceptions. Many of these driveways lead to new development sites,

4- (RDA) This refers to Redevelopment Agency Projects. There were six Exceptions granted to RDAs

5- (AG) One agricultural greenhouse business was granted an Exception.

6- If a particular stream is noted in the staff data, then the name of that stream is listed in this report.

7- One illegal water diversion installation was granted an Exception to leave a collection basin (tank) in place in a streambed below the edge of a road, ostensibly to avoid weakening the road edge by the act of removing of the illegally placed tank.

8- One Exception was granted for a private in-stream impoundment used for the irrigation of a row of trees. Both of these in-stream impoundments raise questions about endangered wildlife that may have been impacted, perhaps on a permanent basis.

No. 1-B1

031-011-02, 2345 S. Rodeo Gulch Rd. Rodeo Creek Gulch

Proposal to "recognize" a landscape contractors yard, including existing 665 sq. ft. office. 176 sq. ft. office trailer, parking area for 6 work trucks, three outdoor storage areas and a 320 sq. ft. office trailer. Requires Commercial Development Permit and a Riparian Exception for removal of improvements in Riparian Buffer.

Assorted prior use history leading to 2001 application for a vehicle storage yard, withdrawn 2003. Red-tag recorded 2009 for existing unpermitted landscape contractor yard.

2 General Plan designations, CS 17,400 sq. ft. and 6,880 sq. ft. OU (urban open space). Riparian area is "cleared of woody vegetation associated with the riparian corridor areal photos from 1975, 1989, 2003, and 2007. Conditions require removal of "improvements and structures including trailers and chain link fence" and re-plant corridor.

No. 2-B2

030-112-05, Rodeo Gulch Creek

Proposal to construct a 2 bay, 2 story lube/oil facility of 2852 sq. ft., remove 3243 cu. yds. earth, requires Roadside/Roadway Exception.

Majority of the parcel is within the Riparian Buffer. All trees located on the slope will be removed to accommodate grading.

Denied permit in 1978 to construct a 2700 sq. ft. automotive repair and light industrial due to unstable site conditions indicated in soils report. Extensive permitting history including condominium unit denials or dropped permit application.

Excavate out debris, garbage un-engineered fill. Locate future parking, drive, storage within Riparian Setback. Re-grade to get 2:1 slope. Reduced Riparian buffer to 20 ft. plus 10 ft. setback. Original code is for total 60 ft.

No. 3

103-171-79, Soquel San Jose Rd. for permit 06-0488-lot line adjustment for another Riparian Exception. below.

No.4-B3

103-171-31 and 32, Lot line adjustment, Variance to reduce the front yard setback from 40 ft. to 5 ft., and Riparian Exception to encroach 25 ft. into the 40 ft. Riparian setback.

No.5-B4

086-082-22 New House, Zoning Variance to reduce the 40ft front road setback to 2 feet, Riparian Exception to extend sewer line over creek and build house inside the Riparian setback.

Riparian Exception_ Site undevelopable without Exception therefore "appropriate".

Cut and fill_227 cut 156 fill

Unnamed creek bisects property—"historic grading for pad inside highway (236) for unpermitted trailer.

New building site. "best site adjacent to highway", intends to pull stumps.

Riparian setback intersects with the road setback. -special circumstances-

House setback to be 2 Feet

Septic to be on the opposite side of creek with a suspended sewer line.

No.6-B5

041-181-39 New House, Valencia Creek, 17 feet from stream bank.

Variance to reduce front yard setback to 8'. Variance to reduce side yard to 12' and Riparian Exception

No.7-PW

Public Works, Schwan Lake, Mitigated Neg. Dec.

No.8-RDA

037-101-58 and 59, Owner RDA, park development Tee Street, Grading 6,800 yards cut 1,900 fill, Variance for parking, and access, increase in impervious surface (paving etc.)

No.9 DUPLICATE OF No. 2 ADDITIONAL ANALYSES

030-112-0, Rodeo Gulch and Soquel Drive, vacant site 24,100 sq. ft. 0.55 acres, 2852 sq. ft. 2 story oil and lube facility. Riparian exception to strip vegetation and grade in the riparian to create 2:1 slope. A portion of the proposed parking area, drive aisle, trash enclosure and structure to be located in 50' Riparian buffer and 10' setback.

Staff supports Exception given the lack of developable area on the parcel and the necessity to improve slope (riparian dump site) stability.

NOTE: Useful example of Riparian Exception Findings in Coastal Zone etc.

1. That there are special circumstances or conditions affecting the property.

***This finding can be made, in that the vast majority of the parcel is located within the riparian corridor and the granting of an exception will allow a reasonable use of the property. In addition, a large portion of the property contains unclassified, unstable fill that is prone to erosion and failures. This fill will be removed in order to provide a stable slope and to better control drainage.

4. Demonstrates that the Coastal Zone designation does nothing to strengthen the ordinance.

No. 10- (Duplicate case)

031-011-02. 24,280 sq. ft. C-4 Commercial zoning. Parcel has an O-U (Urban Open Space) General Plan designation on 6,880 sq. ft. at rear of parcel abutting Rodeo Gulch Riparian Area.

History "ending" with a 2009 recorded red-tag for the existing unpermitted contractor's storage yard.

Intent of permit is to recognize a landscape contractor's yard including an existing 665 sq. ft. office building, a 176 sq. ft. trailer, parking for work trucks, 3 outdoor storage areas and a 320 sq. ft. storage container. Riparian Exception for removal of improvements within the riparian buffer.

No. 11-PW

Public Works Application for Riparian Exception for road repair Nelson Rd. Scotts Valley. No building construction associated.

No. 12-RDA

030-153-24 Applicant RDA 4740 Soquel Dr. Soquel

Soquel Creek Linear Path "Park". Permit for removal of former mobile home utilities, concrete pads, non-native trees.

No. 13-PW

Public Works. Replacement of failed culvert, with temporary stream diversion, crossing of Lochhart Gulch Rd. over Lockhart Gulch.

No. 14-PW

Public Works. Replacement of corroded culvert leading under Two Bar Rd. to Two Bar Creek.

No. 15-PW

Public Works culvert replacement Kings Creek Rd. Includes channel back fill and new headwalls.

No. 16-B6

028-181-05 Corcoran Lagoon, Code violation (from complaint) unpermitted construction of new retaining walls dating from 1960's (date is neighbor opinion).

Riparian Exception and Coastal Development Permit applied for. Objected to by staff, Permit withdrawn.

Current application with minor changes "the proposal does not represent a substantial revision to the application that was made in 2009 and does not incorporate the changes requested by Environmental Planning staff."

Other adjoining properties constructed away from the 100 ft. Riparian Corridor near 24th Ave. Includes U-O Urban Open Space designation. New wall used to extend the yard landscape use within the Riparian setback.

Appears that this Exception was denied. See number 18 when approved.

No. 17-B7

081-071-08, HWY 236

370 sq. ft. addition to existing house within Riparian setback also within calculated 100 year flood zone of Boulder Cr. Findings section claims addition " is necessary for the permitted residential use of the property." Note: claim of report that basement floor elevation is above FEMA base flood elevation.

No. 18-continuation

Overtures decision on No. 16, 028-181-05, Corcoran Lagoon retaining walls question. Claims replacement of prior existing but failed non-conforming retaining walls in not in violation of the Riparian Ordinance or the Coastal Act despite filling of site and poured in place walls. No record of process other than Findings and Conditions.

No. 19-PR

102-471-03 and 06, Pilkington Rd. and Paul Sweet Rd.

Replace-repairs an unnamed gated road called an "emergency access right of way". Failure of culvert and bank resulting in fallen trees etc. at a intermittent tributary to Arana Gulch

No. 20-PR

099-011-19, Olson Rd. 2.7 miles from Soquel San Jose, landslide induced road failure repair West Branch Soquel Creek. Permit allows construction of gabion wall inside Riparian Setback 42ft. from active channel.

No. 21-PW

Public Works, Schulties Rd., Burns Creek, replace failed culvert and roadway embankment on ephemeral tributary to Burns Creek near Laurel Rd.

No. 22-PR

087-021-26, 20595 Saratoga Toll Rd. Semperfirens Fund

Demolition of cabin. Replacement of culvert.

No. 23-PR

109-112-05 and -16, 821 Old Smith Rd. Watsonville

Grading permit and Riparian Exception, construction of bypass driveway road around landslide 1,600 cu. yds. cut and fill and 5,000 cu. yds. (phase 2) plus drainage and Hilfiker retaining wall. Requirement for 5 year monitoring for vegetative coverage of site, Verifying agency is County Planning. No information in the documents about the scale of the slide or length of road segment or proximity of active stream channel.

No. 24-residential repair-maintenance

040-163-15, 823, Mangles Gulch. 1982 original landslide, Gabion wall recommended in 1991. Not built. In 2007 owner requests permit and Riparian exception for shotcrete wall to protect upper portion of slope below the house and deck. Permits issued and approval of gabion baskets installed without permit prior to 2000--- be legalized or removed. 3 tier wall in 3' high steps buried 3'deep with 1 ft. step backs. (very steep). Note: structure apparently stands too close to ephemeral watercourse for safety due to periodic high flows as is case of original landslide.

No. 25- B8, residential repair-expansion-

078-101-03, Marshall Creek

Channel immediately below existing house. Unpermitted gabion wall is failing. Conclusion to retrofit the existing wall. Construct 25ft. diversion wall and a 42' 6" long reinforcement retaining wall in front of existing gabion baskets, install rock slope protection within the Riparian Corridor of Marshal and remove 576 sq. ft. of unpermitted deck and 601 sq. ft. of unpermitted room additions at dwelling. "Recognizes" conversion of 1068 sq. ft. of lower floor to habitable space and conversion of habitable detached structure to storage space.

No information on Marshall Creek at completion or extent to which the live channel is modified or impacted in the future.

No. 26-RDA

Applicant RDA, amendment to Soquel Creek Linear Park, Pathway Improvement Project. Permit is for additional tree removal in the designated Riparian Woodland and permit extension.

No. 27-PR

064-191-17, RV Park, Highway 9 Felton.

Permit to "recognize" an existing 260 ft. long retaining wall up to 34" high and remove approx.. 94 ft. of the as-built wall.

"Conditions" state authorization for construction of a 3 ft. max height wall topped by a split rail fence. No information about distance to channel of San Lorenzo River. May be a tributary channel through the RV park. Claim of need to additional space for larger RVs. Pretext of long standing use.

No. 28-PR (unclear in association to related development)

099-111-12, Soquel San Jose Rd.

Proposal on 5.4 acre parcel to construct new single-family dwelling and driveway over an existing drainage swale with oak woodland and willow thicket. Drainage passes through several downstream culverts to confluence with West Fork Soquel Creek. Permit if for culvert. No discussion of distance of proposed structures to the watercourse.

No. 29-B9

104-211-19,

Demolish existing single-family dwelling, two sheds, fence, & well. Build replacement house with New driveway, 3 parking spaces. Inside Urban Services Line. Lot partially in flood-plane of Soquel Creek. According to Riparian Ordinance 50 ft. buffer from top of arroyo. There is 5-10 ft. strip of developable land between buffer and road right of way.

Approved. **NOTE: No reference is made to relative square footage of the original and the replacement house in the exception document.**

No. 30-PW

Scott Creek, Swanton Rd. Bridge, CALTRANS bridge repair.

No. 31 and 32 (are duplicates)-continuing case

028-281-15, 171 Moran Way (went to Board of Supervisors hearing)

Entire parcel in 100 ft. setback from Moran Lake. 135 sq. ft. additional in footprint of replacement house (original 1961 structure). States 350 sq. ft. less lot coverage due to proposed removal of existing viewing platform and walkway. Original building one story, replacement building 2 story with "non-habitable" basement (less than 7' ceiling height). Building rotated for preservation of neighboring views. Approved.

No. 33 and 34 are duplicates.

Several parcels, Hover Rd. Replacement of private road bridge over Hester Creek, tributary to Soquel Creek.

No. 35-PR (second bridge)

070-151-21, 123 Cathedral Drive, Scotts Valley, Lockhart Gulch Creek private road bridge replacement. Pacific Southwest Evangelical Covenant Church. A full replacement bridge was constructed in 2008. Now applicant requests permit for a new (second) replacement bridge at site of original bridge on new alignment.

No. 36

Mission Springs Christian Camps and Conference Center (Pacific Southwest Evangelical Covenant Church failure to provide documents, notarizations on above permit No. 35.

No. 37--(38 is duplicate) B9

051-701-13, Kelly Lake

Proposal to "recognize" a sheet pile wall extension of 44 ft. to an existing wall of 115 ft. approved under a previous application. Parcel of 1.14 acre-majority of which is underwater. Site of dry land extending 50 ft. from water edge along 200 ft. of shoreline. Entire parcel within the 100 ft. Riparian protection area. "The slope behind the newly constructed (approved according to document) garage required stabilization. Given the existing site conditions and limited space between the garage and lakeshore, the additional section of sheet pile is an acceptable method of stabilizing the slope, and is in keeping with the intent of the previously approved application (06-0269).

No. 39 (No. 40 is duplicate) illegal water diversion

062-122-02, Majors Creek

Recognizing construction of illegal cistern placed below road edge near public road culvert outfall. Cistern said to now support road edge. Required rock in cistern and breach of cistern. plant re-vegetation, resolve Red Tag.

No. 41AG

109-241-11 and 29, 750 Casserly Rd. Watsonville

Deals with an illegally cut drainage channel on a green house property and require re-vegetation of repaired modified channel.

No. 42 (private land water impoundment)

074-181-01, 19490, Quail Hollow Rd. and East Zayante Rd. 110 Quail Hollow Rd. Felton
Grading 2,760 cu. yds.

Project consists of re-building an in-stream dammed impoundment within Quail Hollow Brook downstream of the Quail Hollow County Park pond. Major excavation, deposition of fill and impacts to channel. Pond is used by landowner to irrigate a row of redwood trees planted along Quail Hollow Rd.

No. 43 (classification unclear)

049-101-33, Larkin Valley Rd.

Original red tagged land clearing associated with planned development of site. Riparian Exception issued under this permit to create a culverted crossing over an ephemeral stream for a driveway to the planned house site.

No. 44-PR

068-061-14, 2830 Glen Canyon Rd. Carbonera Creek

Drive way culvert 30ft. and fill 20ft. replacing ephemeral stream for access to new building site. Apparent burial of watercourse in relationship to driveway.

No. 45

103-171-79, Riverdale and Soquel San Jose Rd.

Time extension document related to Riparian Exception- Apparently associated with a new house construction (09-0281) No information about actual Exception permit.

No. 46- B10

103-171-31 and 32, Soquel San Jose Rd.

Lot line adjustment to create a "development envelope and a building envelope at the proposed building site. Variance to reduce the front yard setback (40 ft. to 5 ft. Riparian Exception to allow development into 25 ft. of the 40 ft. Riparian buffer. (Leaving buffer of 15 ft.)

Between 1973 and '76 owner applied to two variances to build single-family residence on (-31) and to temporarily reside in a mobile home during construction. Both variance applications and temporary permit applications were denied.

In 2001 a red-tag issued for unpermitted conversion of a non-habitable accessory structure into a second unit

In 2000 application for second unit applied for then withdrawn. Permit issued to reduce retaining wall height and remove "habitable features" (probably toilet or stove). Electrical permit issued to correct electric problems.

Parcel (-32) currently vacant, has apparent site problems (slope, ephemeral stream, dirt road down center etc.

Proposed equal exchange between (-31 and (-32) to create building site. for future single-family residence.

Development of (-32) requires a Variance for reduced front yard setback and riparian exception. Proposed envelope would allow SFR (single family residence) with garage and carport.

Redwood riparian setting where required setback is 30 ft. from the edge of the riparian woodland to beyond the edge of the dripline. In addition a 10 ft. setback from the edge of the buffer is required for all structures. Redwoods will be removed. At closest point the development envelope encroaches to within 15 ft. of bank full flow-line.

"Findings for a riparian exception can be made because no alternative building area exists on the property that is geologically suitable and as a condition of approval, no disturbance shall occur outside of the development envelope." Substantial geo analysis in permit must indicate landslide risk assessment reasoning.

No. 47-B11

086-082-22, south side of Big Basin Way 236, 19515 Big Basin Highway

Proposed building site is entirely within the Hy 236 set-back between highway and a perennial creek with leach field on opposite side of creek from dwelling with sewer pipe crossing the stream.

Variance, Residential Development Permit, Riparian Exception Geo. Review. Variance to reduce the 40 ft. front yard setback to 2 ft.. Increase front yard wall height from 3 to 6 ft.

Residence proposed to be 2 ft. from the northern property line and Highway 236 right of way. Proposes to suspend sewer line to leach field over the creek to a leach field on the opposite side from house. Steep slopes, narrow developable area. Proposes retaining walls 5 ft. within the front set-back apparently to support the building site that is below the grade of the public highway.

No. 48-duplicate of 5

041-181-39, Valencia Creek

Variance and Riparian Exception. Variance to reduce the 40 ft. front yard setback to 8 ft. and to reduce the 20 ft. southeast side setback to 12 ft. Steeply sloped to stream and no conforming building site. Zoning setbacks merge with Riparian set-back.

Riparian Setback of 50+10 is reduced to 17 ft. to edge of decking.

No. 49-RDA

County Public Works and RDA _Schwan Lake suspended walkway.

No. 50-RDA

Live Oak RDA, Cunnison Lane and Soquel Dr. Tee Street apparent duplicate or addition to earlier permit in this record.

No. 51-PW

Public Works, Graham Hill Widening Project. Extensive biological damage but reviewed in other venues prior to this report preparation. Well known project.

From: ["Kevin Larkin" <cgdahlia@yahoo.com>](mailto:cgdahlia@yahoo.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 9/30/2017 8:36:00 PM
Subject: Cannabis EIR - Impact AQ-1.1 - Direct Cultivation/Manufacturing and MM AQ-1.1 Siting for Odor Abatement

I own property with a commercial nursery and a residential rental at 296 Browns Valley Road, Corralitos. Approximately six weeks ago (mid August 2017) the neighbor at 282 Browns Valley Road brought approximately 200-400 cannabis plants approximately two feet tall growing in large pots onto his property.

Immediately my wife and I, our nursery customers, and our residential tenant began to notice a foul odor over our property similar to the smell of a skunk. The smell is present most hours of the day and is nauseating to experience.

The cannabis plants on the adjacent property (282 Browns Valley) are 300-400 feet from our property line.

MM AQ-1.1, appended below, does not provide adequate assurance that in the future my tenant and my customers will not be subject to the constant offensive odors produced by the outdoor cultivation of cannabis. In addition, the odor of growing cannabis exceeds the intent of what is acceptable under the Santa Cruz County Agricultural Land Disclosure that states **"The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State and local law."** Therefore I would suggest that Santa Cruz County should consider the objectionable odors caused by outdoor cultivation of cannabis **as a nuisance** because it is Federally outlawed and not protected by the existing Agricultural Disclosure.

I request that MM AQ - 1.1 include specific requirements that siting be based not on generalities, considerations, and protection of significant numbers of people, but on absolute parameters guaranteeing objectionable odor impact to **any** nearby sensitive receptors, residential neighborhoods, or a substantial number of people.

MM AQ-1.1. Siting for Odor Abatement. *To reduce objectionable odor impacts associated with outdoor cultivation sites under the Program, proposed SCCC Chapter 7.128 shall be revised prior to adoption to state that potential Licensees for outdoor cannabis cultivation operations shall consider siting the future outdoor grow with consideration of prevailing wind direction and topography to ensure that any odors emanating from the cannabis plants do not reach nearby sensitive receptors, residential neighborhoods, or a substantial number of people, to the maximum extent feasible.*

Kevin Larkin | Corralitos Gardens
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From: ["Kevin Larkin" <cgdahlia@yahoo.com>](mailto:cgdahlia@yahoo.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/17/2017 1:17:27 PM
Subject: Cannabis EIR - Impact AQ-1.1 - Direct Cultivation/Manufacturing and MM AQ-1.1 Siting for Odor Abatement

This is an amended version of an earlier emailed response to the Cannabis EIR.

I own property with a commercial nursery and a residential rental at 296 Browns Valley Road, Corralitos. Approximately six weeks ago (mid August 2017) the neighbor at 282 Browns Valley Road brought approximately 200-400 cannabis plants approximately two feet tall growing in large pots onto his property.

Immediately my wife and I, our nursery customers, and our residential tenant began to notice a foul odor over our property similar to the smell of a skunk. The smell is present most hours of the day and is nauseating to experience.

The cannabis plants on the adjacent property (282 Browns Valley) are 300-400 feet from our property line.

MM AQ-1.1, appended below, does not provide adequate assurance that in the future my tenant and my customers will not be subject to the constant offensive odors produced by the outdoor cultivation of cannabis. In addition, the odor of growing cannabis exceeds the intent of what is acceptable under the Santa Cruz County Agricultural Land Disclosure that states **"The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State and local law."** Therefore I would suggest that Santa Cruz County should consider the objectionable odors caused by outdoor cultivation of cannabis **as a nuisance** because it is Federally outlawed and not protected by the existing Agricultural Disclosure.

I request that MM AQ - 1.1 include specific requirements that siting be based not on generalities, considerations, and protection of significant numbers of people, but requirements based on absolute parameters guaranteeing that **no** objectionable odor impact to **any** nearby sensitive receptors, residential neighborhoods, or people.

MM AQ-1.1. Siting for Odor Abatement. *To reduce objectionable odor impacts associated with outdoor cultivation sites under the Program, proposed SCCC Chapter 7.128 shall be revised prior to adoption to state that potential Licensees for outdoor cannabis cultivation operations shall consider siting the future outdoor grow with consideration of prevailing wind direction and topography to ensure that any odors emanating from the cannabis plants do not reach nearby sensitive receptors, residential neighborhoods, or a substantial number of people, to the maximum extent feasible.*

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From: ["Kevin Sparks" <kevinsparks@purplelotuspatientcenter.com>](mailto:kevinsparks@purplelotuspatientcenter.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 2:34:33 PM
Subject: Attention Santa Cruz County Board of Supervisors

To the Santa Cruz County Board of Supervisors:

My name is Kevin Sparks, of Santa Clara County. I have been following the events unfolding related to proposed Chapter 7.128. This new law would permit commercial cannabis cultivators in the County of Santa Cruz.

While I would like to applaud the County for these efforts, and encourage the Board to pass a permitting system that allows best practice operators to cultivate commercial cannabis in Santa Cruz County, I would like to make some recommendations to the Board regarding the proposed Chapter 7.128.

The percentage of allowable canopy to overall parcel square footage currently proposed hovers around one or two percent (1-2%). There is little reason to apportion the allowable canopy to such a small percentage. Regardless of how the County measures allowable canopy, 1-2% seems like a minuscule and arbitrary peg. Please consider allowing a greater percentage of the parcel to be allowed to cultivate cannabis.

Additionally, the public right of way setback is so large that it blanket-prohibits many buildings that are close to roads simply for efficient agricultural-commercial purposes. Much of proposed Chapter 7.128 already protects the public against the site, odor, and lessons other potential nuisances that may arise from commercial cannabis cultivation.

Please consider lessening the setback from the cultivation area to the public right of way.

Thank you for your time and efforts in bringing safe, clean, and legal cannabis cultivation to the County of Santa Cruz.

Very truly yours,

Kevin Sparks

From: ["Kimberly Calvert" <kimcalvert@me.com>](mailto:kimcalvert@me.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 10:44:41 AM
Subject: comments on EIR

Hello,

Thank you for spending so much time writing and amending the Cannabis EIR. It is clear a lot of thought went into it. Here are my comment:

1. The fire codes are, in most cases, unattainable for a variety of reasons. 20' roads + 120,000 gallons of water storage will prevent most people from entering the market legally. My suggestion is to have varying fire codes depending on the situation. For example, if one were only to grow outdoor cannabis with no electricity, they should have different fire code requirements than those who are growing indoor with lights and fans, etc. Just as you would not enforce those kinds of regulations on someone growing tomatoes...
2. Fences should be on a parcel by parcel case. For example, the area we want to grow (outdoors) is several hundred feet from a road. Nobody would see the crop—therefore, our situation is very different than someone who is going to grow next to another house or road. Again, it would be helpful to small farmers if you could be more specific with the codes rather than have larger sweeping regulations that could impede people who don't have a large operation.

It is my understanding that most accidents (for example, the loma fire) were started by illegal operations....generators malfunctioning, etc. By easing the parameters (or adjusting them to be more specific), it will allow closer monitoring and regulation to prevent such disasters. By making it difficult for the cottage growers to compete, it will only enable larger cannabis corporations to dominate the market. We've seen how detrimental this has been in the farming industry. If you could just see cannabis as another agricultural crop....but one that improves our local economy....it could enable cultivators who are growing smaller, organic, niche crops, to compete in the local market and stimulate our economy.

Thank you for taking the time to read my comments,

Kim Calvert

Kirk Schmidt

P.O. Box 1049

Watsonville, CA 95077-1049

(831) 750-5449

e-mail kschmidt@ix.netcom.com

October 10, 2017

Cannabis Comments
c/o Matt Johnston
Planning Department
Santa Cruz County
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Re: Cannabis EIR

Dear Mr. Johnston:

Thank you for the opportunity to provide comments on the draft Cannabis EIR presently pending review by the Santa Cruz County Supervisors. I am a past president, and farmer of the year, of the Santa Cruz Farm Bureau and a long time farmer in the Pajaro Valley. I have reviewed the EIR and discussed it with planning staff, county administrators and various members of the Board of Supervisors. I am impressed by the scope and detail of the draft, however in many instances it fails to appreciate the current capability and breadth of commercial agriculture in Santa Cruz County. These comments are limited to the cultivation sections of the EIR and focus on four aspects:

- Commercial agriculture in Santa Cruz County,
- EIR alternatives fail to adequately consider CA zoned land and existing permitted greenhouses,
- No environmental impact from increased opportunities for multiple licensees in existing greenhouses on CA zoned land, and
- Suggested alternative language for the proposed Cannabis cultivation ordinance.

Commercial Agriculture Agriculture is the largest industry in Santa Cruz County. The proposed program recognizes existing commercial farmers with an exception from the site registration process. It states that 37,238 acres of CA zoned land would be eligible for cultivation licensing under the Project, however the Santa Cruz County Agricultural Commissioner's *2016 Crop Report* lists 17,367 acres of actual commercial agriculture in the county, which includes berries, vegetables, orchards, vineyards and nurseries. This farm land is some of the most valuable in the country due to our unique geographical location. Historically the county has protected farm land through Measure J and CA zoning. These protections have prevented conversion of prime Ag land to other uses. The EIR also points out that there are

currently about 197 acres of existing greenhouses, used primarily for cut flowers, vegetables and nursery products. It assumes that 75%, or 147 acres of greenhouses, could be converted to cannabis production. (DEIR pg. 2-48) With this amount of actual greenhouse space there is no need to convert additional land to greenhouses for cannabis production.

Commercial farms, whether organic or conventional, are subject to extensive health and safety, environmental and worker protection regulations. The Santa Cruz Agricultural Commissioner is responsible of oversight and enforcement of chemicals applied to crops. The Department of Labor oversees employee work conditions. California Department of Food and Agriculture conducts research and outreach to growers on best practices. The Regional Water Quality Control Board has an elaborate program mandating every farmer participates in the Ag Order which requires water quality testing, limits on discharges off the farm and excessive fertilizer usage. RWQCB also has a separate regulatory program for cannabis farmers, although this is focused on illegal diversion of surface water. California Department of Fish and Wildlife also places constraints on particular agricultural discharges which may impact rivers and streams. Lastly, Santa Cruz zoning regulations impact what growers may be able to construct on farm land.

The draft EIR to some extent does not recognize that all of these programs exist, and appears to pick and choose which should be applied to cannabis grows. For example there is a requirement to comply with stormwater regulations, without recognizing that water quality regulations extend to irrigation tailwater and excessive nitrate use in fertilization. It would be better to acknowledge those areas of existing regulation as required by the cannabis program and not reinvent overlapping regulations.

EIR Alternatives The EIR reviews the Project and More Permissive Project in detail. As to grows on CA zoned land the Project has a 2% parcel size limitation, increasing to 4% for the More Permissive Project. This is an arbitrary limitation and is inconsistent with commercial farm operations. For example an existing large range of greenhouses may have over 300,000 square feet under glass on a 10 acre parcel. The More Permissive alternative would then limit cultivation to 17,424 square feet of canopy, and only 8,712 sq.ft. for the Project, a tiny fraction of the existing greenhouse, which will result in underutilization of the remaining structure.

The Alternative Analysis considers three other possibilities; No Project, Most Restrictive, and Most Permissive. Each results in potential significant adverse impacts. Every EIR must consider reasonably feasible alternatives. “For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR” (Draft EIR, Alternative Analysis pg. 4-1)

CA Zoned Greenhouses Based on this criteria the environmentally superior alternative was not considered at all; allowing co-location of multiple licensees (stacking) in existing greenhouses in CA zoned land. This not only mitigates environmental impacts, it maximizes the utilization of existing greenhouses.

Limited Environmental impacts associated with CA land If there is a focus on growing on CA zoned land, with a preference for existing greenhouses, which the EIR acknowledges are

underutilized at present, almost every identified negative impact is avoided. Existing workers will continue to be employed, not contributing to new traffic congestion. Conversion of timber and agricultural land is not an issue. There will be no new development so there is no impact to biological, cultural, geology and soils, and no increase in greenhouse gas emissions. As these are existing greenhouses, they are already served by agricultural water wells, do not divert stream water, and were inspected and approved by the local fire departments at the time of construction. This is truly the environmentally superior alternative.

Co-location of multiple licensees in existing greenhouses also increases the ease of enforcement of cultivation taxes, environmental compliance through the Ag Commissioner's office and security of the operation. Almost every greenhouse range has existing caretaker housing. Furthermore no cannabis will be visible from outside of the property. Monterey County also considered and adopted regulations restricting cannabis to existing greenhouses. One of the key considerations in Monterey was to limit the proliferation of greenhouses or other structures on productive Ag land (Monterey ord. pg. 14-16). This is similar to Land Use Framework Policy 5.XX on Cannabis Industry and Agricultural Diversity which seeks to ensure that "cannabis cultivation and manufacturing does not lead to over concentration in that sector of the County's agricultural economy" (DEIR Appendix C final unnumbered page)

Draft Cannabis ordinance The draft ordinance must include locations throughout Santa Cruz County. It proposes various environmental and law enforcement directives. However, in many instances it does not acknowledge existing state and regional regulations that already apply to the commercial growing of any crop. After all is said and done, cannabis is an agricultural crop. The following reference specific language in the Proposed Ordinance, Appendix C to the draft EIR.

1. Rules Specific to License Types; CA Land {F}(1)(b) page 14}: As proposed this currently limits canopy at 2% of the parcel size. To maximize utilization of existing greenhouses on CA land and reduce the overall environmental impact of cannabis cultivation this should be changed to allow stacking of licensees and full occupancy of existing greenhouses as follows:

(F)(1)(b) Existing greenhouses may house multiple licensees, subject to a ZA use permit (see below). Individual licensees can grow up to 22,000 square feet of canopy in adjacent greenhouse space. Each existing greenhouse structure will have demarcations showing the area occupied by individual licensees. Greenhouse walls along the perimeter of the property must be opaque.

2. Use Permits – Existing Greenhouses: This is a suggested addition to the proposed ordinance. If a greenhouse complex can house multiple licensees, it would be preferable to allow the landowner, or master lessee, to obtain a use permit for the greenhouse complex showing compliance as to zoning, security, water availability, provision of a caretaker, setbacks and visibility from off the subject property.

Use Permit – Existing Greenhouses (new). Upon application to the Zoning Administrator by the landowner or master lessee, and inspection of the property to

confirm compliance with Santa Cruz County Code §§ 7.128.110 *et.seq.* a 5 year use permit shall be issued allowing the greenhouses to be occupied by multiple permitted licensees up to full capacity. The permit may be renewed at the end of the initial term.

3. Canopy Definitions (D) page 5: The proposed definition in the Draft Ordinance is:

“‘Canopy’ means the net vegetative growth area of the combined diameters of individual plants. For purposes of this definition, diameter is measured by plotting a straight line from side to side through the widest part of a plant”

This does not include nursery plants, although it is unclear if it refers only to mature flowering plants. It is not consistent with the draft California Code of Regulations for Medical Cannabis Cultivation which presently states:

(d) “‘Canopy’ means all of the following: (1) The designated area(s) at a licensed premises that will contain mature plants at any point in time; (2) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries; (3) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and (4) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation” (Calif. CR, Title 3. Division 8. Chapter 1, §8000(d))

Neither the county or state definition provides sufficient clarity for a farmer to accurately calculate canopy size.

4. General Eligibility (G)(1)(a) page 16: Commercial farms, including greenhouses, many times are leased to other growers, even though the owner may have farmed or owned the property for decades. The limitation that the applicant is required to have engaged in commercial production for over 3 years is not necessary for existing greenhouses. It would also limit the ability to stack licensees in one greenhouse.
5. Geographical Restrictions-setbacks (G)(3)(a) & (e) page 17: Setbacks from a habitable structure should be waive for caretakers housing on greenhouse properties. In some cases adjoining parcels with greenhouse ranges each have caretakers housing which is within 200 feet of the neighbor’s greenhouse. The proposed 200 foot setback from a public right-of-way is not applicable for existing greenhouses where the side walls are opaque and should not apply on CA land
6. Miscellaneous Restrictions (G)(7)(e) page 20: Cannabis growers cannot comply with Federal laws and regulations as cannabis remains a Schedule 1 drug. Existing Regional Water Board regulations for commercial agriculture extend far beyond storm water

management. It would be wiser to state that licensees must comply with all applicable “County and State” laws and regulations, with limitation.

Should you have any questions regarding these comments to the draft EIR please contact me. Thank you for your diligence in this matter.

Sincerely



Kirk F. Schmidt

SCz Planning Cannabis 910-10-17.docx

From: ["Kristen Hart" <kristenhart10@gmail.com>](mailto:kristenhart10@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/29/2017 2:15:44 PM
Subject: Cannabis Comments

The proposal recognizes that rodenticides are a big issue. And yet, the County suggests that there are laws to control such use, so everything should be okay. In case the County is so motivated in the future, there are some guidelines in the DEIR for monitoring, but these are largely discretionary. As a result, we expect that rodenticides will increasingly harm wildlife as cannabis cultivation spreads on the wildland interface.

From: ["Kristen Kittleson"](#)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](#)
Date: 10/31/2017 3:57:38 PM
Subject: Draft EIR comments

The conservation and recovery of steelhead and coho salmon depends on watershed conditions and not just on stream and riparian habitats. ALL of the activities associated with cannabis cultivation - including water use, land clearing, residential development, road upgrades and construction, increase in impervious surfaces, run-off and more - have the potential to impact steelhead and coho salmon habitat conditions. The EIR needs to include a more thorough discussion of steelhead and coho salmon, potential impacts from cannabis cultivation and a better sense of how the ordinance can best minimize these impacts.

Cannabis cultivation could have very few or enormous impacts on watershed health and the associated listed and sensitive species that live in Santa Cruz County. The EIR needs to better discuss how the extent, density and geographic distribution affects expected cannabis cultivation impacts. For example, if only 2 roads in the San Lorenzo River watershed need to be widened to 20' to meet CalFIRE requirements, then they may not be a big deal; however, if 2 dozen roads in the San Lorenzo River Watershed need to be widened to 20', that's a big deal.

The section on rodenticides should include information that a frequent target of rodenticides, especially in the mountain region, is the dusky-footed woodrat, which is a species of special concern.

Since uniform fencing requirements have the potential to impact wildlife movement, the proposed flexible fencing plan for each property will be positive for wildlife and visual resources. I recommend that fencing decisions are documented so that the policy could be evaluated after several years of implementation.

Thanks for your consideration.

Kristen Kittleson, Resource Planner
Environmental Health Division, Health Services Agency
County of Santa Cruz
701 Ocean Street, Room 312
Santa Cruz, CA 95060
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From: "Leah Drake" <Leah@DrakeDesignAssoc.com>
To: "Cannabis Info" <Cannabis.Info@santacruzcounty.us>
CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 7:57:00 PM
Subject: PLS INCLUDE THESE NEIGHBORS- NO Commercial Cannabis here, please

FROM LAURA LEY VA & LES STRNAD
2505 Eureka Canyon Road
Corralitos, CA 95076

Cannabis Comments C/O Matt Johnston
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

RE: No on Commercial Cannabis around/above Nisene Marks-Soquel Demo and beyond

Dear Santa Cruz County Cannabis Licensing Folks,

We recognize the need for regulation and licensing in regards to Cannabis cultivation and manufacturing in general, especially as unregulated operations do impact the hydrology, with pollutants, runoff, erosion, etc. and the wildlife habitat, and come with associated other problems including crimes. However, we are strongly opposed to our area becoming designated for commercial greenhouse OR in-ground grows. We are very fearful what this would do to our unique and beloved area and for our family's and neighbors' safety. We would actually like to see a moratorium, or at least a very big limit, on growing cannabis- legal or illegal- in our remote South County forest neighborhoods. It is a mountain forest- a wildlife refuge and part of a valuable open space system- best left as is for the watersheds and important watershed recharge, the wildlife, the heritage and health of the rare interface of redwood, tan oak and madrone forests with chaparral and pine slopes.

In the thickly forested intersection of Eureka Canyon, Ormsby, Buzzard and Highland Way, our quiet remote neighborhood adjacent to Nisene Marks Park , the largest State Park in the County, is already under impact with more grows. This is a spectacular area of the County with gorgeous sweeping views of the mountains and the coast. We chose over 20 years ago to purchase our home in this area, 6 miles from the closest store, 40 minutes from Santa Cruz and Silicon Valley- because we are nature conservationists who wish to live peacefully within the redwood forests of these awesome Santa Cruz mountains. We are neither growers nor users of marijuana, however, we do not condemn anyone for doing so, quietly and for their own personal use (6 plants?) or even if they have a small, unimpactful greenhouse in their yard they can manage.

RESOURCES AND ENVIRONMENT- ZONING CONFLICT:

BUT... We do NOT want grows larger than 10 x 10, or commercial grow operation permits in this remote forested TP / AG zoned mountain area up here. I see a lot of "insignificant impacts" in the EIR related to commercial cannabis operations in "timberland and agriculture" areas, but we do not have the water sources up here to support them, unless they collect rainwater or from the already tapped creeks. Many of our neighbors are "off the grid"- don't even have PG & E available on their personal properties- much less power for commercial operations. There would be even more FIRE risks. Our creeks and groundwater would be at more risk of being overdrawn, and from pollution by organics and nonorganics, sewage, rodenticides, etc., and we, wildlife and pets would be impacted by all of this.

Our watershed , Corralitos Creek, is a Restoration Creek for steelhead and salmon- these pollutants will run off and find their way into the creek. Same with Soquel Creek watershed.

One of the important reasons many of us live here is the clean air quality. Harvest season in the Cannabis industry creates poor air quality and air pollution.

Nisene Marks Park is the largest State Park in the County and it is home to a large population of wildlife including Mountain Lions, fox, bobcat and other keystone species- they rely on our open properties to connect with their larger territories in Sierra Azul and elsewhere. Commercial Cannabis production requires fencing, will be noisy and will impact these at risk populations through polluted water and soils and traffic even more than they already are.

Not least of the problems is there would be (already is) more crime, and the closest Sheriff is at least 20 minutes away, should there be an emergency. This is a very long wait. Our access roads have been damaged by storms and mudslides, and are very small, and can hardly handle the traffic we have now, much less more. Firetrucks need to be able to access these commercial growing facilities. Also, if there is more tree loss due to clearing, the area will only get hotter and drier. Erosion, landslides and storm water problems will only increase with grading. Etc. and Etc. (Just a quick question- How out of place would it be to license commercial hops farms and distilleries in the forested redwood wilderness?)

I do not know how the EIR can say that there will be "insignificant impact" on these pristine forested areas zoned TP and/ or Ag/R by commercial grows.

UNDESIRABLE ASSOCIATED IMPACTS AND MORE CRIME- SAFETY AND COST:

Over time things here have already changed due to more cannabis and fires. We do NOT want to see our area and our terrible roads become even more over-run than they are by those who have little respect for us or our beautiful forests, clean air, streams, safety and peace. More traffic from Cannabis has already created more familiarity with our remote area by those

who come back just to commit petty or major crimes- such as theft, shooting from the road, or dumping toxic waste. We already have limited law enforcement available here. And this is the type of element that commercial cannabis will continue to invite. In fact Calaveras County is an example of how Licensing has increased more illegal growing alongside those who are legal, as it attracts anyone to come in and get the business underway- as many will take an "act now, apologize later" strategy.

There was a shooting off of Highland Way just 2 miles from my home this summer with Fish and Game who were thankfully busting a polluting illegal grow... but what if this had involved someone like me, a hiker, just out with my ornery dog on a walk in my "back 40" encountering some armed, undocumented man guarding a grow? Even 5 years ago I felt pretty safe as a woman running alone for miles with my dog through the gnarly forests of adjacent Soquel Demo and Nisene Marks Park, or along the barely used dirt Buzzard Lagoon Rd., or Highland Way. Now not as much. We have gang type graffiti painted on our favorite roadside rocks, we have trash and toxic waste dumped off the side of the road into the creeks, and people who are not respectful hanging around during the seasonal harvests. We have strange guys parked on our property wandering around our little dirt road early on Saturday mornings, doing who knows what. There are more thefts, more late-night semi-automatic weapon gunshots, so frankly I do not feel as safe in my own home now that there is more growing activity. Someone could argue that this is just population growth but the types of "questionable" visitors is what we are concerned about, not the numbers. We have a lot more bicyclists who visit now than in the past who do not pose the same concerns.

How will these impacts be improved, if growers are licensed to operate on our neighboring parcels free and clear and can amp up their operations commercially? More roads, buildings, fences, more traffic, trespassing, crime and disturbance from questionable types?? Same amount of limited law enforcement....

In Calaveras County, the licensing and permitting of Commercial Cannabis has also brought more ILLEGAL growing operations hiding as a guise in the shadows of Legal growers. They are grappling with costs of the increased crime and related dangers to their citizens and their enforcement personnel.

HOW will mitigation actually address these issues? We will not move from our beloved home- but should there be any major operations permitted up here that will impact us and the surrounding areas further in these ways, expect that there will be a huge fight to protect our safety and quality of life, as well as property values.

WILDERNESS IMPACTS:

"Timberland and agriculture" areas include wildlife corridors and open space areas here in which we quietly live adjacent to Nisene Marks Park amongst the Mountain lions, bobcat, many owl species, turkey, fox, newt, salamander... and we simply cannot believe that their habitats and natural ranges, water and food will not be impacted by fencing, new roads, more noise, traffic, tree clearing, grading, building and pollutants, and rodenticides that will kill the animals who eat the rodents that are poisoned. This upsets us greatly and I will fight to protect these habitats.

NOT TO MENTION AESTHETIC IMPACT on these awesome pristine coastal redwood mountain vistas....This area should be valued as a treasure to the County.

AND- MITIGATION-

Although we understand the County plans to take mitigation seriously- as a Landscape Architect and real estate investor I know there can be limitations in mitigation and enforcement, and there are always those who can find a way to "sneak" through the loopholes of mitigation plans. I have fears that it will not be as successfully enforced in our more remote mountain areas, just as building code is not. Many developers and those seeking to improve their properties in Santa Cruz County and other municipalities I work in such as Los Gatos have a "do it anyway and apologize later" mentality, and those with the duty of enforcing environmental regulations like water use and toxic waste requirements in construction do not always catch the violations-

My fear is that the highest intention of low impact through mitigation will be undermined by lack of monetary or enforcement personnel resources (only 2 are being proposed!?) or thorough follow through; and the health of our natural resources and habitats and citizens in our remote neighborhoods will pay the price. Having said this, I would like to believe that regulation and mitigation efforts by the County will be strongly upheld and enforced.

IN CONCLUSION- we do feel there is a need to regulate, and enforce the regulations of, the industry; and we strongly oppose commercial growing in the remote neighborhoods and wilderness-open space systems throughout the Upper Corralitos/Eureka Canyon/Soquel Demo/Upper Aptos Hills/Buzzard Lagoon/Ormsby/Summit-Mt. Madonna/Highland/Mount Bache/Spanish Ranch corridors over and around Nisene Marks Park and around Sierra Azul. Thank you so much for listening to our voices and concerns regarding Cannabis in our area. Please let us know if there is anything we or our neighbors can do, or more we can add to the conversation, to help.

Sincerely,

Leah Drake, RLA, ASLA
Drake Design Landscape Architecture
51 University Avenue, Suite I, Los Gatos, CA 95031
408.688.7651 CELL/TEXT

AND

LES STRNAD and LAURA LEY VA

**2505 EUREKA CANYON ROAD
CORRALITOS, CA 95076**

From: [Leslieehow <leslieehow@aol.com>](mailto:Leslieehow@aol.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 12:16:43 AM
Subject: Cannabis in Corralitos

We are residents of Corralitos and have real concerns for the impending proliferation of cannabis greenhouses in this part of Santa Cruz Co. There have been projections made that this "industry" will bring 7,100 new jobs to the area which we find both hard to believe and if true, frightening.

The impact of this kind of traffic could potentially create havoc on our already badly damaged and poorly maintained county roads.

The safety for many of us who walk and ride bikes here daily is already a huge challenge that we tackle continually.

As the "trim season" arrives, the addition of these employees in their cars on our country roads will become very treacherous and a threat to the quality of life we all moved here for.

As homeowners who have had to follow county ordinances regarding "ag zones" and not being allowed to infringe on them, we find it more than ironic that these growers will be allowed to come into our existing neighborhoods and infringe on our "zones" of peace, safety and comfort.

We acknowledge that these cannabis greenhouses are already here and more are poised to come.

We are asking that our concerns about the tremendous amounts of water consumption, electrical consumption, pesticide runoff into the Corralitos Creek and the threat to our wildlife such as owls and hawks by rodent poisons be taken seriously.

Just WHO will be enforcing and HOW OFTEN will the enforcing be done for the required licensing, fire engine roadway access AND the required water tank installations?

As in many cities there is a designated number of alcohol licenses that can be issued, the number of Fast Food restaurants became an issue in the city of Watsonville a number of years ago. So in turn, the number of these cannabis licenses must be regulated.

Our water tables in South Co. already are overdrawn and have salt water intrusion.

Will there be a minimum acreage set for these greenhouses?

Undoubtedly there are many growers anxiously awaiting January 2018 in anticipation of financial gain, but at what cost to our environment and to our Corralitos neighborhoods.

We ask that you consider and ask yourselves, what if this was YOUR neighborhood?

We feel these are justified and very real concerns.

Leslie and Tom Howland
350 Browns valley Road
Corralitos, CA 95076

October 30, 2017

From: bebouts@comcast.net
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 7:01:25 PM
Subject: Concern on Cannabis DEIR findings

Dear Santa Cruz County Board of Supervisors,

I am deeply saddened to be having to write again today, after having conveyed so many valid concerns about Cannabis farming in residential areas in the past (which directly and very negatively affected our family and our neighbors)..In our situation on a residential road in Bonny Doon, we were severely impacted by a neighbors illegal grow in 2014. Worse yet, after three desperate calls, we could not get police help to determine if that grow was illegal. Once we finally determined that it was (with help from someone in the county office who could help us to interpret the then on the books guidelines), we filed a complaint, and at time of receipt of that complaint and impending inspection, the owner began hiding evidence and loudly shouting that he had a gun (presumably so that we could hear).

All that we were trying to do was have some peace in our own home. Instead we were assaulted by 24/7 smell, lights at night, and people coming and going next door at all times of day and night. During that phase we were also in a drought and while we were frugally managing water and seeing redwood trees turn brown, these neighbors were aggressively pumping water from the same ground we access in order to keep their crop and profit healthy. Since when is a community resource like our groundwater allowed to be freely used for the profit of a few, at the cost of the other neighbors and the entire Santa Cruz Mountain Ecosystem?

We moved to this neighborhood when our daughter was 10 (2007), so that she would have a place to ride her bike and we could all walk our dogs safely and enjoy the clean mountain air. During the phase in 2014 when there was so much confusion on the regulations and a “run amok” attitude, there was at least one incident of Cannabis theft, and one middle of the night car crash through a neighbor’s fence. Additionally one morning our then driving teenage daughter was stopped on our street, on the way to school and a deranged person demanded that she take them to a hospital. Thank goodness, she advised them that she would send help and drove on. She was shaken, but knew the right thing to do. As soon as she could she stopped and called me and my neighbors and I went looking for that person (and couldn’t find them). On another occasion we had to call the police one morning for a domestic issue next door, where there we could hear a woman pleading not to be beaten (by the proprietor of the illegal Cannabis operation).

Since the change in regulations, these type of violent incidents have gone down greatly. However, the smell and water issues (which bring on fire issues) are still of grave concern. We had moved to this area and pay our 10k in taxes this year, to have the quality of life that the Santa Cruz Mountains promised, but quite honestly that quality of life is not being realized, and is seemingly not valued and that is alarming. Since then I’ve participated in some of the 2015 C4 hearings and learned even more about the potential damage to the Santa Cruz Mountains re: watershed and fisheries issues, and death of native animal population (coyote, mountain lion) from poisons used to protect crops from rat grazing.

Though the current phase has been less violent in our immediate area, the threat is still there, and potential new legislation could put us right back into that situation (and potentially far worse!). Currently, regardless of the other issues, we are seriously assaulted every day by smells that no one seems to feel any need to control. It’s all over this area, and frankly insulting and assaulting to people who came here for the fresh air and sea breezes. Who gives people the right to ruin the environment for others and what local government condones it?

To “open the floodgates” to returning and even increasing the cultivation that wreaked havoc in our neighborhoods and the Santa Cruz Mountain Ecosystem in 2014 is reckless and inconsiderate. Though I have been less involved in the day to day negotiations since 2015 (having a full time job, and family to care for) I am in touch through the information passed on by my valued Santa Cruz Community residents who have remained engaged and taken it on themselves at the cost of their own time to keep up with proceedings and keep everyone informed. I fully agree with my neighbors that the false premises and weak approach of this DEIR threatens to undermine the hard-fought progress that had been made in this county towards a compromise policy that went a very long way towards accommodating the interests of the cannabis growers, while providing a basic level of protection for the community. Acting on the findings of this DEIR would be a huge mistake, and would, I believe fundamentally undermine the trust of many in the community in the ability of our local government to provide the leadership we need on this issue. There is a way forward that allows the cannabis industry to operate and even thrive in this county—without jeopardizing so much of our local natural resources and neighborhood health and safety; **but it is not expressed or to be found in the conclusion of this DEIR which must be rejected and replaced.**

Sincerely,

Dr. Leslie Bebout

From: "Liesl Cotter" <lee.soul.lee@gmail.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 9/9/2017 12:46:28 PM
Subject: comments, questions

Comment:

I am in support of the More Permissive Program being instituted.

I was unable to attend the Q and A, but I do have some questions:

Will hoop houses be considered indoor or outdoor, and if indoor, what constitutes the "improvements" that would classify them as indoor?

Will multiple hoop houses or greenhouses of under 500 sf each be permitted without BP3 permits, or just one allowed per property?

Is there a time limit within which to apply for a license?

Are there any current estimates for the cost of the county and state license per year?

I saw a statement that the County will be matching cultivators who need land with suitable property owners. As a landowner with property that falls within the guidelines, I am interested in how/when that will be implemented.

How will the County be facilitating connection of landowners to cultivators who need land?

Are owner occupied properties eligible? If so, does the landowner need to also have a license, or a medical card?

Are cultivators required to live onsite? If so, what will be the accepted dwelling types for a 5 acre property zoned RA? Will the zoning laws be adapted to accommodate temporary dwellings for cultivators/security/caretakers on smaller properties?

How will the legalities and liabilities of receiving income from renting to the industry be addressed, for instance protections against civil asset forfeiture, insurance coverage, and banking/mortgage issues?

Thank You!

From: no1alecia@cruzio.com
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/14/2017 3:54:35 PM
Subject: Cannabis Comments for EIR

My concern is that growers MUST have areas for growing larger than 5 acres. A lot of cannabis can be grown in a much smaller plot of land. To demand that only larger land owners will be allowed to legally grow is going to foster a lot more illegal and unregulated growing (no taxes revenue for county this way).

This is much like requiring only large corporations be allowed to participate in selling their products.

Does the current proposal mean to close out persons who are of lower income and force them to participate in the 'black market' sales?? Is this what the county feels is appropriate??

or is it that the county just does not want to be bothered with persons who do not provide large amounts of tax revenue?

Does this really reflect what Santa Cruz is about - only larger and wealthier operations are welcome? This feels WRONG to me.

If the county wants more local participation by LOCAL folks, then let them also be able to grow legally.

The 'discouragement' of grows under 5 acres will only invite the large and often out-of-the-county and out of state land owners to be the only 'legal' growers.

Will this sort of thinking filter down to the local Farmer's Markets so that the only persons legally allowed to grow food must have plots of land over 5 acres?

I hope that my comments will be read and thought about before the EIR processing and finalizing of the proposals for Santa Cruz County.

Thank you

Lilian Alecia Morgan
P.O. Box 1118
Felton, Ca. 95018

From: ["Linda & Steve Ripatti" <viaripatti@gmail.com>](mailto:Linda & Steve Ripatti)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR)
Date: 10/3/2017 1:21:58 PM
Subject: Comment on draft report....

Dear Sir(s):

The EIR report that I've received was from Zach Friend's office. It was 600 pages of arcane language that was not at all easy to sift through. I did not see any analyst's synopsis of the draft, that would translate it into a more discernible form. So my below comments will be from what I understood about the prior C4 commissions recommendations, which I hope are still found in the EIR Draft.

It looks to me that your inputs, through C4 and on, have been over-represented by the pot growing folks wanting less and less regulations than even the C4 commissions recommendations.

We live in the upper end of the Pajaro valley here in Corralitos. Smells from agriculture 8 miles away drift over to us come nightfall(Comment #2)

My Comments:

1.) Please keep those setbacks on year-round streams(Corralitos Creek, here) to the 300 feet or more as was recommended in the C4 commission.

2.) The smell from the type of indoor cannabis(indica) is much more pungent than outdoor species. You must still insist(per C4) that grows in the Pajaro valley remain inside and be with exhaust air scrubbers installed.

3.) Any properties(1241 Amesti Rd. parcel #10820244, Jonathan Magnusson-Gumm Vs State of California, April 2016) that have had multiple criminal violations pertaining to pot grows never be allowed to obtain a legal license.

Thank You for listening,

Steve Ripatti

Sept. 29, 2017

Matt Johnston,

I have read the county EIR concerning cannibus cultivation and I feel that this report is written with deference to the cultivating community. I live on a narrow, small, PRIVATE road in the Aptos mountains. We are in district # 2. This area is a FIRE HAZARD area. To the point of being accessed every year for a FIRE HAZARD TAX. My home owners insurance has gone up three times because we live in a FIRE HAZARD REGION. To think that the County would allow growing here is negligent and irresponsible.

Illegal grows are already here. Using the GIS provided by the County, we can see and count at least 25. Where is the County now on Fire Code Compliance ? Can I turn this in to the Cal Fire department ? County Fire Marshall ? Sheriff's office. ?

This forest is a “protected resource” according to the words of the general plan.

Do not destroy it . Do not allow growing in the forest areas.

Lori Camner
7009 Aptos view Rd.
Aptos, Ca. 95003



Sept. 8, 2017

Matt Johnston

My name is Lori Camner and I live on a private road in the Aptos hills. This road comes off of Trout Gulch, then Fern Flat, then Aptos View. Approximately 10 miles of road and 55 members of the road association. Usually half that number are paying participants to the expense of the road. ALL the road maintenance and service is provided by the road association. Us, not the county. Our neighbor hood and the road have been invaded by ILLEGAL cannibus growers. Our neighborhood feels like a war zone. With google earth, we can count 15 – 20 ILLEGAL greenhouses. From the road, you can see 2 . PLEASE come to this neighbor hood and witness the negative effect of cannibus growing.

Smell the odor. Watch the traffic. Identify a negative element not seen before. Is the EIR addressing MY rights to a peaceful life ? The County seems to have the attitude of ..."they need to grow somewhere", and as long as it is OUT in the forest", So be it. That is the wrong idea. FIRE, FIRE, FIREWATER, WATER, WATER. If every grow needs a capacity of 125, 000 gals. of storage water... there is not enough of that resource anywhere. Private wells are all in the same aquafilter at some level. This water is part of the earth, not delivered via wishful thinking. What steps can I take to STOP this unwelcome business.? Marijuana is a crop, yes. But, it is NOT apples, strawberries, lavender or grapes. It should be grown in a agricultural setting only. Not in a setting where everything around it can BURN.

Should we be reporting to code compliance ? Would there be any action taken ? I am completely, totally AGAINST growing in a timber forest. STOP this madness.

p.s. I am serious about a visit. Easy to look at a map. Come see what I am concerned about.

Lori Camner
7009 Aptos View Rd.
Aptos, California 95003
831 688-4483

To the Santa Cruz County Board of Supervisors:

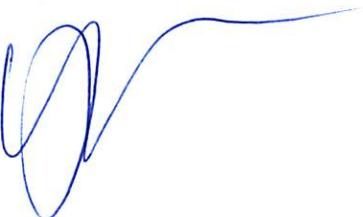
My name is Lorie Leigh Robertson, of Watsonville. I have been following the events unfolding related to proposed Chapter 7.128. This new law would permit commercial cannabis cultivators in the County of Santa Cruz.

While I would like to applaud the County for these efforts, and encourage the Board to pass a permitting system that allows best practice operators to cultivate commercial cannabis in Santa Cruz County, I would like to make some recommendations to the Board regarding the proposed Chapter 7.128.

The percentage of allowable canopy to overall parcel square footage currently proposed hovers around one or two percent (1-2%). There is little reason to apportion the allowable canopy to such a small percentage. Regardless of how the County measures allowable canopy, 1-2% seems like a minuscule and arbitrary peg. Please consider allowing a greater percentage of the parcel to be allowed to cultivate cannabis.

Additionally, the public right of way setback is so large that it blanket-prohibits many buildings that are close to roads simply for efficient agricultural-commercial purposes. Much of proposed Chapter 7.128 already protects the public against the site, odor, and lessens other potential nuisances that may arise from commercial cannabis cultivation. Please consider lessening the setback from the cultivation area to the public right of way.

Thank you for your time and efforts in bringing safe, clean, and legal cannabis cultivation to the County of Santa Cruz.

10/21/11


From: "Lucette Spitzer" <lucette@cruzio.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/8/2017 2:21:34 PM
Subject: Fwd: EIR and drought

To whom it may concern,

Please take the time to read the following scientific reports on the effect of water table depletion and the effect it has on the Earth's axis. This issue relates to the water table depletion from overpopulation and current agricultural practices, as well as drought, and is amplified by the current cannabis cultivation which is overtaking California.

Sincerely, Lucette and Mike Spitzer

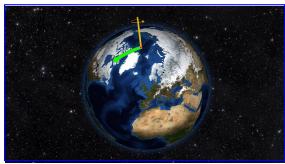
Begin forwarded message:

Date: September 17, 2017 8:09:47 PM PDT
Subject: Earth's Axis

http://www.huffingtonpost.com/entry/earth-poles-climate-change_us_5706c52ee4b0537661892db4

Another link to Inuit elder's observation: http://www.naturalnews.com/048906_Inuit_Elders_NASA_earth_axis.html

And a final link from NASA: <https://www.nasa.gov/feature/nasa-study-solves-two-mysteries-about-wobbling-earth>



NASA Study Solves Two Mysteries About Wobbling Earth

www.nasa.gov

New data on how water moves around Earth answer old questions about the planet's rotation.



Inuit Elders tell NASA Earth Axis Shifted - NaturalNews.com

www.naturalnews.com

WeatherWar101 posts new analysis video of Hurricane Harvey, appearing to show artificial augmentation of the storm's intensity and movements - NaturalNews.com



Climate Change May Be Causing Earth's Poles To Shift

www.huffingtonpost.com

Scientists solve mystery of why the planet's axis is tilting eastward.

Mary Spitzer
"Be the water.....not the rock"

From: ["Lucette Spitzer" <lucette@cruzio.com>](mailto:Lucette Spitzer <lucette@cruzio.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/8/2017 1:52:11 PM
Subject: EIR comment

To whom it may concern,

As 35 year residents of a rural community on Fern Flat Road out of Aptos we have watched the many different phases of cannabis growing morph into an uncontrollable (with present regulations) and paradigm shifting monster. Our neighborhood used to feel safe and community driven, however, this has changed over the past few years as cannabis growers are now purchasing the majority of properties that come up for sale in our area. Due to the semi legalization of cannabis we are now faced with irresponsible and disrespectful people aggressively driving our roads and disrupting the ecosystem. Is no one considering the even bigger paradigm shift we are facing, climate change? Cannabis cultivation with its land clearance, water and electricity usage and poisons are surely adding to the problem.

We appreciate the stringent EIR and in a perfect world this might solve the problem, however, as we have observed only the 'good guys' follow the rules. We believe that due to this stringency many small growers won't comply due to cost and/or unfeasibility. In the past, when cannabis was illegal, the cultivation in our neighborhood was low key and unobtrusive, except for the round of 'seek and destroy' helicopters which occasionally came around policing the area for such grows. We found the policing far less obtrusive than the influx of growers and their employees that we now have to deal with on a daily basis.

In the past, when the penalty for growing cannabis illegally was confiscation of property as well as a prison sentence, people were still willing to take the risk. Based on this fact we don't understand how anyone truly believes licensing and regulation is going to prevent illegal grows from happening when one considers the profits to made.

Unless there is active policing for illegal grows, beyond the underfunded (to our knowledge) Fish and Game and Cal Fire Departments, it will be business as usual. To place the burden of policing our neighborhoods and reporting illegal grows on the residents is incomprehensible and leaves us with no confidence in the justice and politics of Santa Cruz County. There is a quality of life issue at stake here for all rural, and inclusive of, city neighborhoods and we feel it is far beyond the time when this value becomes more important than profit for cultivators and additional taxes to be collected by government.

We realize this is a very challenging issue for local government to deal with and it is a problem that won't be going away. We, therefore, ask that whoever is involved in the decision making process related to cannabis cultivation do the right thing and insist there be active policing for grows that are unlicensed or do not comply with regulations. To leave this aspect to residents is unconscionable and puts us at risk for retribution from disgruntled cultivators.

Sincerely,

Lucette and Mike Spitzer

From: ["Lucette Spitzer" <Lucette@cruzio.com>](mailto:Lucette@cruzio.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/8/2017 2:38:16 PM
Subject: comment

To whom it may concern,

As a PS to our original EIR comment we would like to add that the residents of our neighborhood are extremely concerned about the added wildfire risk in our rural neighborhood as a result of the large influx of unregulated and resulting illegal cannabis cultivation. Please refer to our prior email as to why licensing will not solve the problem.

Sincerely,

Lucette and Mike Spitzer

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 10:58:18 AM
Subject: FW: Comment on cannabis farming in Corralitos.

-----Original Message-----

From: ludovic Racinet [mailto:ludolater@icloud.com]
Sent: Wednesday, October 25, 2017 12:59 PM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: Comment on cannabis farming in Corralitos.

Hi,

I was ask to comment on this matter, i understand the fear people may have about cannabis farming especially on the use of chemicals which seems to be the main concern beside security.
Corralitos is known for their organic farm and their quality product, why not making the cannabis farming in this part of Santa Cruz a chemical free farming? Not only a Made in Corralitos label could be made but a lot of economic opportunity can be created adding tax revenues and jobs for the county of Santa Cruz.
As far as security, There are no data mentioning the rise of robbery due to cannabis farming.

From: ["Marc Riehl" <alwaysriehl@gmail.com>](mailto:Marc Riehl <alwaysriehl@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/30/2017 11:46:45 PM
Subject: EIR Draft Public Comments

Dr. Mr. Johnston:

The draft E.I.R. does not adequately address two very important factors of its own Program Objectives under section 2.3.1. Those are #7, "ensure compatibility of commercial cultivation and manufacturing sites with surrounding land uses, especially residential neighborhoods", and #9, "regulate...to avoid the risks of criminal activity and degradation of visual settings and *neighborhood character*."

To avoid repetition, I refer you to my 3-15-17 letter, #79-1 in the written comments section of the NOP 30 day review document. I request you re-read my letter and strongly urge you consider my position within the intention of the two sections of the Program Objectives cited above. A response citing only the chapters and sections of the draft E.I.R., for instance, zoning uses, does not include a serious and thoughtful consideration of the subjective but equally important human factor of neighborhood character and history. So, please respond in a like manner.

As you can see from my 3-15-17 letter, my RA parcel where I live is similar in kind to Jonathan and Paula Holtz's situation as they relay in their 3-15-17 letter (69-1). I too have been similarly affected by the violently dangerous activity inherent in marijuana grows, but not by far to the extent as Jonathan and Paula Holtz have experienced. In the past few weeks the Sentinel reported a gun battle over marijuana grow on Rancho Road, 3 miles from my home. My first exposure to the violence in marijuana farms goes back to the October 1978 murder of pot farmer, Dennis, "Rabbit", Johnson. Through my profession, I worked with the teens involved in this senseless fatal attempted robbery, including the shooter who was armed during the confrontation with Mr. Johnson who bore a shotgun.

Marijuana use has a long way to go to be an accepted, responsibly used social intoxicant, as is alcohol, and I hope it is. Or if it is eventually seen as a social scourge, as cigarettes have become, which I'm fine with that too. But until then, as long as it has the reputation as a nefarious, potentially dangerous activity, then Not In My Back Yard, or front yard. To regard marijuana farming as any other crop, or like a vineyard in a predominately RA zoned neighborhood is ludicrous. I've never heard of an instance of shots fired because of vineyard activity.

My sentiments match exactly with those found in the paragraph of the Holtz's letter that reads, "...there needs to be criteria to account for individual instances

not commonly found across all potential grow sites that reflect the neighborhood character and history as it determines the compatibility of the neighborhood for growing...there should be a language and a process that allows the individual characteristics of any given lot in the context of its neighborhood being considered."

A mandate from the ordinance code to be considered by the licensing official, as to the lot, not the grower, might prove to be an answer to this problem of upmost importance. Another option would be to reconsider the CAO, County Counsel, Planning Department's recommendation option quite some time back; of a 300 foot setback of a habitable structure of neighboring parcel's property line abutting the property line of a cultivation zoned parcel with a 300 foot setback required of indoor grow structure on that property as well. A criticism of that proposal was it would cause a de facto ban on all but a few grow sites in the county. Let's see through the E.I.R. the extent to which that is true, considering also the amount of commercial and farm acreage anticipated to change over to grow marijuana.

All of these considerations and suggestions would fall within the E.I.R.'s "most restrictive" project

alternative. Reviewing the E.I.R. draft confirmed my concerns that the document would be skewed towards a more sympathetic approach towards the marijuana cultivation community. Somewhere in this large document I read that The County ordered the E.I.R., but I could not find where it was to be so primarily focused on not just the Proposed Project, but also on a More Permissive Project in the main body of the report. I would like to know specifically, who, in The County, made this direction, that the More Permissive Project would not be addressed in the alternatives section. Was it the Board of Supervisors? The report may have complied with CEQA's requirement that analysis must be done other alternatives to the main focus of the E.I.R., but the inclusion of a Most Permissive alternative in addition to the More Permissive analysis makes it difficult not to question the integrity of the intension of this report.

I understand that more regulation of commercial cultivation may drive more growers underground into the black market who would want to comply with licensing and become legitimate otherwise. Probably that has already happened to a great extent because this process because this process has taken so long. I want it to resolve soon too. It's tedious. However, the black market has always existed and I worry that once an ordinance is finally adopted this county will experience another "Green Rush" that make the one in 2014 pale in comparison. I believe no one wants to see this, so county's action to prevent this, and any further expansion of marijuana cultivation in this county I deem desirable. There is already a glut of weed in this county and there is also a healthy enough export business here already as well. Santa Cruz County being a "destination location" for marijuana would be a bane to our beautiful area, which already has a plethora of worldwide, healthy and family attractions.

For your consideration.

Marc Riehl

From: ["Marc Zammit" <marcazammit@yahoo.com>](mailto:Marc Zammit <marcazammit@yahoo.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/27/2017 6:48:45 PM
Subject: Cannabis Permits Summit Area

I am a resident of Santa Cruz County living at 24835 Loma Prieta Ave (Summit area)

I understand that 18 permits for commercial purposes have been submitted from the Summit area to grow recreational cannabis. I have no issue with the use of cannabis but am concerned about the impact in our neighborhoods:

- Cannabis is a water intensive crop and our water table in this area is already affected by years of drought. Many of us have to bring in water from the outside this time of year.
- These operations pose an increase potential have fires, as illustrated by last year's Loma Fire.
- There is a safety concern of thieves looking for cash crops and growers using firearms to protect themselves.

Please consider a limitation of these permits in the Summit area to a reasonable level.

Thank you,

marc zammit

From: ["Margie Bauer" <mcbauer1955@aol.com>](mailto:mcbauer1955@aol.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 5:08:53 PM
Subject: Cannabis Licensing rules

Afternoon,

I'm strongly hoping that in make these rules that you consider our area of Eureka Canyon Road, there are so many illegal grows already. With no regard to parcel size whether they grow inside or out. No concern for other property owners not to mention children & animals.

There could be a real impact on properties with shared utilities etc. Please be sure that whomever is growing has a right to be on that parcel. Our area has many red tagged parcels since the summit fire, some have been taken over as theirs. Some areas are abandoned with old septic systems, unsafe wiring, tapped into others water supplies etc etc along with years of unpaid taxes.

I understand that there is a need for this in Santa Cruz County please just make sure all of us are going to be safe and that the rules & reg's can be enforced thru out the county even the hard to reach areas. Also consider the fire impact for these areas. Are there going to be fire rules put in place or additional water tanks on site for each grow?

Notifications should be sent to neighbors/property owners when permits are being issued. Medical and commercial alike should understand they need to be accountable to their neighborhood communities. No less than 5 acres for their growing needs. A set # of miles from school aged children, (residences & schools). That the grow be well fenced off to keep children, along with wild & domestic animals from harms way.

Thank you for your time,
Margie Bauer

From: ["Maria Gitin" <msgitin@mariagitin.com>](mailto:msgitin@mariagitin.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/6/2017 5:12:38 PM
Subject: Cannabis Survey

I am a registered voter in District 2 living at 159 Danube Drive, receiving mail only at PO Box 216, Capitola, CA 95010. My home address is unlisted and held in a family trust. This address may not be made public.

I have read the Executive Summary and several sections of the proposed cannabis regulations. These are my concerns:

1. Why does Santa Cruz County need to be in the forefront of this experiment when even large cities like San Francisco and Berkeley are delaying implementation? I am concerned that we will become an even greater magnet for drug manufacturing and sales (cannabis concentrates) than we already are. I support the delay of recreational marijuana farming and sales as long as possible. Marijuana is already available to anyone who wants it through "medical" dispensaries.
2. Our economy relies on thriving agricultural businesses that over the decades have switched crops, from apples to flowers, flowers to berries as part of their sustainability and profit plans. I am concerned that too many will switch to growing marijuana, a crop which may generate more income but also more environmental problems. Cannabis is also a crop that most of the residents do not consume and do not need to consume.
3. If cannabis is a medicine, it should be authorized as such and purchased at pharmacies. If it is a recreational drug, it should be sold at liquor and smoke shops. Santa Cruz County seems to be planning to spend a great deal of time and money on new commissions and staff to manage cannabis growth and sales. Why is this a priority over affordable housing, improved public schools and public works-infrastructure?
4. The federal government has not yet reduced the felony status of cannabis. I believe we should not permit recreational sales until possession and sale is no longer a felony. Our young people are at enough risk already and do not need further opportunities to be arrested.
5. Santa Cruz County has an excessive # of dispensaries in relation to our population, more than many large cities. This number should be reduced and remaining dispensaries tightly supervised to reduce harmful impacts.

Since the voters have determined to proceed despite these valid concerns, I strongly urge the Board to restrict growing to already zoned commercial agricultural areas with existing greenhouses. There should be no new development and certainly none at all in the fire sensitive areas of Aptos-Soquel-Capitola and our surrounding fire-prone forests, fields and parks.

Long time farmers and growers most likely understand how to reduce environmental impacts. No new permits should be issued until at least one year after legalization is implemented. That will allow time to measure results and make adjustments to regulations without putting new vendors at financial risk.

Thank you for your attention to these matters.

Sincerely,

Maria Gitin Torres

These views are strictly my own and may not reflect those of others in my household.

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/27/2017 10:50:52 AM
Subject: FW: Corralitos

EIR comment....

Michael Sapunor

Resource Planner IV
Cannabis Licensing Office
(831) 454-3405
michael.sapunor@santacruzcounty.us

From: Judyth Hall [mailto:jmaehall@gmail.com]
Sent: Thursday, October 26, 2017 9:43 PM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: Fwd: Corralitos

----- Forwarded message -----

From: **Judyth Hall** <jmaehall@gmail.com>
Date: Thu, Oct 26, 2017 at 9:39 PM
Subject: Corralitos
To: Cannabis.Info@santacruzcounty.us

To Whom It May Concern:

We just received some very disturbing news that a large portion of Corralitos is being designated as a "green" area for commercial pot grows.

We have been residents of Corralitos since 1974. Corralitos has always been a close supportive community, a safe place for our children, a wonderful place to live, and has had a low crime index. Cannabis has already changed the atmosphere of our wonderful neighborhood. Residents who have moved in the last few years have grown and used cannabis which is changing the dynamics of one of the most wonderful places to live in Santa Cruz County. The growers and users become defensive, angry, are irresponsible and are a danger to our community as well as the environment. There was a huge drug bust involving cannabis just three properties down from us in the last year or so. That will be just the beginning of crime that will invariably infiltrate our lovely community if decisions are made to allow cannabis farms.

For a county that claims to be environmentally responsible and has some of the most stringent regulations anywhere, it is hard to comprehend the administration of this county would approve something as damaging to the environment as the cultivation of cannabis. We are concerned about the chemicals that would be draining into our watershed which will go directly into the Corralitos Creek and Pajaro Basin. That is not to mention our clean air which would be polluted with the chemicals and odor that would be emitted into the atmosphere. There can only be one motive for the board to approve this ordinance, which would be that the county would gain monetarily from the cultivation of cannabis.

There is no way the county will have the time or resources to monitor large cannabis farms in this county, let alone the beautiful mountains and valleys of Corralitos. What a shame it would be to sell us down the drain.

Cannabis is not a passive drug as we have been told. We have seen it change the personalities of users from good citizens, to depressed, aggressive, irresponsible, belligerent behavior from the same.

We can be certain the registered cannabis growers will not be selling their products for medicinal use alone. Not since history began are drug producers responsible concerned citizens who care for the good of the community. It is and always has been about the almighty dollar and anything goes to achieve that goal.

We understand it is legal for individuals to grow 6 marijuana plants for personal "recreation". One plant alone produces an enormous amount of addictive product. Is the county really going to stay on top of where all of the cannabis is being distributed? We are certain that will not be the case.

It would only be a matter of time, and our properties would depreciate if cannabis is allowed to be grown in Corralitos. We

have already seen first hand, very close to our home, a beautiful property that has become a eyesore to our neighborhood. It is doubtful any one of you on the Licensing Board would approve of this coming to your neighborhood or community.

We can not encourage you enough to leave Corralitos the wonderful sanctuary it has been for so many years and not allow cannabis to be grown here in any way, shape or form.

This request comes from some extremely concerned citizens,

Marion (Bud) and Judy Hall

From: "[Mark Carr](mailto:mhcarr@ucsc.edu)" <mhcarr@ucsc.edu>
To: [CannabisEIR](mailto:CannabisEIR@santacruzcounty.us) <CannabisEIR@santacruzcounty.us>
Date: 10/29/2017 9:44:30 PM
Subject: Comment on Santa Cruz County Cannabis EIR

We have reviewed the EIR for cannabis cultivation in Santa Cruz County and are alarmed at the proposed size and unprecedented distribution (urban and rural) of this agricultural product. As an ecologist at the University of California, Santa Cruz and owner of a working and productive 20 acre certified organic farm in southern Santa Cruz County, we believe all commercial agriculture should be conducted under strict environmental oversight (e.g., water, pesticide, herbicide, fertilizer use and disposal) in areas wisely zoned for such production. Production should be limited (including initially confined to greenhouses), evaluated, and adaptively managed in a manner that ensures limited social and environmental impacts. The open and broadly distributed cultivation proposed by the county has great potential environmental impacts and requires more costly management and enforcement activities that detract from the use of county funds generated by this crop for more valuable purposes (e.g., water conservation and education for responsible production and use). Our comments reflect our personal concerns and NOT the University of California, Santa Cruz or the California Cooperative Organic Farmers association. Thank you for the opportunity to express our concerns.

Mark H. Carr and Mary Margaret Perez

From: ["Mark Vande Pol" <groundcover@wildergarten.com>](mailto:Mark Vande Pol <groundcover@wildergarten.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 9/1/2017 3:17:01 PM
Subject: Cannabis Farming

To those responsible:

Much of the ecological damage to the Santa Cruz Mountains over the last century was when electrified irrigation and mechanized tilling was introduced in the Santa Clara Valley. Farms in these mountains were then abandoned wholesale due to simple competitive pressures. Our property was just such a case: a former terraced apple orchard that lost virtually ALL of its topsoil to subsequent erosion. Runoff and channel incision were accelerated, destabilizing whole slopes constituting substantial risk to both fixed infrastructure and natural habitat.

I am concerned that this pattern will be repeated should cannabis farming be introduced to the Santa Cruz Mountains. In my opinion, these local farms will NEVER be competitive with large-scale mechanized agriculture. If they are profitable, they might grow at first, but it will not be long before larger producers with more capital take this market away from these niche producers leaving an even larger problem.

Hence, my largest concern about this process from a planning perspective is that it lacks means to allocate provisions for an end-game strategy. What will become of these farms once they are abandoned? Bankrupted farmers do not possess the financial capability to stabilize their land either from erosion or weed control. I fully anticipate that whatever revenue the County seeks will be quickly overwhelmed by the cost of the consequences, ecological, social, and criminal. Please do not let starry-eyed dreams of short term revenue overwhelm tempered judgment over the longer run. Too many times, we have all seen this before even if it does go largely unrecognized.

Mark Vande Pol
Wildergarten
25150 Mountain Charlie Rd.
Los Gatos, CA 95033-8320
groundcover@wildergarten.com
831-227-4958 (c)

From: ["Marrisa Amaro" <thcmarketing.marrisa@gmail.com>](mailto:thcmarketing.marrisa@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/31/2017 2:33:52 PM
Subject: Santa Cruz County EIR Draft Comments

To the Santa Cruz County Board of Supervisors:

My name is Marrisa Hazel Amaro, of Santa Cruz (or other surrounding jurisdiction). I have been following the events unfolding related to proposed Chapter 7.128. This new law would permit commercial cannabis cultivators in the County of Santa Cruz.

While I would like to applaud the County for these efforts, and encourage the Board to pass a permitting system that allows best practice operators to cultivate commercial cannabis in Santa Cruz County, I would like to make some recommendations to the Board regarding the proposed Chapter 7.128.

The percentage of allowable canopy to overall parcel square footage currently proposed hovers around one or two percent (1-2%). There is little reason to apportion the allowable canopy to such a small percentage. Regardless of how the County measures allowable canopy, 1-2% seems like a minuscule and arbitrary peg. Please consider allowing a greater percentage of the parcel to be allowed to cultivate cannabis.

Additionally, the public right of way setback is so large that it blanket-prohibits many buildings that are close to roads simply for efficient agricultural-commercial purposes. Much of proposed Chapter 7.128 already protects the public against the site, odor, and lessens other potential nuisances that may arise from commercial cannabis cultivation.

Please consider lessening the setback from the cultivation area to the public right of way.

Thank you for your time and efforts in bringing safe, clean, and legal cannabis cultivation to the County of Santa Cruz.

Very truly yours,
Marrisa Hazel Amaro

From: [MaryEllen <maryell8@aol.com>](mailto:MaryEllen@maryell8@aol.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@Santacruzcounty.us)
Date: 10/26/2017 10:33:59 AM
Subject: grows

The county needs to research what is actually happening where grows have already been established. The Loma Chiquita fire was started by a generator that was used for a grow. Having permitted grows seems like it should work, but that will not stop how the grows are actually taken care of by the growers. People think that marijuana is grown without the use of chemicals and it's organic, but in reality chemicals are used to increase the harvest. These are usually chemical that are no longer allowed in the United States. We are no longer talked about plants, but trees that require a chainsaw to remove them.

Before subjecting the residence of the county to the smells, traffic, noise, and crime that come along with grows, speak with the enforcement agencies that deal with this on a daily basis.

Did anyone attend the three day marijuana conference that was held in San Jose last year? If so, remember not one of the areas that have permitted commercial grows said that it was working out for them. They are not seeing the tax revenue that everyone seems to think will jurisdictions will get. They have had to increase their law enforcement staff to deal with the increase in crime.

If commercial grows are going to be permitted, they should be in **Industrial Zoned areas, not Agriculture or Rural Residential** areas of the county. They should be treated the same as the canneries that are in the county.

Would you want this next to your house? Do you want your kids or grandkids smelling this when they are playing in the backyard? Who will be responsible for property values falling because this is next to your house?

Before passing this, maybe spend a day with the **Santa Clara County MET team** during an eradication and actually see what happens at a grow. Most people would be surprised, it's not as organic as everyone thinks and it's going into your water shed.

Santa Cruz County is not ready to take this on. Our road infrastructure is not sufficient as it is, now add another reason for people to jam Highway 1 and 17. Trying to get law enforcement to respond to the rural areas of the county is a miracle as it is, now add this on top.

Until you have actually seen how things are in the field, subjecting the residence of this county to having this next door is atrocious.

Mary Jo Walker
Certified Public Accountant

October 31, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

Subject: Comments on the Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

I have reviewed the draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program to the extent I could within the time available, and have come to the conclusion that it did not adequately analyze, assess and disclose the true cumulative environmental impacts on a number of issues. Assertions that various mitigations will render certain impacts to less than significant have not been adequately supported. Critical estimates of water usage are erroneous or misrepresented. Baseline current production and exportation was not disclosed. The environmental and other effects on existing communities were not adequately analyzed. The impact of demand on police services was assessed as less than significant, based upon an erroneous statement that existing police staffing levels are currently adequate. The primary mitigation measures assumes a sustained and effective code enforcement program which is not a valid assumption.

I take umbrage with many of the cannabis policy decisions put forth in the proposed ordinance upon which the draft EIR is based. However, I know that the EIR comment phase of this process is not the time to take up policy decisions unless they impact the adequacy of the draft EIR. Therefore, I will limit my comments in this letter to the assertions of environmental impacts made in the draft EIR.

I. WATER USE

Comment: The environmental impact of water use in commercial cannabis cultivation as stated in this draft EIR: 1) is biased; 2) is materially and erroneously misstated; 3) did not use a valid comparable; 4) used faulty data to draw the cumulative impact assessment and mitigation; and 5) did not include local cannabis growers' actual metered water usage.

1. A cannabis industry study was used to indicate impacts of water usage instead of a scholarly article published by scientists from state and federal agencies – Page 16 of section 3.0.2 of the draft EIR cited and then dismissed a research article published in 2015 by scientists from the California Department of Fish and Wildlife and the National Marine Fisheries Service. That article stated “Marijuana is a high water-use plant, consuming up to 22.7 liters of water per day. In comparison, the widely cultivated wine grape, also grown throughout much of Northwestern California, uses approximately

12.64 liters of water per day.” (22.7 liters is about 6 gallons per day per plant, or about .75 gallons per day per square foot of canopy assuming an 8 foot canopy.) The County’s draft EIR later said “... the study has been criticized as exaggerating water demand...” The County staff instead chose to use a study performed by the Milewide Nursery in Humboldt County, funded by the cannabis industry. The draft EIR erroneously interpreted that study to say that cannabis water use is just 0.0875 gallons per square foot of canopy per day in a greenhouse, and 0.03 gallons of water used per square foot of canopy per day for outdoor cultivation. Obviously, this study was used because it supports the cannabis growers’ assertion that water usage is minimal. The study used in the draft EIR is a biased and incorrect analysis of water usage.

2. The draft EIR is seriously flawed in its outdoor water use pronouncements and should not be accepted due to the materiality of this error. The draft EIR states “...the County estimates that general cannabis cultivation water demand is 0.03 gallons per square foot of canopy per day for outdoor operations...” This was a gross misrepresentation and materially incorrect. – Page 17 of section 3.0.2 of the draft EIR states “For outdoor cultivation, the study reported 0.03 gallons of water used per square foot of canopy per day.” This was a gross misrepresentation of the findings in the Humboldt Growers study. This mistake or intentional misrepresentation in the draft EIR is alarming. 0.03 gallons is about ½ cup of water per square foot per day. This obviously cannot be correct. A cannabis plant cannot possibly be grown to maturity outdoors over six months in the spring and summer on ½ cup of water a day per square foot of canopy, which is about 6 to 8 square feet according to the draft EIR. This was either a shocking calculation error or an intentional misrepresentation. I am disturbed to know that this draft EIR was prepared with this misinformation, then proofread by many people, then repeated at least nine times throughout the draft EIR, and no one questioned it!

The problem stems from the fact that the Humboldt Growers’ study for outdoor grows was based on water usage per plant, and the draft EIR preparer incorrectly converted it to water usage per square foot of canopy. The draft EIR preparer used a ridiculously large 144 square feet of canopy per plant in this draft EIR! This was because the growing method used for the outdoor control group in the Humboldt Growers study was, as stated in their newsletter, “1 clone per pot on 12’ ft. centers. (each unit area taking 144 sq. ft.)”. The calculations per the draft EIR are below.

Gallons for one outdoor cannabis plant to maturity	787 gallons	Per Humboldt Growers study
Number of days to maturity	÷ 180 days	
Gallons per day	= 4.375 gallons / day	
Square feet of canopy per plant (12 ft 12 ft)	÷ 144 sq ft	Computed in County EIR
Gallons per day per square foot of canopy	= 0.03 gallons / day / sq ft	

It was an outrageous assumption that only one plant will be grown in 144 square feet of canopy in Santa Cruz County, like the test plot in Humboldt County. Again, Appendix D stated repeatedly that it “assumes 6 - 8 sf per plant for outdoor and greenhouse grows”. Using an 8 square foot canopy per plant, 18 plants would grow in 144 square feet of canopy, not one plant. Therefore, water usage would be 18 times higher, or 0.55 gallons per day per square foot of canopy, not 0.03 ($0.03 \times 18 = .55$). Stated another way, the 4.375 gallons of water per day is what it took to grow one outdoor plant to maturity, and assuming a 8 foot canopy for that plant, that computes to the same 0.55 gallons per day per square foot of canopy ($4.374 \div 8 = .55$). This is close to the .75 gallons per day per square foot of canopy in the research article by the scientists from the California Department of Fish and Wildlife and the National Marine Fisheries Service which this draft EIR dismissed as excessively high.

3. *The draft EIR is biased in its indoor or greenhouse water use pronouncements, and should not be accepted for this reason. The Humboldt Grower study by Milewide Nursery in Humboldt County was conducted to support their position that a very specific greenhouse cultivation method could minimize water use, but obviously not every indoor cannabis grower in Santa Cruz County will use that method – The Humboldt Grower, as noted in the draft EIR on page 16 of section 3.0.2, said “Cannabis does not have to impact the aquifer during the dry months. The traditional method is at peak water consumption from August to October – the driest months of the year. The greenhouse light deprivation method does not consume any water during these months. Humboldt County can raise cannabis quality dramatically and cut water use in half by moving towards light deprivation greenhouse growing.” This Humboldt Growers study was conducted to support their position that this light deprivation greenhouse cultivation method (a 3 month crop in a greenhouse from April 15 to July 15 in beds of 5 ft wide, 5 ft long, 8 inches deep, with 6 plants per bed) would use less water than growing a 6 month crop outside. Clearly, not every cannabis grower in Santa Cruz County will use this very specific method. Therefore, this study is not a valid comparison for Santa Cruz County cannabis water usage for indoor or greenhouses grows.*
4. *The cumulative impact for water use is incorrect because of the calculation error or intentional misrepresentation–The cumulative impact analysis for water usage, MM Hydro 2.1 and 2.2 concluded that the impact will be less than significant with mitigation. Both the impact and the mitigation measures were based on significantly false and biased data and need to be reassessed based on correct data.*
5. *Actual metered water usage should have been presented in the draft EIR- The draft EIR said in Table 3.9-4 that 263 license applicants are on municipal water systems. Why wasn’t their metered water usage presented in the draft EIR? That may be the most accurate representation of actual water usage by the cannabis industry in Santa Cruz County. Since water usage is such a crucial factor, that data should have been collected*

by the County for those growers on metered systems, and maybe it was but just not included in the EIR.

II. CURRENT PRODUCTION AND CURRENT DEMAND

Comment: The cumulative environmental impact assessed in this draft EIR is deficient because it did not disclose: 1) the baseline volume of cannabis currently grown in the County, even though an estimate was available; and 2) the fact that a large majority (up to 90%) of the cannabis grown or manufactured in the County is exported.

1. *The draft EIR made no attempt to disclose or estimate the volume of cannabis grown annually in Santa Cruz County* – This draft EIR completely sidestepped a discussion of the baseline volume of cannabis currently produced. Disclosing an estimate of the number of plants grown or pounds of cannabis produced would allow the reader to draw more informed conclusions regarding increased environmental impact. A section titled Existing Cannabis Cultivation and Manufacturing on pages 2-17 through 2-24 of chapter 2 spends seven pages on generic baseline information such as general location, type of growing method, water source, etc, but manages to ignore on the current volume of cannabis cultivation in the County. The only information I could find exposing the estimated volume of cannabis currently grown in the County was the registrants' canopy size presented on page 10 of Appendix D, but this limited piece of information did not allow for any meaningful comparison to future allowed cultivation levels. The draft EIR cannot truthfully and adequately assess the cumulative impact of the proposed cultivation levels without disclosing the current baseline production volume, and is therefore insufficient.
2. *An estimate of the annual volume of cannabis grown in the County was available, but was excluded from the draft EIR*–As stated above, the draft EIR is deficient because an estimate of the baseline annual volume was not included, but that information was available at the time the draft EIR was prepared. A few weeks after the draft EIR was released, the Cannabis Licensing Manager responded to Supervisor Coonerty's questions. Her memo dated October 23, 2017, was included with item #36 in the Board's agenda packet on October 24, 2017. One of the Supervisor Coonerty's questions was "What is the estimate for how much cannabis is cultivated, manufactured and/or sold locally?" The Cannabis Licensing Manager's response began by stating "While registration data indicates about 244,620 pounds of cannabis per year are grown within Santa Cruz County, this data is likely under-reported as not all cultivators registered or reported their operation size..." I understand and agree that this volume is probably under-reported, but would still have been extremely valuable information to include in the EIR. It should have been included in the draft EIR with the caveat that the estimate was flawed and the actual volume could be double or triple (or whatever multiple) of that amount. I contend that this information was intentionally excluded from the draft EIR because the 244,620

pounds (or double or triple that amount) did not compare favorably to the 8,408,389 pounds estimated as the minimum allowed under the proposed program, or the 26,637,433 pounds estimated as the maximum allowed under the more permissive program (Appendix D, page 3).

The 244,620 pounds was an estimate using registration data, and did not include any data from those who did not register, but the estimates of volume quoted in the draft EIR allowed under the proposed programs do not include unlicensed cultivation either. So if the 244,620 pounds estimated by the Cannabis Licensing Manager had been adjusted to add an estimate for the license applicants who did not report their volume, it would have been a valid comparable to the allowed future volume estimated in the draft EIR since they both exclude unlicensed (i.e. illegal) grows. Even if the 244,620 pounds was under-reported by the registrants by a factor of four, and the actual current volume was closer to one million pounds, it still does not compare favorably to 8+ million pounds or 26+ million pounds allowed under the projects. I believe that this is the real reason why the information was not disclosed in the EIR.

3. *The draft EIR also did not disclose the fact that a large majority (up to 90%) of the cannabis grown or manufactured in the County was exported –* In the Cannabis Licensing Officer's October 23 memo, she answered the last part of Supervisor Coonerty's question by stating "...a large majority of the cannabis grown and/or manufactured in Santa Cruz County is exported (some estimates indicate up to 90%)..." Her memo also stated that the demand at the local dispensaries is "...about 24,000 pounds of cannabis sold, which is also about 10% of what registrants claimed they were growing. Though again, we do not believe this is the most reliable data." The data may not be the most reliable, but it is probably not that far off either. The pounds grown locally and the pounds sold locally through dispensaries are probably both underreported, so it is not unreasonable to assume that the 90% export ratio remains fairly accurate, although the actual pounds may be underreported. Furthermore, the draft EIR states on page 2-51 that "California is understood to produce much more cannabis than can be consumed in-state", which again support the fact that most of local cannabis is exported. This information absolutely should have been included in the draft EIR. Citizens have the right to know that up to 90% of the cannabis currently grown in our county is exported out of the area. Program objective #5 of the cannabis Program is to "Encourage the cultivation and manufacturing of high quality local cannabis products that meet the demand..." This goal was designed to sound like the County has difficulty meeting the demand for cannabis. When I learned that current cannabis production meets current demand ten times over, I was offended by the tone of this Program objective. The environmental degradation associated with the increased volume of cannabis up to 50 or 100 times higher than current levels may not be tolerable to citizens if they know it will

be mostly exported. Again, the draft EIR is deficient in this regard as it did not include this crucial information.

III. IMPACTS DUE TO ADVERSE EFFECTS ON EXISTING COMMUNITIES

Comment: The draft EIR concluded that commercial cannabis cultivation and manufacturing under the Program could cause adverse effects to existing communities, but the impacts would be insignificant. The draft EIR is deficient because it: 1) did not adequately analyze the environmental impacts of residential neighborhoods, 2) incorrectly assessed the impacts on residential neighborhoods with significant numbers of RA and SU parcels.

1. *The draft EIR did not adequately analyze the environmental impacts on residential neighborhoods* – There was surprisingly little in the draft EIR about the environmental impacts on local neighborhoods, or “existing communities” as they are called in the draft EIR. Neighborhoods or existing communities are mentioned briefly in just two impacts: #LU-2 and LU-3. The primary objectives of this Program mention neighborhood protection in two of them: Objective #7 seeks to ensure compatibility with residential neighborhoods, and objective #9 seeks to avoid degradation of the neighborhood character. Since these are primary objective of the Program, there should have been much more robust discussion and analysis of the environmental impacts on our neighborhoods. The draft EIR does not adequately address the environmental concerns of residents living in the neighborhoods or existing communities in the rural areas, and is therefore deficient in this regard. I find it offensive and unfair that the residential neighborhoods near the coast are protected under this Program, but the very real neighborhoods in the rural areas are offered up as a sacrifice zone.
2. *The draft EIR assessed the environmental impacts on residential neighborhoods under the Program as less than significant, which I believe is an incorrect assessment* – The draft EIR states on page 3.10 36 (Section #3.10.6.2, Program Impact LU-2) “Commercial cannabis cultivation and manufacturing under the Program could cause adverse effects to existing communities due to increases in traffic, odors, noise, or other quality of life issues. Impacts would be less than significant.” Residents living in the existing communities certainly might find that the environmental impacts are significant and unavoidable once a cannabis operation gets going next door, in spite of the fact that the draft EIR assessed the impacts to be less than significant.

The cannabis Program proposes to allow cultivation and manufacturing on parcels zoned as RA. This conflicts with current applicable land use plan, policy and regulation for residential zoned parcels. RA zones are included in County Code Section 13.10.321, Residential Districts Purposes, along with all the other residential zones: RA, RR, R1, RB and RM. RA zones are residential zones, yet they are the only residential parcels where

commercial cannabis cultivation and manufacturing will be allowed under the proposed cannabis Program.

County Zoning Code lists the reasons that residential districts are included in the zoning ordinance:

- “(1) To provide areas of residential use in locations and at densities consistent with the County General Plan.
- (2) To preserve areas for primarily residential uses in locations protected from the incompatible effects of nonresidential land uses.
- (3) To establish a variety of residential land use categories and dwelling unit densities which provide a choice of diversified housing opportunities consistent with public health and safety.
- (4) To achieve patterns of residential settlement that are compatible with the physical limitations of the land and the natural resources of the County and that do not impair the natural environment.
- (5) To ensure adequate light, air, privacy, solar access, and open space for each dwelling unit.
- (6) To maximize efficient energy use and energy conservation in residential districts, and to encourage the use of locally available renewable energy resources.
- (7) To provide adequate space for off-street parking of automobiles.
- (8) To provide areas of residential use consistent with the capacity of public services, the urban services line and rural services line and the reserve capacity policy of the Local Coastal Program Land Use Plan for tourist services. To minimize traffic congestion and avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
- (9) To protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such as fire, explosion, or noxious fumes.”

Residential goals 2, 4 and 9 listed above mention residential environmental impacts. These goals would be violated by allowing commercial cannabis cultivation and manufacturing on residential parcels zoned as RA. The draft EIR shows on page 3 of Appendix D that 1,147 parcels zoned as RA would possibly be subjected to cultivation under the cannabis program, and 3,337 parcels under the more permissive program (18% and 37%, respectively, of the total number of parcels potentially subject to cannabis cultivation). An analysis of impacts specifically on residential neighborhoods with these significant numbers of RA parcels definitely should have been included in the draft EIR. The draft EIR is deficient because it did not discuss that RA parcels are primarily residential and did not recognize that the cannabis Program would definitely have negative environmental impacts on residential communities with significant numbers of RA parcels.

Furthermore, the County apparently concluded that residents living on parcels zoned as RA and SU needed to be protected when they enacted the cannabis dispensary ordinance. Dispensary licenses are only allowed on parcels zoned as PA, C1, C2, C4, or CT (not RA or SU) and prohibited a dispensary from operating within 300 feet of any parcel zoned RA, RR, R1, RB or RM (County Code Sections 7.130.110 (1) and (3) respectively.) This was not disclosed or discussed in the draft EIR. Nor was it discussed why cannabis activities were considered unsafe or hazardous to residents living on RA and SU parcels when the dispensary ordinance was written, but are not unsafe or hazardous to those same residents under the cultivation ordinance.

Parcels zoned RA and SU should not be subjected to cannabis cultivation because of the adverse effects to these existing communities (and they are very real residential communities) due to increases in traffic, odors, noise, or other quality of life issues. Impacts would be less than significant.

IV. SIGNIFICANT AND UNAVOIDABLE IMPACTS DUE TO UNREGULATED CANNABIS CULTIVATION AND MANUFACTURING

Comment: The County would need to adopt a Statement of Overriding Considerations describing the economic, social or other benefits the Board considers sufficient enough to override these potential environmental impacts of a more permissive program over a less permissive program on the health, safety, peace and tranquility on dozens of residential neighborhoods and many thousands of citizens.

Page ES 6 says “Further, this EIR programmatically analyzes the secondary impacts of the Program on changing and expanding unregulated and unlicensed cannabis cultivation and manufacturing in the County. Secondary impacts of the Program would create significant and unavoidable impacts to all resource areas analyzed in Chapter 3, Environmental Impact Analysis, except for aesthetics and visual resources.....and could therefore cause significant adverse impacts due to practices such as not following grading restrictions and causing erosion, using chemicals hazardous to biological resources, diverting streams and causing water supply and quality issues, and using diesel generators that contribute to air pollution and GHGs.” The key words here are significant and unavoidable impacts from new or increased unregulated cultivation and manufacturing under the Program. This statement is made repeatedly throughout the document. Obviously, the more permissive the Program, the greater the environmental impact.

Page ES 4 says “If the Program is approved with significant and unavoidable impacts, decision-makers are required to adopt a Statement of Overriding Considerations pursuant to CEQA Section 15093 explaining the specific reasons why benefits of the Program outweigh the potential damage caused by these significant unavoidable impacts.”

What specific economic, social or other benefits would the Board consider sufficient enough to override these potential environmental impacts of a more permissive program over a less

permissive program on the health, safety, peace and tranquility on dozens of residential neighborhoods and many thousands of citizens.

V. POLICE PROTECTION

Comment: The assessment of the impact on the demand for police services in PS-1 and PS-2 is “less than significant”. The draft EIR is deficient in this assessment because: 1) it incorrectly asserts that existing police staffing levels are currently adequate; 2) it is in direct conflict with assessment made in impact PS-3 that the demand will be “significant and unavoidable”; and 3) it is based on the assumption that code compliance officers will alleviate demand for police protection.

The draft EIR concludes on page 3.11-14 under the chapter on Public Services that the direct impact on the police protection will be “less than significant”. There is no evidence provided in the draft EIR to support this conclusion, and in fact, all the evidence supports a conclusion of a more significant impact. This assessment of the impact is not based on the facts and is purely speculative.

1. Page 3.11-14 claims “As described in Section 3.11.2, existing police staffing levels are currently adequate...” This is not true. Section 3.11.2 says no such thing. Additionally, I have lived in Santa Cruz County for 30 years and worked for the County of Santa Cruz for 15 of them, and I have never met a member of the Board of Supervisors, an elected Sheriff or Deputy Sheriff who would agree that staffing levels are currently adequate. Every year during budget hearings, the Sheriff makes a pitch (often successfully) for more officers, and reiterates this request repeatedly throughout the year.
2. Impact PS-3 says “Unregulated commercial cannabis cultivation and cannabis product manufacturing under the Program could increase demand for fire protection, police protection, public schools, parks, libraries, and other public facilities. Impacts would be significant and unavoidable.” This is in direct conflict to the conclusion that the demand for police services in PS-1 and PS-2 will be “less than significant”. Some of the impacts mentioned on page 3.11-14 include the potential for crime due to the high-value of cannabis, potential for youth to gain illegal access, calls for responses to noise complaints, driving while under the influence, security concerns, and public transportation safety concerns. With these public safety threats, it is obvious that the demand for police protection will increase significantly, even when one excludes unlicensed grows.
3. It also states on page 3.11-14 that “...the Program includes implementation of a new division within the County dedicated to regulating cannabis production, which includes code compliance officers, alleviating some demand for police protection.” This is also not true. I have worked for local government for nearly my entire career, and I know that code enforcement employees perform a very different service than a sworn law enforcement officer does. There is nothing like a badge and a gun when dealing with the types of law enforcement challenges mentioned throughout the draft EIR. Code enforcement employees

do not replace the level of protection that sworn officer provide, and to assume that code enforcement will alleviate the need for police protection when dealing with these serious public safety issues is purely speculative and wishful thinking.

V. PROGRAM IS REGULATION-BASED BUT COUNTY CODE ENFORCEMENT IS HISTORICALLY VERY WEAK

Comment: The conclusions derived in the draft EIR regarding the environmental impacts of almost all of the areas of concern were based upon mitigation measures which assume a sustained code enforcement program. This is a thoroughly invalid assumption. The draft EIR should have made its assessment of environmental impacts based upon a minimal or non-existent code enforcement program which has been the County's history. The code enforcement mitigation measures recommended in the draft EIR should not be relied upon because they are: 1) just a recommendation and not a requirement in the ordinance; 2) subject to reduction or elimination by the Board of Supervisors at any time; 3) undermined by the unique "No Duty to Enforce" language used in the ordinances; 4) require a level of compliance activity many times higher than the current level, which was just 31 in 2016; and 5) completely counter to past practice which is to require a citizen complaint to initiate an enforcement action.

This Program describes itself as a regulation-based program. The title of the program is the "Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program".

Two of the primary mitigation measures mentioned many dozens of times throughout the draft EIR are MM AT-1.3a and b. Mitigation Measure AT-1.3a, the Sustained Enforcement Program, (which I counted being referred to 64 times in the draft EIR) recommends: "To address continued unlicensed cannabis cultivation within the County ... the Cannabis Licensing Office... shall recommend to the Board of Supervisors an Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program. The enforcement program shall have sustainable funding and feasible implementation within the first year of adoption of the proposed Program to address enforcement of unlicensed cannabis cultivators and manufacturers. The funding and implementation program shall be subject to approval by the Board of Supervisors. Within two years of adoption of the proposed Program, funding shall be determined with assistance from the Annual Survey and Monitoring Report described in MM AT-1.3b and appropriately balanced with other County and/or local community priorities to provide a feasible level of funding for an effective ongoing enforcement program." Mitigation Measure AT-1.3b, Annual Survey and Monitoring Report, uses similar language to recommend an annual survey.

These mitigation measures sound nice, but given the County's well known lax code enforcement history, they should not be relied upon as the primary reasons why many of the environmental impacts are assessed as "less than significant" with or without mitigation. This draft EIR bases many of its impact assessments on these two mitigations, which is a serious flaw for the following reasons:

1. These mitigations are just recommendations that the Cannabis Licensing Office shall make to the Board of Supervisors. The Board can accept it or reject it. They do not carry the force of law since there is no requirement in the actual proposed ordinance to have any cannabis code enforcement program, much less a sustained, well funded and effective one.
2. The entire proposed enforcement program is subject to budgetary constraints and political shifts at any time. There is absolutely no guarantee that code enforcement will be sustained at a genuinely effective level in the near future or over the long term.
3. The proposed Cannabis Cultivation Ordinance ends with section 7.128.150 which reads: "No duty to enforce. Nothing in this chapter shall be construed as imposing on the Licensing Official or the County of Santa Cruz any duty to issue a Notice of Violation, nor to abate any unlawful cannabis business activity or cultivation, nor to take any other action with regard to any unlawful cannabis business activity or cultivation, and neither the enforcing officer nor the County shall be held liable for failure to issue an order to abate any unlawful cannabis business activity or cultivation, nor for failure to abate any unlawful cannabis business activity or cultivation, nor for failure to take any other action with regard to any unlawful cannabis business activity or cultivation." The Cannabis Manufacturing Ordinance ends with almost identical language.

It is clear to me that, with adoption of this language in this ordinance, the County is sending a signal to the cannabis cultivation and manufacturing community that they do not intend to rigorously enforce the regulations in the ordinance. This language is not used in any other chapter or section of the Santa Cruz County Code. Not in the Health and Safety chapter, not in the Public Peace, Morals and Welfare chapter, not in the Building Regulations chapter, not in the Environmental and Resource Protection chapter, and in no other section of the Planning and Zoning Regulations chapter. The only way this "not duty to enforce" language can be interpreted is that the County has no intent to enforce.

4. Code enforcement activity against environmentally destructive illegal cannabis grows has been lackadaisical at best. Data provided in the draft EIR proves this point. Page 2-18 says that in 2016, the County conducted 31 active enforcement cases and is aware of 97 potential cases based on aerial photography. Page 2-22 contracts this a little by saying "...there are 200 known cannabis sites based on research of aerial photography, code enforcement case data, and other visual observations conducted by county enforcement staff case data." The draft EIR states many times that the County Sheriff's Office estimates at least 1,800 cultivation sites exist, and could be up to 10,000 cultivators or manufacturers located throughout the County. The fact that the County Code Enforcement office had only 31 active enforcement cases out of 1,800 or 10,000 highlights my point that Code Enforcement of cannabis-related environmental damage is

not a priority for the County. There is no reason to assume that it will all of a sudden become one.

5. The County's official position regarding code enforcement for many years was that they only investigate violations that are reported by a citizen, who is required to identify themselves. This position was changed about four years ago, at least on paper, but doubt that actual practice has changed. Additionally, at least up to two years ago, the official policy in the Sheriff's Office was also that they could only investigate a cannabis grow if a citizen reported it to them, no matter how obvious or egregious it was. This policy may have changed within the last two years. This further supports the inconvenient truth that Santa Cruz County does not prioritize code enforcement actions against cannabis activities.
6. One just has to look at recent newspaper articles to see that County code enforcement has been insufficient. One recent incident is the outrageous property near Bear Creek Road where the Bear Creek fire started. I understand that the fire did not start as a direct result of a cannabis operation, but the backstory that was widely reported, including in the Santa Cruz Sentinel newspaper, is that the County had a record of regulatory complaints on that property dating back to 1993, yet it was not required to be cleaned up and remained an epicenter of criminal activity until the fire.

VI. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Comment: The draft EIR does not sufficiently explain how and why the More Permissive Program is considered the more environmentally superior alternative.

The alternative that is being recommended in the draft EIR is the More Permissive Program based on the assumption that “the County could potentially accommodate larger and more numerous commercial cannabis cultivation sites, which would increase the number of properties within the County that would be eligible for a license to operate consistent with County regulations.” As I discussed in Section II above, somewhere in the neighborhood of 244,620 pounds (or maybe double or triple that amount) is currently cultivated by the people who applied for licenses. This would balloon to possibly 26,637,433 maximum allowed pounds estimated under the More Permissive Program.

Furthermore, Impact LU-3.1, Secondary Cultivation/Manufacturing, says: “Commercial cannabis cultivation and manufacturing under the Program would potentially conflict with an applicable land use plan, policy, or regulation, an adopted habitat conservation plan in the County, or cause adverse effects on existing communities. Impacts would be significant and unavoidable.” There are numerous other impacts addressing other environmental issues in other sections of the draft EIR that make this same conclusion about “significant and unavoidable” impacts.

The draft EIR does not sufficiently explain how and why the More Permissive Program, which would expand cannabis cultivation and manufacturing by literally hundreds of times larger than

current production, and cause “significant and unavoidable” adverse effects on communities and the environment, is considered the more environmentally superior alternative. It is nonsense, and is not supported by fact or reason.

Respectfully,



Mary Jo Walker

From: ["Mary Jo Walker" <mwalker@cruzio.com>](mailto:mwalker@cruzio.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 9/12/2017 12:36:21 AM
Subject: Re: A few problems with the Cannabis EIR website links

Hello again,
Those two problems have been resolved. Thank you.

Just FYI, I find Appendix C very difficult to follow. It is probably not allowed to change anything at this point, but if you can, I would suggest it. Here are my comments on just the readability of Appendix C:

1. The title "Program amendments" isn't intuitive. A better choice would be something like "Ordinance and General Plan Amendments". I know that the Exec Summary refers to Appendix C, but this is a massive document and every little bit of clarification is appreciated since most citizens are not going to have the time to read the whole thing. I was looking for the proposed ordinances, but this title did not indicate they were here.
2. It isn't clear to me what the pages are that immediately follow the 22 page ordinance amending Chapter 7.132. I think it has to do with amendments to Chapter 13.10, but there is no heading on that page.
3. There appear to be 4 different groups of pages all related to amendments to Chapter 13.10, but it isn't clear from the way it is laid out. There is the 7 page document that includes the charts, the 2 page document regarding home occupations, the 5 page document regarding manufacturing, and the 7 page proposed ordinance itself. I am not a Planner, but I have read and analyzed many thousands of pages of existing and proposed ordinances, but I cannot follow what this part of this Appendix is doing. Some better headings or more detail in the table of contents would make this understandable. Or better yet, a whole redraft of that part of Appendix C to make it more cohesive.
3. I believe that last 2 pages of the Appendix are changes to the General Plan, but it is not labeled in any way. A descriptive heading at the top of the first of the 2 pages would be nice.

My 2 cents worth.
Mary Jo Walker

From: CannabisEIR
Sent: Monday, September 11, 2017 4:21 PM
To: [Mary Jo Walker](mailto:mwalker@cruzio.com)
Subject: RE: A few problems with the Cannabis EIR website links

Try again now, Mary Jo. I think we have cleared up those issues.
Matt

From: Mary Jo Walker [mailto:mwalker@cruzio.com]
Sent: Friday, September 08, 2017 10:18 PM
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Subject: A few problems with the Cannabis EIR website links

Hello Cannabis staff,
I was looking at the cannabis EIR and found a few problems I hope you will resolve quickly.

Section 3.1, Aesthetics and Visual Resources, gives the following error when I click the link:

Server Error

404 - File or directory not found.

The resource you are looking for might have been removed, had its name changed, or is temporarily unavailable.

Section 3.10, Land Use Planning, (one of the sections I was most interested in reviewing) gives the following error when I click the link:

Error
Failed to load PDF document.

Thank you for your attention to this.
Mary Jo Walker

From: ["Masako Almquist" <mkalmquist@gmail.com>](mailto:Masako.Almquist@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/18/2017 4:38:26 PM
Subject: Illegal Marijuawa farm at 17100 Old Ranch Rd

Mr. Matt Johnson,

I am writing this letter to express my concerns regarding my next door neighbor; Mr. Chris Vaughan's illegal marijuana farm operation (17100 Old Ranch Rd, Los Gatos, CA 95033).

My husband and I already had conversation directly with Mr. Vaughan numerous times, and expressed our concerns regarding his marijuana farm; however he simply ignores us or gave us fake information. In fact, he lied to us by providing a copy of "application form" trying to convince us that he has a license. We found out he does not have license to operate a marijuana farm through our neighbors who are also concerned and has reached to a county officer.

Mr. Vaughan simply does not care about endangering the welfare of surrounding neighbors, but rather wants to pursue his own selfish agenda.

The reasons we are concerned about his marijuana farm are:

***Fire hazard**-Chris and his tenants/ pot farm workers operate the place unsupervised (electrical, etc), also his tenants kept throwing cigarettes buts on the road from the cars - I kept finding them while my walk with our dog. We live in heavily vegetated area of Santa Cruz Mountains.

***Security and safety concern**- We started sighting many new visitors, most of them appear to be non-residents, and our road is a "private road"

***Noise**- Chris's workers have lifestyle of "work late nights, and sleep day time" due to their drug use. We hear machine tools running late nights.

Mountain fire is a big topic right now. Our road (Old ranch Rd) is very close to Summit Rd and HWY 17, if the fire starts at our road, it would **a huge threat to the community** not just our area, but the whole entire Bay Area. I am sure you are aware what caused the big mountain fire in 2016 (Loma fire). The officials announced that marijuana farm was the cause to destroyed 12 homes and over 4400 acres. I think it's about time to learn from the lesson, and prevent.

<http://www.mercurynews.com/2017/08/10/generator-from-pot-grow-caused-2016-loma-fire-officials-say/>

Please accept my request to stop Mr. Vaughan's marijuana farm operation.

I am going to include this email to our Old Ranch Road Association, County Cannabis Licensing Officer, and forwarding to officers at Cal Fire Protection Department.

Sincerely,
Masako Almquist
408-832-3802

From: ["Matt Groves" <mattgroves12@gmail.com>](mailto:Matt Groves <mattgroves12@gmail.com>)
 To: CannabisEIR <CannabisEIR@santacruzcounty.us>
 Date: 10/31/2017 2:57:26 PM
 Subject: Santa Cruz County EIR Comments
 Attachments: Draft EIR Comments - RE Setbacks.pdf

Dear Santa Cruz County Planning Department,

We are writing you today to submit our comments to the Draft Environmental Impact Report (EIR), specifically regarding how setbacks for drug treatment facilities are treated.

We are of the opinion that drug treatment facilities should be treated the same as habitable structures when determining the setback calculation. We recognize the need to keep controlled substances away from people who are recovering from substance abuse problems; however, measuring the setback distance based on property line to property line is unduly punitive for several reasons, and we believe the setback should be measured as the distance of the drug treatment facility from the cultivation area. Our reasoning is outlined in the attached document, and summarized below:

- In an agricultural county parcels can be quite large, and measuring the setback as property line to property line could exclude many otherwise suitable parcels where the cultivation area could be thousands of feet away from the drug treatment facility or property line of the drug treatment facility
- Marijuana that is grown indoors or in mixed light greenhouses should have minimal to no impact on the drug treatment facility, considering the smell mitigation measures that are being contemplated in the draft EIR. There should be exceptions to the setback requirement based on cultivation methodology.
- There are going to be extensive security protocols in the final legislation, and all cultivated areas will need to be secured or fenced in. Given that the drug treatment facility property line is the furthest a patient could venture without trespassing, and that the cultivation area will be heavily secured, a 300 to 600 foot setback from property line to property line is more than is needed to prevent trespassing from or distraction to recovering drug patients. 200 feet is consistent with the existing commercial agriculture buffer distance within which no habitable structure can be constructed adjacent to CA zoned property. The existing 200 foot CA buffer is already written in to county code and should be satisfactory to protect all neighboring uses except schools.
- Zoning should be taken in to account when determining setbacks, as Commercial Agriculture (CA) zoned land is imbued with the Right to Farm. Cultivation should be guided to CA land as this is the most desirable area for the County to concentrate cultivation. There should be exceptions to agricultural zoned land, where cultivation complies with the General Plan.
- If drug treatment facilities setbacks must be measured by property line to property line, the setback requirement should be reduced from 300-600 feet to 100-200 feet consistent with the "Project" and "More Permissive Project" EIR recommendations habitable structure setbacks. As aforementioned, 200 feet is consistent with the existing commercial agriculture buffer distance.

The above points and attached comments letter are endorsed by the individuals / companies below. We greatly appreciate your time considering these issues.

Sincerely,

Matt Groves - Green Bear Organics
 Aziz Nashat - Green Bear Organics
 Jake McCuen - Green Bear Organics
 Hope Barajas - Green Bear Organics
 David Doriot - Lifted, Elevated Edibles
 Angela Evans - Lifted, Elevated Edibles
 Alex Miller - Lifted, Elevated Edibles
 Fraeja Doriot - Lifted, Elevated Edibles
 Evan De Sieyes - de Sieyes Brothers LLC
 Nick De Sieyes - de Sieyes Brothers LLC

To Whom it May Concern,

We would like to take this opportunity to thank you for your diligent work on the draft Environmental Impact Report (EIR) for cannabis cultivation and manufacturing in Santa Cruz County. We realize this is a very complicated and contentious issue, and we applaud the Planning Department for your efforts to develop legislation that allows for commercial cannabis cultivation while preserving the character of Santa Cruz County. We are also very appreciative of your efforts to ensure safe access to medical cannabis for patients across the county.

We are writing to you today to express concern regarding the setback requirements as they exist within the current draft ordinance as well as draft EIR for cannabis cultivation in Santa Cruz County. We understand that various setbacks and zoning requirements are necessary to preserve the character of neighborhoods in the county, and to keep cannabis cultivation away from children, parks, and public areas. We also want to make sure that the proposed setbacks are legislated in a way that achieves the aforementioned goals without unnecessarily eliminating prime cultivation parcels. Our concern lies with the way in which the setbacks will be measured, specifically with regard to drug rehabilitation treatment centers. The setback to drug rehab treatment facilities should be measured in a way that will ensure that the purpose of the legislation itself is served, that will allow for the highest and best use of agricultural land, and will generate the maximum amount of tax revenue for Santa Cruz County.

We understand and agree that the county should regulate the distance from a cultivation site to a drug rehab facility. The purpose of this legislation is obvious: to keep the production of a controlled substance away from people who are recovering from a substance abuse problem. While cannabis has been shown to help people recovering from opiate painkiller addictions, we still recognize a need to keep rehab facilities away from cannabis production facilities. Despite this fact, a 300 foot ("most permissive project") to 600 foot (original "project") setback from the property line of the rehab facility to the property line on which cannabis is to be cultivated is unnecessarily restrictive and does not further the goal of the legislation. In an agricultural county, where individual parcels can be quite large, a more adequate measurement would be from the property line of the rehab facility to the edge of the cultivation area itself, similar to how habitable structure setbacks are treated in the draft EIR. The current draft ordinance already requires that any cultivation area is secured, either within a fully-enclosed building, or within a secured, fenced area. Since this secured cultivation area is really the area of concern on the parcel, the purpose of the legislation would be better served by measuring the setback distance from the property line of the rehab facility to the border of the cultivation area. Practically speaking, the property line of the rehab facility is the furthest point that any participant in the rehab program could be expected to wander without trespassing, and the edge of the cultivation area is the closest point at which anyone could be expected to encounter cannabis in any of its forms. Given this, a 200 foot setback would be more reasonable and is consistent with the existing commercial agriculture buffer distance within which no habitable structure can be constructed adjacent to commercial zoned property. This 200' foot CA buffer written into county code should be satisfactory to protect all neighboring uses except schools and setback requirements for commercial agriculture zoned parcels should be existing with this existing buffer. The purpose of this legislation is to keep people participating in a rehab program away from cannabis, this measurement would serve the purpose of the legislation without being overly restrictive.

Santa Cruz County has a long history as a prime agricultural area. Much of the land within the county previously used for agricultural purposes has been changed over to other uses as the value of various crops has dropped over the last few decades. Cannabis provides an opportunity to bring back agriculture as the "highest and best use" for at least some of this disused farm land. The high value of cannabis will also allow for large investments in this land, which will improve the infrastructure available for farming within the county. Companies that desire to make these investments in commercial agriculture (CA) zoned properties should be allowed to do so, especially in areas in which the general plan is "agricultural." It is very important that setback rules are not unnecessarily restrictive to ensure that these prime farming parcels are returned to their highest and best use. Creating a setback for drug treatment facilities that is measured from property line to property line would eliminate a number of these parcels from the licensing process, thereby devaluing the land and likely keeping it from returning to an agricultural use. Using the edge of the cultivation area itself as a starting point for measuring the distance to the property line of the treatment facility would allow these parcels to be used as intended, for agricultural production, as well as be consistent with the existing 200' CA buffer measurement.

For a number of reasons, CA-zoned property is the most attractive for cannabis cultivation, from the perspective of both the cultivator and the county. The reason for this is simple: larger canopy allowances on CA land mean larger profits for a cultivator and larger tax revenue for the county. The maximum canopy allotment for CA-zoned property is more than double that of other, non-commercial zones, which obviously means the revenue potential for the county is also double. This means, from a revenue standpoint, a CA parcel is more than twice as valuable as a comparable A, RA, or SU parcel. For this reason, special care must be taken not to eliminate CA-zoned parcels as potential cannabis cultivation sites. Overly restrictive setback rules with regard to drug rehab facilities will eliminate a number of these CA-zoned parcels, and with them a substantial amount of revenue for the county.

We appreciate your time and attention on this matter. As mentioned above, we understand the complexity of the job before you and would like to express our sincere gratitude for your work on this legislation. Through this legislation, the board has an opportunity to ensure the emergence of a legitimate, responsible industry that is equipped to bring both jobs and revenue to Santa Cruz County. In order to do that, we must make sure that standards are applied fairly and that they further the purposes of the legislation in question. Specifically, we need to make sure that overly restrictive definitions for setbacks do not eliminate parcels that could be a productive part of this industry without due cause. With regard to setbacks from drug treatment facilities in particular, a narrow definition of the boundaries of the treatment facility and the cultivation area will help ensure these parcels are not unduly eliminated. Including these parcels will help return prime farm land to its highest and best use, while simultaneously ensuring a beneficial tax base for the county.

We can only support the **No Project Alternative** in the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program Draft EIR, for the following reasons:

- Neither the Commercial Cannabis Cultivation and Manufacturing Regulation and Licensing Program nor Alternatives 1 and 2 would meet the following Program Objectives:

Objective 2 Minimize unlicensed activities

There is no evidence that Program or Alternatives 1 and 2 would *decrease* unlicensed cannabis activities. Permitted cultivation and manufacture would be **in addition to** current and future unlicensed operations, **not instead of**. In other words, there will most certainly be more unlicensed operations, large and small.

Objective 5 Meet the demand for local cannabis products

The current demand for cannabis products *far exceeds local production capacity*. There will always be unlicensed cannabis cultivation and manufacturing to meet demand *with the lowest possible cost to producers*.

Objective 6 Increase County tax base

Because the total cannabis grows, both legal and illegal, will increase, the costs of management and enforcement of new cannabis regulations would exceed any increase in the county tax base.

Objective 10 Support public health and safety

There is no analysis in the EIR of public health and safety impacts of County promotion of increased production and consumption of cannabis and cannabis products.

- The County would be promoting the cultivation and manufacture of a mind-altering drug, with attendant liabilities for its impacts on public health and safety.
- The County Sheriff currently enforces existing environmental and cannabis cultivation laws on a complaint-driven basis. Adoption of legal cannabis cultivation and manufacture would *increase the enforcement responsibilities* of County Sheriff, **not reduce them**.
- Increased permitted cannabis cultivation would result in increased demands on already over-committed County water supplies, to the detriment of residents and wildlife habitat.

In summary, an across the board licensing of cannabis cultivation and manufacture for medical and recreational use is **not in the best interests of the residents** of Santa Cruz County. Cannabis is a mind-altering drug with well documented health and safety effects on users and the general public. Licensed cultivation and manufacture of cannabis products would increase already existing impacts of this new industry on the local environment.

Therefore, we can only support the **No Project Alternative**, accompanied by County policy of increased, proactive enforcement of existing laws and environmental regulations of cannabis cultivation and manufacture, and amendments to County Code for limited, **well-regulated production of cannabis products for medicinal purposes only**.

Michael A. Lewis
Jean Brocklebank
Live Oak Residents
Santa Cruz County, District 1

From: ["Michael Mangarelli" <michaelmangarelli@hotmail.com>](mailto:michaelmangarelli@hotmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/26/2017 3:49:48 PM
Subject: Addendum to Previous Comment

To Whom It May Concern,

Good day, hope you are well. I've previously sent two separate comments on behalf of edibles manufacturer clients. My most recent comment addressed concerns related to an 800 ft buffer prohibition against infusion edibles being manufactured that close to a school or educational institution. Specifically, such a prohibition would essentially drive edibles manufacturers out of the county due to a lack of commercial kitchen spaces that are both located in unincorporated areas and aren't located too close to an educational institution.

Subsequent research for an L.A.-area based client revealed how that locality (the City of Los Angeles) provides an exception to the 800 ft buffer for "commercial cannabis activity" under a limited set of circumstances. I pass it on as an example that could be considered to help avoid a shortage of permissible and adequate commercial kitchen space for edibles manufacturers in this county. Specifically:

Exception. Any Commercial Cannabis Activity with sales to the public limited to off-site deliveries and having no onsite sales shall not be required to be located outside of the 800-foot radius.

Once again, thank you for your efforts and consideration in this regard. All the best.

Cordially,

Michael Mangarelli
Attorney At Law



**Environmental Committee for the SLV
VALLEY WOMEN'S CLUB of SAN LORENZO VALLEY
PO Box 574, Ben Lomond, CA 95005**

October 31, 2017

CANNABIS DEIR COMMENTS Attention: Matt Johnston
Santa Cruz County PLANNING DEPARTMENT
701 Ocean Street
Santa Cruz, CA 95060

Dear Mr. Johnston,

We appreciate the opportunity to comment on the **Draft Environmental Impact Report (DEIR) for Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing**. We followed the process of creating the report, and understand the type of public input, and staff research and analysis, involved in its creation. We also recognize the enormity of the economic and environmental and political ramifications of the cultivation and manufacturing processes of marijuana – and the fact that *this is one of the most far-reaching ordinances to have been dealt with by our county in decades* – and it has major flaws that will allow significant and devastating environmental damage.

We recognize the complexity of the issue, and realize that this is, in good measure, reflected in the enormous length of the DEIR. We see a genuine effort to define the many complexities, but a failure to deal with them adequately. The DEIR is unclear in parts and confusing in others, with numerous inaccuracies and deficiencies that need to be addressed. Through the sharing of concerns, we found that other agencies and organizations and individuals share that opinion and we hope there will be an honest effort to form an ordinance to truly honor a commitment to environmental protection.

ATTITUDE AND UNFAIR IMPACTS ON THE MOUNTAINS

We urge you to take the time to make the corrections and additions needed for a sane, understandable, and enforceable ordinance. Corrections, for example, include blatant mapping

errors. (What else did you miss?) You must specifically address the prevalent attitude of the document that admonishes us to believe that, since many of the environmental concerns are already addressed through existing ordinances, or through additional regulations, that these will somehow be enforced more effectively than those very regulations in the past. The county has already failed to deal with both the legal and illegal *marijuana grows throughout the county that especially impact the mountains* because they were harder to “see,” and laws are far harder to enforce there. Again and again we see codes that are somehow unenforceable despite the fact that they present extremely hazardous conditions (especially relating to health, water contamination and fire). Highly touted ordinances that, if adhered to, should help protect neighbors, riparian corridors, wetlands and endangered species, but so many variances have been allowed that they no longer provide such protections.

This is an unfair burden on mountain neighborhoods and the watershed.

MAPPING ERRORS

Regarding the mapping errors, rather than re-stating them here, please see the comments by the County's own **Fish and Wildlife Advisory Commission (FWAC)** (which is to be commended for its measured evaluation of the DEIR and the important issues it defines therein), *that must be addressed*. It specifies numerous blatant mapping errors and other equally disturbing problems.

ZONING CHANGES NEED CEQA

The Commission, along with the **Coalition for Environmental Santa Cruz** (Grey Hayes) addresses the very zoning issue that we also find at the heart of the problem for the mountains. To quote what the FWAC Final Cannabis DEIR Letter says, “*Specifically with regard to zoning, this DEIR does not include an environmental review of the proposed zoning changes on parcels zoned RA, TP, and SU (Appendix C Proposed SCCC Section 13.10 amendments, pages 1 - 6).* According to CEQA (and upheld by the courts), *enactment and amendment of zoning ordinances are considered projects subject to CEQA. The zoning changes that are recommended in this EIR clearly “has potential for a direct physical change or a reasonably foreseeable indirect physical change in the environment”*.

These zoning changes will affect over 100,000 acres (Table 2-10 page 2-40), and almost 200,000 acres in the “Environmentally Superior Most Permissive Alternative” (Table 4.4, page 4-37), while the DEIR only reviews the potential environmental effects on less than 300 acres (Chapter 3, page 3.9)."

SCOPE OF ZONING CHANGES

The scope of the zoning changes is enormous. What is the proof that the Most Permissive Alternative is Environmentally Superior? It is not enough to say that existing environmental protection ordinances and additional permitting regulation are sufficient, because there have never been blanket zoning changes of this scope ever addressed before now, and the changes have not been directly considered, neither at their minimum level nor at their maximum level.

There is no explanation of what the limits are to the number and size of permits that might be issued. This is untenable and illegal under CEQA.

ADMINISTRATIVE ZONING DECISIONS UNACCEPTABLE

In addition, the exclusive decision-making role given to Zoning if TP zoning for grows were to be established is too great. This form of decision-making to determine where and how much cultivation will be allowed/permited on any specific property, is extremely inadequate oversight. There must be a much tighter rein than a simple administrative zoning decision on huge acreages when it comes to marijuana cultivation, where erosion, threats to creek and stream viability (and thus to endangered salmonid species), the disastrous consequences of diversion of waterways, and degradation of water supplies, are all so easily exacerbated and are all so difficult to restore.

ELIGIBLE PARCELS A GUARANTEE?

We are also discomfited by the number of contradictions and disturbing issues that we noted, and see that there are also raised in the comments by the **Coalition for Environmental Santa Cruz (CESC)**. This includes the apparent assumption on the part of planning that just because there is an “eligible” parcel, that implies a sort of “Constitutional” right to use it for growing or processing marijuana. We wonder at the lack of clarity about how and if permit rights are transferable (if a permit owners dies or wants to retire or....?).

TREE REMOVAL BECOMES ENCOURAGED AND INEVITABLE

Grows on typical RA mountain properties will exacerbate tree removal, since timber regulations will not affect these properties. People already remove trees to bring sun to their properties all the time (without any sort of oversight) – and allowing grows there will make it far more profitable to reduce shade – which means fewer and fewer trees. Everything about allowing marijuana grows in RA neighborhoods is unfair to neighbors, as well as being detrimental for the environment. It will destroy the sense of community a residential neighborhood should have, as it destroys cherished environs with important plant and animal habitat.

Such tree removal will exacerbate the impact of climate change with the cycle of long years of drought followed by extreme storm occurrences. Reduced canopy will inevitably create more erosion, affecting more seasonal and perennial creeks, and thus affecting the San Lorenzo River and other endangered salmonid streams. Additional dirt-road construction and heavy use will exacerbate this even more, as proven throughout Humboldt County, where the effort to regulate marijuana growing is not as successful as hoped. Their experiences should both guide and help you better regulate to reduce problems. (See Humboldt Attachment.)

POISONS HAVING TRAGIC CONSEQUENCES AS MOUNTAIN GROWERS USE RODENTICIDES, HERBICIDES AND CHEMICAL FERTILIZERS

Recognizing the impacts of the chemicals used by far too many cannabis growers, there must be to stronger controls in place to forbid their use – and, to enforce the ban. If a study were undertaken here, as should be done, the amount of damage to animal populations, important plant species and to our waterways, might show significant degradation as is the case in

Calaveras County. The damage was hidden, but the study found that it is so severe that the County Supervisors there are considering an outright ban on commercial cultivation to curtail the “environmental disaster” the chemicals have caused. (See Calaveras attachment below.) Rodenticides, pesticides, herbicides and chemical fertilizers should not be permitted; organic farming techniques should be required wherever cannabis is grown in Santa Cruz County.

COUNTING ON EXISTING (AND NEW) ORDINANCES TO HELP CONTROL ENVIRONMENTAL PROBLEMS?

Why do we doubt that the existing ordinances will not be enough to prevent significant environmental harm as claimed? Two examples demonstrate that this has not worked for far too long, so something must change before it can work.

“Santa Cruz County received complaints since the 1990’s about hazards – junk vehicles, fuel tanks, an illegal residence, and unpermitted structures – on property where the Bear Fire started Monday night...This property is the epicenter of criminal activity on Bear Creek Canyon (Road)...” And, *“According to the Sheriff’s Office, a man and woman parked near a marijuana grow in the area and were confronted ... who pointed the weapon at the pair and then shot out the front tires of their vehicle...”* These quotes from the October 22, 2017, Santa Cruz Sentinel, describing decades-long problems reported about the property where the Bear Fire started, is a relevant case in point. This failure to protect public safety, no less the watershed, demonstrates why we question the likelihood of existing and additional regulations being a panacea for the extreme environmental hazards of the industry. The County didn’t or couldn’t act, despite an extremely hazardous situation, and despite being told over and over that there was a terrible situation there. Thus, it ended up encouraging the circumstances where a fire could take hold and spread, and, allowing a cannabis grow to exist that generated shotguns and threats to people’s lives and property.

The other example of what has already undermined even thoughtfully and carefully designed regulations, is the very fact that they can be officially ignored. In June, 2012, Kevin Collins presented an extraordinary and detailed exposé that delineated a willingness to disregard both the intent of the law and the law itself on the part of County Planning, **“Report to the Santa Cruz County Board of Supervisors on Two Years of Administrative Exceptions to the County Riparian and Wetlands Protection Ordinance.”** Again and again, residents were allowed to infringe significantly on the creeks and wetlands of the County, officially sanctioning increased degradation of important waterways such as Zayante Creek – considered the most valuable salmonid stream for restoration of salmonids by the NMFS/NOAA in their various salmonid Restoration Plans.

MORE ON FIRE CONSIDERATIONS

The DEIR reads, “The County’s License Registration data indicates that existing cannabis operations are concentrated within the remote forested areas of the County that are subject to greater threats of wildfire, such as the Mountain Region, North Coast Region, and foothill areas of the South County Region. Registration data confirms substantial overlap between current grow sites and high fire severity zones. Some cultivation sites may also include manufacturing activities using higher fire risk methods, such as open blast butane honey oil (BHO) production. These areas also have challenging access for firefighting.”

Please reconsider the situation in the SLV. There are about 20,000 people living in a watershed with 1 main exit road up or down the valley. There were multiple exit routes in the Santa Rosa fire, and they were totally blocked by exit traffic.

How do you plan to address the fire hazard issue of continued illegal grows, and even legal grows? How are firefighting and law enforcement officers going to find these grows without road and address markers? The fear of crop theft is going to keep these grows difficult to find, and enforcement is going to be a tremendous problem, to put it mildly.

We have thousands of propane tanks in the valley, it is unimaginable to think of them going off like they did in Santa Rosa and its environs with the Tubbs Fire. Consider this from: [HCN.ORG](#) *Dispatch from California wildfires*: "Yesterday morning I could see flames from my house and could hear propane tanks (at people's houses) blowing up," she said. "It sounded like a war zone."

With global warming, we no longer get the summertime fogs which keep the moisture content up in the foliage of our redwood trees. Projections for the year 2100 have over 50% of our redwood forests disappearing in this county because of climate change. One weather station in Bear Creek recorded a temperature of 123 degrees this summer, and more of that heat is guaranteed in the future.

Right now, because of Sudden Oak Death, we have not 10% more, but 10 times normal, the amount of fuel on our forest floors. The ferocity of the Northern California fires was exacerbated by Sudden Oak Death. (*Sudden oak death likely exacerbated deadly Northern California wildfires*, By Peter Fimrite, Updated 7:36 pm, Thursday, October 19, 2017, in [sfgate.com](#), and *Dynamics of Dead Wood Following Emergence of Sudden Oak Death* Richard C. Cobb, et al. Department of Plant Pathology, University of California, Davis, CA)

Not a single house in Santa Cruz County is free from the threat of wildfire, including Santa Cruz City and Watsonville. In the infamous Painted Cave Fire in Santa Barbara, in less than two hours from inception, the fire had traveled nearly 4 miles from the Santa Ynez Mountains to the sea, through the city, destroying 430 structures (including apartment houses) and killing one person. (Wikipedia). The Oakland Fire is another example of a wildland fire impacting heavily populated areas. The important of fire protection must not be underestimated.

ECONOMICS OF PROGRAM OBJECTIVES

There is no proof nor guarantee that the legalization of certain existing grows will reduce the economic viability of illegal grows. There is no analysis of the need to improve and expand enforcement to shut down illegal grows either. Adhering to the regulations will be very costly for many growers, but this may only encourage growers to avoid doing so. It is not clear that a cost-benefit analyses was undertaken that clearly proves that the value of the product will go down enough to discourage illegal growers. The assumption that legal grows will faithfully adhere to water source restrictions or reduce use of rodenticides which are proven to have enormous and disastrous consequences to wildlife (see attachments), because of an once-a-

year inspection, is unfounded. Inspections should be more frequent and unannounced, and must have a complete and thorough inspection list, including the permit qualifications, number and types of firearms, and other related issues.

The DEIR itself states that, "It also provides the greatest opportunity to mitigate impacts and increase County tax revenue to support ongoing improvement and enforcement programs." However, there is not a single word in Draft EIR about business viability and banking. Without bank accounts for the growers, how are sales, distribution, and taxation going to function in this day and age? Will growers report earnings on their taxes when what they do is illegal in the eyes of the Federal Government. Every grower will be audited by the IRS, where cannabis use is still illegal – where hemp is not even allowed? How will the county and state get its tax monies? Are they going to be paid in jewelry and gold coins, with everything on the honor system? Has the county reached out to other States to learn from their experiences, or are you reinventing it all over again.

We strongly feel that the DEIR is inadequate. We urge the county to not plan to provide permits starting in January, 2018, but to do the right thing and take the time to improve the Ordinance. We urge that the skilled analysis and concerns of Kevin Collins, as expressed in his comments on the Ordinance, be both respected and heeded. We share those concerns. Those of the Santa Cruz City Water District, the SLV Water District, and the Coalition for Environmental Santa Cruz, should also be respected and heeded.

We urgently request that improved enforcement be guaranteed on-going, and that enforcement be provided sufficient funding to actually know which growers are adhering to the law and which are not, and that you specifically define what actions (or lack of action) will necessitate that they be shut down.

This is the tip of the iceberg, and Santa Cruz County needs a far more environmentally sound ordinance that will also protect neighbors and neighborhoods, maintain timber preserves, and the preserve and enhance the health of the watershed. The ordinance should assure that illegal growers will be motivated to retire, and that they be required to decontaminate and restore the land and waterways they have damaged.

Respectfully yours,

Nancy B. Macy, Chair
Environmental Committee for the SLV
Valley Women's Club www.valleywomensclub.org

3 ATTACHMENTS:

- 1. Humboldt County Marijuana Growers Address Environmental Issues**

https://www.huffingtonpost.com/entry/marijuana-environment_us_57c5b1ffe4b0664f13cab8f0

How Growers Are Addressing Marijuana's Environmental Problem huffingtonpost.com

In his sunny office on the edge of town in Arcata, California, Scott Greacen pulls up a slideshow on his large high-resolution monitor. As wildflowers sway in the wind outside a window, a woodsy guitar solo starts to play along with the pictures. Greacen mutes it; he wants to focus on destruction. Aerial images of clear-cut plots within the coastal forest, bounded by dusty roads and dotted with trucks, show the intrusion of industrial marijuana cultivation into redwood groves and hillsides. Some plots are small, barely detectable. Others cover hundreds of acres with row upon row of oblong structures covered with white tarps, blighting the landscape like giant predatory maggots.

"Look," Greacen says, pointing to the screen. "Eleven greenhouses on the top of a ridge. Where does the water come from?"

Greacen, who has the genial appearance of a scholarly mountain man — neatly trimmed beard, wire-rimmed glasses, long hair parted in the middle and tied back — is the executive director of Friends of the Eel River, a nonprofit founded in 1994 to promote the restoration of California's third-largest watershed. The 200-mile long Eel runs south to north from Mendocino County to the Pacific Ocean below the central Humboldt County city of Eureka. It has been hammered by industry for more than a century, dammed and drained to serve municipal water demand in Mendocino and Sonoma counties. Timber companies, too, have done their share of damage, stripping slide-prone land of stabilizing vegetation and causing sediment to clog the river's already diminished flows.



The Eel River in Northern California.

sediment, the eggs will suffocate before they hatch.

"Our coast range has a seismic uplift equivalent to the Himalayas," Greacen says. "If it weren't for erosion, we'd have a Mount Everest." Mountains lifted out of the ancient seabed typically shed a certain amount of fine sediment into the Eel, but at a rate the river's flow can handle. The accelerated spalling caused by roads, traffic and grading, sifts in much more. Anadromous salmon travel hundreds of miles from the ocean inland to spawn in the river bed's oxygenated gravel. If that gravel is clogged with

The Eel, its forks and many smaller tributaries had only recently begun to recover from timber's assaults when, in the 1990s, a relatively benign, back-to-the-land cannabis movement exploded in Humboldt's mountains. The Compassionate Use Act of 1996, passed by voters as Proposition 215, legalized

marijuana for medical use, opening a whole new market for weed. Growing operations multiplied on public and private land in California, particularly in the forested reaches of Mendocino, Trinity and Humboldt counties, a region so full of cannabis crops it's known as the "Emerald Triangle."

The ecological toll marijuana cultivation has exacted on those lands has been well-documented. Growers poison wildlife with rodenticide, hire armed guards to shoot bear and deer, run noisy and polluting diesel generators to light their indoor grows. Weekly trips by 40-ton water trucks tear up old timber roads built for only a few trips a year. Cannabis plants use massive amounts of water, which comes from rivers and creeks already suffering from intermittent drought (despite a relatively wet winter, the [U.S. Drought Monitor](#)

currently ranks all of Humboldt County "abnormally dry.") In a 2015 study, Scott Bauer of the California Page 1 of 4 Oct 26, 2017 04:13:20AM MDT

[https://www.kws.haufrfeinagtdoynpsoustf.cfeomri/negntrfyrommarijuatnear-menivtireonmtednrt_ousg_5h7tc\(5dbe1fsfep4ibte06a64rfe13lacatibv8ef0ly](https://www.kws.haufrfeinagtdoynpsoustf.cfeomri/negntrfyrommarijuatnear-menivtireonmtednrt_ousg_5h7tc(5dbe1fsfep4ibte06a64rfe13lacatibv8ef0ly) wet winter, the [U.S. Drought Monitor](#)

currently ranks all of Humboldt County "abnormally dry.") In a 2015 study, Scott Bauer of the California Department of Fish and Wildlife estimated that marijuana cultivation draws down nearly a quarter of river flows in some watersheds, with "lethal or sub-lethal effects" on federally endangered salmon.

Ten years ago, Bauer's agency considered fish pretty much stabilized in the old timber company lands, Greacen says. "Their strategy was, 'Let's see if we can bring them back in the "hippie zone" – the good habitats on the west side of the Eel's South Fork.

"Instead," Greacen laments, "it's gone exactly backwards." All because of weed. Or, rather, not weed, he clarifies, but "weed-driven development. We're developing in places that don't make any sense."

One might say that about the whole Emerald Triangle, where water is scarce and habitats fragile. Virtually any place would be better for growing marijuana, from Central California's already industrialized agricultural counties to the Mississippi River Valley, where cannabis could thrive in loam soil with abundant summer rains. Marijuana cultivation didn't become an industry in the Emerald Triangle because of any beneficial peculiarities of climate or soil. Though some make the argument that cool nights and warm days produce particularly potent strains of indica, Humboldt County was never any kind of Shangri-La for cannabis. Marijuana cultivation took off in Northern California's remote wildlands because, as the drug war set in, its forests offered excellent cover.

Nor does indoor cultivation reduce the environmental problems associated with pot cultivation. Indoor grows still use water; some need pesticides to control mites. They have huge carbon footprints. In 2011, [energy researcher Evan Mills](#) estimated that, in California alone, "indoor cultivation is responsible for three percent of all electricity use" in the state, consuming the annual equivalent of one million average homes."

Now, as California heads toward full legalization with Proposition 64 on the November ballot, the Emerald Triangle counties are trying to make the most of their growth industry as it emerges from the shadows. Some people believe that with regulation the environmental picture will improve. Others are not so sure. Humboldt County's land-use ordinance, passed in January, will still grant permits to growers who draw water from rivers and streams; it also grandfathered in existing growing operations on less-than-ideal parcels. "The rules are being written by people with long histories in the property-rights movement," Greacen notes. "They have zero interest in environmental protection."

In the 20 years since medical marijuana became legal in California, the plant's entire lifecycle, from seed to consumption, has occupied a nebulous realm of tangled regulation and conflicting laws. In 2004, [Senate Bill 420](#) (yes, seriously) formally instituted California's medical marijuana program, setting limits on possession and cultivation for patients and primary caregivers; in 2008, a state appeals court ruled those limits unconstitutional. Cities and counties still set cultivation limits (Mendocino's is 26 plants), and [some cities](#) and counties have banned pot growing altogether.

Further loading up the legal soup, the federal government recently affirmed marijuana's status on the Schedule I list — useful for nothing and dangerous to all — even as individual states rapidly move toward more tolerant policies.

Tony Silvaggio, a sociology professor at Humboldt State University and a faculty member at the Humboldt Institute for Interdisciplinary Marijuana Research (HIIMR), blames that legal gray area for causing most of pot's problems. "It's a setup that rewards illegal practices," he says. "Conditions have been right for growers to be irresponsible." He insists that there's nothing inherently destructive about growing pot, and rejects some of the "racially coded and anti-immigrant rhetoric about 'cartels' and Bulgarians" used to disparage people from other countries who have come to California in large numbers to grow pot. ("It's just because they also grow weed in Bulgaria," he says. "They grow really good weed in Bulgaria.")

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http://cawauws.heuftfhinegtyonaplossot.cgormo/wentwry/emeadrijuinanBa-uенlgviarorniam,e”nht_euss_a57ycs5.b“1Tffeh4eby06g6r4of1w3craeb8af10ly good weed in Bulgaria.”)

To Silvaggio, the solution lies in statewide legalization, combined with a suite of laws Governor Jerry Brown signed last year that will come into effect January 1, 2018. The laws create a state licensing board governing all stages of marijuana production and sales, and classify marijuana as an agricultural product, with restrictions on land and water use.

"We could help push out those folks that are doing environmentally harmful practices, and address some of the most egregious growers that are sucking from sensitive watersheds," Silvaggio says. "Regulation could work to limit some of the damage to the ecosystem."

Greacen would like to believe that Silvaggio is right. "What I've been hoping is that we would build a critical mass of legal growers who would demand protection from their competitors," he says. "My hope is that those growers would push for effective enforcement in the years to come." But for that to happen, enough illegal growers have to emerge from the shadows. Early indicators in Humboldt County seem to indicate that they won't.

As of August 10, only 846 marijuana businesses had applied for permits under Humboldt County's relatively permissive zoning ordinance, according to the Lost Coast Outpost. Few of them are new; most are longstanding operations. No one knows for sure how many more contribute to Humboldt County's [\\$1 billion](#) industry; the California Department of Fish and Wildlife last year put the number at around 4,000; Greacen thinks it's higher, more like 8,000 or 10,000. By either count, it appears that fewer than a quarter of currently operating growers intend to come correct.

The permitting workload, however, has been enough to induce [stress-related illnesses](#) among the county's planning staff. "The foundation of our operational capacity is cracking and getting worse," wrote four senior planning staffers in a [memo](#) to the board of supervisors in May. "We are heading toward a catastrophe."

If Proposition 64 passes in November, and marijuana becomes a legal drug, legitimate growing operations will pay state cultivation taxes \$9.25 per ounce of flowers and \$2.75 per ounce of leaves. Retail sales will be taxed at 15 percent. The Humboldt County supervisors on August 9 elected to put an [additional tax](#) on the county's ballot, of \$1 to \$3 per square foot of cultivation. The county tax, should voters approve it, has been earmarked for local public services, which presumably include some for law enforcement. The threat of a costly and disruptive bust remains the most powerful incentive for growers to move into the light of legal operations.

Alison Malsbury, a Seattle-based attorney who has watched the legalization of recreational marijuana roll out in Washington State, thinks there might be yet another inducement to exploit with growers: Consumer choice. The California legislature is currently working on regulations for both the medical marijuana and recreational marijuana industry. "Part of their goal," Malsbury says, "is to address the environmental problem," setting standards for energy, water and land use. Once they're in place, those regulations could provide a framework that rewards sustainable growers with higher profits while the black market operators wither away.

"Once you make cannabis legally accessible to people, provide a regulated product that has to be grown by licensed cultivators and tested by labs, the incentive for buying a black market product goes away," she says. "You're providing people with a safe product," reliably tested for potency and chemistry. Some people who want a strain higher in the less psychoactive cannabidiol (CBD) and lower in the tetrahydrocannabinol (THC) that makes some people paranoid, for instance, can reliably get it from dispensaries that contract with licensed growers.

For Emerald Triangle growers who want to protect their market dominance, Malsbury suggests developing

some sort of artisanal branding or appellation, much like vintners have. "It's a great idea for consumers

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https://www.huffingtonpost.com/entry/marijuana-environment_us_57c5b1ffe4b0664f13cab8f0

some sort of artisanal branding or appellation, much like vintners have. "It's a great idea for consumers who want to make sure that their product has the distinguishing characteristic of Humboldt County growers," she says.

Silvaggio agrees. "An appellation will help us not lose our edge in cannabis," he says. "We have a name and a reputation."

Scott Greacen, however, remains skeptical that any branding scheme could ameliorate the environmental destruction of cannabis farms. "The idea that we could, with an effective base of legal regulation, build a superstructure of real, consumer-based marketing that's about the environment? It makes for a really good story," he says. "It's a story people are writing poetry about." And certainly some people will buy into it. "Some people will pay a lot more money for wine and beer that has funny taste or a good story or their friends think is great."

Many more people will not. "The majority of wine sold today is Gallo, and the vast majority of beer sold is Budweiser," he says. "And the people who buy Gallo don't care about the lack of salmon in Napa's streams.

"If we're looking for consumer preferences and consumer demand to protect our fish," he says, "we're looking in the wrong place."

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2. Silent Poison in Calaveras County

SilentPoison.com

Cultivating Disaster:

The Effect of Cannabis Cultivation on the Environment of Calaveras County

For Immediate
Release

(209) 559-3627

October 18, 2017

info@silentpoison.com

(October 18, 2017 - San Andreas, California) Calaveras County Supervisor Dennis Mills released a new study at the County Board of Supervisors on the impact of marijuana cultivation on the county's environment. The study, **Cultivating Disaster: The Effect of Cannabis Cultivation on the Environment of Calaveras County** finds that cannabis cultivation has created incredible damage to the environment effectively dumping poisonous chemicals into the streams, rivers, and ground water.

The study concludes with a recommendation that the Supervisors pass an immediate ban on any cannabis/pot cultivation in the county.

"The decision by the previous county Board of Supervisors to temporarily allow marijuana cultivation in our county was a huge mistake." Supervisor Mills continued "The environmental damage caused by the crazy experiment has caused hundreds of millions of dollars in clean up and polluted rivers and streams. The impact will be with us for decades." Mills concluded "The only answer to this ecological disaster is the ban it and end the pollution."

Cultivating Disaster, prepared with The Communications Institute (TCI), was based upon extensive research and/or interdictions by law enforcement, academic experts, and officials from the United States Fish and Wildlife Service, California Department of Fish and Game, and many others. TCI is a public policy research and educational center that produced numerous studies and educational programs on land use and environmental issues.

The study points out that there are now as many as 1,200 marijuana growing sites in the county which must be cleaned up at an estimated cost of \$250 million to more than a billion dollars. The study makes the following conclusions:

- Marijuana Cultivation has damaged the environment
- The scope and depth of the problem is not understood by policy makers, the public or the media.

- Dangerous chemicals have been used by growers that illegal and/or not approved for use for marijuana cultivation
- Numerous growers have been cited for violations
- The cost of mitigation of the estimated 1,200 plus sites could be as high as \$250 million to \$2 billion dollars in just this one county.
- The US Clean Water Act and other laws have not been enforced and/or abided by.

The research study makes the following recommendations:

- **Calaveras County Ordinance** – The Calaveras County Board of Supervisors should pass an ordinance banning the cultivation of marijuana or cannabis in both the open and in-door facilities.
- **Calaveras Ecological Task Force (CETF)** – The report proposes the creation of task force involving all agencies federal, state, regional and local agencies to work together to eradicate illegal growing, clean up the environment, and deal with law enforcement/public safety issues.
- **Water Quality Analysis** – Recommends that the United States Environmental Protection Agency undertake a study of the impact of the ecological damage to the water quality in the county and propose steps that should be taken to protect the watersheds and provide a plan for Mitigation.
- **Law Enforcement** – Recommend that the United States Drug Enforcement Administration and other appropriate agencies take action to evaluate grant money and manpower support to eradicate illegal marijuana production and insure the shutting down of legal operations includes their complete clean up.
- **Prosecution** – Proposes that the District Attorney of Calaveras County work with the United States and California Attorney Generals to prosecute those that have broken federal and state laws and county ordinances and seek full prosecution criminally and/or civilly and explore seek funding to pay for the cleanup of the land in the county. There needs to be a true cost recovery with a Nexus study.

Mills pointed out that a new draft study by the California Water Control Board, to be released this week, totally exempts indoor growing from water quality testing. "This is just another example of the indifference of Brown Administration to significant environmental problems." Mills noted "There are no chemicals that have been approved by either the EPA or the FDA for use in the growing of marijuana."

The sixty-page study is based upon research and analysis provided by federal, state, and local agencies and includes an extensive bibliography of articles from leading academic and media organizations including Stanford, Harvard, Yale, Scientific American and the University of California. The study points to a silent poison that has been entering into the environment of California and hence the study website: www.silentpoison.com.

3. Kevin Collins' Report to Board of Supervisors on Two Years of Administrative Exceptions to the County Riparian Corridor and Wetlands Protection Ordinance

Report to the Santa Cruz County Board of Supervisors on Two Years of Administrative Exceptions to the County Riparian and Wetlands Protection Ordinance

Prepared by Kevin Collins <bats3@cruzio.com> - 831-335-4196 P.O. Box 722 Felton, CA 95018

♦♦SC County Fish and Game Advisory Commission ♦♦Founding member, Lompico Watershed Conservancy ♦♦Executive Committee, Ventana Chapter Sierra Club, former Chair Santa Cruz County Group ♦♦Environmental Committee, San Lorenzo Valley Women's Club ♦♦Extensive experience with administrative appeals, law and procedure, CA Water Quality Code, State Forestry Code, County Zoning and land use code, easements and other natural resource conservation matters. Former licensed General Building Contractor.

Submission date June 12, 2012

The source files for this report were obtained from the Santa Cruz County Planning Department through use of the California Public Records Act. These source files themselves are "Staff Reports to the Zoning Administrator" that describe individual Riparian Exceptions, with "Development Permit Findings" and "Conditions of Approval". These documents also contain narrative descriptions of building sites and references to other reports including geologic surveys and septic permit reviews. Planning supplied these documents for the years of July 11, 2009 through July 11, 2011. There is no intent with this report to retroactively challenge the approval of past Exceptions such as those enumerated in this document.

Report Summary

The purpose of this report is to demonstrate to the Santa Cruz County Board of Supervisors and others how Exceptions to the Riparian and Wetlands

Protection Ordinance (Riparian Ordinance or simply Ordinance) are administered. That is, the means in which permission to be exempt from the written intent of the Ordinance is provided to applicants by the County. Administrative language is crucial to understand in this context. This is an issue of public policy that is being projected into the future.

The source information is objective in that it comes from County documents. Thus it is not a matter of my personal opinion. Opinions are only expressed in regard to the historical change in how the Ordinance is applied and why that change has occurred. To understand this report more thoroughly, one can read the source material itself. This report contains two appendixes. The first contains detailed descriptions of four example Exemptions. The second appendix is a synopsis of the entire 2 years of the collected Riparian Exceptions that were approved.

No review of the implementation of this important ordinance, nor its practical effect, has ever been prepared before. This document hopefully fills that void.

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The Riparian Ordinance establishes defined distance set-backs from streams (and other water bodies) of varying widths in which grading, land clearing, building and paving, tree and shrub removal, deposition of refuse or debris, the use of herbicides, pesticides, or any toxic chemical substances, and any other activities determined by the Planning Director to have significant impacts on the riparian corridor, are all prohibited. The code establishes an administrative process to provide "Exception" to some of these prohibitions, depending on specific circumstances.

Fifty-one Exceptions from the Riparian Ordinance were reviewed for this report. There were a few duplicates provided by Planning and this is noted in the appendix. A number of these Exceptions pertain to Public Works and private road (and driveway) projects and are not pertinent to this report, which primarily concerns the question of Exceptions necessary for buildings. It is important to consider that real estate investment activity has been at an historic low, including during the two years (2010-11) that were researched for this report. This would logically be expected to suppress the number of development-based Exceptions that were sought from Planning during that period.

A limitation of this report is that it does not contain a list of applications for Exception to the Riparian Ordinance that may have been denied by Planning. The reason for this is that Government Records Act requests need to be concise and specific. They are not meant to be "fishing expeditions".

Environmental Ordinances

There are six environmental ordinances in Chapter (Title) 16 of the County Code that are administrated by Planning: the Riparian and Wetlands Protection Ordinance (subject of this report), the Geological Hazard Ordinance, the Grading Ordinance, the Erosion Control Ordinance, the Significant Trees Ordinance and the Sensitive Habitats Ordinance. Of these six, the Riparian Ordinance is the most vital to both the conservation of wildlife *and simultaneously* to the protection of water quality.

These six Chapter 16 codes are only applied in common practice during new construction. An example is the Erosion Control Ordinance. It has little practical effect upon general homeowner site maintenance and management, despite the fact that the authority to control erosion at all times is included in the County Code. Unfortunately erosion from existing home-sites is, by far, the most significant and chronic source of soil erosion when this major source is combined with our extensive public and private mountain road networks (including logging land). In situations that are not connected with active construction projects, enforcement of the Erosion Control ordinance and determinations of harm are specified in the code "as determined by the Planning Director" and are entirely discretionary. It is clear that at present, this issue is of very low priority.

Riparian and Wetlands Protection Ordinance

The Riparian Ordinance is uniquely important. Riparian woodlands, stream-side trees and plants, the stream channels and stream banks themselves, and the wildlife migration corridors that they represent, are vital to the broadest range of wildlife species of any single habitat in this County. This is usually understood as an issue for endangered salmon fishes. However a simple example of the much broader species impacts is that songbirds are always most common near streams and rivers when compared with the other habitats they occupy. Equally important is the physical condition of these strips of land, because they have a direct and immediate impact on water pollution. If

stream banks and near stream areas are eroding soil, this soil and other human caused pollutants flow directly into this County's surface waters. Surface waters are our predominant

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source of drinking water. It has long been understood that botanically diverse and intact vegetative "filter-strips" are important pollutant traps.

It is common for the stream frontage of entire lots to be stripped of riparian vegetation and trees from property line to property line. Few would expect the immediate site of a home or business to have no disturbance to its native vegetation. However, entire riparian lots are often converted to other uses with little or no consideration taken for these fragile and important locations. This neglect has a major destructive impact upon the public trust resources that the Riparian Ordinance was intended to protect.

How Riparian Exceptions are Granted

Most Riparian Exceptions are granted during the general building permit review process for structures and also for road related repairs and the construction of new roads and private driveways. Exceptions to Chapter 16 codes are "ministerial" and do not require a public hearing. Exceptions must be accompanied by both "Findings" and "Conditions". Interestingly, these Findings do not require any reference to damage to the environment or to water resources, except for Exceptions granted within the Coastal Zone. The language applying to the Coastal Zone

reads: "That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and...". I suspect that the Coastal Commission would not allow the ordinance to be applied within the Coastal Zone without this provision. However it is generally voided by the use of the "Conditions" section in some fashion related to mitigation, so as to appear to meet the intent of the ordinance. Also the structure of the clause, "and there is no feasible less environmentally damaging alternative" provides a means to legally allow, at the discretion of the County, actions that are damaging to riparian corridors.

A great deal of confusion arises over the issues of fairness or proportionality when properties that were built before the Ordinance was adopted (most riparian lots), or properties that were built illegally, are located near vacant properties now proposed for new development, and /or previously developed properties proposed for expanded redevelopment.

Exceptions to the Ordinance and to the closely interrelated Zoning Variances (for setbacks from property boundaries and roads) are sought and granted based upon the text below and similar justification language from Planning. It is crucial to understand that the logic of these examples would apply to any of the many remaining severely substandard parcels. These parcels were subdivided before this County had any standards whatsoever for land subdivisions.

Riparian Exception Findings Example

"This finding can be made in that the special circumstances affecting this property include the steep slopes, zoning setbacks, and riparian setbacks which, when combined, limit the developable area of the parcel. From a geologic and geotechnical safety perspective, there is no other feasible location to build a structure on the property."

Related Zoning Variance Findings Example

"This finding can be made, in that parcel (X), the parcel proposed for a variance to the required XX-foot front yard setbacks, is extremely steep in all other areas besides the proposed development envelope and would require a massive amount of grading to create another

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buildable area on the site. In addition, the parcel is further constrained by a creek located near the only flat buildable area, which creates additional setback requirements. (*Quoted text bolded for emphasis*) **Other surrounding properties are developed with single family residences at rural densities, therefore, strict application of the Zoning Ordinance on this particular parcel would deprive the property of the privilege to build a small single family residence as enjoyed by other properties in the vicinity and under the same Residential Agriculture (RA) zoning district.**"

Thus a "lowest common denominator" effect takes place in the granting of Exceptions (and related Variances) leading to a situation in which the Riparian Ordinance is rendered close to irrelevant except in cases where the parcel has sufficient space. Many if not most riparian lots do not have sufficient space outside the set-back. Comparing a new development proposal to neighboring lots that were built upon before the Ordinance was adopted, renders the Ordinance moot.

Zoning Variance Language Example

"That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.----This finding can be made, in that the creek runs through many adjacent parcels and the topography is severely limiting in this area: therefore, any parcel of similar size and topography would be granted a variance to site standards for building site location if the building site was the only buildable area on the parcel."

Consideration of adverse environmental impacts, or harm to water quality, have no bearing upon the Findings made in this permitting process in any case that I reviewed in the record. Conditions of approval occasionally suggest limitations upon possible future additional development on a site. However these statements are not binding because no such permit is under review.

Enforcement in the Absence of Building Permits

The Riparian Ordinance is frequently ignored entirely by builders of structures and roads who act without permits. Property owners of stream-side (riparian) buildings build improvements to their back and side-yards such as swimming pools, parking areas, accessory structures and additions of various types. Riparian setbacks are also cleared of trees and shrubs simply to open up views of creeks and the river. Riparian areas are highly resistant to wildfire, but this fact does not deter people from clearing streamside land in response to their fear of wildfire.

From well over 20 years of observing this situation, it is my view that the Ordinance is now rarely enforced in cases where no building permit exists. Violations are rarely noted or enforced without a citizen filling a formal code

violation complaint with the Planning Department. The general public is the primary source of code violation reports. Complaints require the name, address and phone number of the person who files the complaint. Some Planning staff will reveal the identity of the complainant to the person responsible for the code violation. People whom I trust to report facts have described to me how their confidential code complaints to Planning have resulted in them being confronted by the property owner of the lot that was the subject of their complaint, and in specific terms.

This lack of consistent confidentiality very effectively reduces the number of complaints that are ever filed. It is impossible to challenge such a breach of confidentiality. It is deniable in every case.

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In addition, the person who files a complaint must frequently be persistent in following up their complaint with further inquiries to Planning staff. I am writing in average general terms and I am specifically **not** making these claims about all code enforcement officers or every situation.

This has not always been the case. In past years, when County environmental codes were held in higher regard, the Planning Department included field staff and code enforcement officers who issued red-tags for violations of the Riparian Ordinance. However this effective practice generally ceased years ago. In private conversations with former Planning Department employees over many years, I have been told that they were pressured by superiors not to act upon their personal knowledge of violations of the Ordinance.

Legal Significance of the Ordinance

The mere presence of the Riparian Ordinance in the County Code is fundamental to various agreements that the County has with State and Federal Agencies, including the Central Coast Regional Water Quality Control Board, the State Water Resources Control Board, the CA Department of Fish and Game, the National Marine Fisheries Service (NOAA) and others.

An example of such agreements are the three TMDLs (Total Daily Maximum Load-*i.e. pollution loads*) for sediment, nitrates and pathogens adopted by the

combined Water Boards, under EPA supervision, for the San Lorenzo River. TMDLs exist as instruments of the Clean Water Act to resolve water pollution problems. The Riparian Ordinance is part of the written plans in TMDLs for improving pollution levels in water bodies such as the San Lorenzo. TMDLs are mandatory.

The River was initially placed on the Federal Water Pollution Control Act Sec. 303(d) list of "impaired" or polluted water bodies. Subsequent to that "listing", a plan or TMDL was adopted to reduce the specific pollutant. The County Riparian Corridor and Wetlands Protection Ordinance and its enforcement is cited as a correcting factor in these TMDL agreements.

It is also important to understand that in the case of pathogens and nitrates, the laxly enforced County Septic Code (Chapter 7.4 of the Health and Safety Code) is also tied into these agreements with the State and Federal Government.

Other County agreements involving the Ordinance exist with other agencies such as the National Marine Fisheries Service for the recovery of endangered salmonids (salmon fishes).

The Riparian and Wetlands Protection Ordinance is part of a set of rules, laws and intergovernmental agreements. These rules, permits and agreements either work together to protect public trust resources, such as water resources and wildlife, or instead, they simply exist "on paper" to masquerade for objective reality.

There is always a shifting context in these cases. No regulatory administration is ever perfectly standardized. However in my view, at the present time, an illusion of law rather than its effective administration is the predominant situation in Santa Cruz County in regard to the Riparian Ordinance and related codes.

This is incongruous for a county with a tourism industry, high home prices, and a reputation for "environmental awareness". This situation is, in part, a result of the disconnect between the urban and rural parts of Santa Cruz County. It also results from the fact that local government is prone to complaint driven responses. A prevailing culture of complaint about the very existence of County

land use regulations, of any kind, now overwhelms the opposing position of support for conservation-based environmental regulations. This is especially true in regard to the personal risks that private individuals must take in order to demand enforcement of this County's environmental codes.

In certain cases County staff do make efforts to enforce this code, but in my view these efforts come nowhere near to either the intent of the Ordinance, or to the meaning of interagency agreements in which the Ordinance is frequently claimed to be a mitigating and supporting factor.

Conclusion

There are numerous ways that the application of the Riparian Ordinance (and all of Chapter 16) could be improved. There must be the political will to protect natural resources. The Board of Supervisors sets policy at this level. Effectiveness is an issue of public administration and the interpretations that are applied to the code. No one else will have respect for these codes unless the County shows respect for its own code. At present we have a cadre of retired Planners who work as consultants with property owners to find loopholes in the code.

"Takings" case law is sometimes invoked as the explanation for the retreat from the application of general land use authority. This is not a justifiable excuse to dismiss the obligation to protect public resources. Riparian areas are public resources, just as the water that flows down their streams is a public resource. The two cannot be separated. Creeks and rivers are not ditches. Counties bear a clear responsibility to protect the public "commons". This is the reason that Chapter 16 of the County Code exists. It is not decoration.

If disclosure during property transfers included public information about the specific constraints upon sub-standard lots (too steep, in riparian set-backs, below size for septic systems or zone district, within a zoning set-back etc. , this would completely transform the current dynamic regarding the sale of severely sub-standard lots and seriously non-conforming structures. When people buy a house having no idea of how constrained or non-conforming to

code that house already is, they are in an unfair position. People do not possess the knowledge to understand this and so they blame the County. It might appear a rather simple matter in town such as a side yard set-back, but in the mountains it is another story altogether. Your Board has made non-conforming structure policy more discretionary with little to no public review. It was claimed that this action did not affect the environmental ordinances. This was complete nonsense. The codes intersect in complex ways. Most of the building Riparian Exceptions in this report are coupled with Zoning Variances.

Another necessary improvement is to clarify policy for code compliance and enforcement. Some cases drag out for years in preposterous ways.

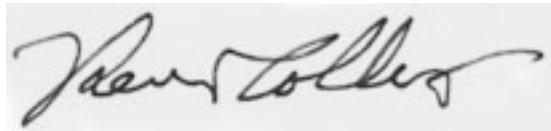
Enforcement should not be arbitrary or inconsistent. It must be rational and based upon procedures that are clear and easy to understand. It is my understanding that the County only assesses recovery costs for its own administrative expenses in doing compliance work. Planning loses money and has no incentive to improve compliance. Establish fines for violations and use them when necessary. Other cities and counties impose fines. It works. San Francisco's building code has a maximum fine of nine times the original permit fee. It also has an appeals board. The City of Carmel has one of the most effective tree protection ordinances in the United States. Its success is inescapable when one walks down any street in Carmel. In Carmel this is an issue of civic pride rather than grudging argument.

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Unless the County establishes some baseline standard below which the extent of environmental harm is unacceptable then the Ordinance is irrelevant. The examples that follow in the appendixes to this report raise the issue that Exceptions are being granted in some extreme situations.

This report was prepared in the spirit of cooperation. I have had very productive interactions with your Board in years past and I also understand how complex this particular issue is. I am clearly the type of person who responds to environmental problems in a very personal way. But please understand that this characteristic gives me the ability to foresee trends that will have major consequences in years to come.

Regards,

A handwritten signature in black ink, appearing to read "Kevin Collins".

Appendix One: Four Examples of Riparian Exceptions Explained in Detail

Example One-No. 4. Development review of a residential lot requiring a lot line adjustment, Zoning Variance, and Riparian Exception, APN 103-171-31 and 32. Note: this is not the record of a building permit. It is the record of an applicant / owner seeking the designation of a building site, perhaps with the intent to sell the lot once this goal has been achieved. This strategy is one I have seen before, as landowners speculate on difficult lots in order to increase their value for re-sale.

Elements of the Exception (APN 103-171-32) that are in conflict with general zoning and building site standards or with the stated intent of the various environmental ordinances:

1. Zoning Variance to reduce the front yard setback (from a road right of way) from 40 feet to 5 feet.
2. Riparian Exception to allow encroachment of approximately 25 feet into the required 40 foot (ephemeral stream setback) Riparian Buffer.
3. "The entire "geologically safe" (*quotation marks are copies of the Planning document.*) habitable area as designated by the building envelope on "Exhibit A" is within the riparian setback area. Some redwoods within the building envelope, which are considered riparian, will be removed for construction. At the closest point, the development envelope encroaches to within 15-feet of the bank full flow line. (amended at ZA 8/3/07)"
4. From Variance Findings: "*the parcel proposed for a variance to the required 40-foot front yard setbacks, is extremely steep in all other areas besides the proposed development envelope and would require a massive amount of grading to create another buildable area on the site.*"

5. Review includes the consideration of 3 septic leach field locations, on the ridge top (pump-up) and on the valley floor near the ephemeral drainage streambed and thus possibly in conflict with septic codes. This is unclear in the report. The septic review analysis was not included with the Exception record.

6. Geological Feasibility study for lot: "*In our opinion, the proposed development might be subject to a greater than ordinary risk from flooding coming from the creek that borders the development area.*"

7. Note: This is not a building permit record, and there is evidence in the record that a problem will exist in providing for parking for the house when a building permit is actually sought. The site may still be too small and constrained.

Selections from Prior Permitting History

1. "In 1972 the property owner was denied a use permit (4399-U) to construct four resort cabins and a restaurant on parcels 103-171-31 and 32."

2. "Between 1973 - 1976, the property owner applied for two variances (1684-V and 75-1132-V) to build a single family residence on parcel 103-171-31 with reduced side yard setbacks and

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to temporarily reside in a mobile home during construction of the residence (115-T). Both variance applications and the temporary permit application were denied."

3. "In 2001, a code compliance case on parcel 103-171-31 was opened and eventually the property was red tagged for the unpermitted conversion of a non-habitable accessory structure to a second unit, a retaining wall over three-feet in height and electrical problems in the single family dwelling." These problems were apparently later corrected and the red tag was lifted.

4. The administrative record makes clear that this permit is to "designate a building site" (APN -32) and does not include an actual building permit. This suggests that the intent is to set up a "buildable parcel" for re-sale rather than

for building construction by the applicant in this permit record.

5. Three letters in the administrative record of this permit (two from a member of the private road association impacted by the proposed development) address the question of whether this parcel was declared as unbuildable in the past. The County letter explains: "Our files do not indicate that this parcel was determined "unbuildable". In the past, several projects on the two subject parcels have been denied by the County for various reasons; however they were not denied based on a determination that parcel 103-171-32 was unbuildable. This would require a written determination by the County Geologist and Environmental Health Services and would be recorded with the Assessors Office."

Comment: It is clear from the history of development permitting on this lot, that it was indeed considered as "unbuildable" by the County between 1973-'76. It may be that both lots were unbuildable. The Planning Commission denied two Variances necessary to construct a house on this location. This is particularly confusing because apparently both parcels had substantial problems.

It is obfuscation for the Planner, in the quote above, to assert that the denial of those prior zoning site Variances necessary to build, did not constitute a de facto determination of "unbuildable".

For any lot to truly be declared as legally "unbuildable", would require the lot's owner to act against his/her own personal self-interest and force such a determination to be recorded against the advice he or she would naturally be provided by Planning and EHS.

This record is a good example of how the interpretation of the code has changed so as to now allow construction upon severely sub-standard lots that were in the past denied permits under identical codes.

Example Two- No. 48, Proposal to construct a two story single family with attached garage on a vacant parcel. Zoning Variances and a Riparian Exception, APN 041-181-39.

Elements of the Exception that are in conflict with general building zoning site standards or with the stated intent of the various environmental

ordinances:

1. Parcel is undersized for the zone district.
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2. Zoning Variances are necessary for both front and side yards. **The required Riparian setback of 50 feet plus 10 feet (perennial stream) from Valencia Creek over laps the zoning front yard setbacks.**
3. Variances reduce the front yard setback of 40 feet to 8 feet and reduce the side yard setback from 20 feet to 12 feet.
4. Riparian Exception to reduce the setback from Valencia Creek from 60 feet to 17 feet. House is to be built on a pier and grade beam foundation due to steep slope down to Valencia Creek. The record available for this example does not include any parts of the geological or soils reports that were necessary.

Selections from Prior Permitting History: The record available includes none of the prior history other than references to 1999 in regard to a geological survey and a prior expired Riparian Exception.

Example Three- No. 5 or 47 (duplicates), Proposal to construct an approximately 1,455 sq. ft. single family dwelling, a sewer pipeline crossing over an existing unnamed creek and an approximately 6 foot high retaining wall. (APN 086-082-22)

Elements of the example that are in conflict with general building zoning site standards or with the stated intent of the various environmental ordinances:

1. Variance to reduce the required 40-foot front yard setback to 2 feet.
2. Riparian Exception to build retaining walls within the riparian setback to support a house and improvements (within the same setback), and also an Exception to suspend a sanitary sewer line across a creek to a leaching location of the opposite side of the creek from the proposed house. The developable area of the parcel is apparently so small, due to steep slopes, that the house is being built right up to ("approximately 2 feet from") the Highway 236 right of way. The proposed house site slopes down from the

highway to the creek apparently necessitating the use of retaining walls to support the house site. The Riparian setback and the road right of way overlap, apparently including at the location of the house site. The record available does not include any septic design information or other details regarding the site itself.

Selections from Prior Permitting History: The record in the Exception documents available does not include any permitting history other than this statement: "The site has been historically graded and is located below the grade of the adjacent highway."

Example Four- No. 2 or 9 (duplicates) 030-112-05, Rodeo Gulch Creek. Proposal to construct a 2 bay, 2 story lube/oil facility of 2852 sq. ft. Remove 3243 cu. yds. earth. Requires a Roadside/Roadway Exception. Majority of the parcel is within the Riparian Buffer. Requires a Riparian Exception to locate parking, driveway, trash enclosure and part of structure within the 60 foot Riparian Setback. All trees located on the slope to the stream will be removed to accommodate re-grading of the riparian corridor.

The site is described as having been used for illegal dumping occurring in the 1960's. The proposal is to excavate out debris, garbage and un-engineered fill. Re-grade to get a 2:1 slope. Reduce the final width of the Riparian buffer to 20 ft. plus 10 ft. Original code is for total 60 ft.

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Elements of the Exception that are in conflict with general building zoning site standards or with the stated intent of the various environmental ordinances:

1. Riparian Exception to reduce the set-back from the stream from 60 feet to 30 feet. Exception to completely re-grade, apparently to the streambed and remove all existing vegetation and create a "bench" above the streambed. Incorporate a new drainage system "that will release runoff at the toe of the slope." Presumably this is associated with the fact that the site drains into Rodeo Gulch Creek.

Note: It is an interesting choice to permit a drive-through vehicle oil changing facility with Exceptions from various codes on a site that drains

rain runoff directly to a stream.

2. Roadside-Roadway exception. Selections from Prior Permitting History:
 1. Denied permit in 1978 to construct a 2700 sq. ft. automotive repair and light industrial due to unstable site conditions indicated in soils report.
 2. 1984 site visit to delineate the Riparian Corridor and setback requirements. "The determination was that a 50 foot setback would be required; however the letter indicates that a reduced 20 foot setback would be supported by staff."
 3. 1985 Proposal to construct a one and two story commercial building and create seven condominium units. Application withdrawn.
 4. 1988 site visit to delineate the Riparian Corridor and setback requirements. "Letter indicates that staff would not be able to make riparian exception findings based upon the instability of the slope. " Expired.
 5. 2006 Riparian Presite for a proposed auto repair shop. "Staff determined that setbacks of 50 feet from the top-of-bank, 20 feet from edge of dripline and an additional 10 feet from all structures would be required. Expired

NOTE: Useful example of Riparian Exception Findings in Coastal Zone etc.

1. That there are special circumstances or conditions affecting the property. *'"This finding can be made, in that the vast majority of the parcel is located within the riparian corridor and the granting of an exception will allow a reasonable use of the property. In addition, a large portion of the property contains unclassified, unstable fill that is prone to erosion and failures. This fill will be removed in order to provide a stable slope and to better control drainage." This demonstrates that the Coastal Zone designation does little to strengthen the Riparian Ordinance.

Appendix 2

Numerical List and a Brief Analysis of the Collected Riparian

Exceptions Provided by Planning

Legend and explanations applying to the following list: The numbering itself is in the order these that the documents (Exception records) were provided by Planning. It has no other significance.

(B) This refers to environmental significance in relationship to a building development proposal, rather than to a road or driveway based exception. (This does not indicate that road development has no environmental significance, but that roads and driveways are always associated with general development in the case of this report.) A numeral after this (B) symbol is a counting of these exceptions as in 1-B1 that follows.

Ten such development based Exceptions were included in the 2 years of data for this report.

(correction dated June 13--There is a mistake in original document submitted to the Board on June 12-- There are 11 development based Exceptions in the record.)

Several of those are particularly striking in that highly constrained (thoroughly sub-standard building sites) were provided with exceptions. In at least two cases the sites had previously been rejected by Planning and had been denied permits to build. The available records are not entirely consistent and do not include the same types of information.

The question naturally arises as to what would constitute the poorest possible building site that Planning (and the Zoning Administrator, or the Planning Commission) would accept as buildable as opposed to unbuildable. This is a changing situation with more and increasingly deficient building sites being granted various environmental code exceptions and Variances from zoning site standards. All of this leads to a continuous deterioration in the aggregate condition of Riparian Areas in Santa Cruz County. From the standpoint of what remaining buildable lots exist in Santa Cruz County, this issue is fundamental.

1- (B) refers to environmental significance in relationship to a building development proposal.

2- (PW) refers to Public Works (usually road work). Eight Exceptions were granted to Public Works.

3- (PR) This refers to Private Road, Bridge or Driveway Work. There were eight of these Exceptions. Many of these driveways lead to new development sites,

4- (RDA) This refers to Redevelopment Agency Projects. There were six Exceptions granted to RDAs

5- (AG) One agricultural greenhouse business was granted an Exception.

6- If a particular stream is noted in the staff data, then the name of that stream is listed in this report.

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7- One illegal water diversion installation was granted an Exception to leave a collection basin (tank) in place in a streambed below the edge of a road, ostensibly to avoid weakening the road edge by the act of removing of the illegally placed tank.

8- One Exception was granted for a private in-stream impoundment used for the irrigation of a row of trees. Both of these in-stream impoundments raise questions about endangered wildlife that may have been impacted, perhaps on a permanent basis.

No. 1-B1 031-011-02, 2345 S. Rodeo Gulch Rd. Rodeo Creek Gulch

Proposal to "recognize" a landscape contractors yard, including existing 665 sq. ft. office. 176 sq. ft. office trailer, parking area for 6 work trucks, three outdoor storage areas and a 320 sq. ft. office trailer. Requires Commercial Development Permit and a Riparian Exception for removal of improvements in Riparian Buffer.

Assorted prior use history leading to 2001 application for a vehicle storage yard, withdrawn 2003. Red-tag recorded 2009 for existing unpermitted landscape contractor yard.

2 General Plan designations, CS 17,400 sq. ft. and 6,880 sq. ft. OU (urban open space). Riparian area is "cleared of woody vegetation associated with the riparian corridor areal photos from 1975, 1989, 2003, and 2007. Conditions require removal of "improvements and structures including trailers and chain link fence" and re-plant corridor.

No. 2-B2 030-112-05, Rodeo Gulch Creek

Proposal to construct a 2 bay, 2 story lube/oil facility of 2852 sq. ft. , remove 3243 cu. yds. earth, requires Roadside/Roadway Exception.

Majority of the parcel is within the Riparian Buffer. All trees located on the slope will be removed to accommodate grading.

Denied permit in 1978 to construct a 2700 sq. ft. automotive repair and light industrial due to unstable site conditions indicated in soils report. Extensive permitting history including condominium unit denials or dropped permit application.

Excavate out debris, garbage un-engineered fill. Locate future parking, drive, storage within Riparian Setback. Re-grade to get 2:1 slope. Reduced Riparian buffer to 20 ft. plus 10 ft. setback. Original code is for total 60 ft.

No. 3

103-171-79, Soquel San Jose Rd. for permit 06-0488-lot line adjustment for another Riparian Exception. below.

13

No.4-B3

103-171-31 and 32, Lot line adjustment, Variance to reduce the front yard setback from 40 ft. to 5 ft., and Riparian Exception to encroach 25 ft. into the 40 ft. Riparian setback.

No.5-B4

086-082-22 New House, Zoning Variance to reduce the 40ft front road setback to 2 feet, Riparian Exception to extend sewer line over creek and

build house inside the Riparian setback.

Riparian Exception_ Site undevelopable without Exception therefore “appropriate”. Cut and fill_227 cut 156 fill

Unnamed creek bisects property—“historic grading for pad inside highway (236) for unpermitted trailer.

New building site. “best site adjacent to highway”, intends to pull stumps. Riparian setback intersects with the road setback. –special circumstances- House setback to be 2 Feet Septic to be on the opposite side of creek with a suspended sewer line. No.6-B5

041-181-39 New House, Valencia Creek, 17 feet from stream bank. Variance to reduce front yard setback to 8'. Variance to reduce side yard to 12' and Riparian Exception

No.7-PW

Public Works, Schwan Lake, Mitigated Neg. Dec.

No.8-RDA

037-101-58 and 59, Owner RDA, park development Tee Street, Grading 6,800 yards cut 1,900 fill, Variance for parking, and access, increase in impervious surface (paving etc.)

No.9 DUPLICATE OF No. 2 ADDITIONAL ANALYSES

030-112-0, Rodeo Gulch and Soquel Drive, vacant site 24,100 sq. ft. 0.55 acres, 2852 sq. ft. 2 story oil and lube facility. Riparian exception to strip vegetation and grade in the riparian to create 2:1 slope. A portion of the proposed parking area, drive aisle, trash enclosure and structure to be located in 50' Riparian buffer and 10' setback.

Staff supports Exception given the lack of developable area on the parcel and the necessity to improve slope (riparian dump site) stability.

etc.

1. That there are special circumstances or conditions affecting the property. **"This finding can be made, in that the vast majority of the parcel is located within the riparian corridor and the granting of an exception will allow a reasonable use of the property. In addition, a large portion of the property contains unclassified, unstable fill that is prone to erosion and failures. This fill will be removed in order to provide a stable slope and to better control drainage.

4. Demonstrates that the Coastal Zone designation does nothing to strengthen the ordinance.

No. 10- (Duplicate case)

031-011-02. 24,280 sq. ft. C-4 Commercial zoning. Parcel has an O-U (Urban Open Space) General Plan designation on 6,880 sq. ft. at rear of parcel abutting Rodeo Gulch Riparian Area.

History "ending" with a 2009 recorded red-tag for the existing unpermitted contractor's storage yard.

Intent of permit is to recognize a landscape contractor's yard including an existing 665 sq. ft. office building, a 176 sq. ft. trailer, parking for work trucks, 3 outdoor storage areas and a 320 sq. ft. storage container. Riparian Exception for removal of improvements within the riparian buffer.

No. 11-PW

Public Works Application for Riparian Exception for road repair Nelson Rd. Scotts Valley. No building construction associated.

No. 12-RDA 030-153-24 Applicant RDA 4740 Soquel Dr. Soquel

Soquel Creek Linear Path "Park". Permit for removal of former mobile home utilities, concrete pads, non-native trees.

No. 13-PW

Public Works. Replacement of failed culvert, with temporary stream

diversion, crossing of Lochhart Gulch Rd. over Lockhart Gulch.

No. 14-PW Public Works. Replacement of corroded culvert leading under Two Bar Rd. to Two Bar Creek.

15

No. 15-PW Public Works culvert replacement Kings Creek Rd. Includes channel back fill and new headwalls.

No. 16-B6

028-181-05 Corcoran Lagoon, Code violation (from complaint) unpermitted construction of new retaining walls dating from 1960's (date is neighbor opinion).

Riparian Exception and Coastal Development Permit applied for. Objected to by staff, Permit withdrawn.

Current application with minor changes "the proposal does not represent a substantial revision to the application that was made in 2009 and does not incorporate the changes requested by Environmental Planning staff."

Other adjoining properties constructed away from the 100 ft. Riparian Corridor near 24th Ave. Includes U-O Urban Open Space designation. New wall used to extend the yard landscape use within the Riparian setback.

Appears that this Exception was denied. See number 18 when approved. No. 17-B7 081-071-08, HWY 236

370 sq. ft. addition to existing house within Riparian setback also within calculated 100 year flood zone of Boulder Cr. Findings section claims addition " is necessary for the permitted residential use of the property." Note: claim of report that basement floor elevation is above FEMA base flood elevation.

No. 18-continuation

OVERTURNS DECISION ON NO. 16, 028-181-05, Corcoran Lagoon retaining walls question. Claims replacement of prior existing but failed non-

conforming retaining walls in not in violation of the Riparian Ordinance or the Coastal Act despite filling of site and poured in place walls. No record of process other than Findings and Conditions.

No. 19-PR 102-471-03 and 06, Pilkington Rd. and Paul Sweet Rd.

Replace-repairs an unnamed gated road called an "emergency access right of way". Failure of culvert and bank resulting in fallen trees etc. at a intermittent tributary to Arana Gulch

16

No. 20-PR

099-011-19, Olson Rd. 2.7 miles from Soquel San Jose, landslide induced road failure repair West Branch Soquel Creek. Permit allows construction of gabion wall inside Riparian Setback 42ft. from active channel.

No. 21-PW

Public Works, Schulties Rd., Burns Creek, replace failed culvert and roadway embankment on ephemeral tributary to Burns Creek near Laurel Rd.

No. 22-PR 087-021-26, 20595 Saratoga Toll Rd. Sempervirens Fund Demolition of cabin. Replacement of culvert. No. 23-PR 109-112-05 and -16, 821 Old Smith Rd. Watsonville

Grading permit and Riparian Exception, construction of bypass driveway road around landslide 1,600 cu. yds. cut and fill and 5,000 cu, yds. (phase 2) plus drainage and Hilfiker retaining wall. Requirement for 5 year monitoring for vegetative coverage of site, Verifying agency is County Planning. No information in the documents about the scale of the slide or length of road segment or proximity of active stream channel.

No. 24-residential repair-maintenance

040-163-15, 823, Mangles Gulch. 1982 original landslide, Gabion wall recommended in 1991. Not built. In 2007 owner requests permit and Riparian exception for shotcrete wall to protect upper portion of slope below the house

and deck. Permits issued and approval of gabion baskets installed without permit prior to 2000--- be legalized or removed. 3 tier wall in 3' high steps buried 3'deep with 1 ft. step backs. (very steep). Note: structure apparently stands too close to ephemeral watercourse for safety due to periodic high flows as is case of original landslide.

No. 25- B8, residential repair-expansion- 078-101-03, Marshall Creek

Channel immediately below existing house. Unpermitted gabion wall is failing. Conclusion to retrofit the existing wall. Construct 25ft. diversion wall and a 42' 6" long reinforcement retaining wall in front of existing gabion baskets, install rock slope protection within the Riparian Corridor of Marshal and remove 576 sq. ft. of unpermitted deck and 601 sq. ft. of unpermitted room additions at dwelling. "Recognizes" conversion of 1068 sq. ft. of lower floor to habitable space and conversion of habitable detached structure to storage space.

No information on Marshall Creek at completion or extent to which the live channel is modified or impacted in the future.

17

No. 26-RDA

Applicant RDA, amendment to Soquel Creek Linear Park, Pathway Improvement Project. Permit is for additional tree removal in the designated Riparian Woodland and permit extension.

No. 27-PR 064-191-17, RV Park, Highway 9 Felton.

Permit to "recognize" an existing 260 ft. long retaining wall up to 34" high and remove approx.. 94 ft. of the as-built wall.

"Conditions" state authorization for construction of a 3 ft. max height wall topped by a split rail fence. No information about distance to channel of San Lorenzo River. May be a tributary channel through the RV park. Claim of need to additional space for larger RVs. Pretext of long standing use.

No. 28-PR (unclear in association to related development) 099-111-12, Soquel San Jose Rd.

Proposal on 5.4 acre parcel to construct new single-family dwelling and driveway over an existing drainage swale with oak woodland and willow thicket. Drainage passes through several downstream culverts to confluence with West Fork Soquel Creek. Permit if for culvert. No discussion of distance of proposed structures to the watercourse.

No. 29-B9 104-211-19,

Demolish existing single-family dwelling, two sheds, fence, & well. Build replacement house with New driveway, 3 parking spaces. Inside Urban Services Line. Lot partially in flood-plane of Soquel Creek. According to Riparian Ordinance 50 ft. buffer from top of arroyo. There is 5-10 ft. strip of developable land between buffer and road right of way.

Approved. **NOTE: No reference is made to relative square footage of the original and the replacement house in the exception document.**

No. 30-PW Scott Creek, Swanton Rd. Bridge, CALTRANS bridge repair. No. 31 and 32 (are duplicates)-continuing case 028-281-15, 171 Moran Way (went to Board of Supervisors hearing)

Entire parcel in 100 ft. setback from Moran Lake. 135 sq. ft. additional in footprint of replacement house (original 1961 structure). States 350 sq. ft. less lot coverage due to proposed removal of existing viewing platform and walkway. Original building one story, replacement building 2 story with "non-habitable" basement (less than 7' ceiling height). Building rotated for preservation of neighboring views. Approved.

18

No. 33 and 34 are duplicates.

Several parcels, Hover Rd. Replacement of private road bridge over Hester Creek, tributary to Soquel Creek.

No. 35-PR (second bridge)

070-151-21, 123 Cathedral Drive, Scotts Valley, Lockhart Gulch Creek private road bridge replacement. Pacific Southwest Evangelical Covenant Church. A full replacement bridge was constructed in 2008. Now applicant

requests permit for a new (second) replacement bridge at site of original bridge on new alignment.

No. 36

Mission Springs Christian Camps and Conference Center (Pacific Southwest Evangelical Covenant Church failure to provide documents, notarizations on above permit No. 35.

No. 37--(38 is duplicate) B9 051-701-13, Kelly Lake

Proposal to "recognize" a sheet pile wall extension of 44 ft. to an existing wall of 115 ft. approved under a previous application. Parcel of 1.14 acre-majority of which is underwater. Site of dry land extending 50 ft. from water edge along 200 ft. of shoreline. Entire parcel within the 100 ft. Riparian protection area. "The slope behind the newly constructed (approved according to document) garage required stabilization. Given the existing site conditions and limited space between the garage and lakeshore, the additional section of sheet pile is an acceptable method of stabilizing the slope, and is in keeping with the intent of the previously approved application (06-0269).

No. 39 (No. 40 is duplicate) illegal water diversion 062-122-02, Majors Creek

Recognizing construction of illegal cistern placed below road edge near public road culvert outfall. Cistern said to now support road edge. Required rock in cistern and breach of cistern. plant re- vegetation, resolve Red Tag.

No. 41AG 109-241-11 and 29, 750 Casserly Rd. Watsonville

Deals with an illegally cut drainage channel on a green house property and require re-vegetation of repaired modified channel.

No. 42 (private land water impoundment)

074-181-01, 19490, Quail Hollow Rd. and East Zayante Rd. 110 Quail Hollow Rd. Felton Grading 2,760 cu. yds.

19

Project consists of re-building an in-stream dammed impoundment within

Quail Hollow Brook downstream of the Quail Hollow County Park pond. Major excavation, deposition of fill and impacts to channel. Pond is used by landowner to irrigate a row of redwood trees planted along Quail Hollow Rd.

No. 43 (classification unclear)

049-101-33, Larkin Valley Rd.

Original red tagged land clearing associated with planned development of site. Riparian Exception issued under this permit to create a culverted crossing over an ephemeral stream for a driveway to the planned house site.

No. 44-PR 068-061-14, 2830 Glen Canyon Rd. Carbonera Creek

Drive way culvert 30ft. and fill 20ft. replacing ephemeral stream for access to new building site. Apparent burial of watercourse in relationship to driveway.

No. 45 103-171-79, Riverdale and Soquel San Jose Rd.

Time extension document related to Riparian Exception- Apparently associated with a new house construction (09-0281) No information about actual Exception permit.

No. 46- B10 103-171-31 and 32, Soquel San Jose Rd.

Lot line adjustment to create a "development envelope and a building envelope at the proposed building site. Variance to reduce the front yard setback (40 ft. to 5 ft. Riparian Exception to allow development into 25 ft. of the 40 ft. Riparian buffer. (Leaving buffer of 15 ft.)

Between 1973 and '76 owner applied to two variances to build single-family residence on (-31) and to temporarily reside in a mobile home during construction. Both variance applications and temporary permit applications were denied.

In 2001 a red-tag issued for unpermitted conversion of a non-habitable accessory structure into a second unit

In 2000 application for second unit applied for then withdrawn. Permit issued to reduce retaining wall height and remove "habitable features" (probably

toilet or stove). Electrical permit issued to correct electric problems.

Parcel (-32) currently vacant, has apparent site problems (slope, ephemeral stream, dirt road down center etc.

20

Proposed equal exchange between (-31 and (-32) to create building site. for future single-family residence.

Development of (-32) requires a Variance for reduced front yard setback and riparian exception. Proposed envelope would allow SFR (single family residence) with garage and carport.

Redwood riparian setting where required setback is 30 ft. from the edge of the riparian woodland to beyond the edge of the dripline. In addition a 10 ft. setback from the edge of the buffer is required for all structures. Redwoods will be removed. At closest point the development envelope encroaches to within 15 ft. of bank full flow-line.

"Findings for a riparian exception can be made because no alternative building area exists on the property that is geologically suitable and as a condition of approval, no disturbance shall occur outside of the development envelope." Substantial geo analysis in permit must indicate landslide risk assessment reasoning.

No. 47-B11 086-082-22, south side of Big Basin Way 236, 19515 Big Basin Highway

Proposed building site is entirely within the Hy 236 set-back between highway and a perennial creek with leach field on opposite side of creek from dwelling with sewer pipe crossing the stream.

Variance, Residential Development Permit, Riparian Exception Geo. Review. Variance to reduce the 40 ft. front yard setback to 2 ft.. Increase front yard wall height from 3 to 6 ft.

Residence proposed to be 2 ft. from the northern property line and Highway 236 right of way. Proposes to suspend sewer line to leach field over the creek to a leach field on the opposite side from house. Steep slopes, narrow

developable area. Proposes retaining walls 5 ft. within the front set-back apparently to support the building site that is below the grade of the public highway.

No. 48-duplicate of 5 041-181-39, Valencia Creek

Variance and Riparian Exception. Variance to reduce the 40 ft. front yard setback to 8 ft. and to reduce the 20 ft. southeast side setback to 12 ft. Steeply sloped to stream and no conforming building site. Zoning setbacks merge with Riparian set-back.

Riparian Setback of 50+10 is reduced to 17 ft. to edge of decking. No. 49-RDA County Public Works and RDA _Schwan Lake suspended walkway.
No. 50-RDA

Live Oak RDA, Cunnison Lane and Soquel Dr. Tee Street apparent duplicate or addition to earlier permit in this record.

21

No. 51-PW

Public Works, Graham Hill Widening Project. Extensive biological damage but reviewed in other venues prior to this report preparation. Well known project.

22

Nathan Johnson
215 Pinewood Street
Santa Cruz, CA 95062
(831) 234-9806
Johnson.Nate28@yahoo.com

Santa Cruz County Board of Supervisors

October 31, 2017

Dear Friends,

I'm writing to ask you to advocate for a letter to the state's Department of Consumer Affairs – Bureau of Cannabis Control (“The Bureau”). In favor of the position that ***the regulations should permit shared premises, including multiple businesses of same and different license types, as well as permit multilevel or vertical stacking of the designated premises.*** The Bureau is developing regulations related to colocation of licensees on premises.

Many people who have grown cannabis in Santa Cruz will not be able to get their property qualified. Many won't be able to buy a property that will qualify. And some of these people will wind up continuing to grow illegally. That creates the attendant enforcement problems. ***Adapting this proposal would be a win for the county (less black market grow); a win for the people who have been growing here since before January 1, 2013 who have been asking for regulation; and, a win for the greenhouse owners and land owners who can put their greenhouses or other lands or warehouses back into production.***

Here is my proposal:

- **INCREASES IN CANOPY SIZE** - Previous proposals set relatively small caps on the percentage of a parcel which could be used for cultivation, and the total allowed square footage of canopy, which varied based on zoning. ***I recommend that the previously proposed allowable canopy be increased as follows (effectively doubling prior proposals for most zoning types):***
- **CA (Commercial Ag)** - ***increased from 2% of the parcel, up to a maximum of 22,000 sq. ft. to 4% of the parcel, up to a maximum of 44,000 sq. ft.***
- **MULTIPLE LICENSES PER PARCEL** - Previous proposals allowed for only one cultivation license to be granted per parcel, regardless of the size of the parcel. ***I recommend allowing multiple licenses per parcel. The first recommendation is to allow each license to allow the amount of square footage permitted under the above***

formulas, the secondary recommendation (dubbed the “More Permissive Project”) is to allow multiple licenses on a parcel, but the total square footage of all gardens combined must be less than or equal to the amount permitted under the above formula.

- **NURSERIES** - cannabis breeders and nurseries have significantly different needs for their sites. *I recommend that future regulations include a section creating a license type to correspond with the California state Type 4 nursery license.* These regulations should allow additional space not counted towards canopy limits to be used for non-commercial research and development.
- **CONTINUITY OF OPERATION** - in order to participate in licensing, existing cultivation operations need the option to continue operating while their applications are processed. As is already being prepared by the state (which intends to offer temporary licensing before the end of the year), *the county should offer some option to allow cultivators to enter the licensing application process while still continuing to cultivate.*
- **DISTRIBUTION** - licensed distributors will be required to broker any legal sale of cannabis. *The County should include a provision creating a license type for distributors as set forth in MAUCRSA.*
- **INCENTIVES AND GRADUATED LICENSING FEES** - excessive initial licensing fees will discourage participation in the programming. *Reasonable licensing rates will be effective to assist in more applicants. In addition, incentivize, organic-equivalent cultivation, compassion programs, living wage employment and participation by women, people of color, and historically marginalized groups.*
- **ALIGNMENT WITH STATE LAW**- conflicting local and state law consistently creates confusion and accidental non-compliance with regulations. *I recommend that any regulations passed are written to mirror state law, and particularly MAUCRSA to the greatest extent possible.*

I recognize that unregulated cannabis gardens are the greatest danger to the County's environment, and therefore achieving a high level of participation will be the key to any regulatory programs effectiveness. *I believe that including these additions to any future county cannabis regulations will help maximize participation while also allowing the local cannabis industry to operate successfully.*

Sincerely,

Nathan Johnson

From: nberezny@wildblue.net
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 8:27:05 PM
Subject: EIR comments

I thank the board for the opportunity to hear my comments and hope that we will have the opportunity for further comments in the future. The EIR document is extensive and I have only had the opportunity to skim over a very small portion of the EIR. I also did not have the time to review this work and comment on it prior to today's deadline for comments.

I am a retired physicist, engineer, and patent practitioner whom have recently begun cultivating cannabis to treat a health condition with which I am suffering. I have registered in 2016 to grow cannabis.

I have a number of specific issues I would like to discuss, but lack the time, so I will just give some broad strokes. Overall, the regulations associated with cannabis cultivation, manufacturing, and sales, seem extremely over regulated. As pointed out, the cannabis industry in Santa Cruz county is estimated to be between 200 and 250 million dollars a year, which is comparable to the strawberry industry. In terms of environmental impact the cannabis industry, for decades, has been mostly invisible to everyone, particularly law enforcement. Whereas, the environmental impact of the strawberry industry is clearly visible. So it's hard to imagine that the cannabis industry could've made such a dramatic impact on the environment while remaining invisible. Granted, there may be small violations/exceptions, but clearly, as a whole, have been mostly invisible to the public, and hence, have had a minimal impact on the environment. In terms of a ratio of economic benefit over environmental impacts nothing comes close to surpassing the cannabis industry in this respect. Every industry has an environmental impact; ideally the best strategy is to maximize economic benefit while minimizing environmental impact. Many of the regulations that I've reviewed treat cannabis very differently from all other crops. For example, on page 3-15, a "fire regulation does not apply to indoor agriculture where the crop is other than tobacco, hemp or cannabis." I don't see the logic behind such a strategy. Creating a disparity unnecessarily increases the cost of cannabis thereby attracting organized crime. I would like to see greater effort to increase uniformity in the agriculture business with respect to cannabis while reducing factors that would promote overpricing products, such as permitting monopolies to exist at any level in the cannabis industry. Furthermore, such price disparities are also achieved by overregulation, which will squeeze out many small businesses that cannot afford an army of attorneys to facilitate compliance, thus creating a monopoly and artificially raise prices. Historically, organized crime and criminals seek large profit margins via overregulation and/or monopolies in order to survive. They do not do well in a competitive free market environment. The best way to prevent this is to make it easy and affordable for all people to enter into all aspects of the cannabis industry.

For example, a variety of states and counties were adamantly opposed to the sale of alcohol after the end of prohibition, typically known as dry counties. These are frequently located in the "bible belt" of the south and mid-west. Unfortunately, this had the side effect of attracting organized crime and gangs that engaged in moonshine production and distribution that still exists in those counties to this day, because it created a price disparity which translates to a large profit margin. Furthermore, those areas that permitted/resumed alcohol sales, distribution and manufacture already had a strong organized crime presence, so when it became legal the profit margin was far too thin and organized crime moved out of the alcohol business and into other more profitable activities, such as heroin. Hence, these regions had the misfortune of having to deal with large organized criminal groups, which they may never get rid of. In my opinion, the best strategy is to encourage further cannabis industry development in Santa Cruz county via deregulation and promote anti-monopolistic strategies. For example, if strawberries where outlawed we would still have the same types of problems. Strawberry prices would skyrocket, a strawberry black market would be formed, attracting many illegal operations. Big organized crime groups would try to take over and would monopolize the industry, especially if strawberries were later decriminalized. The point being, the specific crop involved has little to do with the economic and criminal forces involved and everything to do with the regulations. If Santa Cruz county wants to keep organized crime out and bring illegal operations into the public, it is imperative that the regulations be simple, cheap, and easy to comply with. Overregulation is likely to result in the unintentional attraction of organized crime groups and perpetuate illegal activities that can undercut the regulated industry. If the price of cannabis to a customer is the same from an illegal operator as it is for compliant operator, customers are much less likely to buy from the illegal operator, hence putting them out of business. Overregulation is an attractive nuisance.

I would encourage the board to treat cannabis the same as they would if the crop were strawberries, or corn, or tomatoes. Would you really need a 20 foot wide road and 200 foot radius turns for a small crop of tomatoes?

Thank you for your time and consideration.

From: "Anne Eisenmann" <anneeisenmann@me.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/26/2017 9:52:37 AM
Subject: Public Comment

Hello,

I am adding public comment from Nextdoor Corralitos - which I think reflects the general mindset well. I do not agree about reducing the regulatory requirements at all. I think that strong enforcement of the regulations will weed out the criminals and lawbreakers and encourage legitimate and responsible growers. We cannot let our neighborhoods fall to the kind of scoff laws and liars that the country is falling to. I hope that the county will heed what is being said by myself and other non-criminal citizens.

Just wanted to share this post from Nextdoor Corralitos

Corralitos is a beautiful place to grow this crop, too, as the climate is hot enough and dry enough to support it without using massive amounts of electricity and chemicals to combat mold that the coastal ag land gets. The greatest threat to our environment and our community has right now is the threat that Cal Fire may impose a 20' Wide Road and 120K Gallon water storage requirement for any licensed cannabis cultivation or manufacturing activity. If the County goes along with this restriction, all of the growers will remain "UNREGULATED", using their generators, diverting water, stealing power, using pesticides and chemicals, clear-cutting, etc. Talk about a fire hazard! Make regulations doable for our growers, and the situation will improve drastically. Make regulations unattainable, and we're spinning our wheels, losing tax revenue to the undercut prices of the black market, and continuing to see our environment have serious impact.



October 15, 2017

Attn: Matt Johnston
Planning Department
Santa Cruz County
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Re: Cannabis EIR

My name is Vincent Lin, I am the president of Classico Design and Marketing. We have been in the agriculture sector for over 20 years. We grow different types of flowers and trees inside greenhouses, we are specialized in flowering cherry trees. Also, we are in the manufacturing business providing decorative fountains and statues for retailers.

Commercial farms are subject to extensive health and safety, environmental and worker protection regulations. The draft EIR does not recognize that all of these programs exist, and appears to pick and choose which should be applied to cannabis grows. Cannabis farmers should be subject to the same regulations as all other farmers, plus those unique to cannabis.

The EIR reviews the Project and More Permissive Project in detail. As to grows on CA zoned land the Project has a 2% parcel size limitation, increasing to 4% for the More Permissive Project. The Alternative Analysis considers three other possibilities; No Project, Most Restrictive, and Most Permissive. Each results in potential significant adverse impacts. Every EIR must consider reasonably feasible alternatives. “For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR” (Draft EIR, Alternative Analysis pg. 4-1)

CA Zoned Greenhouses Based on this criteria the environmentally superior alternative should be allowing co-location of multiple licensees, in order to maximize utilization of prime Ag land, on CA zoned land, with a preference for existing greenhouses.

Existing greenhouses, which the EIR points out as underutilized, avoid or mitigate every identified negative impact. Our workers will continue to be employed, not contributing to additional traffic congestion. There will be no new development so there is no impact to biological, cultural, geology and soils, and no increase in greenhouse gas emissions. Our greenhouse has an existing agricultural water well. This is the environmentally superior alternative.

There are a few changes which I believe would improve the proposed cannabis ordinance.

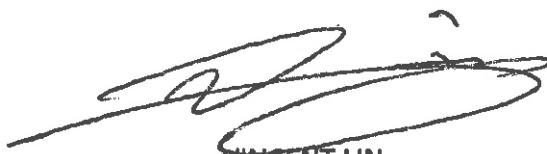
1. Rules Specific to License Types; CA Land (F)(1)(b) page 14: To maximize utilization of existing greenhouses on CA land and reduce the overall environmental impact of cannabis cultivation this should be changed to allow stacking of licensees and full occupancy of existing greenhouses as follows:

(F)(1)(b) Existing greenhouses may house multiple licensees. Individual licensees can grow up to 22,000 square feet in adjacent greenhouse space. Each existing greenhouse structure will have demarcations showing the area occupied by individual licensees. Greenhouse walls along the perimeter of the property must be opaque.

2. General Eligibility (G)(1)(a) page 16: Commercial farms, including greenhouses, are many times leased to other growers, even though the owner may have farmed or owned the property for decades. The limitation that the applicant is required to have engaged in commercial production for over 3 years is not necessary for existing greenhouses. It also limits the ability to stack licensees in one greenhouse.
3. Specific rules and exception for nurseries: California state law under MAUCRSA type 4 (Nursery license) do not have any restriction of square feet for growing non flowering cannabis plants. This applies only for nurseries. County Ordinance do not make this distinction. We believe the ordinance should be comparable the state law not more restrictive, specially with the 100 year tradition of nurseries we have in this valley.

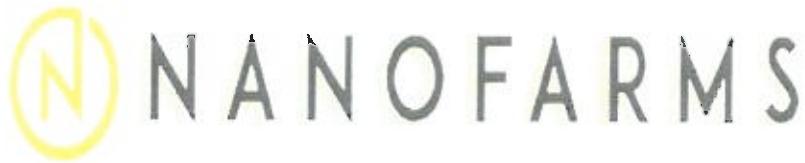
The Pajaro Valley has a long tradition of nurseries growing flowers so we hope you take in account our suggestions so the Cannabis industry can flourish in both sides of the valley not only in the Monterey County side. Competition to the flower industry has been severe and as flower greenhouse growers we need other alternatives and diversification to our area so we can survive as business.

Thank you,



VINCENT LIN
PRESIDENT

CLASSICO DESIGN AND MARKETING, LLC.



October 15, 2017

Attn: Matt Johnston
Planning Department
Santa Cruz County
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Re: Cannabis EIR

My name is Xavier Marques, I am the president of Nanofarms Inc. Nanofarms has been involved in the development of multiple olive tree plantings and nurseries in California over the last 20 years. We believe Santa Cruz county's weather will allow for a more sustainable, low cost production of medical cannabis products.

Commercial farms are subject to extensive health and safety, environmental and worker protection regulations. The draft EIR does not recognize that all of these programs exist, and appears to pick and choose which should be applied to cannabis grows. Cannabis farmers should be subject to the same regulations as all other farmers, plus those unique to cannabis.

The EIR reviews the Project and More Permissive Project in detail. As to grows on CA zoned land the Project has a 2% parcel size limitation, increasing to 4% for the More Permissive Project. The Alternative Analysis considers three other possibilities; No Project, Most Restrictive, and Most Permissive. Each results in potential significant adverse impacts. Every EIR must consider reasonably feasible alternatives. "For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR" (Draft EIR, Alternative Analysis pg. 4-1)

CA Zoned Greenhouses Based on this criteria the environmentally superior alternative should be allowing co-location of multiple licensees, in order to maximize utilization of prime Ag land, on CA zoned land, with a preference for existing greenhouses.

Existing greenhouses, which the EIR points out as underutilized, avoid or mitigate every identified negative impact. Our workers will continue to be employed, not contributing to additional traffic congestion. There will be no new development so there is no impact to biological, cultural, geology and soils, and no increase in greenhouse gas emissions. Our greenhouse has an existing agricultural water well. This is the environmentally superior alternative.

There are a few changes which I believe would improve the proposed cannabis ordinance.

1-Rules Specific to License Types; CA Land (F)(1)(b) page 14: To maximize utilization of existing greenhouses on CA land and reduce the overall environmental impact of cannabis cultivation this should be changed to allow stacking of licensees and full occupancy of existing greenhouses as follows:

(F)(1)(b) Existing greenhouses may house multiple licensees. Individual licensees can grow up to 22,000 square feet in adjacent greenhouse space. Each existing greenhouse structure will have demarcations showing the area occupied by individual licensees. Greenhouse walls along the perimeter of the property must be opaque.

2-General Eligibility (G)(1)(a) page 16: Commercial farms, including greenhouses, are many times leased to other growers, even though the owner may have farmed or owned the property for decades. The limitation that the applicant is required to have engaged in commercial production for over 3 years is not necessary for existing greenhouses. It also limits the ability to stack licensees in one greenhouse.

3- Rules specific and exception for nurseries (Type 4 license under MAUCRSA): California state law under MAUCRSA type 4 (Nursery license) do not have any restriction of square feet for growing non flowering cannabis plants or in the vegetative stage. This applies only for nurseries. Santa Cruz County Ordinance do not make this distinction. We believe the ordinance should be comparable to the state law not more restrictive, especially with the 100 year tradition of nurseries we have in the Pajaro valley. Nurseries under CA zoning in greenhouses should be allowed to grow nursery stock of cannabis plants not having a square feet limitation.

The Pajaro Valley has a long tradition of nurseries growing flowers so we hope you take in account our suggestions so the Cannabis industry can flourish in both sides of the valley not only in the Monterey County side. Competition to the flower industry has been severe and as greenhouse growers we need other alternatives and diversification to our area so we can survive as business.

Thank you,



Xavier Marques
PRESIDENT
NANOFARMS INC.



N.A. AGRO-INVESTMENTS, INC.

October 15, 2017

Attn: Matt Johnston
Planning Department
Santa Cruz County
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Re: Cannabis EIR

My name is Xavier Marques, I am the president of North American Agro-Investments Inc. I am fifth generation grower. My family has been growing grapes and olives for multiple generations. North American Agro-Investments Inc. has several farms.

Commercial farms are subject to extensive health and safety, environmental and worker protection regulations. The draft EIR does not recognize that all of these programs exist, and appears to pick and choose which should be applied to cannabis grows. Cannabis farmers should be subject to the same regulations as all other farmers, plus those unique to cannabis.

The EIR reviews the Project and More Permissive Project in detail. As to grows on CA zoned land the Project has a 2% parcel size limitation, increasing to 4% for the More Permissive Project. The Alternative Analysis considers three other possibilities; No Project, Most Restrictive, and Most Permissive. Each results in potential significant adverse impacts. Every EIR must consider reasonably feasible alternatives. "For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR" (Draft EIR, Alternative Analysis pg. 4-1)

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Existing greenhouses, which the EIR points out as underutilized, avoid or mitigate every identified negative impact. Our workers will continue to be employed, not contributing to additional traffic congestion. There will be no new development so there is no impact to biological, cultural, geology and soils, and no increase in greenhouse gas emissions. Our greenhouse has an existing agricultural water well. This is the environmentally superior alternative.

There are a few changes which I believe would improve the proposed cannabis ordinance.

1-Rules Specific to License Types; CA Land (F)(1)(b) page 14: To maximize utilization of existing greenhouses on CA land and reduce the overall environmental impact of cannabis cultivation this should be changed to allow stacking of licensees and full occupancy of existing greenhouses as follows:

(F)(1)(b) Existing greenhouses may house multiple licensees. Individual licensees can grow up to 22,000 square feet in adjacent greenhouse space. Each existing greenhouse structure will have demarcations showing the area occupied by individual licensees. Greenhouse walls along the perimeter of the property must be opaque.

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The Pajaro Valley has a long tradition of nurseries growing flowers so we hope you take in account our suggestions so the Cannabis industry can flourish in both sides of the valley not only in the Monterey County side. Competition to the flower industry has been severe we need other alternatives and diversification to our area so we can survive as business.

Thank you,



Xavier Marques
PRESIDENT

NORTH AMERICAN AGRO-INVESTMENTS INC.

From: ["Pat Malo" <peppermalo@gmail.com>](mailto:Peppermalo@gmail.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 11/1/2017 3:59:34 PM
Subject: EIR Comments

GreenTrade agrees with the findings of the County Environmental Impact Report. Their finding that the proposed option referred to in the report as the “Most Permissive Alternative” strikes a fair compromise between the needs of all parties, will encourage the highest degree of participation in the regulatory process. As demonstrated by the EIR findings, the success of the program rests entirely on achieving participation. It is our recommendation that the County adopt the recommendations set forth in the “Most Permissive Alternative” studied in the report, with the following additions:

1. **COTTAGE LICENSING-** Include regulations and language creating an additional license type equivalent to the “Type 1C, or “specialty cottage” state license type, which would allow for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.” We recommend the following three tiered system:

Tier 1: Specialty Cottage

Zones: CA, A, RA, C-4, M-1, M-2, M-3, TP, SU

Acreage: 2.5 acre minimum

Parameters:	Outdoor	2500 square feet or up to 25 plants
	Mixed Light	2500 square feet
	Indoor	500 square feet

Setbacks: In compliance with 7.126

Recommendation for a 2.5 acre minimum is to accommodate long-term local cultivators who operated in compliance with SCCC Ordinance 7.126. These cultivators will not otherwise qualify under the draft SCCC Ordinance 7.128, without having to relocate their gardens, families and homes thereby suffering economic devastation.

Tier 2: Small Specialty Cottage*

Zones: CA, A, RA, RR, C-4, M-1, M-2, M-3, TP, SU

Acreage: One acre minimum

Parameters:	Outdoor	500 square feet up to 25 plants
	Mixed Light	500 square feet
	Indoor	500 square feet

Setbacks: In compliance with 7.128

*Represents the Level One Cultivator License in SCCC Ordinance 7.128

Tier 3: Home Specialty Cottage - Indoor Only**

Zones: All Zones

Acreage: No minimum

Parameters: 200 square feet maximum

Setbacks: In compliance with SCCC Ordinance 7.128

MICROBUSINESSES- allow licensees the opportunity to apply for and receive Type 12/Microbusiness licenses.

DEFINITION OF THE TERM CANOPY- It is our recommendation that, for the purpose of determination of garden size, the term “canopy” be defined to include the net vegetative area of mature plants only, and that plants which are not in a flowering state not be considered when calculating canopy size. This recommendation is based upon previously referenced “Text of Proposed Regulations” made by the Department of Food and Agriculture, which recommended the following method be used to calculate canopy:

“Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries.”

As previously stated, the “Text of Proposed Regulations” regulations referenced here has since been withdrawn due to the passage of MAURSA, but because MAUCRSA’s cultivation regulations are substantially similar to the MCRSA regulations for which the text was written, it is likely that this, or a very similar, definition will appear in future regulations.

SENSIBLE FIRE POLICY- Greentrade recommends defining cannabis cultivation as a Type U (Utility and Miscellaneous) usage rather than Type F-1 (Moderate-Hazard Factory Industrial), which has been suggested, and includes significantly harder to meet requirements, including water storage of 120,000 gallons and twenty foot wide access roads. These requirements are inconsistent with other industries, and the associated costs and logistics create a barrier of entry so high as to discourage cultivators from even attempting to apply for licensing. In addition, it is not appropriate for an outdoor farm to be classified as a “Moderate-Hazard Factory Industrial” usage for code purposes.

MULTIPLE LICENSES PER PARCEL- Previous proposals allowed for only one cultivation license to be granted per parcel, regardless of the size of the parcel. Our recommendation is to allow multiple licenses per parcel. This recommendation is based upon the previous “Text of Proposed Regulations” made by the Department of Food and Agriculture in January 9, 2017 when developing rules for the predecessor (the Medical Cannabis Regulation and Safety Act a.k.a. “MCRSA”) of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which was not passed until July 2017. The “Text of Proposed Regulations” (see Section 8602) explicitly allows for “multi-tenant cultivation” on a single property. When MCRSA was repealed by the passage of MAUCRSA, the Department of Food and Agriculture withdrew its entire above referenced “Text of Proposed Regulations” and is in the process of developing new recommendations in light of the changes caused by MAUCRSA. The legal framework for cannabis cultivation under MAURSA has not been significantly changed from the MCRSA regulations, so common sense dictates that use of a single parcel by multiple licensees will be recommended again, as MAUCRSA is generally more liberal than the previous MCRSA.

NURSERIES- cannabis breeders and nurseries have significantly different needs for their sites. We recommend that future regulations include a section creating a license type to correspond with the California state Type 4 nursery license. These regulations should allow additional space not counted towards canopy limits to be used for non-commercial research and

development.

CONTINUITY OF OPERATION- in order to participate in licensing, existing cultivation operations need the option to continue operating while their applications are processed. As is already being prepared by the state (which intends to offer temporary licensing before the end of the year), the county should offer some option to allow cultivators to enter the licensing application process while still continuing to cultivate.

DISTRIBUTION- licensed distributors will be required to broker any legal sale of cannabis. The County should include a provision creating a license type for distributors as set forth in MAUCRSA.

INCENTIVES AND GRADUATED LICENSING FEES- excessive initial licensing fees will discourage participation in the programming. Reasonable licensing rates will be effective to assist in more applicants. In addition, incentivize organic-equivalent cultivation, compassion programs, living wage employment and participation by women, people of color, and historically marginalized groups.

ALIGNMENT WITH STATE LAW- conflicting local and state law consistently creates confusion and accidental non-compliance with regulations. We recommend that any regulations passed are written to mirror state law, and particularly MAUCRSA to the greatest extent possible.

The EIR recognizes that unregulated cannabis gardens are the greatest danger to the County's environment, and therefore achieving a high level of participation will be the key to any regulatory programs effectiveness. We believe that including these additions to any future county cannabis regulations will help maximize participation while also allowing the local cannabis industry to operate successfully.

Peter Fryn
1309 Green Valley Road
Watsonville, CA 95076

Tuesday, October 31, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, California 95060

Via email to cannabiseir@santacruzcounty.us

To Mr. Johnston:

My name is Peter Fryn, owner of land at 1309 and 1313 Green Valley Road in Watsonville, in unincorporated Santa Cruz County. I have been following the legislative process related to proposed Chapter 7.128.

I would like to applaud the County for these efforts, and encourage the Board to pass a permitting system that allows upstanding operators to cultivate commercial cannabis in Santa Cruz County. Also, I would like to make some recommendations to the Board regarding proposed Chapter 7.128.

First, the percentage of allowable canopy to overall parcel square footage currently proposed maxes out at two-percent (2%). There is little reason to apportion the allowable canopy to such a small percentage. Two-percent (2%) simply seems like a minuscule and arbitrary peg. Please consider allowing a greater percentage of the parcel to be allowed to cultivate cannabis.

Additionally, the public right of way setback is so large that it blanket-prohibits many leasable buildings that are close to roads. These buildings keep out of sight and allow filtration of other potential nuisances such as odor and noise. Also, agricultural buildings reduce potential impacts from waste and storm water, and enhances safety and security by controlling access. It would be logical for the County to consider decreasing the public right of way setback to allow more agricultural buildings to be used under the proposed Chapter 7.128.

Much of proposed Chapter 7.128 already protects the public against the site, odor, and lessens the impact of other potential nuisances that may arise from commercial cannabis cultivation. Again, please consider lessening the setback from the cultivation area to the public right of way.

Thank you for your time and efforts in bringing safe, clean, and legal cannabis cultivation to the County of Santa Cruz.

Sincerely,



Peter Fryn

From: ["Philip Anderson" <phil.a@greencalgrowers.com>](mailto:Philip.Anderson@greencalgrowers.com)
 To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
["Bruce McPherson" <Bruce.McPherson@santacruzcounty.us>](mailto:Bruce.McPherson@santacruzcounty.us)
["Ryan Coonerty" <Ryan.Coonerty@santacruzcounty.us>](mailto:Ryan.Coonerty@santacruzcounty.us)
["Zach Friend" <Zach.Friend@santacruzcounty.us>](mailto:Zach.Friend@santacruzcounty.us)
["Greg Caput" <Greg.Caput@santacruzcounty.us>](mailto:Greg.Caput@santacruzcounty.us)
["John Leopold" <John.Leopold@santacruzcounty.us>](mailto:John.Leopold@santacruzcounty.us)
 Date: 10/31/2017 4:37:31 PM
 Subject: Draft EIR

To whom is may concern,

Thank you so much for all the hard work that has gone into what I know will be a perfect ordinance for Santa Cruz county. We are all eagerly awaiting our opportunity to participate in the legal regulated cannabis market. Here are some comments and concerns regarding the draft EIR.

SU ZONING- Allow all SU zoning. There are properties in Santa Cruz county that are zoned SU with general plan designations of RM and RR that have commercial farms and orchards and vineyards for many many decades that could be allowed to change crops to cannabis if they have the right acreage and correct setbacks from streams, public right aways and neighbors. At the very least, review on a case by case basis. Not every property is the same. Maybe allow for realignment of general plan when appropriate. To include everyone you must allow all SU zoning as in previous draft ordinances. The EIR suggests that a more permissive ordinance is better for the environment and will help to decrease the black market and raise more taxes for the county.

MICROBUSINESSES- Allow licensees the opportunity to apply for and receive Type 12/Microbusiness licenses.

SENSIBLE FIRE POLICY- Greentrade recommends defining cannabis cultivation as a Type U (Utility and Miscellaneous) usage rather than Type F-1 (Moderate-Hazard Factory Industrial), which has been suggested, and includes significantly harder to meet requirements, including water storage of 120,000 gallons and twenty foot wide access roads. These requirements are inconsistent with other industries, and the associated costs and logistics create a barrier of entry so high as to discourage cultivators from even attempting to apply for licensing. In addition, it is not appropriate for an outdoor farm to be classified as a "Moderate-Hazard Factory Industrial" usage for code purposes.

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ALIGNMENT WITH STATE LAW- conflicting local and state law consistently creates confusion and accidental non-compliance with regulations. We recommend that any regulations passed are written to mirror state law, and particularly MAUCRSA to the greatest extent possible.

Thank you again for everyone's hard work with the draft ordinance.

Philip Anderson
Registrant 302

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Sent from myMail for Android

From: ["Phyllis Strickland" <phyllis.strickland@gmail.com>](mailto:Phyllis.Strickland@gmail.com)
 To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
 Date: 10/31/2017 10:04:35 AM
 Subject: Cannabis DEIR comments

DEIR Representative,

I've just taken a look at how the changes in parcel minimum size could affect the increase in commercial licensing in my own Residential Agricultural neighborhood. 75% of my neighborhood, representing parcels along one street, could be eligible for commercial grows. I was shocked! This is a burdensome concentration in a residential neighborhood and a betrayal of families and children in the County. Please address the following questions.

DEIR 2.3.2 Proposed Development Standards for Commercial Cultivation Table 2-2

Q1. For each individual RA neighborhood in each County Supervisors District what is the increase in the number of eligible parcels, based on parcel size alone, from the Project (5 acre Minimum) to the more Permissive Project (2.5 acre minimum)?

What percentage of the total neighborhood acreage does each Project represent? What % of the total parcels does this represent?

How many children are present in each of these neighborhoods?

What concentration of commercial grows in any one residential neighborhood is considered to have a significant negative effect on neighborhood cohesion, quality of life and the exposure of children to cannabis operations?

DEIR Table 2-3 Maximum Canopy Size

Q2. For each individual RA neighborhood in each County Supervisor'sl District, what is the total permissible canopy (square feet) based on parcel size alone and it's estimated \$ value (\$1000/plant?) under both the Project and the More Permissible Project?

Q3. What concentration of cannabis product in any one residential neighborhood is considered significant with respect to neighborhood safety, quality of life and the exposure of children to cannabis operations?

Q4. How many non-growers groups were surveyed in each district and/or county wide regarding changes in minimum parcel size or doubling of permissible canopy? What survey questions were asked?

Q5. What data did the DEIR use to estimate the likely # and % of illegal growers expected to seek licenses with the changes in parcel and canopy size? What are those #'s/percentages? What percentage was considered

significant enough to result in recommending the most permissive project?

Phyllis Strickland

From: ["Rachel Zuercher" <rachel.zuercher@gmail.com>](mailto:Rachel Zuercher <rachel.zuercher@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/30/2017 3:30:04 PM
Subject: comment on the Cannabis Regulations Environmental Review

Mr. Johnston,

Thank you for the opportunity to comment on the Cannabis Regulations DEIR. I am a PhD student in Ecology, and a resident of Santa Cruz County who is concerned about potential environmental impacts of cannabis agriculture.

Though it is clear that rodenticides could pose a major threat to wildlife in Santa Cruz County, the current DEIR does not go far enough with measures to limit and reduce this threat. The very permissive option for cultivation that the county is proposing could have a devastating impact of our local wildlife. In addition, as proposed, cannabis cultivation poses a risk of fragmenting some of the best wildlife habitat that remains in our county.

Ultimately, I would like to see cannabis grown only in greenhouses on land zoned for agriculture. This will work to keep rodenticides out of our water sources and other pesticides out of our residential soils and air. It would also mean that illegal grows would be very obvious, making it much easier to enforce rules into the future, and to protect public and private lands from illegal operations.

Thank you for your time.

Rachel Zuercher

--

Rachel Zuercher
131 Younger Way
Santa Cruz, CA 95060
Cell: (605) 222-0702

October 30, 2017

Re: Cannabis Regulations Environmental Review 2017 Santa Cruz County
Attention: Matt Johnston

Matt.Johnston@santacruzcounty.us

Dear Mr. Johnston,

We are writing to you with comments on the Draft EIR for Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program. We represent a small rural HOA with 12 members located in the Coastal Zone and immediately abutting the Cotooni-Coast Dairies National Monument and San Vicente Redwoods, together totaling over 15,000 of protected lands. We also collaborated with the Sempervirens Fund to raise funds and protect in perpetuity 151 acres of redwood forest that we collectively own including the headwaters of Mill Creek and old growth and second growth redwoods.

In the midst of our residential lots is a 47 acre parcel zoned "A"(APN # 063-071-28). It also has an Open Space Easement attached to it. It has recently been purchased by owners that are considering cannabis cultivation on the property. While we are not taking a position on cannabis cultivation, we are very concerned with the possible negative impacts that cultivating and/or manufacturing cannabis on this lot would likely generate. We are particularly concerned about fire, security, water and wildlife. We are in an area far from rapid emergency response if 911 is called. We have had mandatory evacuations twice in the last 9 years due to the Martin Fire in 2008 and the Lockheed Fire in 2009. Earlier this month, while the Bear Fire was still burning, there were additional fires on Warnella Road, Western Avenue and Empire Grade, all within a few miles of us. Thanks to Calfire's response all were quickly extinguished. Fire hazard here is high and firefighting challenges are great and due to climate change are likely to become even greater. Minimizing wildfire hazard needs to be a paramount objective of the regulations and licensing program.

We note that the Project and More Permissive Project maps illustrated in Figures 2.3 and 2.4 of the Draft EIR related to eligibility for cannabis cultivation appear to have numerous errors related generally to public parkland and protected conservation land. In addition, the map appears to fail to consider details of APN # 063-071-28 including recognition of the Open Space Easement provisions applicable to this property as well as the fact that sections of it have been carved off and appended to adjacent lots. We request that this map be updated and corrected before final decisions are made on licensure.

The requirements and operations of cannabis cultivation requiring additional electrical wiring and the likely use of other fuels and backup generators in an area with frequent lengthy power outages and surges, all add to the already high risk of fire in a remote rural location like ours. And allowing not just cultivation, but also manufacture on this particular parcel (as well as on other TPZ and Ag parcels in isolated areas with delayed and limited fire response) is of grave concern to us, as this would significantly increase the wild fire hazard on our properties and in the surrounding area. We appreciate the attempts to lessen the impact via regulatory mitigations, but still have a high level of concern for ourselves and our neighbors and the surrounding forest and wildlife and thus hope that cultivation will be limited and manufacturing disallowed in such rural, forested areas.

We are also concerned that the availability of a large cannabis crop and manufactured products could prove a magnet to thieves and that if significant security is added it would be very damaging to the tranquility and character of our neighborhood and, if not, there is a much greater likelihood of crime and we already know that

long delays to get a Sheriff to Bonny Doon are to be expected. Neither option is satisfactory.

Additionally, our HOA has legal easement rights to wells and water supply that serve our Water Mutual Company, but are physically located on the Agricultural Parcel noted above. We are very concerned about the potentially devastating impact that cannabis cultivation and manufacturing could have on both water quality and water quantity. It is critical for us to be able to count on receiving adequate and non-polluted water from our wells. Serious consideration should be given to whether to allow cultivation on parcels with wells used for residential drinking water.

We are also concerned about aesthetic and visual adverse effects such as degradation of the visual setting and neighborhood character, obnoxious odors, noise, lighting and hazardous substances. Placement and screening of structures, fences, water tanks, vehicles, etc., may potentially have great impact on the character of neighborhoods and on property values. We hope that all the mitigations discussed are implemented and that a robust process of public/neighbor notification and opportunity for comment are provided around all significant issues/changes, perhaps erring on the side of more rather than less actions that require notification/comment than are noted in the EIR at the outset of implementation.

The requirement for onsite residential units is a critical element of the proposed Program. Ensuring that proper connections to water, power and wastewater management systems exist will help ensure safe and proper management of the entire property. Residential use will also provide additional site security and encourage communication and a shared sense of neighborhood and connection. We strongly support the continued inclusion of this element of the Project.

Last, but by no means least, thanks to our own actions and those of the stewards of the thousands of acres of protected lands adjacent to ours, we have abundant wildlife including mountain lions, bobcats, coyotes, deer, hawks, owls and many others. We also have ancient conifer trees that could readily provide nesting sites for marbled murrelets and raptors. We also live in the midst of important riparian and wildlife corridors. We are very concerned about the impact that more traffic, more noise, less water, increased fire danger and particularly the use of herbicides and rodenticides and other chemicals and fuels could have on the surrounding ecosystem.

Redwood Meadows Ranch is one of the few areas that is well-protected from future development and it would be a shame to introduce all the potential negatives of cannabis cultivation and manufacture here. It is our strong sense that cannabis cultivation, and especially cannabis manufacturing, would much more logically be located in close proximity to emergency services for fire, crime, medical emergencies, etc., where there is a public water supply that is adequate and where workers, suppliers, and products will not have to travel great distances to a remote area to grow and process the product.

Thank you for considering our very significant concerns. We hope your review will consider all of the above issues. Please do not hesitate to contact us if you would like additional information.

Sincerely,

Pamela Koch and Michael Wade
Redwood Meadows Ranch Board of Directors



820 Bay Avenue, Suite 136
Capitola, California 95010
tel 831.464.2950
www.rcdsantacruz.org

October 31, 2017

Cannabis Comments
c/o Matt Johnston,
Santa Cruz County Planning Department,
701 Ocean St., 4th Floor,
Santa Cruz, CA, 95060
cannabiseir@santacruzcounty.us

RE: Santa Cruz County Draft Environmental Impact Report (DEIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnston:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (DEIR). It's obvious from our review of the DEIR that County staff and the consultant team took this matter seriously and considered the various potential impacts of the different alternatives. However, outstanding concerns remain, and the following comments address the various elements of the DEIR that the RCD feels warrant clarification or further analysis.

- 1. Utilize Existing Technical Assistance Providers.** The Resource Conservation District of Santa Cruz County (RCD) is an independent special district with the mission of helping people protect, conserve and restore natural resources through education, funding and technical assistance programs. The RCD has been providing assistance to landowners on a strictly voluntary basis in this County since 1942. Many of the proposed mitigations in the DEIR are consistent with the services we provide to landowners and agricultural operators. Depending on the manner in which this program is developed, the RCD may be able to provide services that would benefit cannabis cultivators while provisioning public benefits through environmental stewardship.
- 2. Impact AT-3.** Forestlands, including working forests, provide a suite of ecosystem services and public benefits. The impact of forest conversion or rezoning of timber production zone (TPZ) lands could be significant. It is unclear whether the County has designated an authorized representative to make determinations regarding timberland conversion code compliance when the stated conversion activity is cannabis cultivation. Including more rigorous mitigation for this impact such as prohibiting rezoning of TPZ parcels for commercial cannabis cultivation, prohibiting expansion of the agricultural use of TPZ zone parcels for commercial cannabis cultivation or prohibiting all commercial cannabis operations on TPZ zone parcels seems appropriate.
- 3. Trucked Water.** The use of imported (trucked) water to a parcel for commercial cultivation activities could open up new acreage for cultivation that might not otherwise be possible, and that would likely have increased environmental impact. If trucked water is to be allowed, it should be analyzed not only for the

impacts to the particular parcels, but availability of water and the marginal demand should be evaluated by the municipal water providers who would be the source of this water.

4. **Incentives-based programs.** As a non-regulatory, technical service provider, the RCD strongly supports the notion of establishing a market branding program similar what exists in Humboldt County. This would serve to support the small, local cultivators and could be an effective vehicle through which technical services could be provided, on a voluntary basis, to ensure environmental protection.
5. **Mapping / GIS.** It appears that the mapping / GIS analysis has inappropriately identified parcels for their respective role in a future licensing program. If the impacts analysis was GIS based, then it seems prudent to clarify and correct mapping errors and refine the environmental review accordingly.
6. **MM Bio-1.1h. Water Draw Restrictions.** Protection of instream flows is a critical concern in Santa Cruz County; several streams are fully-appropriated during portions or all of the year, and the State Water Resources Control Board is also proposing a forbearance period of April 1 – October 31. Similarly, the City of Santa Cruz may have an approved Anadromous Salmonid Habitat Conservation Plan that includes instream flows for the San Lorenzo River, Newell Creek, Laguna Creek, Liddell Creek and Majors Creek. Water rights validated by the SWRCB along with Streambed Alteration Agreements for the Department of Fish and Wildlife for any surface water diversions will be necessary to make this mitigation meaningful.
7. **Impact Hydro-1.** Groundwater is a critical resource in Santa Cruz County. Any potential impact to groundwater from Commercial Cannabis Cultivation needs to be mitigated through geologic investigations, setbacks, source control, drainage improvements and other practices. Of particular concern are areas overlying drinking water aquifers or geologic features (e.g. sandy soils, karst) that could rapidly transmit contaminants to underlying aquifers or surface water supplies.
8. **MM-Hydro-2.1. Water Efficiency.** There is an ongoing need for technical assistance with irrigation efficiency in this County. The experience of the RCD has been that it takes ongoing service to growers to identify and correct problems causing inefficient operations. This may be a role that the RCD could play related to Commercial Cannabis Cultivation depending on the manner in which the program is developed.
9. **Enforcement.** According to the San Mateo, Santa Cruz Unit of the California Department of Forestry and Fire Protection's (Cal Fire), approximately forty percent of their time is allocated for enforcement is being spent investigating and citing illegal cannabis cultivation sites. Throughout the DEIR, the potential impacts of the Project, and its more permissive alternative, have been deemed *less than significant* because there are agencies and regulations in place that will minimize impacts. However, the Draft does not consider whether the Project and its more permissive alternative will place additional resource demands on various local and state agencies. For example, has the County determined whether Cal Fire has sufficient personnel and



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resources to deal with cannabis related issues if the Project, or its more permissive alternative, result in expansion of cannabis cultivation in forested areas of the county?

Thank you again for the opportunity to provide comments on this very important issue, please contact me should you need clarification on any of these comments.

Sincerely,

Chris Coburn
Executive Director

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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Date: October 30, 2017
Environmental Document Review
Draft EIR
Commercial Cannabis Regulations and Licensing
Program for Cultivation and Manufacturing
SCH No. 2017022052

Santa Cruz County Planning
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

To Whom It May Concern:

The Felton CAL FIRE Resource Management office has reviewed your August 2017 Draft EIR on the County's Commercial Cannabis Regulations and Licensing Program. The following points summarize some of the elements of your program that we are interested in following through your planning process. The main concerns for CAL FIRE are conversion of timberland, unpermitted timber operations, environmental degradation and public safety.

The Felton CAL FIRE Resource Management Office has responded to numerous complaints of illegal timber harvesting over the past 7 years related to cannabis cultivation. CAL FIRE is tasked with enforcing sections of the Public Resources Code (PRC) and the Forest Practice Rules. When Timber Operations (PRC 4527) occur on Timberland (PRC 4526), the project is required to be covered by a State harvest permit (PRC 4581) and conducted by a Licensed Timber Operator (PRC 4571). If the use of Timberland is proposed for a change from growing commercial species to another use, then a Timberland Conversion Permit is required (PRC 4621). Over the years, our office has responded to numerous violations of these rules. This has been pointed out in our comments on the Notice of Preparation for this EIR. To some extent they have been addressed in this DEIR, but must still be emphasized by CAL FIRE as needing additional clarification and analysis.

A recent letter from the California State Board of Forestry to each of the California Counties discusses the counties responsibilities in the Timberland Conversion Exemption process. Simply put, each county should designate a Planning Department representative that will be signing these exemptions, certifying that the plans are in compliance with County Regulations. Santa Cruz County Planning Department has historically provided a representative to serve in the role of certifying compliance prior to landowner submittal to the State. As pointed out in this DEIR, this exemption would need to be utilized frequently for a Cannabis program involving Timberland. This DEIR needs to explore and discuss this issue more. It needs to be clear that while CAL FIRE approves these exemptions as lead agency, it doesn't do so without the County agreeing/certifying that these are valid projects in compliance with County requirements. In other words, without Santa Cruz County certification for the conversion of timberland to Cannabis cultivation, the activity will not be allowed through the CAL FIRE exemption process.

During the past 5 years, CAL FIRE has responded to numerous fires in the Santa Cruz Mountains with either the cause of the fire attributed to a Cannabis grow operation and/or having to suppress a fire in and around a Cannabis grow operation. Both scenarios create conditions that significantly increase the complexity of our suppression activities and have posed significant safety issues and increased risks to our personnel working these fires. There are several issues that the recent Bear Fire brought to light in this regard.

- Prior to widespread Cannabis cultivation, fires in wildland areas were significantly easier to suppress simply because they were vacant land. Now in many areas the land has been altered and occupied. Where previously we could concentrate on suppression of a fire and keeping a fire small, we now must concentrate on protecting lives and property where Cannabis grows have been created. Essentially we trade acres for lives and property. Frequently we respond to wildland fires where development is not known to exist and we find unpermitted structures and inappropriate and substandard road construction. It is possible that the Bear Fire could have been kept far smaller than 300 acres if our initial response didn't have to go directly into structure protection on the numerous unpermitted hidden grows and homes in the Deer Creek community.
- Criminal activity related to grows hampered suppression activity. For example, 5 civilians that were supposed to have been evacuated made their way back into the exclusion zone. Three of them were allegedly present to protect the grows and two were allegedly present to steal from the grows. A shooting resulted in the fire zone placing our Fire Crews actively fighting the fire at risk. These 5 civilians were subsequently arrested but several were seen back within the fire zone within 24 hours. This is not the only incident where a similar situation has occurred.
- Insufficient vehicle access to these locations, hazardous materials found at these locations, unsafe and illegal electrical power systems encountered while conducting emergency response hampers suppression activities. These hazards place responding firefighters (and other first responders) in danger and create additional fires in what have been normally considered inaccessible areas with high fire severity ratings.
- At this time we have recorded 14 firefighters injured during the Bear Fire. Several suffered traumatic injuries, and one firefighter is still in the hospital. The majority of the saved structures within the perimeter appear to be associated with grows, putting firefighters at risk to protect infrastructure. Firefighters were injured protecting marijuana grows because of the numerous structures and human habitation that goes along with this type of development.

The issues listed above dealing with Public Safety and Fire response have not been adequately described or assessed in the DEIR and should be re-evaluated and adequately addressed before a Final EIR is approved.

The previous CAL FIRE comment letter mentioned issues with the maps in the previous version of this EIR. Unfortunately, these issues have not been corrected. An example is Figures 2-4 and 2-5 where ownerships including State Parks, BLM, San Vicente Redwoods, CAL FIRE, Mid-Peninsula Regional Open Space District, Boy Scouts of America, Local Water Districts, Santa Cruz County Parks, and others have been identified as land available for Cannabis cultivation. Other commenters will apparently be mentioning this issue also. Apparently, the preparer of this DEIR has been made aware of this problem and will correct it. What remains a concern is this DEIR is also based on GIS analysis. Numerous discussions are contained in the EIR document where acres of eligible land are discussed and conclusions made. If so many acres are incorrectly mapped, these conclusions and assumptions must be questioned.

An issue that has become more significant related to Cannabis grows in Santa Cruz County that doesn't appear to be addressed in this document are abandoned sites. Over the past 5 years, numerous sites have been carved out of the Timberland areas of Santa Cruz County creating grows. For various reasons, a significant portion have been abandoned. Some have been shut down for legal reasons, some have been red-tagged by the County and some are failed operations where the grower has simply walked away. In most cases, these sites have not been restored and have been left in environmentally degraded conditions. These sites frequently have uncontrolled accelerated soil erosion affecting water quality, have significant amounts of trash and hazardous materials present, and have accumulations of flammable materials left behind. There doesn't seem to be a program in place nor in planning stages to address this issue. This issue should be addressed in this EIR as it is likely to continue with any future legal Cannabis production program in the County.

A majority of the issues discussed above are directly associated with Cannabis growing operations in Timberland. It should be noted that if Cannabis growing were to be prohibited on Timberland in Santa Cruz County, most of these issues and associated costs/risks could be avoided. Designating land that has historically been utilized for agriculture, specifically nurseries, would be more appropriate land management than converting Timberland to Cannabis cultivation.

CAL FIRE looks forward to continuing to work with Santa Cruz County Planning staff in our review of the preparation of this EIR. If you have any questions, please feel free to contact CAL FIRE staff at our Felton Office at (831) 335-6740.

Sincerely,
Original on file in HQ

Richard Sampson
Division Chief - Forester II
Unit Forester and Environmental Coordinator
RPF #2422

Cc:

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To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 10:13:26 AM
Subject: EIR comments
Attachments: Cannabis acreage.xlsx

Recommendations

I hear a lot about two alternatives, neither of which were addressed by the DEIR. Why were these not included?

1. Have the same regulations, but limit it to areas currently zoned agricultural.
2. Since cannabis is now a legal agricultural crop, why have any beyond those for any other agricultural crop. Just treat it as any other agricultural crop.

General comments

Water/Fire

1. Why 120,000 when residence is only 10,000
 - a. If the risk is that great why does the county want to allow it.
 - b. How often will this be waived?
2. Can pump only in winter.
 - a. How will this be enforced?
 - b. It won't.
3. It appears that all of the current grows are on land that was illegally converted from timber land. Will they be retroactively granted permission by Cal Fire.

Zoning

1. Rules were made to protect the neighborhood.
2. Why is this protection no longer necessary?
 - a. Is this because of the additional money to the county?

Character of the neighborhood

1. Why was this not addressed in the EIR?

Roads

1. Who will be responsible for bringing the roads up to code.

a. County roads are not being repaired and do not meet code.

b. Will the cost be borne by the cultivator or everyone using the road?

Summary of my thoughts

1. Since cannabis is an agricultural crop why does there need to be specific regulations?

2. I did not see any serious analysis of the impact of rural cultivation on surrounding neighbors.

3. "/Program Objectives/. As indicated, the Program is being proposed to regulate commercial cannabis cultivation and manufacturing of cannabis products within the County in a manner consistent with state law and encourages cultivators and manufacturers to operate legally and secure a license to operate in full compliance with County regulations, meet the local demand of cannabis products, improve the County's tax base, and prevent impacts of cannabis activities on children, sensitive populations, the natural environment, and public health and safety." It is worth noting impact on rural neighbors is not included. These objectives are better met when cultivation is confined to existing agricultural areas. Negative impacts would be much reduced if this was done.

4. Why did you not consider the alternative I am proposing: Limit cultivation to existing agricultural areas. As I mention below, this would surely be the environmentally superior alternative. By including point 1 above, this would also simplify implementation. Why is there any need to control the amount of cultivation beyond the requirement that everything be sold within Santa Cruz County (not even sure why this is needed). It is not done for strawberries. Let the market work.

**

Specific comments relating to the DEIR

**

*Chapter 1 Introduction

.....1-1*

1.1 Program Context

.....1-1

The February 2014 ordinance did nothing to further the stated purpose of the ordinance as there was little if any enforcement.

Once again the December 2015 ordinance was ineffective as it was not enforced.

1.2 Program Overview

.....1-3

1.3 Purpose of the EIR and Legal Authority

.....1-5

1.4 Program EIR

.....
1-6

1.5 Scope of the EIR

.....
1-7

I do not see any impact on the neighborhood as one of the intended issues. Impact on the neighborhood is significant.

1.6 Agencies and Roles

.....
1-9

1.7 Environmental Review Process

.....
1-9

1.8 Areas of Known Public Controversy

.....
1-10

1.9 Organization of the EIR

.....
1-11

*Chapter 2 Project Description

.....
2-1*

2.1 Introduction and Overview

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2-1

How can the county expect this ordinance to have any impact on illegal activity if there is no intent to enforce. The ordinance itself says it does not need to be enforced.

2.2 Existing Setting

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2-3

2.2.1 Program Location

.....
2-3

2.2.2 Regions and Planning Areas

.....
2-5

It appears the Aptos hills are part of the south area. They border Nisene Marks which is part of the mountain area. The hills do not match the characterization of the south.

2.2.3 Urban and Rural Areas

2-9

2.2.4 Agriculture and Timber Industries.....
2-10**2.2.5 Commercial, Manufacturing, and Special Use Districts**.....
2-10**2.2.6 Residential Areas**.....
2-13

What about SU. Why make exceptions for cannabis.

2.2.7 Public Services.....
2-14**2.2.8 Transportation System Overview**.....
2-15**2.2.9 Regulatory Context**.....
2-15

Who defines the three types.

2.2.10 Existing Cannabis Cultivation and Manufacturing.....
2-17

Existing conditions are defined as what is and not what should be if the current laws were enforced. There are no existing records as the county has chosen to not know about existing grows and enforce current laws. You assume that the county prosecutes all the unregistered sites. The number is much larger than reported. Historically, as you mention, cultivation was in the hills as it had to be hidden. This is no longer the case. Thus, why should there be any commercial grow in the hills.

2.3 Proposed Program.....
2-25

Cultivation is not legal, just permitted. In fact, the proposed ordinance does not even permit any cultivation in the county. If you do not believe this, read it.

2.3.1 Program Objectives.....
2-25

The objective is to encourage compliance? Why not eliminate non-compliance? Neither one meets the program objectives as they relate to the neighborhood.

2.3.2 Program Components

2-27

Why allow any negative impact on the neighborhood. All use of Legalneeds to be replaced with permitted. Will the list of permitted growers be made public? If someone admits to growing since 2013, they are opening themselves up to IRS. It seems as if you are permitting agricultural activity in a manner than cannot be done for any other crop. Why? Definition of canopy does not make any sense as the amount will change from day to day. Why have any special restrictions with urban and rural lines. It seems as if the parcel size is sufficient. I do not understand why district 2 is different. Why allow any exceptions to setbacks. This will become political. What is the water storage required by Fire Code. What about visibility from private ROW? What is the difference? What is the definition of security lighting. What is meant by energy efficient cultivation methods? What is appropriate site access for firefighting?

2.3.3 Potential Cannabis Cultivation and Manufacturing under the

Program

2-39

Would this type of manufacturing be allowed in any zone for other than cannabis? Why not simply classify cannabis an agricultural product. Would be nice to see the eligible parcels and acres as a percent of total. Who defined the More Permissive Project? Has anyone calculated the amount of cannabis this would generate per person in the county. How many plants are required for each user? It appears that the need could be satisfied by moving all from residential to unused greenhouses. See my separate spreadsheet. Need to be willing to actively pursue illegal grows. Much easier to do if all residential commercial is illegal. Why make the statement that "illicit goods will not be eligible for sale in

the State of California."

2.3.4 Types of Cultivation and Manufacturing

2-66

2.3.5 Construction Methods

2-68

2.3.6 Program Phasing

2-70

2.3.7 General Plan and Local Coastal Program Amendments

2-70

2.3.8 Zoning Ordinance Amendments

2-70

2.4 Required Actions and Approvals

2-70

*Chapter 3 Environmental Impact Analysis

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3-1*

*Section 3.0 Introduction and Approach to Analysis

.....
3-1*

3.0.1 Environmental Resources Analyzed in the EIR

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3-1

Which of these addresses the impact on the residential neighbors?

3.0.2 Assessment Methodology

.....
3-2

Consistent use of terminology (South vs Agricultural). You talk about existing unknown grows. The county does not even investigate/prosecute current unpermitted grows. Why should I expect they will do so in the future. It appears that you expect these to continue. If road improvement is required is this the responsibility of the individual property owner or will this be an additional cost to the surrounding property owners. (Road Association). Is this required to be all-weather and meet other county requirements such as slope. I do not understand the difference between the residential requirement of 10,000 gal water storage and 120,000 gal required for cultivation.

3.0.3 Organization of Environmental Impact Analysis

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3-17

3.0.4 Cumulative Project Scenario

.....
3-19

*Section 3.1 Aesthetics and Visual Resources

.....
3.1-1*

3.1.1 Introduction

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3.1-1

"Unregulated cannabis activities would not be subject to County regulations". This is one of my concerns. They need to be subject to the regulations prohibiting them from growing. Once again, the Aptos Hills do not fit within the description of South County. Why is this not part of Mountain area?

3.1.2 Environmental Setting

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3.1-2

3.1.2.1 Visual Resources

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3.1-2

3.1.2.2 Scenic Highways and Roads

3.1-4

3.1.2.3 Light and Glare

3.1-6

3.1.2.4 Existing Visual Character of the Program Area

3.1-6

3.1.3 Regulatory Setting

3.1-10

3.1.3.1 State

3.1-10

3.1.3.2 Local

3.1-10

3.1.4 Methodology and Assumptions

3.1-14

3.1.5 Significance Criteria

3.1-15

3.1.6 Environmental Impact Analysis and Mitigation

3.1-15

3.1.6.1 Program Impacts

3.1-15

What is the visual difference between looking at a cannabis plant and an artichoke plant? Why is a fence required for one and not the other.

"Greenhouses are already used for cultivation throughout the County, particularly the South County Region and the addition of greenhouses for cannabis cultivation would not significantly degrade the existing character of agricultural areas where greenhouses are already present."

A great reason to restrict grows to this area. These is no way to mitigate 120,000 gal storage requirement in the hills. If there is a need for a fence, it does not seem right that mitigation would include not having a fence.

3.1.6.2 Summary of Program Impacts and Proposed Mitigation**Measures**

3.1-22

3.1.6.3 Secondary Impacts

3.1-23

Unlicensed cultivation needs to be eliminated and not accepted. If these were prosecuted, people will report.

3.1.6.4 Cumulative Impacts

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3.1-24

*Section 3.2 Agricultural and Timber Resources

.....
3.2-1*

3.2.1 Introduction

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3.2-1

3.2.2 Environmental Setting

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3.2-1

Numbers of acreage in the section are not consistent.

3.2.3 Regulatory Setting

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3.2-10

3.2.3.1 State

.....3.2-10

3.2.3.2 Local

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3.2-12

3.2.4 Methodology and Assumptions

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3.2-17

3.2.5 Significance Criteria

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3.2-17

No conversion as classified as agriculture. Amount to be used would be <.5%.

3.2.6 Environmental Impact Analysis and Mitigation

..... 3.2-18

3.2.6.1 Program Impacts

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3.2-18

AT-1.2 would not be an issue if grown in existing greenhouses.

3.2.6.2 Summary of Project Impacts and Proposed Mitigation

Measures

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3.2-26

3.2.7 Secondary Impacts

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3.2-28

Impact is minimal. Illegal expansion needs to be controlled.

3.2.8 Cumulative Impacts

.....
3.2-31

*Section 3.3 Air Quality

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3.3-1*

3.3.1 Introduction

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3.3-1

No degradation if not in a residential area.

3.3.2 Environmental Setting

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3.3-1

3.3.2.1 Topography and Meteorology

..... 3.3-2

3.3.2.2 Sensitive Receptors

.....
3.3-2

3.3.2.3 Common Air Pollutants

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3.3-3

3.3.2.4 Ambient Air Quality and Monitoring

..... 3.3-4

3.3.3 Regulatory Setting

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3.3-6

3.3.3.1 Federal

..... 3.3-7

3.3.3.2 Federal and State: Ambient Air Quality Standards

..... 3.3-7

3.3.3.3 State

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3.3-7

3.3.3.4 Regional

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3.3-9

3.3.3.5 Local 3.3-10

3.3.4 Methodology and Assumptions
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3.3-11

3.3.5 Significance Criteria
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3.3-13

3.3.6 Environmental Impact Analysis and Mitigation
..... 3.3-15

3.3.6.1 Program Impacts
.....
3.3-15

3.3.6.2 Summary of Program Impacts and Proposed Mitigation

Measures
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3.3-25

Move out of residential areas would minimize any impact.

3.3.6.3 Secondary Impacts
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3.3-27

3.3.6.4 Cumulative Impacts
..... 3.3-28

*Section 3.4 Biological Resources
.....
3.4-1*

3.4.1 Introduction
.....
3.4-1

Would be minimized if removed from rural neighborhoods and moved to commercial agricultural. This would not require any mitigation. Control over pesticide and rodenticide would be easier if not in separate rural cultivation sites.

3.4.2 Environmental Setting
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3.4-1

3.4.3 Regulatory Setting
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3.4-8

3.4.3.1 State
.....
3.4-9

3.4.3.2 Local

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3.4-10

3.4.4 Methodology and Assumptions

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3.4-14

3.4.5 Significance Criteria

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3.4-14

3.4.6 Environmental Impact Analysis and Mitigation

..... 3.4-15

3.4.6.1 Program Impacts

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3.4-15

3.4.6.2 Summary of Project Impacts and Proposed Mitigation

Measures

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3.4-37

3.4.6.3 Secondary Impacts

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3.4-39

3.4.6.4 Cumulative Impacts

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3.4-40

*Section 3.5 Cultural Resources

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3.5-1*

3.5.1 Introduction

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3.5-1

Would be minimized if removed from rural neighborhoods and moved to commercial agricultural. This would not require any mitigation.

3.5.2 Environmental Setting

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3.5-1

3.5.2.1 History of Cannabis Cultivation in Santa Cruz County

..... 3.5-2

3.5.2.2 Identified Cultural Resources in Santa Cruz County

..... 3.5-3

3.5.3 Regulatory Setting

3.5-6

3.5.3.1 State

3.5-6

3.5.3.2 Local

3.5-7

3.5.4 Methodology and Assumptions

3.5-11

3.5.5 Significance Criteria

3.5-12

3.5.6 Environmental Impact Analysis and Mitigation

3.5-13

3.5.6.1 Program Impacts

3.5-14

3.5.6.2 Summary of Program Impacts and Proposed Mitigation

Measures

3.5-18

3.5.6.3 Secondary Impacts

3.5-19

3.5.6.4 Cumulative Impacts

3.5-20

*Section 3.6 Geology and Soils

3.6-1*

3.6.1 Introduction

3.6-1

Would be minimized if removed from rural neighborhoods and moved to commercial agricultural. This would not require any mitigation.

3.6.2 Environmental Setting

3.6-1

3.6.3 Regulatory Setting

3.6-7

3.6.3.1 State	
3.6-7	
3.6.3.2 Local	3.6-8
3.6.4 Methodology and Assumptions	
3.6-10	
3.6.5 Significance Criteria	
3.6-11	
3.6.6 Environmental Impact Analysis and Mitigation	
3.6-11	3.6-11
3.6.6.1 Program Impacts	
3.6-12	
3.6.6.2 Summary of Project Impacts and Proposed Mitigation	
Measures	
3.6-15	
3.6.6.3 Secondary Impacts	
3.6-16	
3.6.6.4 Cumulative Impacts	
3.6-17	
*Section 3.7 Greenhouse Gas Emissions and Climate Change	
3.7-1*	
3.7.1 Introduction	
3.7-1	
The impacts are the same independent of where the grow takes place. There may be some decrease if not grownin the mountains. Fewer/shorter trips. Would also minimize deforestation which contributes to GHG. Would also not require building of additional residences.	
3.7.2 Environmental Setting	
3.7-1	
3.7.2.1 Global Climate Change	
3.7-2	

3.7.2.2 Existing GHG Emissions from Human Activity	3.7-3
3.7.3 Regulatory Setting	3.7-5
3.7.3.1 State	
3.7-5	
3.7.3.2 Regional	
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3.7.3.3 Local	
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3.7.4 Methodology and Assumptions	
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3.7.5 Significance Criteria	
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3.7.6 Environmental Impact Analysis and Mitigation	
3.7-14	
3.7.6.1 Program Impacts	
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3.7.6.2 Summary of Program Impacts and Proposed Mitigation	
Measures	
3.7-20	
3.7.6.3 Secondary Impacts	
3.7-20	
3.7.6.4 Cumulative Impacts	
3.7-21	
*Section 3.8 Hazards and Hazardous Materials	
3.8-1*	
3.8.1 Introduction	
3.8-1	
Would be much easier to control if in a concentrated area and not spread throughout the County.	

3.8.2 Environmental Setting

3.8-1

3.8.2.1 Hazardous Sites

3.8-2

3.8.2.2 Hazardous Materials and Cultivation

3.8-3

3.8.2.3 Hazardous Materials and Manufacturing

3.8-4

3.8.2.4 Wildfire Hazards

3.8-6

3.8.3 Regulatory Setting

3.8-9

3.8.3.1 Local

3.8-9

3.8.4 Methodology and Assumptions

3.8-12

3.8.5 Significance Criteria

3.8-13

3.8.6 Environmental Impact Analysis and Mitigation

3.8-14

3.8.6.1 Program Impacts

3.8-14

3.8.6.2 Summary of Project Impacts and Proposed Mitigation**Measures**

3.8-19

3.8.6.3 Secondary Impacts

3.8-20

3.8.6.4 Cumulative Impacts

3.8-22

***Section 3.9 Hydrology and Water Quality**

3.9-1*

3.9.1 Introduction

.....
3.9-1

With the recent drought, there is an increase in properties losing their wells. This would likely be increased with the increased water demand by rural cannabis grows. Moving to existing agriculture areas would minimize this problem.

3.9.2 Environmental Setting

.....
3.9-1

You acknowledge a water problem in Santa Cruz County and yet you want to permit a very water intensive crop. This issue can be mitigated near the coast with things like salt water desalination and/or recycled water. It cannot be mitigated in rural areas. How much water will be removed from the system to satisfy fire code? What is the status of the Corralitos water basin? Is it more efficient to use private wells or public?

3.9.3 Regulatory Setting

.....
3.9-12

3.9.3.1 State

.....
3.9-12

3.9.3.2 Regional

.....
3.9-13

3.9.3.3 Local

.....
3.9-14

3.9.4 Methodology and Assumptions

.....
3.9-18

3.9.5 Significance Criteria

.....
3.9-18

3.9.6 Environmental Impact Analysis and Mitigation

..... 3.9-19

3.9.6.1 Program Impacts

.....
3.9-19

3.9.6.2 Summary of Program Impacts and Proposed Mitigation

Measures

.....
3.9-30

3.9.6.3 Secondary Impacts

.....
3.9-31

3.9.6.4 Cumulative Impacts

.....
3.9-33

*Section 3.10 Land Use and Planning

..... 3.10-1*

3.10.1 Introduction

.....
3.10-1

No need to change any county regulations if cultivation is done on
existing agricultural land.

3.10.2 Environmental Setting

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3.10-1

3.10.3 Regulatory Setting

.....
3.10-11

3.10.3.1 Local

.....
3.10-11

3.10.4 Methodology and Assumptions

.....
3.10-17

3.10.5 Significance Criteria

.....
3.10-17

3.10.6 Environmental Impact Analysis and Mitigation

..... 3.10-18

3.10.6.1 Program Impacts

.....
3.10-18

3.10.6.2 Summary of Program Impacts and Proposed Mitigation

Measures

.....
3.10-37

3.10.6.3 Secondary Impacts

.....
3.10-38

3.10.6.4 Cumulative Impacts

3.10-39

*Section 3.11 Public Services

3.11-1*

3.11.1 Introduction

3.11-1

For each area, you talk about unlicensed cannabis operations and the negative impact they would have. If it was easy to differentiate between permitted and non-permitted operations, it would be much easier to control. Moving cultivation out of rural areas would also have a significant impact as it relates to fire management. How many more people will need to be hired due to the increased risk of fire? This also applies to police services.

3.11.2 Environmental Setting

3.11-1

3.11.3 Regulatory Setting

3.11-9

3.11.3.1 State

3.11-9

3.11.3.2 Local

3.11-10

3.11.4 Methodology and Assumptions

.....3.11-11

3.11.5 Significance Criteria

3.11-11

3.11.6 Environmental Impact Analysis and Mitigation

..... 3.11-12

3.11.6.1 Program Impacts

3.11-12

3.11.6.2 Summary of Program Impacts

..... 3.11-17

3.11.6.3 Secondary Impacts

3.11-18

3.11.6.4 Cumulative Impacts

3.11-19

*Section 3.12 Population, Employment, and Housing

..... 3.12-1*

3.12.1 Introduction

..... 3.12-1

Moving cultivation out of rural areas to agricultural areas would decrease the number of new required residences.

3.12.2 Environmental Setting

..... 3.12-1

3.12.3 Regulatory Setting

..... 3.12-7

3.12.3.1 State

..... 3.12-7

3.12.3.2 Local

..... 3.12-8

3.12.4 Methodology and Assumptions

..... 3.12-10

3.12.5 Significance Criteria

..... 3.12-10

3.12.6 Environmental Impact Analysis and Mitigation

..... 3.12-11

3.12.6.1 Program Impacts

..... 3.12-11

3.12.6.2 Summary of Project Impacts and Proposed Mitigation

Measures

..... 3.12-15

3.12.6.3 Secondary Impacts

..... 3.12-16

3.12.6.4 Cumulative Impacts

..... 3.12-17

Section 3.13 Transportation and Circulation 3.13-1

3.13.1 Introduction

3.13-1

Moving cultivation out of rural areas to agricultural areas would eliminate the need for the county to spend additional resources on rural roads. This same impact would be felt by those maintaining private road systems.

3.13.2 Environmental Setting 3.13-1

3.13.3 Regulatory Setting

3.13-9

3.13.3.1 Local

3.13-10

3.13.4 Methodology and Assumptions

3.13-12

3.13.5 Significance Criteria

3.13-14

3.13.6 Environmental Impact Analysis and Mitigation 3.13-15

3.13.6.1 Program Impacts

3.13-15

3.13.6.2 Summary of Project Impacts and Proposed Mitigation

Measures

3.13-20

3.13.6.3 Secondary Impacts

3.13-21

3.13.6.4 Cumulative Impacts 3.13-23

*Section 3.14 Utilities and Energy Conservation

3.14-1*

3.14.1 Introduction 3.14-1

Many of the cultivations do not currently have a connection to the grid nor do they use renewable energy sources. What will the cost be, both to obtain the resource and the impact on the environment?

3.14.2 Environmental Setting

.....
3.14-1

3.14.3 Regulatory Setting

.....
3.14-11

3.14.3.1 Local

.....
3.14-11

3.14.4 Methodology and Assumptions

.....
3.14-14

3.14.5 Significance Criteria

.....
3.14-16

3.14.6 Environmental Impact Analysis and Mitigation

..... 3.14-17

3.14.6.1 Program Impacts

.....
3.14-17

How many of the 228 units would require installation of propane tanks?

3.14.6.2 Summary of Project Impacts and Proposed Mitigation

Measures

.....
3.14-29

3.14.6.3 Secondary Impacts

.....
3.14-31

3.14.6.4 Cumulative Impacts

.....
3.14-33

*Section 3.15 Other CEQA

Issues..... 3.15-1*

3.15.1 Significant Unavoidable Environmental Effects

..... 3.15-1

“Secondary impacts of the Program would create significant and unavoidable impacts to all resource

areas analyzed in Chapter 3, /Environmental Impact Analysis, /except for aesthetics and visual resources,

which would have less than significant secondary impacts. This is because it is not possible for the

County to completely eradicate all unregulated cannabis activity." The county should not accept the fact that these should continue to exist. Today they are accepted.

3.15.2 Significant Irreversible Environmental Changes

..... 3.15-2

3.15.3 Growth-Inducing Impacts

..... 3.15-3

3.15.4 Effects Not Found to be Significant

..... 3.15-5

*Chapter 4 Alternatives

..... 4-1*

4.1 Introduction

..... 4-1

4.1.1 Alternatives Considered and Discarded

..... 4-3

4.2 Alternatives Considered and Analyzed in this EIR

..... 4-4

These are not really alternatives, but simple modifications. Why did you not consider the alternative I am proposing: Limit grows to existing agricultural areas. As I mentioned above, this would surely be the environmentally superior alternative. Are there any negative impacts to this alternative beyond those of the proposed project.

4.2.1 No Project Alternative

..... 4-4

4.2.2 Alternative 1 - Most Restrictive Alternative

..... 4-11

4.2.3 Alternative 2 - Most Permissive Alternative

..... 4-33

4.3 Environmentally Superior Alternative

..... 4-51

*Chapter 5 List of Preparers and References

..... 5-1*

5.1 List of Preparers

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5-1

5.2 References
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5-3
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*Chapter 6 MMRP
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6-1*
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*

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I have also attached a spreadsheet analyzing this process. You might want to change the sg ft/plant.

*

*

From: ["David Rubin" <drubin@ucsc.edu>](mailto:David Rubin <drubin@ucsc.edu>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/30/2017 10:06:10 PM
Subject: Rural Bonny Doon Association board's comments on draft EIR
Attachments: DEIR comments rubin v2-1.docx

To whom it may concern:

Attached is a document with the comments of Board of the Rural Bonny Doon Association on the draft EIR.

Our concerns can be summarized as follows:

(1) The hypothesis that more lenient cannabis regulations will result in less environmental damage is unfounded. It contradicts Lt. Governor Newsom's report that concluded that Santa Cruz County's previous lax rules attracted growers from elsewhere.

(2) Assembly Bill 266 states that when cannabis interests conflict with protection of the public, protection of the public shall be paramount. The DEIR, however, lists many program objectives (section 2.3.1) that conflict with protection of the public. To be consistent with the AB-266, they should not be valued equally; protection of the public should prevail.

(3) Protection of the public should be achieved by rigorous enforcement of strict regulations rather than cockamamie speculation that more lenient regulations will offer better protection of neighborhoods and environments.

(4) Commercial cannabis belongs in Agricultural areas--not in residential mountain neighborhoods where the environment and wildlife are more sensitive to damage from rodenticides, where threats of fire are greater, and where people have chosen to live away from commercial operations.

Sincerely,
Dave Rubin, RBDA Board vice chair

Section ES-9 and table ES-1

This section reports the summary conclusion that the More Permissive Project scenario is the Environmentally Superior Alternative". With regard to that conclusion:

- (1) Lt. Governor Gavin Newsom's report, *Pathways Report Policy Options for Regulating Marijuana in California* (2015), states on page 39:

"California likely does not want to invite a new gold rush of people into the state to cultivate marijuana, as happened in counties like Santa Cruz after fairly permissive policies were passed..."

Questions

- 1.a. Why doesn't the DEIR consider the possibility that if Santa Cruz County's regulations are permissive, we will end up attracting growers from around the country (or from foreign countries) as cited in Newsom's report?
- 1.b Did the DEIR compare the More Permissive Alternative with regulations in neighboring counties to evaluate the likelihood of our county becoming a magnet that attracts more growers?
- 1.c What counties have made cannabis rules more permissive and resulted in less environmental impact, as hypothesized in the DEIR? Or is this idea pure speculation?
- 1.d Why won't more permissive regulations result in a combination of growers who will comply *plus* an additional group of new growers moving to the county and not complying, resulting in greater negative impact?
- 1.e Why didn't the DEIR consider the possibility that if SC County makes and enforces strict regulations, commercial growers will go elsewhere, where rules are more lenient (because other localities have environments that are less sensitive and doesn't require such strict protections)?

- (2) The California cannabis law, California Assembly Bill AB-266 states:

19303. Protection of the public shall be the highest priority for the bureau in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Questions:

- 2.a Given that protection of the public is paramount, shouldn't the Alternatives have included one that places protection of the public first, such as a Rigorous Enforcement Alternative?
- 2.b Why is it presumed that the County can't make and enforce strict environmental rules that protect the public, as required by AB-266?
- 2.c What is the basis for assuming that compliance requires permissive rules rather than strict enforcement?
- 2.d What other laws that are meant to protect the public are made more permissive than desired? Why should cannabis cultivation be more permissive than optimum for the environment?
- 2.e Section 2.3.1 Program Objectives lists 12 objectives, some of which conflict. For example, objectives

Section 2.3.1 Program Objectives

Where did objective 2 (maximizing compliance) come from?

Why should it be an objective to maximize the proportion of activities within compliance rather than minimizing the total damage to the environment?

Doesn't merely posing the objective in this manner result in the More Permissive Alternative being desirable, even if it causes greater environmental damage?

Since this is a draft EIR, why wasn't the objective posed as "Develop a program with the least environmental damage"?

Isn't objective 2, as written, analogous to saying that increasing the speed limit to 150 mph will eliminate speeding?

Just as the key to safe driving should be reasonable rules and strict enforcement—rather than undesirably permissive rules—why didn't the DEIR consider a Rigorous Enforcement Project?

In 1974, speed limits were reduced to 55 mph due to the oil embargo. According to the [National Research Council](#), there was a decrease in fatalities of about 4,000 lives in the first year after the law took effect.^{[15][16]} Later, the National Academies wrote that there is "a strong link between vehicle speed and crash severity [which] supports the need for setting maximum limits on high-speed roads," but that "the available data do not provide an adequate basis for precisely quantifying the effects that changes in speed limits have on driving speeds, safety, and travel time on different kinds of roads."

In this case, stricter regulations led to increased safety. Why is cannabis cultivation different, such that the Project—combined with the rigorous enforcement specified in objective 12—would lead to less damage than the More Permissive Alternative?

Some of the 12 objectives in this section (objectives 4 and 7-11) clearly are directed at protection of the public, whereas others such as 6 (improve the county tax base) or 3 (providing efficiency to applicants) are not. As noted above, AB-266 states that "Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount".

How were these 12 objectives weighted, given that the law states that some are paramount?

Objective 11 ("Ensure adequate law enforcement and fire protection...") clearly complies with AB-266 requirement that makes protection of the public paramount. Why didn't the DEIR consider an Alternative that provides adequate law enforcement of the Project? Wouldn't adequate enforcement of stricter rules lead to less environmental damage?

Table 2.5

Were the authors of the DEIR aware that the Sempervirens Fund and The Nature Conservancy have mapped regions of Santa Cruz County as Priority Conservation Zones (Sempervirens) or Priority Conservation Areas (TNC)? [Note: these maps are in the RBDA recommendations were sent by email previously.]

Were the authors aware that many of the priority conservation areas in the 1-mile buffer zone inland from the Coastal Zone?

Why weren't all such priority conservation areas excluded from commercial cannabis cultivation, rather than recommending cultivation in the 1-mile buffer zone?

Given that the priority conservation lands were defined on such factors as “biodiversity, proximity to other protected lands (important for wildlife corridors), forest size and condition..., watershed integrity”, how does it benefit the environment in these lands to open the 1-mile buffer zone to cultivation on RA properties and reduce protection from pesticides that accompany cannabis cultivation?

Table 2.7

The More Permissive Alternative reduces setback from parks other than State Parks. Given that wildlife also lives in and roams from other parks, won’t decreasing this setback distance increase the likelihood of wildlife eating rodent’s that are contaminated with pesticides?

Table 2.8

The More Permissive Alternative reduces setbacks from neighboring residences. Won’t this decrease these residents’ protection from odors and other impacts? Doesn’t this reduction in setback conflict with AB-266 that places protection of the public as “paramount”?

Russell Mackey
Rmackey411@comcast.net
Box 1167
Felton CA 95018
October 30, 2017

Cannabis Comments
c/o Mr. Matt Johnston
Planning Department
701 Ocean Street, 4th
Floor Santa Cruz CA 95060
VIA EMAIL

RE: Comment on the Draft EIR on Cannabis Cultivation and Manufacturing

Dear Mr. Johnston,

Please enter my comments on the Cannabis Cultivation and Manufacturing Draft EIR into the public record.

I am a 45 year resident of Bonny Doon, and a former firefighter with Bonny Doon Volunteer Fire and Rescue/County Fire.

Thank You,

Russell Mackey

Comment on the Draft EIR on Cannabis Cultivation and Manufacturing

October 30, 2017

Russell Mackey

For the Public Record

The following comments apply to Section 3.11 of the Draft EIR, specifically to the impacts on Fire Service in the area served by the Santa Cruz County Fire Department , in the areas supported by taxes collected by County Service Area 84, CSA 48.

This Draft EIR displays a near total lack of understanding of the Santa Cruz County Fire Department, the financing issues, the years of attempts by the County Supervisors to raise taxes on CSA 48 properties and the critical role of volunteer firefighters in County Fire operations. The EIR authors fail to recognize and describe the distinction between CalFire and County Fire.

The EIR authors, in concluding that County Fire is a viable entity, contradict the opinion in multiple reports accepted by the Board of Supervisors since 2007.

The EIR authors offer no reason for the "reduction in fire risk" other than new rules that will be imposed. Such a conclusion flies in the face of the history of marijuana growing in Santa Cruz County.

The EIR authors' conclusion is rejected as absurd.

A review of the following list of Reviews and Special Reports is essential to an understanding of the Santa Cruz County Fire Department County Fire. These documents are part of the Official Records of Santa Cruz County and are available online. They will be referred to in my comments.

Document A

"County Fire: Alternative Service Delivery Options and Financing" Supervisor's Agenda, January 23, 2007, Item 61

Document B

"County Fire Service and Financing"
Supervisor's Agenda, May 15, 2007, Item 17

Document C

"What is County Fire? A review of fire protection in county service Area 48" 2007-2008 Santa Cruz County Grand Jury Final Report.

Document D

"County Fire Funding"

Supervisor's Agenda, January 26, 2010, Agenda Item 15, Minute Item 37.1

Document E

"Cal Fire Contract: Options for Changing the County Fire Level of Service"

Supervisor's Agenda, September 2011, Agenda Item 19, Minute Item 49.1.

Document F

"Future Funding Options for County Fire"

Supervisor's Agenda, February 9, 2016, Agenda Item 11.

Supervisors Documents are available from the Santa Cruz County Home Page,

<http://www.co.santa-cruz.ca.us>

Grand Jury Documents are available from the Grand Jury Home Page

<http://www.co.santa-cruz.ca.us/Departments/GrandJury.aspx>

EIR STATEMENTS, FOLLOWED BY A RESPONSE TO THOSE STATEMENTS

EIR, Page 3.11-2

This page is a Map purporting to show the area served by "CSA 48 Cal Fire" and other fire agencies. The map is attributed to Santa Cruz County Emergency services.

Response

The map on 3.11-2 is inappropriate and has a number of errors. County Service Area CSA 48 is a taxation district for Local Responsibility Fire Services. CalFire is currently contracted to provide specific services to CSA 48, HOWEVER, the County is the responsible party. CalFire's mandated service area is defined by the state, and covers territory in the county that is NOT part of CSA 48. The chosen map inappropriately merges the functions of County Fire and those of CalFire with a taxation district.

An appropriate map showing the County Fire - CSA 48 area is found at:

http://gis.co.santa-cruz.ca.us/map_gallery/pdfs/Map%20Gallery/County%20Service%20Areas/CSA48_CountyFire.pdf

EIR, Page 3.11-3

" Fire protection in Local Responsibility Areas (LRAs) is provided by the County, a city, or a designated fire protection district."

Response

Document A, from 2007 notes,

"Fire service is not a mandatory service obligation for the County"

Document D, from 2010 considers the option of eliminating County Fire as a cost saving strategy,

" Eliminate the Santa Cruz County Fire Department. There is no legal mandate requiring the County to provide fire services. If the County Fire Department were eliminated, it is possible that many areas of CSA 48 would be annexed by other jurisdictions (which at that time should be encouraged and facilitated by County staff)..."

The Draft EIR has failed to DISCLOSE that there is NO COMMITMENT by the County to continue to provide fire services to the area now served by County Fire.

EIR, Page 3.11-4

Table 3.11-4, "Fire Protection Services within Santa Cruz County", lists fire departments, service areas, staffing and resources, and region served. The sixth listing reads:

Fire Department	Service Area	Staffing & Resources	Region
CSA 58 CalFire	State Responsibility Area (SRA) of Santa Cruz County	Not available	North Coast

Response

There so many problems with this line, that it appears that the preparer of the Draft EIR does not understand the differences between County Fire, CalFire and the related County Service Area, CSA 58(sic).

CSA 58 is a taxation district for road maintenance. (CSA 48 is a taxation district for defined fire services). The State Responsibility Area (SRA) of Santa Cruz County is NOT contiguous with ANY County CSA. The North Coast is a fractional portion of CSA 48. The SRA in Santa Cruz County extends well beyond 'the North Coast'.

EIR, Page 3.11-5

"The County of Santa Cruz contracts with CalFire for administration, support services, and line personnel and include 260 paid firefighters and support staff as well as 110 volunteers."

Response

The number of CalFire 'paid firefighters' requires further disclosure, and the number of volunteers is GROSSLY over inflated in the Draft EIR.

County Fire Chief (and CDF Unit Chief) Ian Larkin, seated with County General Services Department Manager Nancy Gordon addressed the Board of Supervisors at the June 22, 2017 County Fire Budget hearing. At approximately two minutes into Chief Larkin's presentation a power point slide was presented, and Chief Larkin tells the Board that **County Fire is staffed with approximately 80 volunteer firefighters.**

Slide excerpt below:

The County Fire Department provides services from ten fire stations staffed with a combined deployment of approximately 80 volunteer firefighters as well as career firefighters, managed under a cooperative fire protection agreement with the California Department of Forestry and Fire Protection (CAL FIRE).

A video of the presentation can be viewed by selecting agenda Item 7 at:

<http://santacruzcountyca.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1587&Format=Agenda>

An example of full disclosure of a count of CalFire 'firefighters' was given by Unit Chief John Ferreira at a 2013 Human Resources hearing:

"Unit Chief John Ferreira (Ferreira), a 30+ year veteran of CAL FIRE, is responsible for the CAL FIRE San Mateo-Santa Cruz Unit (CZU) and supervises approximately 200 full-time employees, 60 seasonal workers, 150 volunteers and 125 inmates.

<https://bloximages.chicago2.vip.townnews.com/hmbreview.com/content/tncms/assets/v3/editorial/8/ac/8accc4ae-966a-11e2-ab61-0019bb2963f4/51522ba7cf0b7.pdf.pdf>

It is further noted that the Cal Fire local unit covers BOTH Santa Cruz and San Mateo counties. Disclosure of the employee count for each county is required for clarity and accuracy. It is also necessary to state the number of employees during both the "fire season" and "non-fire season", as the count varies seasonally. Also of importance, when employee counts are presented as an indicator of "Strength of Response" is the requirement to disclose the number of employees ACTUALLY on duty at a given time. All of these factors are missing in the Draft EIR.

In addition to the overstatement in the number of volunteers, is the necessity to quantify the number of ACTUALLY active volunteers. The General Services Director Nancy Gordon, in her Report to the Board of Supervisors on February 9, 2016 (Document F) reported,

"Understanding that while volunteers provide an invaluable service, their average response rate is 52% and in envisioning one or more station closures, their response rate and times would be extended,"

Gordon's statement, reducing the number of volunteers to those actually responding, when, combined with properly disclosure of the number of paid responders actually available to immediately respond, results is a far less robust level of staffing that was suggested by the unexplained and misleading metrics presentation in the Draft EIR.

For County Fire, paid and volunteer firefighters, taking into account the more detailed count of personnel above, the ACTUAL number of firefighters ready to respond at any given time may be as low as one-third the total number of firefighters presented in the Draft EIR.

The MINIMUM count of Santa Cruz County Fire Department firefighters ACTUALLY available to immediately respond MUST be disclosed. Simply providing the total number of CalFire employees and volunteers on a roster does not accurately portray immediate service capability. Immediacy is a critical factor in evaluating effective fire response.

EIR, Page 3.11-9

" The California Occupational Safety and Health Administration (CAL-OSHA) requires that a minimum of two firefighters, operating as a team, conduct interior firefighting operations while a minimum of two firefighters must be positioned outside and remain capable of rapid intervention and rescue if needed pursuant to the State of California's "Two-In, Two-out" law [29 CFR 1910.134(g)(4)]. If there are only three firefighters assigned to a fire engine, the engine company must wait for back-up to arrive before being able to engage in interior firefighting operations to be in compliance with CAL-OSHA regulations."

Response

Section [29 CFR 1910.134(g)(4)] refers to, a Federal regulation, not a State of California law or code. California has adopted an identical provision.

Exceptions from "Two-in, Two-out" exist for incipient structure fires and immediate rescue in certain circumstances.

OSHA issues "Standard Interpretations" of its rules. Standard number 1910.134 addresses the level of staffing on fire trucks:

"OSHA's requirement in no way is intended to establish staffing requirements with regard to, for example, the number of persons on a fire truck or the size of a fire company."

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=29192

EIR, Page 3.11-11

Objective 7.16 Fire Protection

To provide the highest level of fire protection service feasible in the rural areas considering the difficult terrain, disperse settlement patterns, and limited road and water improvements and to provide an urban level of fire service in the urban areas.

Response

Objective 7.16 has been part of the Santa Cruz County General Plan and Local Coastal Program since at least 5/24/94. Neither County General Funds nor Proposition 172 (1993) Public Safety Service Funds are allocated by the County Supervisors to fund needed and feasible increases in the level of County Fire services.

[https://ballotpedia.org/California_Proposition_172,_Sales_Tax_Increase_\(1993\)](https://ballotpedia.org/California_Proposition_172,_Sales_Tax_Increase_(1993))

<http://www.sccoplanning.com/PlanningHome/SustainabilityPlanning/GeneralPlan.aspx>

EIR, Page 3.11-12

"The SCCFD is striving to obtain a minimum of four on-duty firefighters on each engine company in the County in compliance with NFPA standards (NFPA, 5.2.3.1.1)."

Response

Most importantly, CalFire Standards apply to Amador Period Staffing, the period of time when firefighter costs are born by the Santa Cruz County Fire Department.

THE AMADOR PLAN 8554

(No. 137 May 2017)

The Director, with the approval of the Department of General Services (see Public Resources Code (PRC) §4143 and §4144), may enter into a cooperative agreement with a city, county, special district, or other political subdivision of the state, or person, firm, association, or corporation, for the purpose of preventing and suppressing fires, that requests an agreement, under those terms and conditions that the director deems wise.

Any proposed facility housing CAL FIRE personnel and / or equipment must comply with HB § 3323 CAL FIRE site selection procedures."

"Amador Engine Staffing

Staffing for Amador Plan engines will be at levels that are mutually agreeable to all parties of the fire protection agreement. The state shall apportion to the contracting entity the actual additional costs for providing extended staff availability for 24-hour emergency response.

The Amador Program minimum engine staffing level for the non-fire season period is a two-person Engine Company for local agency mission response.

Local agency mission response means a response to the needs of the local cooperating agency, which includes but is not limited to, responses to structure, vehicle and vegetation fires, medical aids, public assists, and traffic collisions. The response may be directly for the local agency response or as a result of a mutual or automatic aid agreement between the local cooperating agency and another agency." [emphasis added]

<http://calfireweb.fire.ca.gov/library/handbooks>

"Striving" is not the same as accomplishing. Staffing of Amador period (winter, non-fire season) CalFire Engines has been by TWO on-duty firefighters beginning in 2007. There is NO action plan in effect to increase this staffing. Depending on political and financial considerations, reducing paid staffing staff to two has been described as being both "cost saving" and acceptable to CalFire.

"The defeat of the 2007 ballot resulted in further cost cutting measures and a reduction from 3- person to 2-person fire engine staffing."

http://sccounty01.co.santa-cruz.ca.us/BDS/Govstream2/Bdsvdata/non_legacy_2.0/Minutes/2010/20100126-482/PDF/037-1.pdf

Similar to Santa Cruz County, CalFire contracts with San Mateo County and provides specific Fire Services. In Santa Cruz County, since 2007, CalFire has sought to add a third firefighter to the Amador Period staffing of paid engines. In San Mateo County, however, in 2011 former CalFire Unit Chief John Ferreira reported to the Highland Area residents,

**"One option for reducing costs for both CSA 1 and [San Mateo] County Fire is to reduce the total staffing...
"An engine with two staff can respond to all types of emergencies including medical calls and fires.**

http://www.highlandscommunity.org/Resources/Documents/lowdown%20April%202011%20final_August.qxd.pdf

EIR, Page 3.11-13

" The character of incidents to which fire services would have to respond under the Program may also shift from the present situation and this is a potential beneficial impact. Because there are not yet any licensed cannabis cultivation sites, the experience of fire protection services has only been with responses to incidents on unregulated sites.

"These locations are often not easily accessible, nor compliant with state and local building codes. **Since regulated sites would be designed to minimize fire risk in compliance with existing regulations, implementation of the Program may cause emergency calls and incidents to decrease.**

"Overtime, existing, unregulated operations would be brought into compliance with building and electrical codes as is required by the Program. Demand for non-emergency services such as fire safety inspections for new residences, building inspections, fire code investigations, and code compliance would incrementally increase under both Program scenarios.

"Further, overall risk of fire would be reduced under the Program, as further described in section 3.8, *Hazards and Hazardous Materials*, with a commensurate decrease in demand for fire response services. Therefore, this impact would be less than significant." [Emphasis Added]

Response

The EIR authors' conclusion that the overall risk of fire from Cannabis Cultivation and Manufacturing would be REDUCED under the Project, and that the " impact would be *less than significant*," is unsupported and unconvincing.

This Draft EIR appears to weave a story intended to support a conclusion of "less than significance" based on unattributed statements that fail to pass the test of relevance to the subject under discussion, as has been demonstrated above.

I look forward to reviewing a revised Draft EIR with major corrections, accurate reporting of relevant data and evidence-based conclusions. A proper evaluation of the current status of the Santa Cruz County Fire Department will disclose the shortcomings of County Fire, as it currently exists. A proper evaluation will result in a finding of MAJOR IMPACTS to the provision of Fire Service in the area served by The Santa Cruz County Fire Department.

Sincerely Submitted,

Russell Mackey

October 30, 2017

Rmackey411@comcast.net
Box 1167
Felton CA 95018

From: "Salima Cobb" <salco@scshop.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/28/2017 1:31:11 PM
Subject: Permits for growing

Hi,

I just want to say that I would like permits to deeply consider environmental concerns (water is major in my area as well as forestation). I am also concerned that public safety and neighborhood quality of life issues be taken into consideration. I look out on such beauty but have seen what happens as my neighbors become wineries and clear the trees and fence and have pesticides and are using electrical equipment, workers that play music starting at 6:30am. My peace has been greatly disturbed. I see fewer wildlife and the coyotes and mountain lion coming closer to homes. Thinking of growers coming in around me and adding their piece of that as well as possibilities of needing gun surveillance to keep out thieves makes me quite nervous.

Thanks for taking these thoughts into consideration.

Salima Cobb
24010 Summit Road
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salco@scshop.com

September 22, 2017

To: Matt Johnston
Re: Comments on Cannabis Draft EIR

Dear Matt,

The Draft EIR covers many topics well. My overall concern is with preventing the misuse of pesticides, herbicides and rodenticides that affect wildlife and water resources.

The strength of the EIR is in the Mitigation Measures.

I would recommend adding to the BIO Mitigation Measures the same MM that is listed under HYDRO 1.1, that is:

HYDRO

1.1. Pesticide, Herbicide, and Rodenticide Control.

Licensees shall submit information about any proposed use, storage, and application of pesticides and herbicides by type and amount as part of a Pest Management Plan (see MM BIO-1.1g) to be reviewed and approved as part of the licensing process. Cannabis cultivation on all licensed sites shall only use pesticides and herbicides that are exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under Section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the California Code of Regulations, title 3, section 6147. Any uses of pesticide or herbicide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released uncontrolled into the environment, including surface or ground waters.

The weakness is in the Secondary Impacts, which are consistently listed as Significant and Unavoidable.

In the Biological Resources section in the Executive Summary (Table ES 1) (page ES 10), for Secondary Impacts, it says: “MM AT 1.3a and MM AT 1.3b would apply”; However, in the Mitigation Monitoring and Reporting Program (Chapter 6), for Biological Resources there is no listing for mitigating Secondary Impacts. It seems that “MM AT 1.3a and MM AT 1.3b would apply” should be listed there.

Thank you.

Sam Earnshaw
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SAN LORENZO VALLEY WATER DISTRICT

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October 31, 2017

Cannabis Comments

c/o Matt Johnston,
Santa Cruz County Planning Department,
701 Ocean St., 4th Floor,
Santa Cruz, CA, 95060
cannabiseir@santacruzcounty.us

RE: SLVWD Comments on the Santa Cruz County Draft Environmental Impact Report (DEIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnston,

Thank you for the opportunity to review the Draft Environmental Impact Report, we also really appreciate the 15 day extension that was granted for the review. We want to acknowledge the enormous challenge the County and our community has undertaken to develop a policy that balances the needs of the community with the needs of the environment. We appreciate the effort that county staff has put into this analysis in order to ensure that the ecosystem services, on which our community depends, will not be compromised.

Mapping

- Many of the figures have inappropriately identified parcels for their respective role in a future licensing program. For example, San Lorenzo Valley Water District Lands on Ben Lomond Mountain are identified as being eligible for cultivation in Figure 2-6. Will the county revise the mapping in the DEIR?

Maximum Cultivation Canopy Size page 2-29

- The total disturbance envelope is not addressed. This would potentially result in significantly increased impact to habitat, and connectivity - necessary for genetic diversity. It will reduce water absorption by leaf litter in forested areas and result in increased runoff, erosion, water quality issues, and reduced base flows. How will the project or more permissive project protect habitat connectivity and minimize soil disturbance?

Imported Water for Cultivation page 2-34

The More Permissive Project would allow those onsite sources as well as importing water by truck for initial filling of water storage tanks required to meet Fire Code standards.

- Upon reconsideration of our previous recommendation that water may be purchased off-site only from local water districts to ensure sustainability of the resource, we now believe that trucked water

should not be allowed for any commercial cultivation activities for the following reasons: Trucked water will open up significant number of properties to cultivation that might not otherwise be possible. The ability of water purveyors to oversee a trucked water program is logically unrealistic when consideration is given to the changing regulatory realities in water management, water rights, climate impacts, and use tracking etc. Furthermore, as a water purveyor, we have not analyzed this issue at a level that would accommodate this new water demand through our Urban Water Management, Climate Action, or other related plans that are in development.

- The DEIR states that 26 (3%) of registered cultivators depend on imported water supply for irrigation purposes, the multi-year drought resulted in a significant increase of bulk water sales during 2015 summer growing season. With the increased area of potential cultivation sites proposed by the more permissive project, we are concerned that a future multi-year drought will result in water shortages that could impact our community.

3.9.3 Regulatory Setting - Sustainable Groundwater Management Act (SGMA)

- New Groundwater Sustainability Agencies will be required to prepare a Sustainability Plan by 2022. There will be a number of mandates that will be generated from that process. The Project or More Permissive Project should ensure that Cannabis Cultivators will need to meet all requirements that result from SGMA. Will the County ensure that licensed Growers comply with SGMA requirements?

3.9.6 Environmental Impact Analysis and Mitigation Page 3.9-20

The More Permissive Project would involve licensing of more eligible sites than the Project, which would increase the number of sites subject to existing local regulations, but also increase the amount of site grading and use of potential pollutants. In comparison with other agricultural uses and disturbed areas within the County, up to 190.1 acres of canopy for potential new cannabis cultivation, distributed county-wide, would involve relatively minor amounts of soil disturbance.

- The majority of cannabis licensees are located in the mountain regions of the county with steep forested slopes & unstable soils. Formerly, these areas were not suitable for most agricultural activities. Maximizing eligibility for these areas would involve significant amounts of soil disturbance, which would result in significant impacts to water quality, groundwater recharge, base flows, and forest health. How does the DEIR evaluate the statement provided above and come to that conclusion?

IMPACT HYDRO 1: Introduction of pollutants & sediment into surface flows and groundwater sources

- The County is already considering karst protection language for several existing regulations and inclusion of karst protection standards in commercial cannabis cultivation regulations and inclusion of karst protection standards mitigation measures in this EIR seems appropriate as well. The San Lorenzo Valley Water District relies on karst terrain for water supply, for approximately $\frac{1}{3}$ of the system, the impact is currently not sufficiently mitigated.

MM HYDRO 1.2 - Cleanup and Restoration Plan for Relocated Cultivation Sites

- What is entailed in the 5 year cleanup & restoration plan?

Mitigation Measures MM HYDRO-1.1 - Pesticide and Herbicide Control; Page 3.9 - 23

- Rodenticides are available over the counter and not likely to leave residue on the product, but rodenticide products cannot be used in a way that would ensure that they will not enter or be released uncontrolled into the environment. They are used to target species such as the dusky footed woodrat, which is a known prey for many birds of prey. Anticoagulants are known chemicals to bioaccumulate and can spread widely through wildlife food chains, impacting local biodiversity. How will the Ordinance and the Pest Management Plans reduce or prohibit the use of rodenticides?

Impact HYDRO-1.2 – Indirect Cultivation; Page 3.9-24

- Although new development would be required to adhere to applicable water quality regulations; cases where the access to a proposed site must cross steep or highly erosive soils, and/or are miles from the nearest accessible County right of way, and/or may include stream crossings, which result in significant impact should be prohibited. How will this be enforced?
- Mitigation Measures outlined in the DEIR including a Master Plan: Mitigations described are inadequate to reduce impact to less than significant. Inappropriate sites on steep slopes with highly erosive soils as described should be prohibited. How will this be enforced?
- Sites that would require miles of timber land conversions to construct 20' roads cutting into steep hillsides or across highly erosive soils, and forest must be clear cut and to access cultivation sites should not be eligible. How will the County manage timberland conversions?

Impact HYDRO-2. Commercial cannabis cultivation under the Program could adversely affect groundwater supplies and groundwater recharge. This impact would be less than significant with mitigation

- While we do support the mitigation measures including rainwater harvesting and water conservation measures, these mitigations will not reduce the impact of shallow groundwater recharge that results from a thick layer of forest duff slowing and storing storm water and is critical for maintaining baseflow in streams during dry summer months. How will the impact of forest health be reduced to less than significant?

3.9.6.4 Cumulative Impacts

- The disturbance envelope of the total cannabis industry that would be eligible under this program & more permissive program is not addressed. Clearing of forest, compacted soils, removal of forest floor duff and exposure of bare soil, will reduce the ecosystems opportunity to slow storm water and allow recharge into shallow groundwater. Increased human activities into previously inaccessible or undevelopable landscapes will increase landslides, reduce wildlife habitat and connectivity, and impact water resources regardless of how well the laws set by the regulatory agencies are followed. The cumulative impact of cannabis operations will increase proportionately with the area of land that is eligible for cultivation to take place. The Cumulative impact section does not adequately describe the cumulative impacts outside those addressed by the mitigation measures. How will the County address cumulative impacts?

Impact AT-3.

- Forestlands provide invaluable ecosystem services regarding retention of runoff, wildlife habitat, carbon sequestration and overall watershed functions and the fact that many of our watersheds support special status species and water supply for the majority of County residents, the impact of forest conversion or rezoning of TPZ lands could be significant. Furthermore, vegetation

community shifts due to climate change predicted by Point Reyes Bird Observatory [1] indicate that redwood forests may be severely limited in the County in the future, thereby exacerbating this issue. Including more stringent mitigation for this impact such as prohibiting rezoning of TPZ parcels for commercial cannabis cultivation, prohibiting expansion of the agricultural use of TPZ zoned parcels for commercial cannabis cultivation or prohibiting all commercial cannabis operations on TPZ zoned parcels seems appropriate.

Support for Resource Conservation District

- The Resource Conservation District has a proven track record reducing environmental impacts on ecosystem services by working with landowners through a non-regulatory framework to assist with education, infrastructure improvements, permitting and more. We encourage the County to consider working with the RCD to develop a program which would allow the RCD to ensure cultivators are permitted, and code compliant.

Baseline Conditions

- Baseline conditions in the DEIR reflect environmental conditions as they existed February 13, 2017. The County and many other agencies have been monitoring environmental conditions (water, land use, lidar, etc.) county-wide for decades. While some baseline data may not yet exist, the historic data should be analyzed to assess environmental conditions prior to the spike of cannabis cultivation over the past 5 years. Additionally, historic baseline data should be analyzed to assess and monitor the impacts to natural resources following the implementation of the new ordinance.

Cannabis Cultivation Enforcement

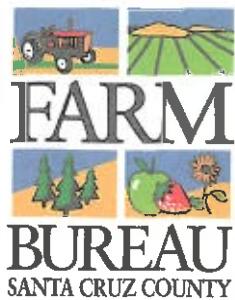
- While it is difficult to determine the number of cultivators who did not register, the majority of cultivators who are not participating in the County's Registration Program are currently and likely to continue to operate illegally causing untold environmental damage to ecosystem services, without an adequate enforcement program. As Article 13 of AB 243 States: *the total fees assessed pursuant to this chapter shall be set at an amount that will fairly and proportionately generate sufficient total revenue to fully cover the total costs of administering this chapter.* The County should set fees and sales related tax revenue sufficient to enforce the ordinance and to remediate environmental damage resulting from cannabis cultivation activities. Otherwise it would be disingenuous to conclude that impacts will be mitigated to a "less than significant with mitigation".

Thank you for your consideration of these important issues. Please do not hesitate to contact me if you have any questions or concerns about these comments.

Sincerely,



Gene Ratcliffe, Board President
San Lorenzo Valley Water District



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October 30, 2017



Cannabis Comments c/o Matt Johnston
Planning Department
Santa Cruz County
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Re: Cannabis EIR

To whom it may concern:

For over 100 years the Santa Cruz County Farm Bureau has represented commercial farmers, ranchers, timber operators and rural land owners throughout the county. The pending legalization of cannabis in California has forced local and county governments to consider how to best regulate this new crop.

Commercial farms are subject to extensive health and safety, environmental and worker protection regulations. The draft EIR does not recognize that all of these programs exist, and appears to pick and choose which should be applied to cannabis grows. Cannabis farmers should be subject to the same regulations, including land use, as all other farmers, plus those unique to cannabis.

The EIR reviews the Project and More Permissive Project in detail. As to grows on CA zoned land the Project has a 2% parcel size limitation, increasing to 4% for the More Permissive Project. The Alternative Analysis considers three other possibilities; No Project, Most Restrictive, and Most Permissive. Each results in potential significant adverse impacts. Every EIR must consider reasonably feasible alternatives. "For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR" (Draft EIR, Alternative Analysis pg. 4-1)

CA Zoned Land: Based on this criteria the environmentally superior alternative should be allowing co-location of multiple licensees, in order to maximize utilization of Ag land, in on CA zoned land, with a preference for existing greenhouses.

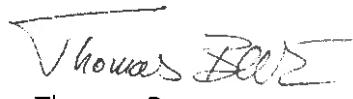
Existing greenhouses, which the EIR points out as underutilized, and CA zoned land in general, avoid or mitigate every identified negative impact. Our workers will continue to be employed, not contributing to additional traffic congestion. There will be no new development so there is no impact to biological, cultural, geology and soils, and no increase in greenhouse gas emissions. Our farm land and greenhouses have existing agricultural water wells. This is the environmentally superior alternative.

Santa Cruz County Farm Bureau
Cannabis EIR
October 30, 2017

TP Zoning: On the other end of the spectrum is random cultivation in TP zoned forest land. This is possibly the area where significant environmental consequences cannot be avoided or mitigated. Cannabis production on TPZ zoned lands has the realistic potential to reduce available timber harvest in Santa Cruz County. Cannabis production would likely preclude timber production on TPZ lands where cultivated on the same, or adjacent, parcels. The exponentially higher monetary return of cannabis over that of timber, coupled with the intense regulatory process centered around timber harvest that would likely deter the harvest of timber. This is contrary with the designated best and highest use of those lands, and would cause significant impacts to our local forest products industry. The limitations proposed by the Proposed Project alternative would cause fewer significant environmental consequences than the More Permissive proposals, however most of these would still be severe to significant, and without possible mitigation.

Thank you for considering our comments on this important matter.

Sincerely,


Thomas Broz,
President

Santa Cruz Naturals
9077 Soquel Drive
Aptos, CA 95003



OCTOBER 27, 2017

Santa Cruz County Board of Supervisors, Cannabis EIR Team, Cannabis Licensing Team

701 Ocean Street, Santa Cruz CA 95060

RE: Cannabis EIR, Proposed Manufacturing and Cultivation Ordinances

Dear Supervisors, EIR Team, and Cannabis Licensing Management,

I am writing this letter in response to the proposed cannabis cultivation and manufacturing regulations as prescribed by the Environmental Impact Study conducted by your team throughout 2016-2017. As many of you know, I am the Founder of Santa Cruz Naturals (formerly Santa Cruz Mountain Naturals), a Medical cannabis business comprised of a dispensary, cultivation, and product development company based in Aptos. For the past 7 years, Santa Cruz Naturals has been working with a third-party organics certification company called Clean Green Certified. All of the Santa Cruz Naturals crops are "Clean Green Certified", which follows the same guidelines as the USDA Organics Certification Program. To date, no other dispensary in Santa Cruz County has gone through the steps and costs that it takes to be Clean Green Certified.

Although I am a cannabis businessperson and entrepreneur, many of you may not realize that I have a Bachelors Degree in Park and Wildland Management from Prescott College for the Liberal Arts and Environment in Prescott, Arizona. During and after college, I spent nearly a decade working for various Local, State and National Parks, environmental education programs, and other non-profit and government agencies. When I became professionally involved in the cannabis industry in 2009, I did so because I saw a very real need for regulations, transparent business and cultivation practices, and quality control standards.

Today, the State and County have taken a progressive approach to regulating cannabis, and I commend the County for its willingness to engage with the Industry and the various stakeholders who may be affected by the cultivation, manufacturing and distribution of this rapidly growing commodity. However, I feel compelled to comment on the EIR and some of the conditions that it imposes on Cultivation and Manufacturing, as well as geographic and economic components of the industry that may not have been considered sufficiently in the creation of the EIR.

Currently, Cannabis is being cultivated extensively in Santa Cruz County, as well as other jurisdictions throughout the State. Large investment capital is pouring into the industry, and corporate conglomerates are rapidly forming like storm clouds over the newly emerging legal industry. At the same time, small business owners like myself are working night and day to maintain the small piece of our industry that we have built, but seeing it being pried away from us by prohibitive policies that appear to be ill-conceived and politically motivated. And just as the black-market industry brought legalization to the limelight over the past 20 years by many risk takers, the black-market industry will also not be easily pushed out of their existing homes, gardens, barns, and farms. Far too much investment has been put into

these farms, and there is far too much for these entrepreneurs to lose to simply give up, sell their homes, and move out of the County.

Issue 1. F1 Fire Code

As I initially read through the County's Cultivation and Manufacturing ordinances, I was excited to read that what the County was proposing seemed to be fair, supportive of small businesses, respectful of neighbors, and considerate of environmental and community impacts. The proposed zoning and setbacks reflected the hundreds of hours of work that myself and my colleagues put in during the C4 process, and for all intents and purposes, the ordinances appeared to have good support from both the Cannabis Industry, and various community groups in Santa Cruz County. At that point, and in no small part due to the history of the ever-changing Cannabis laws in Santa Cruz County, myself, like many individuals, purchased or leased land that not only fell directly in alignment with what the County was proposing, it fell in alignment with any other agricultural use.

In June of 2017, I was made aware of a newly proposed addition to the Cannabis Licensing department; the application of the Cal Fire F1 Code, restricting any cannabis cultivation or manufacturing to roads that are 20' wide and parcels having 120K Gallons of water storage. My property is on a road that is less than 20' wide, and only has 35,000 gallons of water storage, even though it has a long history of vineyards and other agricultural use. That means that although my property could be used for a number of traditional agricultural uses, Cannabis, my primary agricultural crop, would be prohibited. Fortunately for me, my livelihood isn't based entirely on the cultivation of a cannabis crop, and I may be able to withstand an F1 Fire Code restriction. The problem is that so many others in Santa Cruz County are not that fortunate.

In my experience in working in parks and land agencies, one of the most problematic issues for rangers, law enforcement and fire fighters is the existence of illegal cannabis crops. They cause significant environmental impact; poison the soil, kill wildlife, draw water out of our streams, leave refuse and toxins behind, cause massive wildfires and erosion problems, and add fertilizers to our streams that result in algae blooms that suffocate fish and other wildlife living in the water. Cal Fire has had terrible history of dealing with the repercussions of illegal cultivation activities, and frequently encounters butane canisters at fire sites causing even greater risk to the fire fighters. It is completely understandable that Cal Fire would request that the County require any licensed cultivator to be on a 20' wide road and have 120k gallons of water storage.

However, I believe that Cal Fire may not be considering the vast scope by which Cannabis is being cultivated in the Santa Cruz Mountains, and how much investment has already been put into these locations. And furthermore, by creating a rule that would *continue to prevent the licensing* 90% of the existing cultivators in the Santa Cruz Mountains, I believe that Cal Fire is cutting its nose off in spite of its face.

By restricting cultivators to 20' wide roads, the County is choosing to create a Black Market that currently produces 80-90% of the Cannabis that is exported out of the County. By choosing to restrict growers in such a way forces growers to either quit their jobs, sell their homes or properties, or remain in the black market. Given what we already know about the history of cannabis cultivation, it is very unlikely that these growers will simply "pack up and leave". Therefore, cannabis cultivation in the Santa Cruz Mountains will remain a black market industry, continuing to operate without proper electrical wiring, without following agricultural regulations, and without paying taxes. And, not only are these individuals not going to leave, but they are going to directly compete against the

regulated market, attracting would-be clients away from tax paying dispensaries to non-tax paying and unregulated delivery services and neighborhood home "patient to patient" vendors.

Issue 2. Marine Layer and Summer Fog

Cannabis is a crop that requires the same general cultivation parameters as grapes. Just as strawberries, artichokes, Brussel sprouts, and leafy greens grow well along the foggy coastal Agricultural regions of Santa Cruz County, cannabis grows best in areas that are hot and arid; the same areas that grapes grow best in. Vineyards currently exist in areas extensively in the Santa Cruz Mountains which do not have 20' wide fire roads nor 120k gallons of water storage on site, and with a fairly simple crop conversion, Cannabis could be cultivated at these sites affordably and with minimal impact to the environment. But, again with the Cal Fire F1 code, the majority of the "appropriately" zoned cannabis cultivation area is in the CA and A lands in the 2nd and 4th Districts of the County. For cultivators to successfully grow their crops in this climate, where summer fog blocks 60% of the available light from the sun and the moisture leads to crushing crop losses due to Botrytis (flower rot) and Powdery Mildew, they must invest millions of dollars into infrastructure, driving the price of the commodity through the roof, and further incentivizing the black market to continue growing in the hills where the crop grows best.

In addition to the information presented in the EIR, the study failed to consider the impacts of neighboring cannabis cultivation activities. In particular, the County of Monterey has chosen to take an aggressive approach to licensing cannabis cultivation, and has indicated that it intends on becoming the leading producer of cannabis and cannabis products in California. However, as a member of the Monterey County Farm Bureau's Cannabis Committee, it has come to my awareness that large cannabis greenhouses across the region are failing due to the same pressures experienced in Santa Cruz County; heavy summer fog, low mid and late-summer light (at the time that the crops need the light intensity the most), Botrytis, Powdery Mildew, and pesticide blow-over from neighboring conventional agricultural crops. For these greenhouses to be successful, the must have tremendous amounts of investment and infrastructure to maintain perfect atmospheric conditions, prevent mold/mildew, and use costly lighting to supplement the loss of lumens experienced throughout the growing season. This, in conjunction with the \$15 per sf cultivation tax in Monterey, and the now 5% cultivation tax in Santa Cruz County, will drive prices even higher, and price out would-be legal consumers from participating in the legal market.

Issue 3: Cannabis Taxes

Although the EIR Team did an excellent job in compiling a comprehensive study resulting in what most reputable individuals in the Cannabis industry have been saying for years (that the most permissive regulatory approach will likely result in the least amount of environmental impact), the EIR failed to consider the County's tax rates, and how the Cultivation and Manufacturing ordinances may play out when considered in tandem with the Dispensary ordinance and the Cannabis Business Tax rates. At the recent Board of Supervisors hearing, myself and my colleague presented on behalf of our organization the Association for Standardized Cannabis on the dire repercussions of over-taxation of the Cannabis Industry. In particular, we spoke at length as to how having high tax rates and unattainable regulations does little good for the regulated market, but instead drives cost-conscious consumers back to the black market. Currently, the CBT rate is set at 7% for dispensaries, and 5% for Cultivators and Manufacturers. If the County wishes to suppress or eradicate the black market, over-taxing and over-regulating Cannabis is a foolish mechanism to follow.

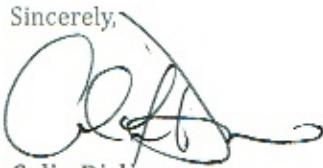
I believe that in order to successfully complete the EIR on Cannabis Cultivation and Manufacturing, the EIR should also be extended to the Taxation of Cannabis, and how the end retail costs of the regulated market will further enable the success of the Black Market, leading to the continuation of environmental impacts, lost tax revenues, and residential and wildfire hazards. When the tax rates for cannabis at the dispensary register account to over 30% of the total cost, most local consumers will simply stop shopping at dispensaries, and start using one of the many illegal delivery services in the County, or go back to their neighbors, friends, craigslist, or any number of black-market cannabis access points.

In closing, my recommendations, which I believe to be shared amongst a great number of individuals involved in the Cannabis Industry, and a significant percentage of those in the community who are not, would be as follows:

1. **Adopt the most permissive option for Cannabis Cultivation and Manufacturing as recommended by the EIR.**
2. **Allow and support Full-Sun Cannabis Appellations in Santa Cruz County to exist in areas that are hot, dry, and support other farming activities such as vineyards and fruit trees.**
3. **Require an F1 Fire Code *only* to those operations which seek to engage in Volatile Manufacturing of Cannabis.**
4. **Consider reducing Cannabis tax rates to the ASC's proposal of 3% for Dispensaries, 2% for Cultivation and 2% for Manufacturing**
5. **Don't enable the Black Market to out-compete the legal market; don't force the majority of the industry in Santa Cruz into the illegal market place.**

Thank you, County Supervisors, EIR Team and Cannabis Licensing Department for considering the recommendations by the community, and for engaging in the brave process of change. You are making decisions that will affect the health, safety and prosperity of our community for many years to come, and Cannabis is now at the forefront of one of the greatest cultural, economic and social revolutions that our Nation has seen in the past century. Embrace change, and allow our many entrepreneurs to succeed and bring new light to a very old way of life.

Sincerely,



Colin Disheroon

FOUNDER, CEO SANTA CRUZ NATURALS



Oakland Cannabis Cultivation and Manufacturing Market Share

Tax Policy Paper

July 13, 2017

July 13, 2017

Oakland Cannabis Cultivation and Manufacturing Market Share

Prepared for:

Oakland Citizens for Equity and Prosperity (OCEP)

Prepared by:

Adam Orens

Miles Light

Clinton Saloga

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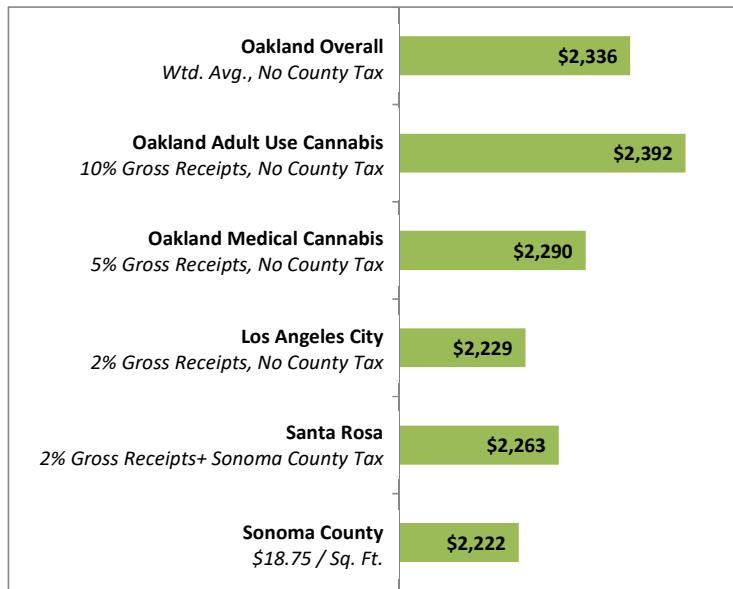
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Executive Summary

In May 2017, the Oakland Citizens for Equity and Prosperity (OCEP) retained the Marijuana Policy Group (MPG) to provide an overview of tax policy considerations for Oakland policymakers, and to estimate the economic impacts of cannabis cultivation and manufacturing for the City under various policy postures. Several **key findings** of the report are summarized below:

- California's legal cannabis market will be the largest in North America, and **cultivation and manufacturing are the foundation of the industry**.
- The statewide **cultivation and manufacturing tiers of the supply chain could produce \$4.2 billion in total direct and indirect economic activity and 36,000 jobs, retail not included**. These statewide businesses can locate anywhere in the state.
- Cultivation and manufacturing operations—like businesses in any other industry—**will seek out locations that provide favorable conditions for business**.
- **A large share of California cities and counties are competing for market share** by attracting cultivators and manufacturers to generate tax revenue, employment, and economic activity.

Figure ES-1.
Tax Rates and After-Tax Wholesale Prices of Local Indoor-Cultivated Cannabis

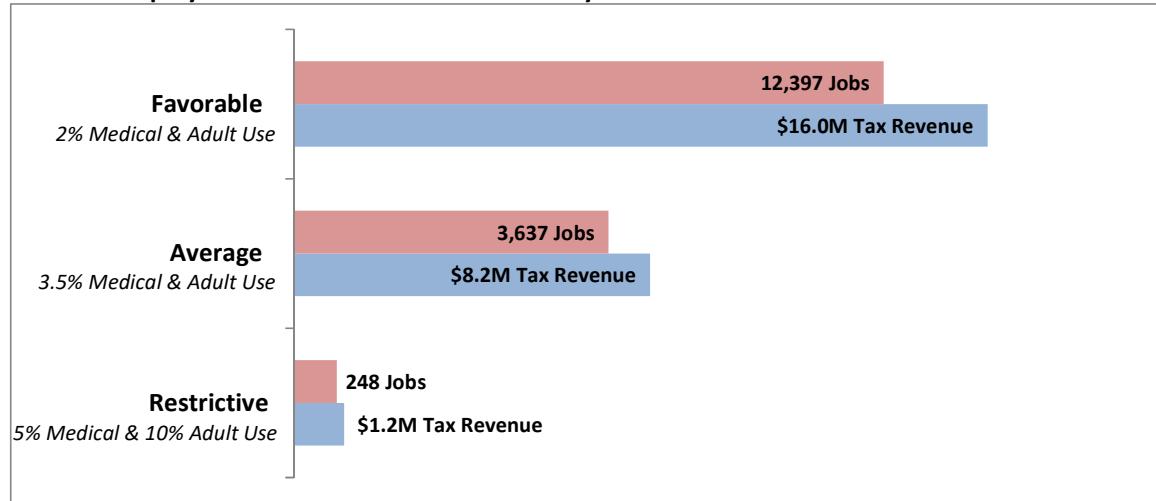


Note: After-tax prices include all State taxes, and underlying County taxes where noted.

- **Oakland currently imposes high wholesale cannabis taxes** compared to the other jurisdictions, based on a uniform price of \$2,040 per wholesale pound of indoor-cultivated flower.

- If Oakland hopes to capture a significant portion of the market, the City will need to adopt policies that are more **attractive to cultivation and manufacturing businesses** than those in competing jurisdictions.
- **City tax and zoning policy will influence the presence, market share, and competitiveness** of cannabis cultivation and manufacturing businesses in Oakland.
- **A larger market share will increase tax revenue benefits**, even if competitive tax rates are needed to attract businesses.
- **Lower taxes on wholesale transactions will provide an important incentive** to businesses that hope to compete on price in a large and competitive market for wholesale cannabis products.
- Retailers and consumption, however, are much more constrained by local demand. Higher taxes are less likely to affect where dispensaries locate or where consumers choose to purchase their cannabis, since **these decisions are much more local in nature**.
- Retailers and processors buy their cannabis inputs in large quantities and are price sensitive. They will **search for the lowest prices across regions when purchasing wholesale**, after accounting for quality and transportation costs.

Figure ES-2
Oakland Employment Effects and Tax Revenues by Scenario



- Figure ES-2 provides a summary of the estimated **tax revenue and employment impacts** of Oakland cultivation and manufacturing under three policy and market environment scenarios.
- If Oakland wholesale cannabis is priced too high, **the city could potentially lose cultivation and manufacturing market share** to other jurisdictions.
- Oakland could capture **\$8.2 to \$16.0 million in tax revenue and generate 3,600 to 12,400 jobs** if it can capture a large share of the regional and statewide supply chain.

- Businesses also consider **city zoning rules, licensing cost and availability, building requirements, setback requirements** and other factors when choosing a jurisdiction.

Other factors that affect virtually all industrial location decisions will undoubtedly impact cannabis producers in California, including the local availability and cost of suitable cultivation and manufacturing sites, water and electricity costs, and labor costs.

Introduction

On November 8, 2016, California voters approved Proposition 64, legalizing the cultivation, manufacturing, distribution, and consumption of cannabis for adult use. On June 28, 2017, Governor Brown signed Senate Bill 94 into law, also known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Under these new State rules, the City of Oakland will face a number of regulatory decisions, including decisions regarding taxation policies for legal cannabis cultivation.

In June 2017, the Oakland Citizens for Equity and Prosperity (OCEP) retained Marijuana Policy Group (MPG) to provide an informative overview of the potential impacts of tax policy decisions for Oakland policymakers, and to estimate the economic impacts of cannabis cultivation and manufacturing under various City policy postures.

This policy paper provides 1) a discussion of tax policy and business site selection; 2) a review of cultivation tax policy in four comparable jurisdictions; 3) an analysis of state and regional demand for cannabis with a focus on Oakland cultivation and manufacturing, and 4) a quantification of potential economic and employment impacts on the local Oakland economy.

Tax Policy and Market Share Implications

Oakland's choice of tax policy, along with several other local factors, will ultimately influence the presence, market share, and competitiveness of its cannabis production businesses.

State Taxation. The State imposes a cultivation tax of \$9.25 per ounce of dry-weight flower, and \$2.75 per ounce of dry-weight trim under new tax rules defined by Proposition 64. At estimated market prices of \$2,040 per pound of high-quality indoor flower and \$100 per pound of trim¹, MPG estimates that wholesale prices will be \$2,188 for flower and \$144 for trim, after state taxes are applied. These state taxes apply to all medical and adult use transactions.²

Local Taxation. Under the MAUCRSA, each municipality has the authority to impose its own tax structure. While some jurisdictions may aim to entice cannabis vendors and producers with accommodating taxation and regulatory policies, others may deter their presence by imposing high taxes, restrictive regulations, or prohibiting adult use and medical business altogether. All

¹ An average indoor-cultivated flower price of \$2,040 per pound is based on the recent University of the Pacific study of the Sacramento cannabis market. The price of trim can range from \$100 to \$500 depending on quality, according to conversations with local market participants. However, cannabis prices fluctuate and are subject to overall market conditions, similar to any other commoditized consumer product.

² Under the MAUCRSA, medical and adult use cannabis businesses will be able to vertically integrate their operations, with some exceptions for testing lab and distribution licenses. Tax considerations for vertically integrated businesses are notable since transfers within a single business are not likely to involve the same wholesale price as used in the open market arms-length transactions. Without proper accounting and valuation mechanisms, vertically integrated businesses can potentially avoid paying taxes by declaring their cultivation-to-processor transfer prices lower than those in the open market. In Colorado, for example, the State calculates an Average Market Rate for wholesale transactions and applies this to all vertically integrated businesses in order to calculate cultivation excise taxes.

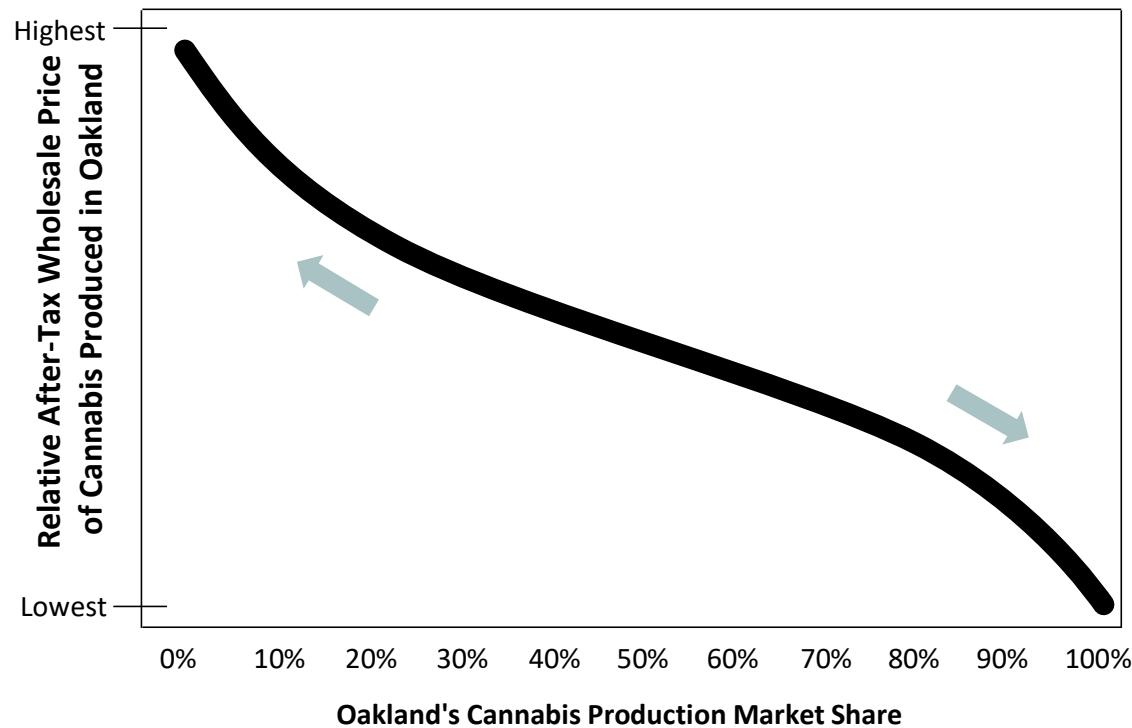
else being equal, cannabis producers will prefer to locate in lower-tax jurisdictions in order to compete in the state and regional markets on final after-tax wholesale prices.

Purchasing wholesale cannabis flower and trim is the primary input and largest cost of processors and retailers. These downstream businesses typically buy in large quantities and are highly price sensitive. Manufacturers and retailers are likely to search for the lowest prices across jurisdictions after accounting for quality and transportation costs. Suppliers with the lowest cost will likely capture a larger market share.

Manufacturers and retailers will prefer to obtain as much of their cannabis supply from Oakland as possible, if their prices are among the lowest in the state or region. Conversely, if Oakland prices are higher than other regions or clusters across the state, these businesses will prefer to purchase their cannabis inputs from other, cheaper sources.

Figure 1 below is a conceptual graph that illustrates this effect. The horizontal axis of the graph represents the portion of the overall market supplied by Oakland producers, while the vertical axis illustrates the relative price that downstream businesses would pay for Oakland cannabis products compared to that of cannabis products from competing jurisdictions.

Figure 1.
Relationship between Oakland's Relative After-Tax Wholesale Prices and Regional Market Share



Source: MPG.

This curve represents the price elasticity of demand, or price sensitivity, among the businesses that purchase wholesale cannabis products from Oakland. A steep curve suggests that downstream businesses are less responsive to price changes than to other factors, and that a higher tax rate will not significantly impact Oakland market share, likely yielding higher tax revenues. A flatter curve suggests that those businesses are more sensitive to price than to other factors, so that an increase in the tax rate is more likely to reduce the market share for Oakland-produced cannabis, potentially resulting in reduced tax revenue collections if the demand reduction is sufficiently large.

Comparative Local Tax Policy Analysis

MPG examines the tax policy implications on wholesale flower prices in three potentially large production centers (Sonoma County, Santa Rosa, and Los Angeles), providing a comparative analysis with Oakland. This section focuses only on indoor cultivation, due to the urban environment in Oakland. We assume a uniform pre-tax price of \$2,040 per pound of indoor flower, similar to the University of the Pacific study of the Sacramento cannabis industry.³ For cities, we also consider the additional layer of taxation that will be imposed by the county.

Sonoma County. In March 2017, 72.4 percent of voters in Sonoma County approved Measure A, which allows the County to impose cultivation taxes of (1) up to \$38 per square foot (SF) for indoor growers⁴, or (2) up to ten percent of gross receipts for any cultivation business.⁵ The initial cultivation tax rate for “Medium” type cultivation permit holders (the largest and highest-taxed cultivation license available) is defined as \$18.75/SF for indoor grows.⁶ Based on an average annual production of 0.55 pounds of flower per square foot of indoor cultivation, MPG estimates an after-tax price of \$2,222 per pound for cannabis cultivated in the unincorporated areas of the County, which is equivalent to a 1.7 percent tax on gross receipts.

Santa Rosa. Voters in the City of Santa Rosa approved two taxation mechanisms under Measure D in the June 6, 2017 election, with 77 percent voter support. All indoor commercial cannabis cultivation businesses will be taxed at a rate “not to exceed either \$25 per square foot of cannabis cultivation area or eight percent (8%) of annual gross receipts.” For the first two years, the City will impose a low initial tax rate of only two percent (2%) of gross receipts or \$5 per square foot, with the option to raise the rate thereafter.^{7,8} Combining the gross receipts tax with MAUCRSA and Sonoma County taxes,⁹ MPG estimates the initial wholesale price of Santa Rosa flower will be \$2,263.

³ “Economic Impact Study of the Cannabis Sector in the Greater Sacramento Area.” Prepared by the Center for Business and Policy Research, Eberhardt School of Business, and McGeorge School of Law. October 17, 2016.

⁴ Sonoma defines per-square-foot taxes separately for mixed-light and outdoor cultivation businesses, however we only describe indoor cultivation as that is the most likely form to occur in Oakland’s urban environment.

⁵ <http://www.northbaybusinessjournal.com/opinion/6753820-181/sonoma-pot-cannabis-marijuana-tax?artslide=0>

⁶ <http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147528876>

⁷ <http://srcity.org/DocumentCenter/View/13996>

⁸ <http://www.pressdemocrat.com/news/6734029-181/santa-rosa-council-to-weigh>

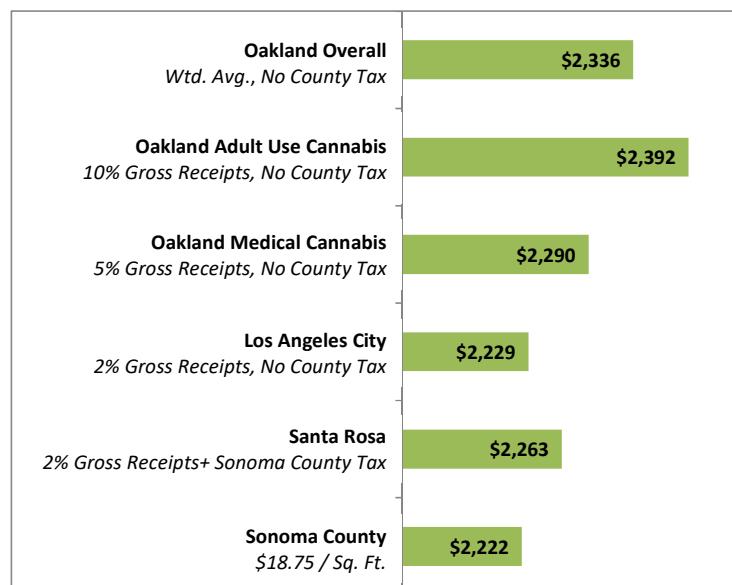
⁹ Cultivation businesses within Santa Rosa will be subject to both City and Sonoma County taxation.

Los Angeles. Voters in the City of Los Angeles approved Measure M in March 2017, authorizing a cannabis cultivation tax of two percent (2%) on gross receipts effective January 2018.¹⁰ Los Angeles County has not yet proposed or approved any form of cultivation tax. MPG estimates that in the absence of LA County taxation, growers in the City of Los Angeles will have an average wholesale price of \$2,229.

Oakland. The current cannabis taxes for Oakland cultivation were established by Measure V and approved by voters in November 2010. The measure imposes a five percent (5%) tax on the gross receipts of medical cannabis businesses, and a “Non-Medical Cannabis Business Tax” of ten percent (10%). At the time of this writing, there are no initiatives or measures to change these rates. Alameda County has not yet defined a cannabis cultivation tax. Based on State and City taxes only, MPG estimates that the 2018 after-tax price of one pound of medical flower cultivated in Oakland will be \$2,290, adult use flower will be \$2,392, and the overall weighted average price will be \$2,336.¹¹

After-Tax Prices. Figure 2 illustrates the different tax rates and mechanisms for each jurisdiction above, as well as the estimated after-tax wholesale price per pound of indoor cannabis.

Figure 2.
Tax Rates and After-Tax Wholesale Price per Pound of Locally-Cultivated Cannabis



Note: After-tax prices include all State taxes, and underlying County taxes where noted.

The Oakland Overall price uses a weighted average of 55.2 percent medical and 44.8 percent adult use cannabis cultivation.

Source: MPG.

¹⁰

[https://ballotpedia.org/Los_Angeles,_California,_Marijuana_Regulation_and_Taxation_Referred_Ordinance,_Measure_M_\(March_2017\)](https://ballotpedia.org/Los_Angeles,_California,_Marijuana_Regulation_and_Taxation_Referred_Ordinance,_Measure_M_(March_2017))

¹¹ We assume a distribution of 55.2 percent medical and 44.8 percent adult use for all cultivated cannabis in order to estimate the after-tax wholesale price of cannabis cultivated in Oakland, based on data from the first year of legalization in Colorado.

Based on current State and local tax schemes and an average wholesale price of \$2,040 per pound of indoor flower, the table above illustrates that Oakland's tax scheme will result in the highest after-tax prices compared to the three other jurisdictions described in this report, *without considering a potential Alameda County tax*. Compared to Sonoma County, one pound of indoor flower grown in Oakland is estimated to be \$114 more expensive (5.1 percent), \$73 more expensive than Santa Rosa (3.2 percent), and \$107 more expensive than Los Angeles (4.8 percent).

Depending on the price sensitivity of downstream businesses, Oakland could lose market share to cultivators in other jurisdictions that produce similar quality cannabis and have similar transportation costs, as illustrated previously in Figure 1. As an example, consider the demand for regionally-cultivated cannabis flower by price-sensitive retailers in Sacramento. The distance and transportation costs to Oakland and unincorporated Sonoma County are likely to be similar. If the quality of cultivated cannabis flower is also similar between both jurisdictions, then Sacramento businesses would purchase a larger share of their supply from Sonoma County growers, given the higher after-tax wholesale flower price in Oakland (\$2,222 versus \$2,336 per pound).

As cannabis producers decide where to locate and the market responds to pricing and other factors, a decrease in Oakland's market share will also cause a proportionate reduction in the potential for associated tax revenues and economic activity.

Total State and Regional Demand for Cannabis

To provide a basis for the potential share of state and regional cannabis supplied by Oakland producers, MPG estimates the total demand for cannabis in California, the Northern and Southern California Regions, and the Oakland metro area.

Methodology: MPG combines proprietary demand models with regional demographic data and use prevalence survey data in order to calculate total demand in terms of flower equivalent (FE) cannabis product.¹² Only the combination of these three components can yield an accurate and defensible point estimate of cannabis demand.

Results: MPG calculates the number of past-year and past-month cannabis users aged 21 and over for 2018 using cannabis use prevalence data from the most recent 2014-15 National Survey on Drug Use and Health (NSDUH) and 2018 population projections from the CA Department of Finance. Since the California medical cannabis registry for patients is voluntary,

¹² In light of recent studies and analyses of market data and trends, it is no longer appropriate to simply calculate demand in terms of "flower weight" or "buds". Instead, best practices suggest that demand should be calculated in terms of Flower Equivalent (FE) in order to account for the growing range and popularity of cannabis products such as edibles and concentrates. These products require differing levels of cannabis input in their production, and the different modes of consumption have differing pharmacological and psychoactive implications. As alternative consumption methods gain in popularity (in Colorado, more than 30 percent of spending on cannabis is for non-flower products), the FE approach to demand calculation takes into consideration the total amount of cannabis flower needed for demand that spans all product categories.

we combine estimates from the Marijuana Policy Project with MPG calculations to estimate the number of individuals with physician recommendations for medical cannabis. Figure 3 presents these estimates.

Figure 3.
Adult California Resident Cannabis User Estimates

Source:
CA Dept. of Finance; NSDUH; MPP; MPG.

2018 Estimates	
Past-Month Medical Cannabis Patients	868,718
Past-Month Adult Cannabis Users, 21+	1,993,002
Past-Year Adult Cannabis Users, 21+	1,618,934
Total Past-Year Cannabis Users, 21+	4,480,654

MPG combines the user estimates above with detailed NSDUH data on California consumers' frequency of use and recent survey data on average daily consumption quantities to estimate the total demand for cannabis flower equivalent by adult Californians. We repeat this process to estimate the demand of out-of-state adult visitors, using 2016 domestic and international annual visitation data from Visit California¹³.

According to the estimates in Figure 1, medical cannabis patients account for approximately 30 percent of all past month users in California. However, survey data suggests that their typical consumption is twice that of the average adult user. Based on post-legalization patterns observed in Colorado, the relative ease of becoming a medical patient in California, and the large well-established state medical cannabis market, we estimate that small majority of the overall resident cannabis demand will be supplied by medical cannabis businesses during the first year of adult use sales. We estimate 55.2 percent of all demand for legal and regulated cannabis supplied by the medical market and 44.8 percent supplied by the new adult use market. This pattern was observed during the first year of Colorado legalization, but it has slowly shifted towards the adult use market in subsequent years.

While businesses licensed under MAUCRSA will provide the only legal sources of adult use and medical cannabis, the underground market is likely to persist in the early years, as observed in states that have legalized like Colorado and Washington. Given the uncertainties surrounding relative prices, quality, and availability of regulated cannabis businesses compared to the underground market, as well as the historical presence of a large and deep-rooted network of underground market growers, MPG estimates that 59.1 percent of all cannabis demand will be supplied by regulated businesses, while 40.9 percent will remain in the underground market. This split between the regulated and underground markets is based on data observed during the first year of legalization in Colorado. Since visitors are much less likely to have access to underground market supply channels, we assume that 95 percent of visitor demand will be supplied by regulated businesses.

¹³ <http://industry.visitcalifornia.com/Find-Research/California-Statistics-Trends/>

Figure 4 shows the estimated 2018 consumer demand for regulated cannabis flower equivalent by each California market segment, with a statewide annual total of 1.04 million pounds.

Figure 4.
Annual Consumer Demand for Cannabis Flower Equivalent

User Group	Share of Demand	Total Demand (000's of Lbs)	Regulated Market Share	Regulated Demand (000's of Lbs)*
CA Residents	-	1,638.0	-	968.1
<i>CA Medical Cannabis Patients</i>	55.2%	904.2	59.1%	534.4
<i>CA Adult Users</i>	44.8%	733.8	59.1%	433.7
Out-of-State Visitors (Recreational Only)	-	80.7	95.0%	76.6
Total 2018 Demand for CA Cannabis FE		1,718.7		1,044.7

Source: MPG.

Oakland Cannabis Market Share

We utilize the regional share of the total California population in order to estimate the share of statewide demand for regulated cannabis in the Oakland area, Northern California (NorCal), and Southern California (SoCal).

In order to be more competitive in the large supplier market, California producers will choose to establish their businesses in locations that offer the most compelling environment for their operations. Several local and regional factors will ultimately influence the size and shape of the cannabis production market in Oakland once MAUCRSA takes effect in 2018, including local taxes, real estate availability and prices, local business demand and wholesale opportunities, energy and water costs, and many others, as discussed in detail in later sections of this report.

We examine three policy and market scenarios for market share capture by Oakland producers, similar to the framework used in the 2016 University of the Pacific Sacramento study¹⁴. In the *Restrictive scenario*, Oakland would maintain the current 5 percent medical and 10 percent adult use gross receipts taxes (some of the highest taxes in the state), impose very restrictive operational regulations, and present limited local business opportunities that would encourage producers to locate in other jurisdictions and reduce the City's market share of total regional production. The Restrictive scenario describes the potential outcome if Oakland does not adjust the current tax rates to compete with other jurisdictions, resulting in businesses leaving for a more favorable locale. Figure 5 shows the potential tax rates for each scenario, as used in our analysis.

¹⁴ "Economic Impact Study of the Cannabis Sector in the Greater Sacramento Area." Prepared by the Center for Business and Policy Research, Eberhardt School of Business, and McGeorge School of Law. October 17, 2016.

Figure 5.
Oakland Cannabis Policy Scenarios

Scenario	Restrictive	Average	Favorable
Tax Rates	5% Medical; 10% Adult Use	3.5% Medical & Adult Use	2% Medical & Adult Use
Business Opportunities	Limited	Local	Broad
Regulations	Strict	Robust	Relaxed

Source: MPG.

Figure 6 describes the adult demand for regulated cannabis in each geographic area, the Oakland market share capture rate, and the resulting demand for raw and processed cannabis flower equivalent (FE) produced in Oakland, under each of the three scenarios.

Figure 6.
Regional Demand for Wholesale Pounds of Flower Equivalent Cannabis Products Cultivated and Processed in Oakland, by Scenario

	Oakland Area	NorCal	SoCal	Total
Share of 2018 Adult CA Population	1.1%	38.1%	60.9%	100.0%
Total Demand (thousand pounds of FE)	11.0	397.7	636.0	1,044.7
Regional Market Share Supplied by Oakland Cultivation				
Restrictive	30%	1%	0%	-
Average	65%	25%	0%	-
Favorable	85%	65%	15%	-
Total Demand Supplied by Oakland Supply Chain (thousand pounds of raw & processed FE)				
Restrictive	3.3	4.0	0.0	7.3
Average	7.1	99.4	0.0	106.6
Favorable	9.3	258.5	95.4	363.2

Source: MPG.

MPG estimates that Oakland cultivators and processors will supply just 7,300 pounds of cannabis flower equivalent products to the wholesale market in the Restrictive scenario, 106,600 pounds in the Average scenario, and 363,200 pounds in the Favorable scenario.

Oakland Cultivation and Manufacturing Market Size and Tax Revenues

This section examines the potential market size and tax revenue for cannabis cultivation and manufacturing. Retail sales are not a part of this study, because consumers are generally less sensitive to tax policy than producers. For example, an individual from Oakland is less likely to drive to Los Angeles to save ten percent on their small personal purchase than a processor, who may buy tens of thousands of dollars of product per month.

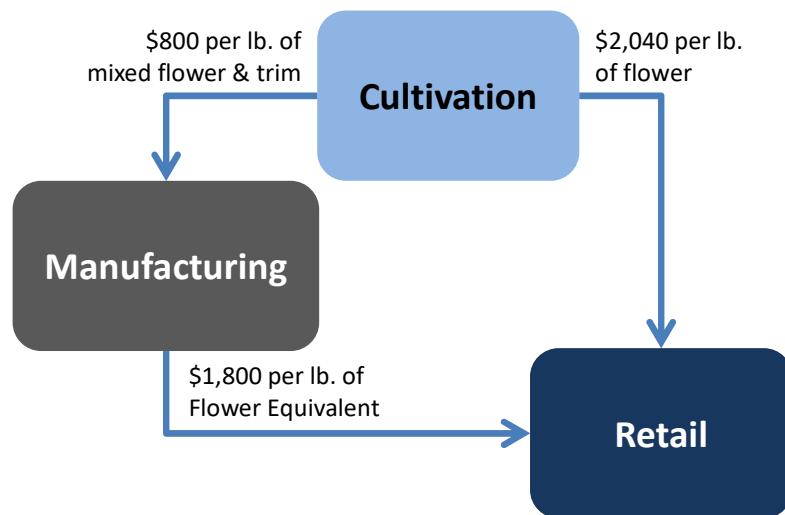
In order to estimate the wholesale market size for raw cultivated cannabis and infused products manufactured in Oakland under each scenario, MPG uses a wholesale price of \$2,040 per pound of high-quality indoor flower sold from cultivators directly to retailers.

Processors are typically willing to purchase relatively inferior raw cannabis material since their focus is on THC content for extraction. They often purchase large amounts of trim and lower-quality flower for manufacturing, which generally have much lower wholesale prices than the high-quality flower sold to retailers for smoking or vaporization. MPG applies a discounted price for cultivated materials sold to processors and estimates the share of raw material sold from cultivators to processors and retailers based on observed wholesale and product transfer data from the Colorado supply chain.

Based on Colorado production and sales data, MPG also estimates the wholesale price markup on manufactured goods, relative to the cost of the inputs. Figure 7 illustrates the prices and product flow of cannabis through the supply chain. Raw cannabis is first produced by cultivators, with a portion sold directly to retailers at \$2,040 per pound of flower. The remainder is sold to processors for manufacturing at \$800 per pound of combined flower and trim. Processors then extract and manufacture infused products, which are sold to retailers at a 200 to 300 percent markup over the input prices.¹⁵

Figure 7.
Cultivated Cannabis Supply Chain Flow Diagram

Source:
MPG.



All wholesale transactions from cultivators and processors in the model are taxed based on the market share split between the medical and adult use markets described above. Figure 8 shows the total estimated market value and the tax revenues for Oakland cultivation and manufacturing under each scenario.

¹⁵ Based on interviews with local market participants, manufacturers purchase a mix of lower-quality flower and trim for their cannabis material inputs, and mark up the manufactured product by 200 to 300 percent over the cost of the inputs.

Figure 8.
Oakland Cultivated Cannabis Market Value and Tax Revenues, by Scenario

Scenario	Total Wholesale Demand (000's Lbs of FE)	Wholesale Market Value	Wholesale Tax Revenues*
Cultivation Wholesale			
Restrictive	7.3	\$12,130,308	\$878,234
Average	106.6	\$177,750,378	\$6,221,263
Favorable	363.2	\$605,886,497	\$12,117,730
Manufacturing Wholesale			
Restrictive	2.2	\$3,927,078	\$284,320
Average	32.0	\$57,545,086	\$2,014,078
Favorable	109.0	\$196,150,305	\$3,923,006
TOTAL			
Restrictive		\$16,057,386	\$1,162,555
Average		\$235,295,464	\$8,235,341
Favorable		\$802,036,802	\$16,040,736

Note: Assumes 55.2 percent of all cultivation is medical and taxed at five percent of gross receipts, and 44.8 percent is adult use cultivation at ten percent of gross receipts.

The Restrictive scenario utilizes Oakland's current 5 percent gross receipts tax on medical businesses and 10 percent tax on adult use businesses; the Average scenario assumes a 3.5 percent tax for all cannabis businesses; the Favorable scenario utilizes a two percent gross receipts tax on all cannabis businesses.

Source: MPG.

At current Oakland tax rates, very little cultivation or manufacturing is expected to take place in the City, generating a total estimated potential tax revenue of just \$1.2 million (not including tax revenue from retail sales). In the Average scenario where Oakland producers serve most of the local demand and a small portion of regional demand, the City would collect an estimated \$8.2 million. The presence of Favorable policy and market conditions in the City could generate wholesale cannabis tax revenues of \$16.0 million.

Oakland Economic Output and Employment Impacts

In this section, MPG computes the economic impacts of the cultivation and manufacturing sectors under each of the production market share scenarios. MPG is the only entity, worldwide, that can accurately calculate economic effects from cannabis production as we are the only firm with access to official transaction-level data for an entire state industry.¹⁶ In order to accurately assess the economic impact, the model needs *all* production and sales data for an entire state. For these reasons, MPG's "Marijuana Impact Model" is the only accurate and reliable model of the economic impacts associated with the legal cannabis industry.

¹⁶ MPG is the first and only entity with official, transaction-based data for an entire state. Economic studies by other entities (universities, consultancies, private firms) can only use "hypothetical" types of data inputs to characterize the size of each cannabis segment. This is because other entities do not know the system-wide shares for each product type sold, for manufacturing, and for cultivation shares between flower and trim.

The Marijuana Impact Model was used to compute the employment and output effects related to each of the three scenarios,¹⁷ using the total wholesale values of cultivation and manufacturing inputs to the model. Figure 9 shows the results for these sectors.

Figure 9.
Oakland Economic Impacts of Cannabis Cultivation and Manufacturing, by Scenario

	Restrictive	Average	Favorable
Economic Impacts (\$ millions)			
Total Change in Oakland's Economic Output	\$29.4	\$431.3	\$1,470.3
Cultivation Economic Impact	\$21.7	\$318.2	\$1,084.5
Manufacturing Economic Impact	\$7.7	\$113.2	\$385.7
Number of Jobs Created			
Total Oakland Jobs Created (FTE):	248	3,637	12,397
Cultivation	192	2,819	9,608
Manufacturing	56	818	2,789

Source: MPG calculations using our "Marijuana Impact Model".

Under the Restrictive scenario, Oakland producers will generate a combined \$29.4 million in new additional economic output, with a total of 248 jobs created by cultivation and manufacturing businesses. The Average scenario features a much more robust Oakland production presence, generating an estimated total economic impact of \$431.3 million and 3,637 jobs. In the Favorable scenario, the overall economic impact is estimated at \$1.5 billion, with 12,397 total jobs.

Other Local Factors for Market Share

Local tax policy and relative after-tax wholesale prices are important factors in the state and regional market share captured by Oakland producers. However, there are other important local policy and business environment considerations that will influence whether cultivation and manufacturing businesses decide to locate in Oakland. This chain reaction will ultimately determine the market share captured by these Oakland producers and the potential tax revenues and economic impacts associated with the wholesale of Oakland cannabis products.

Cannabis Application & Licensing Fees

Some of the greatest barriers to entry for cannabis businesses are the required local licenses and permits needed to legally establish and operate their enterprise. Cannabis businesses must often acquire cannabis-specific licenses in addition to any other necessary local zoning or building

¹⁷ MPG estimates the total impact of cultivation and manufacturing on Oakland economic activity using our proprietary Marijuana Impact Model. The economic output methodology accounts for the direct effect of dollars spent on wholesale cannabis purchases, the indirect effect of business spending on intermediate inputs and professional services, and the induced effect of employee expenditures. The employment model includes direct and indirect job creation that results in employee expenditures in the local market.

permits. There can be significant monetary and time costs associated with these licenses, such as application and annual fees, as well as burdensome paperwork.

Licensing and application fees for cannabis licenses are designed to recoup the administrative costs of reviewing and issuing licenses. These fees could decrease as a City's capacity to efficiently process licenses evolves, or they could potentially increase if the City imposes more demanding licensing requirements. In Oakland, it may be possible to leverage the City's experience with medical cannabis to more efficiently process new MAUCRSA licenses. This could allow lower fees than jurisdictions that do not have experience with cannabis businesses.

Local licensing entails substantial (and often non-refundable) monetary costs, so jurisdictions with lower fees are likely to attract more business applications since businesses have less at risk with lower non-refundable application fees. Lower annual licensing fees are attractive because, as an overhead cost, lower fees can improve the bottom line profitability of a cannabis business.

The State and many local municipalities are currently in the process of developing new licensing processes and fees under MAUCRSA. MPG provides an overview of existing cannabis cultivation fees in each of the jurisdictions discussed above in order to describe the relative attractiveness of each location in terms of application and licensing costs.

It is important to note that other types of fees are applicable to all businesses, such as zoning and building permit fees. This study does not examine detailed standard building or zoning fees in each jurisdiction, but it should be noted that more restrictive general permitting requirements may be less attractive to prospective businesses.

Oakland. The Oakland Municipal Code establishes fees payable to the City Administrator's Office for all medical cannabis businesses. All applicants must pay an application fee of \$2,474 for each Medical Cannabis Permit Application, regardless of business type (i.e. cultivation, manufacturing, retail).¹⁸ Annual licensing fees for Oakland medical cannabis cultivators are based on the volume of the business' gross sales, as shown in Figure 10 below.¹⁹

Figure 10.
Annual Oakland Cannabis Licensing Fees

Source:
City of Oakland.

Annual Gross Sales	Annual Licensing Fee
> \$150,000	\$11,173
\$50,000 - \$150,000	\$5,586
< \$50,000	\$2,790

The City has appointed a Cannabis Regulatory Commission²⁰ to further develop Oakland cannabis policy under MAUCRSA, however the application process and fees for adult use

¹⁸ <http://www2.oaklandnet.com/government/o/CityAdministration/OAK064043>

¹⁹ <http://cannabusinesslaw.com/2017/01/commercial-cannabis-latest-update-oakland-permitting-and-regulations/>

²⁰

<http://www2.oaklandnet.com/government/o/CityAdministration/d/CannabisRegulatoryCommissionformerlyknownasMeasureZCommittee/index.htm>

cultivation businesses have not yet been determined. As the City explores licensing fee options, they should carefully review the processes and fees of other jurisdictions to design and implement fees that are attractive to cultivation businesses.

Sonoma County. Sonoma County does not currently define cannabis-specific fees in the unincorporated area. However, the Sonoma County Cannabis Regulatory Commission currently meets once a month, and is in the process of developing regulations for medical and adult use cannabis activities. The Commission plans to begin issuing cultivation permits by July 1, 2017.²¹ As these regulations are developed and finalized, application and licensing fees are likely to be adopted.

Ordinance 6189, passed in December 2016, defines the allowed zones in the County's unincorporated area for medical cannabis cultivation businesses. The largest permissible indoor cultivation businesses (10,001 – 22,000 sq. ft.) are restricted to industrial zones,²² and are required to secure a Minor Use Permit (MUP), the fee for which depends on the site's zoning classification. A Summary Report the County Board of Commissioners estimates that Minor Use Permits for cannabis businesses will cost between \$2,000 and \$6,000.²³

Santa Rosa. Measure D was approved by Santa Rosa voters in June 2017 and imposes an annual business registration fee of \$100 for all cannabis businesses. The measure allows the City Council to adjust this fee by resolution. Additional licensing and application fees have not yet been adopted or proposed for MAUCRSA licenses.

Santa Rosa City Code 20-46 defines land use permit requirements for medical cannabis cultivation businesses. Indoor cultivations with more than 10,000 sq. ft. are restricted to industrial zones and require a Major Conditional Use Permit (CUP), which entails a public hearing and action by the Planning Commission.²⁴

Los Angeles City. Voters approved Measure M in March 2017, authorizing the City Council to establish new regulations and enforcement measures for commercial cannabis activity. The Measure does not explicitly address licensing fees, however the City Council is likely to develop fees under the Measure. To date, the City has not yet established new regulations for commercial cannabis businesses under MAUCRSA, aside from the taxes described in the previous section.

Denver Example. Since many of the California jurisdictions above have not yet adopted licensing fees, MPG use the City of Denver as an example of licensing and application fees. The City of Denver sets its annual license fees to recover the cost of regulation and enforcement. New medical cultivation licenses require a \$2,000 non-refundable application fee, plus an annual

²¹ <http://sonomacounty.ca.gov/CAO/Cannabis/Adopted-Medical-Cannabis-Program-Ordinances-and-Policies/>

²² <http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147528869>

²³ <http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147528348>

²⁴ <http://srcity.org/DocumentCenter/Home/View/3106>

\$3,000 licensing fee. New adult use licenses require a \$2,500 application fee and a \$5,000 annual licensing fee.^{25,26} These local fees are in addition to State licensing fees.

Locational Factors

There are a host of other factors that impact virtually all industrial location decisions and that undoubtedly will impact cannabis cultivators in California. Corporate siting choices generally involve cost minimization related to the following factors or, in the case of labor and water quality, demonstration of an acceptable standard for cannabis production and manufacturing. The cannabis industry will be no different than other industries as companies attempt to optimize physical, market and economic factors to provide the most benefit for employees, shareholders and customers. The following factors warrant discussion:

- **Suitable cultivation sites.** There will likely be some degree of increased demand in all cities that have suitable, appropriately zoned indoor and outdoor cultivation sites. Cities and counties will have some control over inventories through their zoning powers or through moratoria. Cultivators will require sites that are large enough, in the appropriate industrial zone, with appropriate utilities, and in the closest proximity to market.
- **Leasing or purchase cost.** Regional commercial lease and/or purchase rates are another important factor for cultivators when considering where to locate. Prices are currently volatile because state and local regulations are not yet in final form. Until regulations are finalized and the current supply of cultivation sites is known, volatility will continue. Another complexity further restricting supply is that some owners will not be able to access traditional capital markets for financing if their tenants cultivate cannabis. Industrial space suitable for indoor cannabis cultivation is often 2-3 times more expensive than average due to the additional scarcity.²⁷ Depending on preferences for outdoor and greenhouse cultivations, urban areas may be at a disadvantage as prices are comparatively higher than their more rural neighbors.
- **Input prices.** Indoor cultivation is most likely to occur in Oakland, and electricity and water rates are significant production costs. Large scale indoor cultivators will look to minimize production costs by choosing locales with favorable utility rates. Outdoor and greenhouse cultivation sites located around the state will allow for significantly lower production costs, although with a lesser quality product and arguably a different market segment.
- **Labor.** Access to a quality, licensed workforce is a critical factor in deciding where to locate a cultivation facility. The state of California will likely require additional vetting procedures for employee licensing. Oakland has a comparative advantage over competing cities due to its location in a densely populated urban area and its progressive equity licensing

²⁵ <https://www.denvergov.org/content/denvergov/en/denver-business-licensing-center/marijuana-licenses/medical-marijuana.html>

²⁶ <https://www.denvergov.org/content/denvergov/en/denver-business-licensing-center/marijuana-licenses/retail-marijuana.html>

²⁷ <http://www.businessden.com/wp-content/uploads/2015/10/CBRE-marijuana-report.pdf>

programs. However, Oakland like the rest of the immediate San Francisco Bay Area also has a markedly high labor cost and cost of living compared to the rest of California and consequently starts with a commensurate competitive disadvantage. A steady labor pool is imperative to cultivator and manufacturer development efforts.

- **Water quality.** Water quality is specific to each region and is a significant consideration in cannabis cultivation. Good water quality can eliminate the need for costly additional filtration systems. Capable water treatment is also required, although cannabis cultivation does not create demands on wastewater treatment beyond comparable industries.

Locational factors are often as important as economic factors when deciding where to site cannabis cultivation facilities. Local governments cannot control all the variables discussed above, but should consider whether they have a competitive advantage or disadvantage in the above factors when deciding how to set zoning and tax policy.

Summary

Some California municipalities and counties are competing for a larger share of the world's largest cannabis market by adopting and implementing policies to attract cultivators and processors. A larger local cannabis business presence will generate higher tax revenues, employment, and economic activity. Cultivators and processors are the foundation for all retail and distribution activity in the industry. Jobs in these sectors are usually higher paying, compared to other industry jobs.

If Oakland hopes to capture a significant portion of the local and regional market – and the associated benefits – the City will need to adopt policies that are more attractive to cultivation and manufacturing businesses than those in competing jurisdictions. In response to these policy choices, cultivation and manufacturing businesses will – like businesses in any other industry – seek out a jurisdiction that provides the most favorable conditions for business.

Lower tax rates provide a significant incentive to businesses that hope to compete on price in a large and competitive market for wholesale cannabis products. It will ultimately be up to the City to decide if it will welcome a new agriculture and manufacturing industry through its policies and regulations. These choices will have significant impacts on cultivation and manufacturing industry size, employment, and tax revenue.

Local Cannabis Taxation in California: The Key to Sustainable Economic Development

By Ross Gordon

September 2017

Prepared on behalf of Kiva Confections

Executive Summary

Following the passage of the MCRSA in October 2015, local governments in California have been granted broad authority to tax and regulate cannabis businesses. Cities and counties that have chosen to allow commercial cannabis activity have typically enacted gross receipts taxes of between 2-10% on cannabis businesses at each step in the supply chain. In general, this taxation is levied on between four and seven steps in the supply chain, involving some combination of nurseries, cultivation, extraction, manufacture, distribution, testing, and retail. These taxes have been imposed in addition to flat local regulatory fees that are calculated to cover the costs of permitting, inspection, and enforcement.

This paper argues that taxes on the non-retail cannabis supply chain, and gross receipts taxes in particular, are an unsustainable approach to local tax policy and should be replaced by a local sales tax at retail only. While supply chain taxes may appear as common sense in the context of the dominant “tax and regulate” approach to cannabis, local governments – unlike California’s state government – must effectively compete with 482 cities and 58 counties in attracting successful and stable cannabis businesses. As the cannabis industry matures and becomes more competitive, businesses will quickly be incentivized to either seek out jurisdictions that do not levy supply chain taxes, or to vertically integrate in a way that avoids these taxes.

These risks are intensified by additional factors that are too frequently ignored. Crucially, a 5% gross receipts tax – often articulated as a “moderate” tax – amounts to a tax of 20-35% once its effects on each step in the supply chain are taken into account. Further, the gross receipts tax is frequently criticized by both left-wing and right-wing tax analysts as regressive, non-transparent, and skewed to strongly favor vertically-integrated and high-margin businesses which can avoid or absorb the tax.

Successful local cannabis regulation will require that governments set realistic expectations for how commercial cannabis activity will impact municipal budgets and economic growth. Cannabis will not be a “gold rush” or a panacea for resolving local budget deficits over the long-term. Cities like Adelanto and Desert Hot Springs that have closed budget deficits with liberal permitting and high taxes have benefited from their status as first movers under the MCRSA, a historically unique circumstance that is rapidly reaching its expiration date as more and more cities offer permits under more favorable terms.

That cannabis permitting is not a panacea is not to say that it cannot provide substantial benefits to local communities and municipal budgets. With thoughtful planning, local governments can raise revenue through a cannabis retail tax; attract stable businesses that will establish roots in their community; provide good job opportunities for local residents; and promote an economically vibrant community.

Failure to understand these dynamics, however, risks a very different outcome: an initial rush of interest in newly-available cannabis permits, followed by a boom-and-bust cycle where new businesses shut down or move upon realizing that they cannot compete with businesses in more favorable jurisdictions. A

forward-thinking approach that envisions how the cannabis industry is likely to develop over time will be crucial to develop sustainable local policy that maximizes benefits to the community.

Introduction

The legalization of cannabis in California has created both opportunity and challenges for local governments. State legislation for regulating medical and adult use cannabis businesses has consistently emphasized local governments' authority to prohibit, permit, or regulate businesses in whatever way they choose. With this authority, however, comes a major burden. With the state required to begin issuing licenses by January 1, 2018, local governments have been put under pressure to quickly enact wide-ranging local regulations with little direction, guidance, or precedent.

Deciding upon tax structure is one major component of this process. Existing analysis on cannabis tax policy, however, has been conducted disproportionately at the state level. California's Blue Ribbon Report, written under the direction of Lt. Governor Gavin Newsom and published in July 2015, summarizes the generally-understood cannabis tax dynamic: high taxes will increase retail prices and discourage overconsumption, but an excessive tax rate will discourage entrance into the legal market and enable the continuance of the black market.¹

While important at the state level, discussions along these lines do not fully capture the dynamics affecting specifically *local* taxation policy. A key difference is that, unlike state-level policies, local policies are not uniform: each of California's 482 cities and 58 counties will have a different regulatory and tax policy, placing local governments in competition with each other for non-retail businesses operating in a state-wide marketplace.

With this principle in mind, this paper assumes that there are basically two overarching considerations for local governments. The first is obvious: generating tax revenue. The second, however, is less frequently acknowledged: creating a policy environment that encourages the development of *sustainable* local businesses that are positioned to develop roots in their community, employ locals, and contribute to local economic development. This latter goal requires a long-term perspective that considers what will be necessary for cannabis businesses to succeed as the cannabis market and state and federal cannabis policy rapidly evolve.

This paper argues that both of these goals can be best achieved by enacting a moderate tax on cannabis retail – both storefront and delivery-only – while avoiding taxes on supply chain activities including cultivation, manufacture, distribution, extraction, nurseries, and laboratory testing. To this point, most local governments have chosen to heavily tax these activities, and such an approach may appear common-sense given the broad consensus that cannabis should be “taxed and regulated” as an alternative to prohibition. Over the medium-to-long term, however, these supply chain taxes threaten local governments

¹ Newsom, C., Keith Humphreys, and Abdi Soltani. "Pathways report: Policy options for regulating marijuana in California." Blue Ribbon Commission on Marijuana Policy (2015). Page 54.

with a boom-and-bust cycle in which non-retail businesses will be driven to jurisdictions with the lowest local tax rates in order to meet retail demand for low-cost products.

Section One begins by establishing some basic assumptions regarding California's current and future cannabis industry. Inaccurate assumptions about the cannabis market – for instance, the assumption that most or all cannabis businesses will enjoy perpetually high profit margins – are likely to lead to poorly-developed regulatory structures that are not sustainable over the long term.

Section Two analyzes and critiques the gross receipts tax, the form of taxation that most local governments have chosen to levy on cannabis businesses. It identifies common criticisms of the gross receipts tax from both left-wing and right-wing policy analysts, and analyzes the impact of existing gross receipts taxes on the cannabis supply chain. Washington State's experimentation with gross receipts taxes, quickly abandoned in favor of a retail-only tax as its negative effects became apparent, is explored as an example of how supply chain taxation is self-defeating from both a revenue-generation and regulatory perspective.

Section Three concludes by envisioning what successful local regulatory policy would look like over the long term. In focusing on sustainability and continuity, it envisions a future significantly more modest than popular predictions of a cannabis “gold rush” would suggest. At the same time, however, it is argued that this future is both more realistic and more concrete in its benefits to the community than alternatives that seek to “cash in” on cannabis to the maximum extent possible.

1. California's Cannabis Market: Current and Future Dynamics

In the nineteen years between the passage of Proposition 215 in 1996 and the passage of the MCRSA in 2015, most cannabis businesses operating in compliance with state law lacked permitting and regulation at the local or state level. When combined with continuing federal hostility towards cannabis, this situation created a perception of risk that artificially inflated cannabis prices and margins.

With the implementation of a bona fide regulatory system in California – in combination with federal policy changes such as the Rohrabacher-Farr amendment and Cole Memo that decrease perceived risk to cannabis businesses – it's important to acknowledge how the cannabis market has changed and will continue to change. Some of the major dynamics include the following:

- **Most cannabis businesses, once permitted and regulated, will not have especially high profit margins.**

Cannabis' reputation as a high-profit business stems from prohibition, not from any quality inherent to the plant. Under California's state-legal framework, cannabis businesses will face a number of challenges that will substantially depress margins. These include:

1. A substantially more competitive marketplace than under the Proposition 215 framework.

2. State taxes including a 15% excise tax, a \$9.25/ounce tax on cannabis flower, a \$2.75/ounce on trim, and a 8.25-9.25% state sales tax.
3. Federal tax issues centering on IRS Section 280E, which prevents cannabis businesses from taking normal deductions for business expenses. Inability to take these deductions produces a typical effective federal tax rate of 40-70%.²
4. State and local licensing and permitting fees, typically in the tens of thousands to hundreds of thousands of dollars.
5. The requirement to comply with several hundred pages of new state regulations.
6. Requirements to meet strict state testing requirements for each cannabis batch.
7. New requirements to operate through a longer supply chain that includes a distributor as a middleman.
8. Inflated real estate prices for the limited property zoned for cannabis operations.
9. Difficulties in planning long-term operations given local, state, and federal regulatory uncertainty.
10. Extra costs associated with cash-handling due to lack of banking availability.

Local governments that approach cannabis as a “green rush,” and imagine cannabis businesses as profitable enough to absorb any tax burden, will quickly be disappointed by the realities of the regulated marketplace.

- **While retail businesses serve a local or regional market, the market for supply-chain activities is statewide – and may eventually be nationwide.**

The market for cannabis flower and manufactured products has always been statewide, with (for example) North Coast cultivators and Bay Area manufacturers distributing large amounts of product to retailers in Southern California throughout the Proposition 215 era. With MAUCRSA ushering in variable local tax rates, greater competition, and fully permitted transportation, incentives for retailers to source state-wide will only increase.

- **High variance in local tax rates will incentivize businesses to seek out tax-friendly jurisdictions.**

At the low end, Humboldt County taxes outdoor cultivation at \$1/square foot and does not tax manufacturing, and Los Angeles and Santa Rosa levy taxes from zero to 2% on supply chain businesses. At the high end, Monterey County taxes outdoor cultivation at \$15/square foot, and Long Beach taxes manufacturing, distribution, and testing businesses at 6%. Differences of this magnitude will be far too large for businesses to ignore over the long-term.

² Huddleston, Jr., Tom. *The Marijuana Industry's Battle Against the IRS*. Fortune, 15 Apr. 2015, fortune.com/2015/04/15/marijuana-industry-tax-problem/

The initial impulse for many local governments is to align local tax policy with the typical tax in other areas. As the appendix to this document demonstrates, however, there is enough variance in local tax rates that it would be inaccurate to speak about any “typical” rate. Instead, local governments have pursued a wide variety of tax options in accordance with perceived local needs or assumptions about what is “reasonable.” Accordingly, thoughtful cities and counties will need to set tax policy with a mind to long-term goals for local economic development, rather than simply following the example of other jurisdictions.

2. Gross Receipts Taxes: A Counter-Productive Approach

For the most part, local governments in California have chosen to tax cannabis businesses through a gross receipts tax: a flat percentage tax on revenue, rather than profit, levied on businesses at each step in the supply chain. Gross receipts taxes have the advantage of being easy to administer and easy to communicate to voters who are required to approve tax measures at the ballot.

Because the gross receipts tax is assessed at each stage in the supply chain, however, it produces cascading effects that quickly turn a moderate-seeming tax into a major tax burden. In Oakland, for instance, medical cannabis businesses are taxed at 5% of gross receipts, and adult use cannabis businesses are taxed at 10% of gross receipts. Under the MAUCRSA, cannabis products will be legally required to pass through at least four different points in the supply chain: cultivation, distribution, testing, and retail. In practice, many cannabis products will need to pass through six to seven points in the supply chain: nurseries, cultivation, extraction, manufacture, distribution, testing, and retail. A local tax rate of 5%, then can create an effective tax rate of 20-35% if implemented for all cannabis businesses, even before state and federal taxes are taken into account.

When viewed from the perspective of any individual business, a 5% gross receipts tax may appear relatively marginal. When assessed from a retailer or distributor’s perspective, however, the situation looks quite a bit different. A retailer can effectively slash 25% or more off their wholesale costs simply by sourcing from businesses in low-tax jurisdictions or vertically integrating to avoid supply chain taxes. Retailers which are not judicious about decreasing their costs in this manner will not be competitive with other local retailers, and cultivators and manufacturers who cannot meet retail requirements will quickly be driven out of business.

That the gross receipts tax snowballs in this way is one of several dynamics that contribute to its poor reputation among tax analysts on both the left and the right. The Institute on Taxation and Economic Policy and the Tax Foundation – generally considered to be a left-wing and right-wing think tanks, respectively – each criticize gross receipts taxes as regressive, non-transparent, punitive on low-margin businesses, and skewing business incentives towards vertical integration³. Each of these criticisms is discussed briefly below.

- **The gross receipts tax is regressive.**

³ “*Gross Receipts Taxes: A Counterproductive Approach to Addressing Tax Regressivity,*” Institute on Taxation and Economic Policy, www.itep.org/wp-content/uploads/ilgrt032907.pdf.

Because the gross receipts tax is assessed on business revenue, not profits, it can be more easily passed along to consumers. The Institute on Taxation and Economic Policy cautions against the error in assuming that the gross receipts tax is “progressive” simply because it is levied on business:

“From the consumer’s perspective, the major distinction between gross receipts taxes and retail sales taxes is that gross receipts taxes are not necessarily itemized on customers’ bills – though they are nonetheless paid by customers in the form of higher prices... worst of all, many lawmakers erroneously view GRTs as replacements for state corporate income taxes, simply because businesses are responsible for remitting these taxes to the state. But since GRTs are levied on sales, rather than profits, they are ultimately passed through to consumers like a sales tax, with all the same regressive effects.”⁴

Large regressive taxes are a particular problem for low-income patients who require cannabis to meet their medical needs. Despite the increasing recognition that cannabis is an essential medical tool in treating a number of serious conditions, policy has often moved directions that make medical access more difficult for the sake of achieving other regulatory goals. The gross receipts tax adds to this burden.

- **The gross receipts tax is non-transparent.**

Voters, and even many businesses, are likely to assume that a 5% tax on cannabis businesses will lead to a 5% increase in the price of cannabis at retail. Similarly – and unlike a sales tax alone – patients or customers purchasing cannabis at retail are unlikely to understand how the gross receipts tax contributed to the price they pay at the register.

- **The gross receipts tax is punitive on low-margin businesses.**

Fair taxes should be based on the ability to pay. The gross receipts tax, however, effectively turns profitable but low-margin businesses into highly unprofitable ones; punishes smaller start-up businesses that cannot immediately turn a profit and lack access to capital; and falls disproportionately on lower-margin businesses that operate on the production end of the supply chain.

- **The gross receipts tax leads to excessive tax burden through pyramiding.**

As described earlier, a 5% gross receipts tax levied at each step in the supply chain will amount to an effective tax rate of 20-35% over the full life of a cannabis product.

In reality, however, the effective tax rate is even larger given the “pyramiding” of taxes through the supply chain. Because the first step in the supply chain (cultivation) must increase wholesale prices to cover the cost of the tax, the manufacturer/distributor effectively pays a tax on a tax: first on the baseline wholesale cost of the cultivated product, and again on the increased wholesale cost due to the tax on cultivation. These costs continue to pyramid at each step in the supply chain. The longer the supply chain, and the greater the tax, the more pyramiding occurs.

⁴ “The ITEP Guide to Fair State and Local Taxes,” Institute on Taxation and Economic Policy, <https://itep.org/wp-content/uploads/guide.pdf>. Page 14.

Below is a tax model that estimates these effects concretely at current market prices and mark-ups for cannabis products. The model assumes a current market retail price of \$4,255 for one pound of cannabis flower and \$2,280 for manufactured product derived from one pound of cannabis trim. Average mark-ups for added value and profit margin at each stage in the supply chain are estimated at 60% for manufacturing, 25% for distribution of manufactured goods, 15% for distribution of flower, and 100% at retail. It is assumed that testing is not taxed locally, although this is a conservative assumption given that many jurisdictions levy the same tax on testing as other supply chain activities. Effects of testing on mark-up are also excluded as this is difficult to estimate before state testing regulations are clarified.

At variable levels of gross receipts taxation, the results are as follows:

	Retail price of 1lb flower	Percentage increase from GRT	Retail price of product from 1lb trim	Percentage increase from GRT
0% Gross Receipts Tax	\$4,255	0%	\$2,280	0%
2% Gross Receipts Tax	\$4,502	6%	\$2,485	9%
5% Gross Receipts Tax	\$4,855	15%	\$2,820	24%
10% Gross Receipts Tax	\$5,556	31%	\$3,455	52%

These numbers rely on a number of assumptions which may change over time; however, they give a sense for the advantages that will accrue to retailers who are able to source their products from a supply chain that does not pay gross receipts tax.

The model also does not assume the 15% state excise tax , \$9.25/ounce flower tax, and \$2.75/ounce trim tax that will become effective on January 1, 2018. These taxes will add additional burdens on cannabis businesses, particularly in terms of their competitiveness with the black market.

- **The gross receipts tax artificially spurs vertical integration.**

By effectively selling to itself at low or no cost, a vertically-integrated business can avoid gross receipts taxes. This dynamic adds to other structural factors that tend to privilege consolidated businesses and disadvantage the small, independently-owned businesses which have historically constituted the California market.

Many California cannabis businesses will vertically integrate for any number of reasons. The question, however, is whether businesses will effectively be *required* to vertically integrate by a tax structure which heavily subsidizes this business model.

The state of Washington, which initially levied a 25% gross receipts tax on each step in the supply chain, is an example of these incentives at work. The severe inefficiencies under Washington's initial system quickly led to state to abolish the gross receipts tax and instead levy a 37% tax on retail only.

A 2017 paper published by researchers at the University of Oregon and National Bureau of Economic Research titled “The Taxation of Recreational Marijuana: Evidence from Washington State” explores these dynamics in detail⁵. The paper, which is the first empirical investigation of the effect of widespread gross receipts taxes on the cannabis industry, is worth reviewing in full. In brief, however, its conclusions include the following:

- Following the passage of the gross receipts tax, 94% of transactions were carried out between vertically integrated businesses.
- Widespread vertical integration led to very low tax collection rates on the supply chain.
- Cultivators and processors often did not want to vertically integrate, but felt that they were required to in order to optimize their tax position. Further, cultivators and processors were strongly disincentivized from working with external businesses, such as specialized extractors, that would have otherwise increased their product quality.
- The initial Washington system was economically inefficient and produced substantial deadweight loss.

The paper’s authors conclude that the Washington experience provides empirical support for widespread theoretical criticisms of the gross receipts tax.

- **Tax burden from the gross receipts tax will boost the black market and discourage transition into the regulated marketplace.**

⁵ Hansen, Benjamin, Keaton Miller, and Caroline Weber. *The taxation of recreational marijuana: Evidence from Washington state*. No. w23632. National Bureau of Economic Research, 2017.

There is broad agreement that the black market will continue in some form even after California's regulatory structure goes into effect⁶. The size of the black market, however, will depend largely on how difficult it is for existing businesses to transition into the regulatory framework. In combination with other challenges discussed earlier, local gross receipts taxation will discourage compliance with California's regulatory framework. To the extent that upstream businesses do not evade gross receipts taxes through vertical integration or flight, they will also increase the retail price of legal cannabis, increasing the incentive for consumers to buy on the black market.

As has been described above, gross receipts taxes fall disproportionately on low-margin businesses, businesses without access to capital, and businesses that are unwilling or unable to vertically integrate. Unfortunately, these are precisely the businesses most likely to experience challenges in securing a state and local permit. Excessive local taxation will add to other factors pushing these businesses to operate on the black market.

- **A retail-only sales tax avoids the problems with the gross receipts tax, while still raising substantial tax revenue.**

A tax on retail sales only avoids the most significant problems associated with gross receipts taxes. Retail sales taxes are transparent, provide no incentive for vertical integration, and don't pyramid in ways that create an excessive tax burden. Most importantly, retail markets are local or regional rather than state-wide, and therefore do not need to position themselves to be competitive with businesses located in other areas.

In setting retail tax rates, local governments will need to consider tax rates in neighboring jurisdictions, the impact of the tax on consumer prices, and goals for revenue generation. Within these boundaries, however, cities and counties governments have wide latitude to set a tax rate that best meets local needs.

3. A Path Forward: Building a Sustainable Local Cannabis Industry

There is no one-size-fits-all regulatory or tax policy solution that applies uniformly to local governments. Each city and county will need to develop tailored policies that fit a particular vision for what a successful cannabis regulatory structure will look like.

Rural areas with substantial existing activity, such as the Emerald Triangle counties, have steered policy towards retaining their existing community of small businesses, while encouraging them to enter a regulated marketplace that includes restrictions on environmentally damaging practices. Continuity and sustainability have tended to be the primary values for these areas. Tax rates will need to account for the risk of continued black market activity due to the cost of entering into the aboveground market.

⁶ McPhate, Mike. "What if Legal Pot Costs More Than Black-Market Pot?" New York Times, 19 Sept. 2017, www.nytimes.com/2017/09/19/us/california-today-a-marijuana-conundrum.html.

Diverse urban hubs like Oakland, San Francisco, and Los Angeles, which have historically served as centers of California cannabis culture, will likely work towards retaining their leadership status while ensuring that business opportunities are available to disadvantaged populations and victims of cannabis prohibition. These cities are likely to envision a future that involves a vibrant, diverse, and equitable landscape of cannabis businesses. Tax rates will need to ensure that these areas remain competitive in the context of the statewide market, and that the market is made accessible to victims of cannabis prohibition who often lack the advantages of larger and better-capitalized businesses.

Small rural or exurban towns that face economic challenges, such as Adelanto and Desert Hot Springs, have built policies that are largely geared towards maximizing tax revenue. These areas are likely to emphasize policies that maximize economic activity and revenue generation, either from small numbers of large businesses, or large numbers of smaller businesses.

The priorities for each of these areas are not identical, but they do share certain key principles. All of these goals require that governments attract or retain significant numbers of quality, sustainable businesses. All of these goals require that local businesses remain at parity with competitors in other jurisdictions. And all of these goals require that local governments set policies which remain sensible as the cannabis market rapidly develops and changes.

Gross receipts tax revenue is not the only way that cannabis businesses can contribute to local governments and communities. Like other businesses, cannabis businesses pay property tax, employ locals, and indirectly contribute sales tax revenue to the extent that they boost overall economic activity in a region. Like other businesses, cannabis businesses that form roots in their community have the ability to become part of the fabric of their communities. This is especially true for smaller local businesses which many local jurisdictions have made it a goal to encourage and retain. Local governments need to give thought to what will be necessary to enable these businesses not just to receive permits, but also to succeed into the future.

The frequent comparison of the emerging cannabis industry to California's gold rush is ironic. Gold rush towns boomed – and then disappeared. Cannabis, unlike gold, is a renewable resource, and in the best case cannabis businesses will be able to contribute to their community's economic vibrancy indefinitely. Tax policy which is sustainable over the long term will play a large role in enabling that future. If local governments want to realize the promise of a sustainable cannabis industry, they should start planning now for tax policies that achieve those ends.

Appendix: Cannabis Tax Rates in California Cities and Counties

Tax rates are current as of September 2017.

City	Gross Receipts Tax	Notes
Desert Hot Springs	\$25/sqft on first 3,000 feet of cultivation, \$15/sqft for remainder. 10% retail.	
Long Beach	\$12/sqft cultivation, others at 6%	
Grover Beach	\$25/sqft on first 5,000 feet, \$10/sqft for remainder. Other activities at 5%.	10% for adult use
Monterey County	\$15/square feet on cultivation, others at 5%.	Tax set to increase to \$25/sqft on cultivation and 10% on other businesses
Adelanto	\$5/sqft cultivation tax, or 5% gross receipts.	Cultivators given choice between square footage and gross receipts tax.
San Diego	5%	Planned increase to 8% by 2018
Oakland	5%	10% for adult use
Richmond	5%	
Sonoma County	Progressive square footage cultivation tax ranging from \$0.50-\$18.75/sqft. 5% manufacturing tax. No tax on other acitivities.	
Sacramento	4%	
Berkeley	2.5%	10% for adult use
Santa Rosa	2% cultivation, 1% manufacturing, 0% distribution and testing	\$5/square foot alternative cultivation tax for vertically integrated businesses
Los Angeles	2% cultivation and manufacture, 1% testing and transportation	
Mendocino County	2.5% cultivation and retail, \$2,500 flat fee for other businesses	
Humboldt County	\$1-\$3/sqft cultivation, 0% other activities	



Water Department – 212 Locust St. Santa Cruz, CA. 95060 - (831) 420-5200

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

October 31, 2017

Re: Comments on the Draft Environmental Impact Report (DEIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnston,

Thank you for the opportunity to comment on this DEIR. It is obvious that staff has taken this complicated policy matter very seriously and, in spite of incomplete data and an unwieldy number of interacting issues, evaluated the various projects alternatives very thoroughly. While there are many aspects of the document that we are supportive of, we will limit our comments to those issues which we feel warrant clarification or further analysis.

- 1. Mapping/GIS analysis.** Many of the parcels identified for inclusion in a future program may not, in fact, be available or appropriate for that land use. For example, City of Santa Cruz lands on Newell Creek are identified as being eligible for cultivation in Figure 2-6 and federal land in Bonny Doon is also identified as eligible for cultivation in other figures. Additionally, Zayante sandhills are shown around the perimeter on the ridgetops adjacent to Loch Lomond. While we are aware of sandy/stoney soils there associated with Maymen series soils, we are unaware of Zayante sandhills being present. If the environmental review is based on analysis of GIS data then the Final Environmental Impact Report (FEIR) should include corrected maps and the analysis should be refined.
- 2. Land use.** Commercial cannabis cultivation and the related concentrates manufacturing activities would be no different than other industrial agribusiness activities if not for their federally illegal status and the associated culture which has grown around the industry since the 1970s. Rather than trying to impose complicated licensing conditions upon operations that

are inherently ill-suited to their current locations in the mountains, which the County plainly admits in this document is likely to be less successful than desired, limiting this commercial activity to areas already dominated by agribusiness and industry would seem to warrant greater consideration. The existing infrastructure (the majority of the registrants) for cannabis-related activities is located in the mountains not only because the growing conditions are favorable there, but also because the illegal status and subsequently inflated value of cannabis over the decades has required defensible and secure cultivation locations. However, with cannabis now coming out of the legal shadows and the relatively new found ability to openly cultivate in greenhouses, a more environmentally protective alternative would be to focus on enforcement and consciously move industrial scale cannabis operations into existing agribusiness and industry – dominated areas of the County and out of mountainous areas which provide other more important functions for the County such as water supply, cold water fisheries, timber resources, recreation, etc.

3. Cumulative Impacts. The disturbance envelope of the total cannabis industry that would be eligible under various alternatives is not well addressed. Clearing of forest, compacting soils, removal of forest floor duff and exposure of bare soil will reduce the ecosystems opportunity to slow stormwater and allow recharge into shallow groundwater. Increased human activities into previously inaccessible or undevelopable landscapes will increase landslides, reduce wildlife habitat and connectivity, increase ignitions of wildfires and negatively impact water resources regardless of the rigor of implementation of the preferred alternative. Simply stated, the cumulative impact of cannabis operations will increase proportionately with the area of land that is eligible for these operations to take place. The FEIR should more thoroughly evaluate cumulative impacts in this context.

4. Alignment with state policies. Due to the complexity of the issues and the short turnaround time required it has (admittedly) been challenging to maintain alignment between the state and county policy making. Several of the standards in the County cultivation regulations are less stringent than policies already in place in other areas of the state and area also less stringent than currently proposed policies (10/17/17) released by the State Water Resources Control Board (SWRCB). For example, the state generally has more protective mitigations for riparian buffer widths, seasonal water diversion prohibitions and farm or water resource management plans than the currently proposed mitigations in the DEIR and associated County code standards. Currently proposed SWRCB standards can be reviewed in more detail at the following links:

https://www.waterboards.ca.gov/board_info/agendas/2017/oct/101717_6_final_draft_cannabis_policy_with_att_a_clean_version.pdf

http://www.waterboards.ca.gov/centralvalley/water_issues/cannabis/general_order/r5-2015-0113_att_a.pdf

http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_023_Cannabis_Order.pdf

Assuming the SWRCB will adopt relatively consistent standards statewide, mitigations and the associated County code language regarding riparian buffer widths, water diversion and water resource management or farm management plans should be modified to be at least as protective as their respective state standards.

Additionally, the new Groundwater Sustainability Agencies will be required to prepare Groundwater Sustainability Plans (GSP) by 2020 under the Sustainable Groundwater Management Act (SGMA). There will be a number of mandates that will be generated from that process. The project alternatives should ensure that cannabis cultivators will need to meet all requirements that result from SGMA. The FEIR should include reference to SGMA and ensure that all HYDRO mitigations are aligned with its requirements.

5. Market branding. Support of a market branding program similar to those used elsewhere would be another method of protecting both the legacy of small “mom and pop” mountain grows and the natural resources potentially threatened by them in the locations where they have historically farmed. While many of the standards already proposed in the County’s regulations are equal to or superior to certified and branded cannabis from other jurisdictions, Santa Cruz County Certified branded cannabis could be further developed as a mitigation and include more rigorous environmental protection standards than more traditional cultivation methods. These standards could include, but not be limited to:

- Organic only pest control methods including strict limits on rodenticide use.
- Solventless concentrate manufacturing.
- Educational requirements for licensees such as the “Master Gardener” program.
http://mbmg.ucanr.edu/Learn_To_Be_A_Master_Gardener/
- Enhanced forest preservation, water use, erosion control and related standards.

This mitigation and related code standards would be a perfect opportunity to develop third party compliance inspections and certification programs that the Santa Cruz County Resource Conservation District or private industry could play a role in. Some examples of similar programs can be found at the following links:

<https://www.cleangreencert.org/>

<https://www.certified-kind.com/certified-kind-rules>

<http://www.certifiedsungrown.org/>

6. Allowance for trucked water. Not only does trucked water open up substantial amounts of additional acreage to operations that might not otherwise be possible, the ability of the County (not to mention water purveyors) to oversee a trucked water program is highly questionable when consideration is given to the nuances of water rights, use tracking and related issues. Furthermore, we are not aware of any water purveyors who have analyzed this issue at a level of complexity that would allow for thoughtful accommodation for this new system demand through their Urban Water Management, drought contingency and other related plans. This project element should be much more thoroughly vetted before it is included in a project alternative in the FEIR.

7. Impact AT-3. Considering all the environmental services that forestlands provide regarding retention of runoff, wildlife habitat, carbon sequestration and overall watershed functions and the fact that many of our watersheds support special status species and water supply for the majority of County residents, the impact of forest conversion or rezoning of TPZ lands could be significant. Furthermore, vegetation community shifts due to climate change predicted by Point Reyes Bird Observatory¹ indicate that redwood forests may be severely limited in the County in the future, thereby exacerbating this issue. Including more rigorous mitigation for this impact such as prohibiting rezoning of TPZ parcels for commercial cannabis cultivation, prohibiting expansion of the agricultural use of TPZ zoned parcels for commercial cannabis cultivation, requiring evidence of ongoing timber management commitments for TPZ parcels, prohibiting all commercial cannabis operations on TPZ zoned parcels or other mitigations which would further protect our valuable timber lands should be evaluated in the FEIR.

8. Impact Bio-1 – MM BIO-1.1b. Habitat Compensation. Many permitting authorities use a 3:1 ratio for mitigation rather than a 1:1 ratio. Consideration of a more rigorous mitigation bank concept seems appropriate given the scale of impacts associated with this project. Implementation of any such program will obviously be very challenging and success may be a speculative, remote possibility. Also, while these sorts of mitigations are standard practice for many permitting processes, engineering habitat or relocating species is generally less successful than protecting habitat outright. However, understanding that some sort of offsite mitigation program will inevitably be part of the licensing process, this may (again) be an opportunity to partner with an outside conservation organization such as the Resource Conservation District who is uniquely qualified to facilitate these kinds of programs. This

¹ <http://data.prbo.org/cadc2/index.php?page=154>

mitigation could also be extended to provide coverage for instream impacts related to water diversion and stream sedimentation caused by cultivation. Finally, creative leveraging of this mitigation to provide improvements on other public lands, which currently have insufficient resources to do so (State Parks, County Parks, etc.) and habitat mitigation banking criteria that have enough flexibility to trade impacts in non-similar areas (for example: trade impacts in upland areas for mitigation in riparian areas) may help facilitate the overall success of this mitigation and help address long-standing degradation of riparian zones that has otherwise been challenging to restore.

9. MM BIO-1.1h. Water Draw Restrictions. We strongly support this mitigation, however it is not entirely consistent with state standards, nor will it necessarily be entirely protective of instream flows and related aquatic biota. The SWRCB is currently proposing to prohibit surface water diversion from April 1 – October 31 as well as diversion during the November to March period if reference compliance stream gages indicate that flows are below certain thresholds required to support instream biota. Aquatic baseflow minimums for these periods are also currently being proposed by the SWRCB to trigger further restrictions on groundwater pumping. If it is determined that groundwater diversions have the potential to significantly affect surface flows, forbearance periods may extend to groundwater diverters as well. For the San Lorenzo River, these thresholds are the following:

Gage	Nov. Min Flow (cfs)	Dec. Min Flow (cfs)	Jan. Min Flow (cfs)	Feb. Min Flow (cfs)	March Min Flow (cfs)	Aquatic Base Flow (cfs)
Santa Cruz	57	83	144	159	119	17
Big Trees	52	71	129	145	110	16

In Santa Cruz County there are already instream flow problems during the winter period in some creeks, particularly during drought periods. The SWRCB's proposed reference compliance gage strategy – while more stringent than the currently proposed mitigations in the DEIR - may not adequately protect other streams in the County as many of our streams have unique geology, land use and microclimates which affect their hydrology that won't be reflected by reference compliance gages. Furthermore, the relationship between surface flow and groundwater levels is not well understood in many of our streams. Therefore, aligning this mitigation with state standards, but also developing additional reference compliance gaging stations, utilizing all SGMA-related data to support licensing decisions about cultivation and manufacturing - related water use in overdrafted groundwater basins and developing instream flow targets based on site-specific habitat-flow relationships would make this mitigation more rigorous. Of course, water rights validated by the SWRCB and Streambed Alteration

Agreements that include habitat/flow relationship-based instream flow bypass requirements for any surface water diversions will also be necessary to make this mitigation meaningful.

Finally, sharing of all water use data obtained through the proposed licensing program with local agencies involved in developing and implementing GSPs under SGMA and requiring licensees to share an equitable burden for implementation of GSPs will further strengthen this mitigation.

10. MM BIO 4.2. No Cannabis Activities allowed within Sandhills Habitat or Salamander Protection Zone. We strongly support this mitigation as well. It is notable that this mitigation may also serve as mitigation for hydrologic impacts by reducing the groundwater pumping associated with the project in overdrafted groundwater basins such as the Santa Margarita groundwater basin. Given that the streams that drain the Santa Margarita groundwater basin support anadromous salmonids such as coho salmon, this mitigation could also support other biological mitigations already proposed in the DEIR. Finally, given that development activities in the sandhills disproportionately contribute sediment and nutrients to the San Lorenzo River, this mitigation also addresses other impacts.

11. MM BIO-4.1. Avoidance of Conflict with an Approved HCP. The City of Santa Cruz has a commitment to watershed protection not only because its drinking water is derived solely from local watersheds but also because the City has strong environmental protection values in and feels an obligation to operate in a way that is protective of other water beneficial uses and the natural environment in general. It is likely that the City of Santa Cruz will have an approved Anadromous Salmonid (e.g. coho and steelhead) HCP that includes instream flow standards for the protection of these species for the San Lorenzo River, Newell Creek, Laguna Creek, Liddell Creek and Majors Creek within the next two years. Any licenses granted subsequent to that time in these watersheds need to not only acknowledge the City's existing water rights seniority, but should also include prohibition on any activities which affect these instream flows or otherwise affect aquatic habitat to the extent that there are conflicts with the implementation of this HCP. This may also be true for other water purveyors in the future.

12. Impact HYDRO-1. Commercial cannabis cultivation under the Program could introduce sediment and other pollutants to surface flows and groundwater, which would cause water resource contamination. With mitigation, this impact would be less than significant. Given that several public and private water sources are located adjacent to "M" zoned parcels in karst terrain where commercial cultivation and manufacturing appear to be possible and that karst geology often provides important cold perennial flow (even in drought) to streams which support special status species such as coho salmon and water supply for a large percentage of the County's residents, this impact is currently not sufficiently mitigated. Karst protection standards could include but not be limited to:

- Site-specific geologic investigations
- Setback for any structures, roads and manufacturing from sinkholes or other karst features.
- Routing drainage away from karst features

See the following link for more information on this issue:

<https://www.americangeosciences.org/sites/default/files/karst.pdf>

The County is already considering karst protection language for several existing regulations² and inclusion of karst protection standards in commercial cannabis cultivation regulations and inclusion of karst protection standards mitigation measures in the FEIR seems appropriate as well.

13. Impact HYDRO-2. Commercial cannabis cultivation under the Program could adversely affect groundwater supplies and groundwater recharge. This impact would be less than significant with mitigation. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water, particularly during drought during both the wet and dry seasons, are not thoroughly analyzed in this document, nor have they been thoroughly analyzed by local water purveyors. Therefore the impacts cannot be well-understood at this time. Furthermore, new greenhouse construction could potentially increase runoff rates and reduce groundwater recharge, though it is not clear what analysis has been conducted to characterize this issue and provide commensurately appropriate mitigation in the DEIR. This has been a significant issue in other groundwater basins, particularly the Oxnard Plain, where greenhouse-based cultivation practices have replaced row crops or other agricultural practices that do not result in development of landscape-scale impervious surfaces. Given the existing water supply status in the County and the mitigations currently proposed, it seems speculative to say that this impact is less than significant with mitigation. Further analysis of the demand posed by the program would facilitate a more rigorous evaluation of alternatives in the FEIR.

14. MM-HYDRO-2.1. Water Efficiency for Cannabis Cultivation. While we strongly support this mitigation, implementation success of the mitigation will take an ongoing, long-term commitment and significant resource allocation. The success of such a mitigation may be enabled by the involvement of a third party such as the Resource Conservation District. Again, RCDs have a long history of success with such programs. Furthermore, the success of this mitigation measure would be better aligned with SGMA and much more successful if it included a requirement for metering groundwater pumping.

² http://santacruzcountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=2578&highlightTerms=karst

15. MM HYDRO-2.3. Water Tank Supply Management. It is not clear if this mitigation applies to water used for irrigation as well as water used for firefighting purposes. However, as previously mentioned, we support the surface water forbearance period water diversion and tank filling. However, there may also be non-forbearance period flow issues to consider and consistency with SWRCB standards that need further consideration in development of this mitigation. Obviously, the standards for the County's program will need to parallel the state standards, if only because state permits are required for water diversions.

16. Impact UE-1. The Program could increase demand or result in the expansion of facilities for water, wastewater, or solid waste services within the County due to licensing of commercial cannabis cultivation and product manufacturing activities. This impact would be less than significant with mitigation. Given the existing situation with water supply in the County and the mitigations currently proposed, it seems speculative to say that the impact is less than significant with mitigation. Water purveyors such as the City of Santa Cruz are increasingly committed to maintaining instream flow improvements for anadromous salmonids, recharging overdrafted groundwater basins and reducing customer demand to minimize their overall effect on the environment. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water (particularly during drought during both the wet and dry seasons) are not thoroughly analyzed in this document, nor have they been thoroughly analyzed by local water purveyors. Reduction in instream flows due to the effects of commercial cultivation in drinking water source watersheds will have an undetermined effect on the ability of water purveyors to maintain historic raw water production volumes from these watersheds, may exacerbate the existing need to explore additional supply development and may have effects on anadromous salmonids that effectively increase the environmental regulatory burden on water purveyors. Additionally, all diversions associated with commercial cannabis cultivation and manufacturing will have to abide by the state's water rights laws. The DEIR is unclear regarding the mechanisms for ensuring protection of water rights seniority, validating legitimacy of claimed water rights associated with licensing, management of instream flows during low flow periods and related matters. Therefore the impacts on water utilities cannot be well-understood at this time. Further analysis of the demand posed by the various alternatives would facilitate a more rigorous discussion of the true impacts on water utilities in the FEIR.

17. Sustained (and enhanced) enforcement program. The most permissive alternative may be the most expedient way to get operations into the licensing program, but it seems like a logical stretch to say that it is therefore the environmentally superior alternative. The County will have serious challenges with program implementation on licensed grows and especially with enforcement on unlicensed grows with any project alternative. As the DEIR itself states, it is quite likely that even with the most permissive project illegal grows will be rampant due to

the complexity of the license process, perceptions of excessive taxation, temptation of illegal out of state markets and related issues. These illegal grows operating in the shadows of legal grows will be even more difficult to enforce if they are scattered county-wide and the standards for legal grows are so low that differentiating between legal and illegal grows is challenging. Because the City of Santa Cruz Water Department is primarily a surface water purveyor and our drinking water source watersheds are almost entirely under County jurisdiction, we have an ongoing interest in watershed protection and an associated need to work closely with County Code Compliance on issues that impact those watersheds. While our recent experience with Code Compliance has been mostly positive, it has also been our experience over the years that frequently there have been times when there were insufficient resources for Code Compliance to be adequately responsive to enforcement needs. At the very least, dedication of cannabis licensing and sales - related tax revenue should be implemented to help ensure some long-term viability of an enforcement program that is commensurate with the scale of the industry in the County, be it legal or not. Without these measures it seems speculative to conclude that impacts will be mitigated to a less than significant mitigation level by a sustained and enhanced enforcement program.

Thank you for your consideration of these important issues. Please do not hesitate to contact me if you have any questions or concerns about these comments.

Sincerely,



Rosemary Menard
Director – City of Santa Cruz Water Department

cc: WAC, SqCWD, SLVWD, PVWMA, SVWD

From: ["Scott Anderson" <sapdesigns@yahoo.com>](mailto:sapdesigns@yahoo.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/28/2017 4:05:52 PM
Subject: Comments regarding commercial cannabis permits in summit area

To whom it may concern,

My family owns our home and resides in the Summit area of Santa Cruz County. I am a California CPA, a local business owner with over 100 employees and a University of California Santa Cruz faculty member in the Economics department. My undergraduate degree also included extensive coursework in environmental studies. For the last two years I have been researching federal and state laws regarding medicinal and recreational cannabis with a focus on income and sales tax compliance. This research has resulted in a wide understanding of substantially all aspects of this industry (albeit not deep understanding). I also have personal acquaintances that are very active participants in this industry (growers, distributors and investors) and through these relationships I am quite familiar with risks and the environmental impact at stake. It is with this background on the topic at hand that I would like to provide you objective comments regarding proposed permitted commercial production in the Summit area (note that objectivity is a duty of my profession).

First, the area's fire and public safety resources are already strained to effectively support current residential populations in a forested area amidst a drought cycle. Public resources have been tested and generally performed as expected to date but current resources are potentially inadequate to manage long term risks associated with the existing levels of illegal production in the area. Expansion to include commercial growing of cannabis will most certainly pose significant health and safety risks to the environment and residents of the area that the county has not specified how they would manage via provision of public services.

Second, I need not mention the impact of the recent Bear Creek fire but I must, as commercial production of cannabis poses significant fire risks similar to those that likely started this fire. Butane manufacturing methods pose a significant fire risk that many people unfamiliar with the industry are completely unaware of. Local fire department resources would seem to need to be expanded. Note that many residential properties in the area are not insurable via common carriers due to existing fire risks. This is a good indicator of the current state of our area.

Another risk often overlooked is the volume of un-permitted electrical work associated with cannabis manufacturing. Does the county have plans and resources in place for inspections of all permitted and un-permitted growing and manufacturing facilities in the area? Is the county planning to subpoena PG&E records to identify properties that are likely to have unpermitted manufacturing in the area? Once identified, understanding the likelihood of these illegal growers to bear arms, what is the county's response going to be to manage this fire and safety risk?

My objective opinion is that the county has failed to adequately consider risks associated with the current levels of illegal activity in the Summit area, and has far from adequately considered the risks associated with expanded permitted cannabis business in this area. My recommendation is to adopt policies and procedures and dedicate resources in the near term to start to softly manage current illegal cannabis industry activity before risking opening a floodgate of new activity that the county is ill-equipped to manage.

Additionally, I would suggest that the county project tax revenues as a result of the permitted commercial production to determine what additional public resources could be dedicated to the area as a result of legalized expansion. It is imperative for local governmental entities to consider resource plans prior to granting permits. Resource management plans would ideally be in place prior to resource constraints becoming hugely detrimental to the safety of community.

Sincerely,

Scott Anderson, CPA
Sapdesigns@yahoo.com



STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor



Ken Alex
Director

October 17, 2017

Kathy Previsich
Santa Cruz County
701 Ocean Street, rm 400
Santa Cruz, CA 95060

Subject: Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program
SCH#: 2017022052

Dear Kathy Previsich:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 16, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

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Document Details Report
State Clearinghouse Data Base

SCH# 2017022052
Project Title Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program
Lead Agency Santa Cruz County

Type EIR Draft EIR
Description Consistent with state law, the proposed program would regulate commercial cannabis cultivation and cannabis product manufacturing within unincorporated areas of the county. The Program would regulate how, where and how much cannabis and cannabis products may be commercially cultivated and manufactured to provide a reliable and high quality supply, while also protecting the environment and neighborhood quality. The EIR reviews potential environmental impacts of adoption of a new Santa Cruz County Code Chapter 7.128 regarding licensing of commercial cultivation of cannabis, and adoption of a new SCCC Chapter 7.132 regarding licensing of cannabis product manufacturing. Associated county zoning ordinance updates and GPA to support the program would also be adopted.

Lead Agency Contact

Name	Kathy Previsich	
Agency	Santa Cruz County	
Phone	(831) 454-2580	Fax
email		
Address	701 Ocean Street, rm 400	
City	Santa Cruz	State CA Zip 95060

Project Location

County	Santa Cruz		
City			
Region			
Lat / Long			
Cross Streets			
Parcel No.			
Township	Range	Section	Base

Proximity to:

Highways	1, 17, 9, 129, 152
Airports	Watsonville Municipal
Railways	
Waterways	San Lorenzo River, Soquel Creek, Pajaro River
Schools	
Land Use	countywide commercial, industrial, agricultural, and residential land uses

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Forest Land/Fire Hazard; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects; Aesthetic/Visual; Coastal Zone; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Solid Waste; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Department of Food and Agriculture; Department of Housing and Community Development; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; Public Utilities Commission

Date Received 08/31/2017 **Start of Review** 08/31/2017 **End of Review** 10/16/2017

From: ["Sean Stanney" <stanneys1@gmail.com>](mailto:Sean Stanney <stanneys1@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 7:11:25 PM
Subject: Cannabis EIR Comments

Thank you for the opportunity to be a part of this process. My comments are below.

3.4 biological resources

3.4-27

The County Fire Code applicable to cannabis-related activities within structures could require significant site improvements to provide onsite fire water tanks (up to 568 tanks of up to 120,000 gallons each) with related site pad clearing and grading, installation of a 20-foot wide road with turnaround, and defensible space around a cannabis-related structure of up to 100 feet.

This regulation seems excessive as it will severely limit the amount of people that will be allowed to grow; even in the best areas for cultivation. While I agree that a certain amount of water should be kept on property. 120,000 Gallons is far to much. Just flattening out the areas to put enough water tanks to hold that amount of water would cause further erosion and grading issues that do not seem necessary. Also 20-foot wide roads seem unnecessary when Bear Creek, and several other major roads in the area, are not themselves 20-Feet wide. Again a 100 ft defensible pad from any structure seems unnecessary as it is more excessive than current standards for other farms in the county that are cultivating other crops.

Section 3.2 Agricultural and Timber Resources

3.2-18

Why would you not allow permanent floors in greenhouses if you want to mitigate runoff from nutrients and such? Having a permanent floor allows for runoff to be diverted, cleaned and possibly reused, much more easily.

Section 3.2 Agricultural and Timber Resources

3.2-19

With the amount of ancillary streams in Santa Cruz I think the more Permissive project allowing cultivation 50 ft from said streams, versus the Project's 100 ft spacing, is much more fair. Also if no pesticides are being used than the runoff should be clean.

Overall I believe the more permissive project allows for greater access to an industry that is already creating 15,000 or more jobs in Santa Cruz County and is only poised to grow exponentially more over the next coming decades. Santa Cruz has been a staple in the Cannabis Industry since its inception. Therefore, by limiting it so heavily, you will be devaluing the branding behind Santa Cruz, which will push millions (eventually billions) in taxable revenue outside of Santa Cruz to other counties in California. This money could be used to help solve some of the issues in Santa Cruz, like the housing crisis for students. More taxable income would lead to more subsidized housing. Santa Cruz has the potential to be one of the leading counties in the state, and eventually the country, after the state border laws drop and cannabis is allowed to be sent to other legal states; which will obviously happen in the future at some point. I believe applications will also need to be reopened in the future to allow for further expansion of viable, successful applicants.

Thank you for your time and consideration. I look forward to working through this process and continuing to work in this exciting industry.

Sincerely,

Sean Stanney
CEO & Founder
Santa Cruz Fresh

October 31, 2017

Cannabis Comments
c/o Matt Johnston,
Santa Cruz County Planning Department,
701 Ocean St., 4th Floor,
Santa Cruz, CA, 95060
cannabiseir@santacruzcounty.us

RE: Large Land Management Organizations' Comments on the Santa Cruz County Draft Environmental Impact Report (DEIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnston,

The undersigned are organizations that own and manage large landscapes or assist landowners in the Santa Cruz Mountains, all of whom are committed to practicing effective stewardship on their own lands and are coordinating efforts with other land stewards to enhance stewardship on a regional level.

The Santa Cruz Mountains region has a long history as a place of significant cultural, biological, and environmental diversity which supports many native plant and animal species found nowhere else on Earth. Effective land stewardship means taking good care of the land for its own sake, for its ecological benefits to society, and for future generations, and not allowing its exploitation for short-term personal or economic gain.

The undersigned have reviewed much of the Draft Environmental Impact Report and we have concerns that some of the policies being recommended may hamper our stewardship goals for the region and cause harm to its natural resources and landscapes. The following addresses our concerns and is organized by specific topics covered in the DEIR.

More Permissive Project

We are concerned that the recommended "More Permissive Project" establishes significantly more lands that would be eligible for cannabis cultivation than in the "Project" scenario. Under the More Permissive Project, cannabis production would far exceed the demand of Santa Cruz County and will encourage export of product over county lines. The cultivation of excess product may overburden local ecosystem services and adversely impact community security as we adapt to a changing climate where we are already experiencing strains on natural resources. As the DEIR itself states, it is quite likely that even with the most permissive project illegal grows will be rampant due to the complexity of the license process, perceptions of excessive taxation, temptation of illegal out-of-state markets, and related issues. We ask that the county explore a way to quantify local cannabis

consumption demand in the community, and match this to cultivation supply, and propose a regulatory mechanism which would balance the two.

Mapping

Many of the figures have inappropriately identified parcels as eligible for cultivation in a future licensing program. For example, BLM & State Park Lands are identified as being eligible for cultivation in Figure 2-6.

Cumulative Impacts

The disturbance envelope of the total cannabis industry that would be eligible under the Project & More Permissive Project is not addressed. Clearing of forests, compacting soils, and removing forest floor duff that exposes bare soil, will reduce the ecosystems' opportunity to slow storm water and allow recharge into shallow groundwater – thus reducing base flow which is critical for aquatic ecosystems. Increased human activities into previously inaccessible or undevelopable landscapes will increase landslides, reduce wildlife habitat and connectivity, and impact water resources regardless of how well the laws set by the regulatory agencies are followed. The cumulative impacts of cannabis operations will increase proportionately with the area of land that is eligible for cultivation to take place. The Cumulative Impacts section does not adequately describe the cumulative impacts outside those addressed by the mitigation measures.

Impact AT-3.

Forestlands provide invaluable ecosystem services including retention of runoff, wildlife habitat, carbon sequestration, and overall watershed functions. Many of our watersheds support special status species and supply drinking water for the majority of County residents. Therefore, the impacts of forest conversion or increased rezoning of Timber Production zoned (TPZ) lands could be very significant. Furthermore, vegetation community shifts due to climate change predicted by many researchers indicate that redwood forests may be severely limited in the County in the future, thereby exacerbating this issue. More stringent mitigation for this impact, such as prohibiting rezoning of TPZ parcels for commercial cannabis cultivation, prohibiting expansion of the agricultural use of TPZ zoned parcels for commercial cannabis cultivation, and prohibiting all commercial cannabis operations on TPZ zoned parcels would be the environmentally responsible decision.

MM BIO 4.2. No Cannabis Activities allowed within Sandhills Habitat or Salamander Protection Zone.

As large landscape stewards it our responsibility to ensure that threatened habitats are protected to ensure sustainable places for biodiversity to thrive. We strongly support this mitigation and encourage the county to continue to monitor threatened habitats and adapt management and regulations to protect those ecosystems in danger of being lost to human activity.

Support for Resource Conservation District

The Resource Conservation District of Santa Cruz County has a proven track record of reducing environmental impacts on ecosystem services by working with landowners through a non-regulatory framework to assist with education, infrastructure improvements, permitting and more.

We encourage the County to consider working with the RCD to develop a program to provide permitted (legal) cultivators with technical assistance related to erosion, roads, riparian management and irrigation efficiency, among others, to help them maintain and restore natural resources.

Pesticide and Herbicide Control

Rodenticides are available over the counter and not likely to leave residue on the product, and therefore may not be specifically addressed in the Project Alternatives. It is important to note that rodenticide products can not be used in a way that would ensure that they will not enter or be released uncontrolled into the environment. They are used to target species such as the dusky footed woodrat, which is a known prey for many birds of prey. Anticoagulants are known chemicals to bioaccumulate and can spread widely through wildlife food chains, impacting local biodiversity. The Ordinance and the Pest Management Plans should reduce or prohibit the use of rodenticides.

Baseline Conditions

Baseline conditions in the DEIR reflect environmental conditions as they existed February 13, 2017. The County and many other agencies have been monitoring environmental conditions (water, land use, lidar, etc.) county-wide for decades. While some baseline data may not yet exist, the historic data should be analyzed to assess environmental conditions prior to the spike of cannabis cultivation over the past 5 years. Additionally, historic baseline data should be analyzed to assess and monitor the impacts to natural resources following the implementation of the new ordinance.

Sustained (and Enhanced) Enforcement Program

While we understand the incentive to create a policy that would allow more existing cannabis cultivation operations to conform and comply with the regulatory framework established, it would be a disservice to the ecosystem services and the rest of the community who rely on those natural resources to implement an ordinance that allows widespread agriculture in inappropriate environments. Additionally, the County will have serious challenges with program implementation on licenced grows, and especially with enforcement on unlicenced grows with any project alternative.

Illegal grows operating next to legal grows will be even more difficult to enforce if they are scattered county-wide and the standards for legal grows are so permissive that differentiating between legal and illegal grows will be challenging. Code Compliance will need to have sufficient resources to respond adequately to enforcement needs. At the very least, dedication of cannabis licensing and sales related tax revenue should be directed to help ensure some long-term viability of an enforcement program that is commensurate with the scale of the industry, be it legal or not. Revenues from enforcement fines, licensing fees, and sales tax should also be dedicated to environmental remediation from sites where cannabis activities continue to impact ecosystem services. Without these measures, it seems speculative to conclude that impacts will be mitigated to a less than significant level with mitigation by a sustained and enhanced enforcement program.

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report. We appreciate your consideration of these important issues.

Sincerely,

The undersigned organizations as follows:

Organization Sempervirens Fund

Name Sara Barth Title Executive Director

Signed Sara Barth Date 10/31/17

Organization San Lorenzo Valley Water District

Name Brian C. Lee Title District Manager

Signed Brian C. Lee Date October 31, 2017

Organization UC Santa Cruz Natural Reserves

Name Gage Dayton Title Director

Signed Gage Dayton Date 10/29/17

Organization Resource Conservation District of Santa Cruz County

Name Chris Coburn Title Executive Director

Signed CC Date 10/31/17

Organization: Santa Clara Valley Open Space Authority/Santa Cruz
Mountains Stewardship Network Member

Name: Matt Freeman

Title: Assistant General Manager

Signed:



Date: October 31, 2017

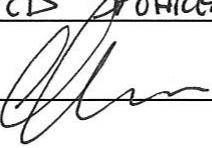
Organization:

CA STATE PARKS

Name CHRIS SPOHRER

Title DISTRICT SUPERINTENDENT

Signed



Date 10/31/2017

From: ["Sierra Club Santa Cruz" <sierraclubsantacruz@gmail.com>](mailto:Sierra Club Santa Cruz)
To: ["John Leopold" <John.Leopold@santacruzcounty.us>](mailto:John Leopold)
["Zach Friend" <Zach.Friend@santacruzcounty.us>](mailto:Zach Friend)
["Ryan Coonerty" <Ryan.Coonerty@santacruzcounty.us>](mailto:Ryan Coonerty)
["Greg Caput" <Greg.Caput@santacruzcounty.us>](mailto:Greg Caput)
["Bruce McPherson" <Bruce.McPherson@santacruzcounty.us>](mailto:Bruce McPherson)
[CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR)

Date: 10/31/2017 6:23:08 PM

Subject: Sierra Club Comments on Cannabis Cultivation Ordinance Final DEIR

Attachments: Sierra Club Cannabis Cultivation Ordinance Comments 103117.pdf

Dear Santa Cruz County Board of Supervisors,

The Sierra Club of Santa Cruz finds the Draft Environmental Impact Report (DEIR) deficient in meeting the requirements of California Environmental Quality Act for protecting our dwindling habitat, sensitive wildlife and unique natural communities. We urge you to not approve it. This DEIR does not address major concerns of enforcement, water limits, toxic chemical use as well as problems of new development, increasing traffic and poor air quality that occurs with the commercial cannabis cultivation and manufacturing industry.

Invest in an Enforcement Team

First, several significant environmental impacts have no real enforcement. Without oversight and enforcement of regulations the impacts will be much more significant than reported in this DEIR. Enforcement is essential to protect our local land, soil, air and water, it is impossible for the "County Agriculture Commission and a County Licensing Official to ensure compliance" for such a large and expanding cannabis industry. The County Sheriff Department estimates there to be approximately 1,800 grow sites presently. How will only one or two inspectors be able to monitor the increasing number of commercial grow sites?

The money generated by this new industry must be dedicated to hire a team of inspectors checking sites regularly to make sure the growers are educated about the importance of ecological regulations and to verify growers are actually and strictly following them.

Include Water Resources

Secondly, this DEIR does not even include a section on Water Resources and the impact this cannabis industry will have on our very limited, local water supply. With population growth and climate disruption in the form of years of re-occurring drought, our county water supply is constantly under stress. It is astounding that our limited water resources are not addressed when this industry will demand thousands of gallons of water from our already depleted aquifers. Where will this water come from?

Section 3.9 merely mentions the adverse affects of altering courses of streams and it does not list serious mitigation for siphoning water out of our creeks and streams. We fear that our very endangered Steel head fish, which used to fill our local streams, will be pushed into extinction. Again we wonder about the feasibility of enforcement with protecting healthy creeks, the river and other natural resources with these new DEIR water regulations. Water is central to a thriving ecosystem and must be monitored carefully, this would again require the staff to monitor and assure that creeks are not being depleted.

Encourage Alternatives to Toxic Chemicals

The DEIR needs to outline more regulation and enforcement of rodenticides, herbicides and pesticides. These chemicals wreak so much havoc on the environment; they poison and kill life, negatively impacting our climate by contributing to climate changing greenhouse gases, destroying water quality and contaminating our soil, often permanently. Run-off and pollution from these chemicals should be seriously controlled. Thus the DEIR needs to include testing and incentives for growing without toxic chemicals to encourage organic growing. Once again this means having people power to monitor these polluting practices.

Limit New Development to Preserve Habitat

We are concerned that the DEIR does not address the impact of inducing new development in our small mountain neighborhoods and wild lands. By requiring 20 foot wide access road and housing on each grow site, this DEIR is inviting environmental destruction of habitat for wildlife and loss of open space for humans. Many people live and visit here because of the wildlife, the natural beauty, open spaces and quiet quality of life which will be altered forever by more construction.

Erosion, sediment in creeks and landslides will increase when we riddle the area with wide and tall roads. Creating 20 foot

wide roads often necessitates a cut into mountain sides of 12 feet high or more. Last winter, the winter of 2017, we experienced many terrible examples of ground failure and erosion as county roads and entire mountain sides were washed away. Plans for avoiding the creation of these road hazards should be included in a DEIR.

Reduce Traffic and Lessen Air Quality Impacts

With development and road access comes more traffic and consequent air quality problems; these impacts are significant and unavoidable or unmitigatable. There must be limits placed on the number of roads and housing constructed in our county with the expansion of the cannabis industry. Undeveloped open space not only preserves shrinking animal habitat but preserves Santa Cruz County's treasures of spacious, quiet neighborhoods and cleaner air. We want this industry to be regulated so we may maintain our high quality of living close to nature.

Thank you for responding to our comments.

Sincerely,

Greg McPheeeters

Chair, Santa Cruz Group, Sierra Club



SANTA CRUZ COUNTY GROUP
Of The Ventana Chapter
P.O. Box 604, Santa Cruz, CA 95061
<https://ventana2.sierraclub.org/santacruz/>
e-mail: sierraclubsantacruz@gmail.com

October 31, 2017

To:
Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Subject: Comments on Cannabis Cultivation Ordinance Final DEIR

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Thank you for responding to our comments.

Sincerely,

Greg McPheeters
Chair, Santa Cruz Group, Sierra Club



Board of Directors

Dr. Thomas R. LaHue, President
Dr. Bruce Daniels, Vice-President
Dr. Bruce Jaffe
Carla Christensen
Rachél Lather

Ron Duncan, *General Manager*

October 31, 2017

County of Santa Cruz
Planning Department
Attn: Matt Johnston
701 Ocean St, 4th Floor
Santa Cruz, CA 95060

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the Proposed Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnston,

Thank you for the opportunity to comment on the DEIR for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program with an objective to mitigate the negative environmental impacts associated with cannabis growing activities in the unincorporated area of Santa Cruz County.

Soquel Creek Water District (SqCWD), along with Central Water District, the City of Santa Cruz, and thousands of private wells and small water systems, pump groundwater from the Santa Cruz Mid-County Groundwater Basin. As you may know, this basin is classified by the State as 'critically overdrafted'. Soquel Creek Water District declared a groundwater emergency in 2014, which, under the District's 2015 Urban Water Management Plan, has specific District operating actions and customer reduction demands that could be triggered and thus impact the program, so it should be included in the DEIR's evaluation.

California legislature enacted comprehensive legislation aimed at strengthening local control and management of groundwater basins. In response to this legislation the Santa Cruz Mid-County Groundwater Agency (MGA) was formed on May 19, 2016, and work is underway by the MGA to develop a Groundwater Sustainability plan by 2020 that will serve as the roadmap for replenishing the overdraft (and preventing further seawater intrusion) by 2040. The purpose of the MGA is to create a groundwater sustainability plan. The groundwater agency may:

- Require registration of wells and measurement of extractions
- Require annual extraction reports
- Limit extractions from individual groundwater wells

In 2003 SqCWD implemented the Water Demand Offset (WDO) Program, which requires new or expanded development to offset their projected water demand by funding conservation or supply projects within the district. The program requires development projects to offset approximately two times the amount of water they are projected to use so that there is a net positive impact on the District's water supply. On June 17, 2014 SqCWD declared a groundwater emergency and the Board modified the Water Demand Offset (WDO) Program with a program whereby developers pay into a fund to pay for new projects that reduce water

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use within the District's service area and only allow new uses of increased water from development to occur if developers offset their anticipated use by 200%. This program has helped reduce water usage.

As one of the primary objectives of the DEIR is to minimize adverse effects of commercial cannabis cultivation and manufacturing on the natural environment, natural resources and wildlife, including riparian corridors, wetlands and sensitive habitats, as well as effects on water supply, water quality and instream flows, SqCWD sees this process as an excellent opportunity to ensure that this newly recognized land use will use water efficiently and protect our environment in a manner that contributes to our regional goal of basin sustainability. The issues that we feel warrant additional analysis are the following:

- 1. Impact HYDRO-1. Commercial cannabis cultivation under the Program could introduce sediment and other pollutants to surface flows and groundwater, which would cause water resource contamination. With mitigation, this impact would be less than significant.** This would pose a significant threat for sites with no access to a sanitary sewer for disposal of industrial wastewater. Though they would be required to get a waiver or permit for the release of the pollutants into surface flows and groundwater, this would still cause water contamination. Standard mitigation measures in the DEIR seem inadequate.
- 2. Impact HYDRO-2. Commercial cannabis cultivation under the Program could adversely affect groundwater supplies and groundwater recharge. This impact would be less than significant with mitigation.** We do not understand your statement that this impact would be less than significant when the Mid-County Groundwater Basin and the Pajaro Basin are both designated as being in critical overdraft and have seawater intrusion occurring. Thus, additional water use does have an impact, and in critically overdrafted seawater intruded basins any additional water use could have significant consequences. Please provide quantitative and groundwater modeling to support your claim of less than significant. As stated, more than half (54 percent) of the existing cannabis cultivation sites utilize groundwater for irrigation. An additional 33 percent rely on municipal water, which is largely sourced from groundwater. This does not include increased demand for groundwater that may occur from existing cultivators expanding production or new cultivators beginning cultivation. Additional removal of water from a basin that is Stage 3 critically overdrafted is not feasible.

The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water, particularly during drought during both the wet and dry seasons, are not exhaustively analyzed in this document, nor have they been analyzed by local water purveyors. Therefore the impacts cannot be known at this time. Furthermore, new greenhouse construction could potentially increase runoff rates and reduce groundwater recharge, though it is not clear what analysis has been conducted to characterize this issue and provide commensurately appropriate mitigation in the DEIR. Given the existing water supply status in SqCWD with a Stage 3 Water Storage Emergency with a reduction target of 25% and the mitigations currently proposed, it seems very speculative to say that this impact is less than significant with mitigation. The Soquel Creek WDO program requires developers to pay for new projects that would reduce water use within the District's service area. Are you considering, and if not why, that all new cannabis cultivation sites within the critically overdrafted designated basins participate in the WDO program. Further analysis of the

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demand posed by the program would facilitate a more rigorous review of alternatives in the FEIR.

3. MM-HYDRO-2.1. Water Efficiency for Cannabis Cultivation. While we strongly support this mitigation, implementation success of the mitigation will take an ongoing, long-term commitment and significant resource allocation. The success of such mitigation may be enabled by the involvement of a third party such as the Resource Conservation District. Again, RCDs have a long history of success with such programs. Furthermore, the success of this mitigation measure would be better aligned with the Sustainable Groundwater Management Act (SGMA) and much more successful if it included a requirement for metering groundwater pumping. It should be a requirement that evaluation and compliance checking is done and reported annually. The impacts to groundwater resources would be significant.

4. MM-HYDRO-2.2. Rainwater Harvesting for Cannabis Cultivation. While we strongly support this mitigation, implementation success of the mitigation will take an ongoing, long-term commitment. Rainwater harvesting is effective for watering small areas in regions that ~~get precipitation~~ year round and thus the rain catchment can refill more frequently. This mitigation is also contingent on rain which is not guaranteed, as we are currently in a drought. Also this region does not get rain year round – generally only during the winter season. Also, Licensees can be granted a waiver if they have site limitations and have implemented all other feasible BMPs. The impacts to groundwater resources would be significant.

5. Impact HYDRO-2. Indirect Cultivation. Indirect impacts of the program would occur through groundwater withdrawal from required construction of up to 228 new residential units and associated roads, utilities, and other site improvements for cannabis operations with an existing primary residence. Existing homes that are on a well that start new cannabis growing sites will create additional demand on the aquifer. The groundwater supply is in overdraft due to historical over-pumping and seawater intrusion is being detected in monitoring wells at our coastline. This program should be implemented for all new construction. In addition, County Fire Code requires that any proposed commercial cannabis site that is larger than 120 sf and is not serviced by municipal water connections to develop, fill and maintain water onsite for fire suppression in order to meet fire flow requirements. It is estimated that the additional demand would be approximately 209 acre-feet of water, as a one-time draw. The Soquel Creek WDO program requires developers to pay for new projects that would reduce water use within the District's service area. It would be feasible to require any new cannabis cultivation sites within district boundaries to pay the WDO fee. The impacts to groundwater resources would be significant. Further analysis of the demand posed by indirect cultivation would facilitate a more rigorous discussion of the true impacts on the water supply in the FEIR.

6. MM HYDRO-2.3. Water Tank Supply Management. We support the surface water forbearance period for water diversion and tank filling. However, there may also be non-forbearance period flow issues to consider and consistency with SWRCB standards that need further consideration in development of this mitigation. It is not feasible to assume that Licensees can share water tanks for fire purposes. It is possible that they be required to use recycled water that can be purchased locally from Scotts Valley Water District and trucked to the tanks. This would reduce pumping on the over drafted aquifer and stop surface water

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diversions. Obviously, the standards for the County's program will need to parallel the state standards, if only because state permits are required for water diversions.

7. MM BIO-1.1h. Water Draw Restrictions. We strongly support this mitigation, however it is not entirely consistent with state standards, nor will it necessarily be entirely protective of instream flows and related aquatic biota. The SWRCB is currently proposing a surface water forbearance period of April 1 - October 31. If it is determined that groundwater diversions have the potential to significantly affect surface water supply, forbearance periods may extend to groundwater diverters as well. In Santa Cruz County there are also instream flow problems during the winter period in some creeks, particularly during drought periods. Aligning this mitigation with state standards and protecting non-forbearance period instream flows during drought would make this mitigation more rigorous. Of course, water rights validated by the SWRCB and Streambed Alteration Agreements for any surface water diversions will also be necessary to make this mitigation meaningful.

8. Impact UE-1. The Program could increase demand or result in the expansion of facilities for water, wastewater, or solid waste services within the County due to licensing of commercial cannabis cultivation and product manufacturing activities. This impact would be less than significant with mitigation. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water (particularly during drought during both the wet and dry seasons) are not exhaustively analyzed in this document, nor have they been analyzed by local water purveyors. Therefore the impacts cannot be known at this time. Given the existing dire situation with water supply in the County and the mitigations currently proposed, it seems speculative to say that the impact is less than significant with mitigation. Further analysis of the demand posed by the various alternatives would facilitate a more rigorous discussion of the true impacts on the water supply in the FEIR.

9. Resource Conservation District Role. Many of the proposed mitigations are not unique to cannabis and could very readily be implemented with the assistance of the Resource Conservation District of Santa Cruz County (RCD). The RCD commonly assists landowners with similar issues and is uniquely qualified to provide technical assistance to this sector of the agribusiness community as well. The RCD may be able to provide a unique role in certifying cultivation operations, given their vast experience with supporting agriculture and the objectivity that would come from their lack of pre-existing connections to the cannabis industry.

10. Water Demand for Cannabis Cultivation and Manufacture. The total existing cannabis cultivation demand is unknown, as are the withdrawals associated with it. Based on existing County-Wide cannabis license registrant cultivation operations, the County estimates that general cannabis cultivation water demand is 0.03 gallons per square foot of canopy per day for outdoor operations and 0.1 gallons per square foot of canopy per day for indoor and greenhouse operations. Existing cannabis cultivation water demand is estimated to be approximately 106.75 AFY, with the potential for water demand associated with unregistered and unknown cultivation to total in the low hundreds of AFY. Did the water use calculations account for leaks and over irrigation? We find this is a significant part of the equation when accounting for plant water consumptions. Please incorporate this into your water calculations. Demand appears to widely dispersed but portions are concentrated in the Urban Region, which relies on the Santa Cruz Mid-County Groundwater Basin. Cannabis operations within

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the Santa Cruz Mid-County Groundwater Basin should be required to install meters, adhere to Soquel Creek Water District's Water Demand Offset program (or a similar type of offset program), report water use and work with the Mid-County Groundwater Agency to use the water efficiently.

11. Cumulative Impacts. The disturbance envelope of the total cannabis industry that would be eligible under various alternatives is not well addressed. Clearing of forest, compacting soils, removal of forest floor duff and exposure of bare soil will reduce the ecosystems opportunity to slow stormwater and allow recharge into shallow groundwater. Increased human activities into previously inaccessible or undevelopable landscapes will increase landslides, reduce wildlife habitat and connectivity, increase ignitions of wildfires and negatively impact water resources regardless of the rigor of implementation of the preferred alternative. Simply stated, the cumulative impact of cannabis operations will increase proportionately with the area of land that is eligible for these operations to take place. The FEIR should more thoroughly evaluate cumulative impacts in this context. Soquel Creek Water District and other agencies, such as the Mid-County Groundwater Agency, must protect the quantity and quality of the groundwater basin to maintain the sustainable water supply yields.

12. Alignment with state policies. Several of the standards in the County cultivation regulations are less stringent than policies already in place in other areas of the state and also less stringent than currently proposed policies (10/17/17) released by the State Water Resources Control Board (SWRCB). Mitigations and the standards in the County code ought to be at least as stringent as the state standards.

For example, mitigations for riparian buffer widths, water diversion forbearance season limits (e.g. state is more restrictive during droughts) and the need for farm or water resource management plans currently proposed mitigations and County code standards are not well aligned with currently proposed state standards.

Currently proposed SWRCB standards can be reviewed in more detail at the following links:

https://www.waterboards.ca.gov/board_info/agendas/2017/oct/101717_6_final_draft_cannabis_policy_with_att_a_clean_version.pdf

http://www.waterboards.ca.gov/centralvalley/water_issues/cannabis/general_order/r5-2015-0113_att_a.pdf

http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf

Assuming the SWRCB will adopt relatively consistent standards statewide, mitigations regarding riparian buffer widths, water diversion and water resource management or farm management plans should be modified to be at least as protective as their respective state standards.

Additionally, the new Groundwater Sustainability Agencies will be required to prepare Groundwater Sustainability Plans (GSP) by 2022 under the Sustainable Groundwater Management Act (SGMA). There will be a number of mandates that will be generated from

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that process. The project alternatives should ensure that cannabis cultivators will need to meet all requirements that result from SGMA. The FEIR should include reference to SGMA and ensure that all HYDRO mitigations are aligned with its requirements.

13. Allowance for trucked water. Not only does trucked water open up a new acreage to cultivation that might not otherwise be possible, the ability of the County (not to mention water purveyors) to oversee a trucked water program is highly speculative when consideration is given to the nuances of water rights, use tracking and related issues. Most water districts do not allow water to be transported out of their District boundaries. Also, hauling more than 250 gallons of water requires a water haulers license from the Department of Public Health. Scotts Valley Water District does allow recycled water to be used out of the district boundaries. Furthermore, we are not aware of any water purveyors who have analyzed this issue at a level of complexity that would allow for thoughtful accommodation for this new system demand through their Urban Water Management, drought contingency and other related plans. This has an impact on air quality and traffic too. This project element should be much more thoroughly vetted before it is included in a project alternative in the FEIR.

As this Ordinance newly acknowledges existing growers that have been cultivating since January 2013 without oversight, the Soquel Creek Water District (SqCWD) sees this process as an excellent opportunity to ensure that this newly recognized land use will use water in an efficient manner that contributes to our regional goal of basin sustainability. Specifically, we propose that the FEIR require compliance with a set of Best Management Practices (BMPs) that include but are not limited to the following requirements:

- Prepare an Environmental Protection Plan for each licensed site that addresses issues including drainage and runoff, safe use of pesticides, herbicides and fertilizers, wildlife protection, water conservation, and road access;
- Meter all water used on-site, including water from private groundwater wells and surface diversions;
- Submit annual reports of all water used on-site;
- Use efficient drip irrigation equipment and automatic irrigation controllers or soil moisture sensor controllers;
- Conduct regular inspections for leaks in the irrigation system;
- Use 2-3 inches of mulch on irrigated areas to reduce evaporation;
- Comply with existing Water Waste Prohibitions; and
- Consider the capture and use of rainwater, and when appropriate, greywater reuse.

SqCWD proposes that all BMPs be met as a condition of the initial licensing, as well as annual licensing renewals, and that the County conducts initial and annual on-site inspections of each licensed site to confirm compliance. SqCWD also requests that the licensing process be amended to include a required clearance from SqCWD prior to the issuance of a license, for any licensing application proposed within the SqCWD service area. Applications that may result in an increase in water demand will need to be evaluated to determine applicability of the SqCWD's Water Demand Offset Program.

Any costs incurred for the County to oversee the licensing and monitoring of BMPs should be included in the license fees collected. Non-compliant sites should have their license revoked if they do not promptly address deficiencies.

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Regulations from the groundwater agency that may require registration of wells and measurement of extractions, require annual extraction reports, and impose limits on extractions from individual groundwater wells will also play a large part in the Cannabis Cultivation Ordinance in the near future.

Thank you again for your efforts and for the opportunity to comment on this draft Ordinance. If you have any questions, please contact me.

Sincerely,
SOQUEL CREEK WATER DISTRICT

A handwritten signature in blue ink, appearing to read "Ron Duncan".

Ron Duncan
General Manager



481 San Andreas Road Watsonville, CA 95076
Phone: (831)722-2912 Fax: (831) 722-4185 www.kitayamabrothers.com

From: Stuart Kitayama
Property Manager,
Kitayama Brothers, Inc.

October 31,2017

To: Cannabis Comments c/o
Matt Johnson
Santa Cruz County Planning Dept.
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: Draft EIR Comments

Dear Mr. Johnston,

We appreciate this opportunity to comment on the Cannabis Draft EIR presently pending review by the Santa Cruz County Board of Supervisors.

Kitayama Brothers Inc. is a longtime greenhouse owner and flower grower located in southern Santa Cruz county. Kee Kitayama, my uncle, started this greenhouse in 1970, and at one time our company was the largest rose grower in the US. And this is still one of the larger greenhouse facilities in California. This greenhouse was built for roses, but for the last 25 years we've grown a diverse assortment of flowers, including Lilies, Gerberas, Lisianthus, and Snap dragons. But today, because of foreign competition, and the rising cost of rose production we no longer grow any roses. Flower growing is a demanding and labor-intensive business, and one can see by the small number of flower greenhouses left in Santa Cruz County that most have struggled, closed, or sold.

Cannabis isn't a magic solution for a business like ours, everyone thinks it's very profitable, but in the end, it's a business that grows and sells a perishable crop, and we know growing anything takes talent, work, and commitment. We see Cannabis as an opportunity to diversify our crop mix and increase margins and profits, but we also know profits from the new cannabis industry aren't guaranteed, so we will approach it

"The Foremost Name in Flowers"



481 San Andreas Road Watsonville, CA 95076
Phone: (831)722-2912 Fax: (831) 722-4185 www.kitayamabrothers.com

thoughtfully. A large and older greenhouse complex like ours takes a lot of maintenance and investment to keep running. So, we hope that adding cannabis, as another crop or as a leasing opportunity, to our current business improves the whole.

Greenhouse growers already follow extensive health, safety, environmental, and worker protection regulations. We think Cannabis farmers should be subject to the same regulations as all other farmers, plus those unique to cannabis.

CA Zoned Greenhouses are very good options for cannabis production and should be allowed larger canopies and co-location of multiple licensees. This would maximize the utilization of commercial ag land, and underutilized greenhouses. Our workers will continue to be employed, not contributing to additional traffic congestion. There will be no new development so there is no impact to biological, cultural, geology and soils, and no increase in greenhouse gas emissions. And existing greenhouses have existing agricultural irrigation wells. This is the environmentally superior alternative.

Our comments and recommendations:

- For most commercial greenhouses 22,000 sf of canopy is a small area, so we support 44,000 sf or 4% of the parcel size, whichever is greater.
- And we support multiple growing permits on these same parcels to help greenhouse owners manage the larger permitted canopies. They would have the option of growing their own production, and/or leasing to one or more other growers.

Thank you for taking on this EIR process. It's slow but thorough, and I think it will make Santa Cruz County's cannabis regulations better in the long run.


Stuart Kitayama

"The Foremost Name in Flowers"

From: ["Christine Jennifer" <Christine4144@comcast.net>](mailto:Christine4144@comcast.net)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/2/2017 10:48:53 PM
Subject: EIR Comments from Suncrest Nurseries Inc.

Dear Mr. Johnston,

I represent Suncrest Nurseries, Inc., a 27 year old wholesale grower of landscape and fine garden plants. We grow several thousand of varieties of plants, approx. 3500 varieties, that we ship throughout California and parts of the Pacific Northwest. We grow and sell millions of plants each year.

Suncrest employs approximately 130 employees, many of whom have been a part of the Suncrest community since inception. We occupy 5 separate parcels along Casserly Road in Watsonville. Our main office is the same location as the original Leonard Coates Nursery, which dates back to 1874, and was one of the very first original horticulture nurseries in California and the first nursery to grow native California varieties. Suncrest has a long rich history of growing a remarkable diversity of horticulture. We have a strong reputation for growing and producing quality plants safely, and have remained current and in compliance with all regulatory agencies, and state and federal laws. I believe we are well poised to offer consistent, safe and honorable business practices in the cannabis market.

We hope to participate in cannabis production in Santa Cruz County as soon as possible, with the primary intention of producing clones for sale in liners to growers who support and serve the medical cannabis market. Cannabis would be added as an additional crop to an established operation that is already growing thousands of varieties of plants, and capable of producing hundreds of thousands of liners per month.

Please receive our comments submitted today, October 2, 2017, as relating to the EIR draft for Santa Cruz County.

Respectfully,

Christine Jennifer
President, Suncrest Nurseries, Inc.

From: ["Tamara Stolzenthaler" <tamistolzen@hotmail.com>](mailto:tamistolzen@hotmail.com)
 To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
 Date: 10/30/2017 11:20:23 PM
 Subject: Cannabis EIR comments
 Attachments: eir letter.docx

13140 Oak Road
 Felton, CA 95018
 tamistolzen@hotmail.com

October 30, 2017

Cannabis Comments c/o Matt Johnston
 Planning Department
 701 Ocean Street, 5th Floor
 Santa Cruz, CA 95060

SUBJECT: Environmental Impact Report Comments for the Cannabis Cultivation and Manufacturing Program

I am a thirty year resident of the county area of Lompico where I reside with my 9 year old son. I hold a BA in Environmental Studies, and MA in Education and work in Environmental Outreach for a local municipality.

I am very concerned about permitting cannabis growing and manufacturing in the residential mountain neighborhoods of Santa Cruz County. I have reviewed the draft EIR and found some of the recommendations and findings in it to be highly inaccurate. The EIR should be rejected and sent back to be corrected to reflect the real environmental effects of actual cannabis agriculture.

1. Water Use. I have a private water system for my household use. I am very concerned about a marijuana farm on any property upstream from me that could dewater the creek where I draw my water. I found a discussion of water use in chapter 3 where it explains why you are using 0.03 gallons of water per square foot of canopy per day to grow a marijuana plant outdoors. This is completely underrepresented. This assumption of water use is so out of scale with reality that all the conclusions and recommendations made in this EIR about water use are inaccurate and the EIR deficient by the standards of the law. Reports indicate that 50 marijuana plants require 26,000 gallons per season, on average. Just imagine fifty times this amount of water being used in some county areas for cultivation. Local waterways, the private aquifer wells and local water districts cannot handle this type of water demand. Our local water districts are currently some of the most strapped in the state since all water in SC County is from local surface and groundwater sources only; with no access to water sources outside of the county. I work for a local water district and know for a fact that every local water district in this county has extremely limited amounts of water. I have also talked to numerous well owners whose wells dried up during the drought even without marijuana cultivation as a factor. One neighbor who pulls 26,000 gallons of water a year will directly affect the water availability of all others pulling from that same area. What recourse will be available to these residents? Permitting cultivation without sufficient water availability and study will significantly increase the liability of Santa Cruz County.

2. Tree Cutting, Erosion & Increased Sediment. The discussion of tree cutting on a large scale is absent from the EIR, and would be of serious environmental concern. I live in a neighborhood zoned almost exclusively as RA, so under the County's proposed plan, someone could grow marijuana there. I know that one could walk down to planning and get a land-clearing permit to completely strip my 2 ½ acre parcel. I couldn't find any discussion in the EIR of the impact of tree cutting in our forests.

There was an illegal pot grow in this area last year that included several acres of redwood forest removal. After receiving 98 inches of rain, a mudslide came down from the cleared grow site; it completely covered Lompico Road and sent one ton of sediment into Lompico Creek. The County had to come up and remove the mudslide over the road as it became impassable for 30 homes. This mudslide caused by tree cutting for cultivation purposes was also partially responsible for the 65% road wash out past 11490 Lompico Road that the county is also still responsible for repairing. The amount of extra erosion and sediment into the Lompico Creek is still clearly visible today; and no doubt will be worsened this year since it has not been repaired. Who will cover the costs of damage due to logging tied to marijuana cultivation?

Increased sediment from cleared grow sites is of course a detriment to the threatened steelhead trout. This is not reported for in this EIR and needs to be.

3. Residential Agriculture zones are fundamentally residential zoning, not agriculture. My neighborhood, which is zoned almost exclusively RA, is a forested redwood canyon, and is in no way agricultural. Our Lompico "RA" neighborhoods qualify as "low" or "very low" urban residential density with 1.0 – 7.0 units per acre according to a study conducted in 2017. To grow an agricultural crop in my neighborhood and many others like it, a marijuana farmer would have to cut a huge patch of redwood trees to get

enough sun to grow a crop large enough to make it worth it. Marijuana growing should not be allowed in RA zones. They are residential. This is unfit for agricultural purpose.

4. Code Enforcement. The County acknowledges that it has no ability or reasonable intent to enforce the existing or proposed ordinances. It actually says this in the last paragraph of the proposed ordinance itself, and also throughout the EIR. Yet you create an EIR where all the supposed mitigations are based upon compliance with rules and regulations. So the mitigations will be ineffective if the county follows their practice of very weak or actual non-enforcement.

There are several illegal grows in this area that the county refuses to look in on after repeated calls. This has already led to incredible environmental degradation without any recourse whatsoever on the part of the grower and significant increased maintenance costs and liability to the County of Santa Cruz. We have witnessed several creek pumps going nonstop with illegal creek water use, illegally dammed creeks that burst during the storms and caused mudslides, non-point erosion due to tree cutting, dumping of fertilizers and pesticides, and the ongoing cumulative effects of this environmental degradation.

5. Pounds of Marijuana. I read in the EIR that up to 26 million pounds of marijuana could be produced under the most permissive project which Planning Dept staff is recommending. This is unbelievably huge. I couldn't find anywhere in the EIR where it talked about how much is now being grown or produced, but I'll bet is it a tiny fraction of that. Maybe 1 % or less. I see that the county set a goal to "Encourage the commercial cultivation and manufacturing of high quality local cannabis products that meet the demand for Santa Cruz cannabis and cannabis products, including the needs of medical patients and their caregivers, as well as adult personal use as authorized under Proposition 64". This is a joke if you are planning on allowing many times (maybe 100 times) more growth than what is needed to meet the local demand. Exporting a product like marijuana in the Santa Cruz mountains, with all of its associated risks and environmental problems, is very different than growing apples, strawberries or roses on controlled agricultural land. I do not believe the EIR accurately states the environmental impact of growing many, many times the volume of marijuana than is currently grown.

The EIR needs to be re-written to reflect all the real environmental costs of cannabis cultivation. The County should also re-evaluate the costs that will burden the County and local residents.

Sincerely,

Tamara Stolzenthaler, MA

13140 Oak Road
Felton, CA 95018
tamistolzen@hotmail.com

October 30, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

SUBJECT: Environmental Impact Report Comments for the Cannabis Cultivation and Manufacturing Program

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Sincerely,

Tamara Stolzenthaler, MA

From: Teresa Nevitt <stib53@gmail.com>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/4/2017 11:46:36 AM
Subject: Cannabis policy

To Whom This Concerns,

We live in the Day Valley area of Aptos, which is a rural residential area. We support keeping the mass cultivation of cannabis to areas in the county once used for greenhouse crops, such as flowers, rather than mingling smaller operations amongst residential areas.

We strongly support Zach Friend's stance on the topic.

Thank you,

Teresa and Andrew Nevitt

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 11:00:34 AM
Subject: FW: No, No, No to cannabis grow.

From: Terry Miller [mailto:terrymiller56@gmail.com]
Sent: Wednesday, October 25, 2017 7:45 PM
To: Cannabis Info <Cannabis.Info@santacruzcounty.us>
Subject: No, No, No to cannabis grow.

These are very short-term minded people. They grow a crop at any cost, use the gypsy trimmers who usually bring dogs which they dump at the end of harvest season, smuggle to the highest bidder, get out to a foreign country to spend the money, then repeat.

They bring in little money relative to the environmental cost, the criminal behavior, and the breaking of every rule of law for a quick profit. In another county in northern California where I lived 5 years, pot growers would pump a neighbor's pond dry in the night, break off the fire hydrants, and pump from any other source that was available, usually with extensive damage to the watershed. Many of the growers were transient felons from other states. The local growers in that county claimed no income, paid no income tax, drove Escalades and Rovers, dropped their children off at school for free lunches and after-school care, then took them to Costa Rica or France for a month in January, shot their neighbors over petty disputes, etc. etc. I worked for the forest service in that county and encountered cartel grows where large tracts of public land were clearcut, eroded, piped, littered, and vacated. All small growers aspire to grow on that scale. In fact that county had a grow restriction of limited canopy per acre that equalled two plants per acre. Every grower, many of them family units, would raise 99 plants minimum on a tiny plot of land totally disregarding the county ordinances, because no local law enforcement would bother them, for whatever reason. The feds flew into the county every fall and hauled off trailers of plants, but unless your grow was larger than 100, no legal action followed. There was nothing to lose and vast riches to be gained. They drove maniacally, always rushing somewhere in their doper diesels, passing on curvy double yellow roadways.

If grows are allowed, growers will search incessantly for the cheapest methods to raise a crop. This means the most dangerous pesticides, the least expensive water, and the most amount of garbage buried on site or dumped in the creeks. And if the crop cannot pass California's new testing, it will be shipped to Texas, or wherever the market is strongest and less discerning.

Take a trip north to Trinity or Humboldt and decide if you like what you see. The toughest regulations have proven ineffective against the money madness that pot crops offer.

From: ["Terry Sardinas" <santacruzcbdgarden@gmail.com>](mailto:Terry Sardinas <santacruzcbdgarden@gmail.com>)
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/28/2017 9:32:25 PM
Subject: Fwd: comments and suggestions to board (EIR)

October 27, 2017

Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Dear Board of Supervisors:

Santa Cruz is leading the way towards implementing Prop 64. and county guidelines. The EIR report suggests that a more permissive approach would benefit our environment. As a resident of Aptos, I urge you to consider the more permissive approach when voting on this matter. The EIR report, while comprehensive and very thorough is not a perfect document.

I recommend to the board:

1. F-1

Change the F-1 (hazard Factory Industrial) and instead adopt the more permissive Type U (utility and Miscellaneous). It is very difficult for many of us to meet those requirements, especially the 120,000 gallon and a 20 foot wide access road as suggested. These requirements are harsh and are not required by other industries. The costs involved with this set up will discourage cultivators from attempting to apply for a license. Each 10,000 gallon tank costs roughly around \$5,000 dollars for a total of about \$60,000 dollars in water tanks alone.

2. Multiple License on Parcels

Currently only one license is allowed per parcel unless it is zoned CA and over 40 acres. I believe that consolidating licenses on the same parcel will allow for less traffic for deliveries of items to farms. It also helps to alleviate traveling on roads from employees having to travel to multiple locations. It will allow for couples to cultivate together and not have to move to different homes and live apart in order to use both licenses.

3. Permitted home on cultivation site

Cannabis cultivation is farming and should be treated as such. A permitted home is not required for any other business or farm. The fees for building a home and the permitting with the county will again discourage people from applying for a license.

4. Distribution

Create a reasonable fee structure allowing for cultivators to distribute their own products to licensed dispensaries. I have contacted many Cannabis distribution companies and the fees are a whopping 20% – 30% for their services. This will create a big burden for smaller family farms.

5. Increased Canopy Size

The more permissive approach will allow for cultivators to have more space for their clones and mother plants which don't flower but provide a necessary part of cultivation. It makes sense to allow cultivators to use the maximum space. It will also benefit the county with more tax revenue.

6. Fees

Could be the single most important factor in moving cultivators towards the unregulated market. By keeping fees at a reasonable rate it will encourage more people to come forward. Legalization has created new fees for almost every facet of cultivation. Lab testing fees are now double what they were and are up to \$140 dollars per pound.

Example fees:

1lb sun grown flower sold at \$1200 per pound (market price)

- Lab fees \$140
- Distribution fee \$240
- 5% County tax \$60

- 15% State tax \$180
- Cultivation costs \$200 - \$350
- Manufacturing costs \$50-\$125 dollars per pound.

This leaves the cultivator with very low profit margins and will deter people from obtaining a license, but will also put families out of business because they simply cannot afford these fees.

The Eir Report acknowledges that unregulated cannabis gardens are the greatest danger to the county's environment and therefore will create a huge black market. The effectiveness of this licensing program should be to maximize participation and to protect its residents and county from black market grows and the crime associated with them.

Sincerely,

Terry

From: "[Theo Blend](mailto:TheoBlend@gmail.com)" <[theoblend@gmail.com](mailto:TheoBlend@gmail.com)>
To: [CannabisEIR](mailto:CannabisEIR@santacruzcounty.us) <CannabisEIR@santacruzcounty.us>
Date: 11/1/2017 2:57:28 AM
Subject: Comment on Cannabis EIR

To Cannabis Licensing Dept. and SC County Board of Supervisors:

Please adopt the Green Trade Santa Cruz recommendations for adding three tiers of Cottage licenses for cannabis cultivation. The recommendations follow on the County's EIR proposed option of the 'Most Permissive Alternative'. It is fair, more inclusive and presents an opportunity for more meaningful regulation and a wider tax base.

Adding three tiers of cottage licenses within a regulatory system subject to standards and conditions builds a higher level of community security, not less.

There is also something wrong in categorically excluding those without access to large holdings of land. It's contrary to the spirit of supporting local artisanal enterprise in Santa Cruz county.

Please amend the licensing to include small cottage gardens.

Thank you.

Sincerely,
Theo Blend

Resident of Santa Cruz County

From: "[Cannabis Info](#)"
To: "[Matt Johnston](mailto:Matt.Johnston@santacruzcounty.us)" <Matt.Johnston@santacruzcounty.us>
Date: 10/26/2017 10:59:28 AM
Subject: FW: My Comments Relating to the Cannabis Ordinances

From: Thomas Moran [mailto:thomasrmoran24@gmail.com]

Sent: Wednesday, October 25, 2017 5:55 PM

To: Cannabis Info <Cannabis.Info@santacruzcounty.us>

Subject: My Comments Relating to the Cannabis Ordinances

I am am pleased that the County is carefully considering the regulation of this activity. My neighbors and I are opposed to any cannabis grow operations being near any residential areas and in support of this goal, the County should require significant restrictions on these grow operations, including:

- The requirement for 120,000 gallons of water storage on the property, given the risk of fire at these operations.
- The requirement for a paved minimum 20-foot wide roadway or driveway to the operation, to facilitate emergency access
- A minimum parcel size for the grow operation, at least 10 acres

Thank you for your consideration of the above.

Tom

--

Thomas R. Moran

thomasrmoran24@gmail.com

Mobile: 831.706.8211

470 Browns Valley Road
Corralitos, CA 95076

From: "[Tim Tonsing](mailto:Tdoggie2017@gmail.com)" <[tdoggie2017@gmail.com](mailto:Tdoggie2017@gmail.com)>
To: [CannabisEIR](mailto:CannabisEIR@santacruzcounty.us) <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 2:25:40 PM
Subject: comments on E.I.R.

Hi, my name is Tim Tonsing and I have lived in the Santa Cruz mountains for 35 years. I am married and have a 9 year old boy, I also live in a neighborhood zoned RA (residential agriculture).

I have had nothing but negative experiences with dope (marijuana) growers in my area, especially in the last 4 years. I have been shot at, harassed and made to feel uncomfortable in my own neighborhood. Dope cultivation has made many areas in the county into "THE WILD WEST"!! The San Lorenzo Valley is a very large rural/urban neighborhood with families and children. The S.L.V. is an unacceptable area for dope production period. It is my understanding that supervisor Zach Friend understands the issues with dope cultivation and manufacturing in neighborhoods, and has banned it from S.U. and R.A. zoning in his district. Allowing dope cultivation in S.L.V. is the same as locating a petrochemical plant in a poor minority neighborhood. The county planning department is purposely victimizing the citizens of the San Lorenzo Valley.

I find this E.I.R. incomplete, speculative, damaging to the environment and full of inaccuracies with non-scientific conclusions.

- 1) Tree cutting - There is no law that forbids a landowner from cutting down almost all trees on their parcel, the E.I.R. does not address this issue. Dope needs a lot of sun, at least 12 hours per day. That's a terribly large amount of logging!
- 2) Zoning - R.A and S.U. are 1-10 acre lots and are mostly in urban corridor of the San Lorenzo Valley. Industrial dope cultivation and manufacturing is unacceptable, it's not the central valley.
- 3) Code Enforcement - The E.I.R. states that the planning department is not liable to enforcement (last page of the E.I.R.). It is common knowledge that the planning department has an abysmal enforcement record; thinking that the planning department will "rise from the ashes" and step up to the plate, is utter fantasy and an insult to the law abiding citizens of county.
- 4) Quantity - the document states that Santa Cruz county will produce 26,000,000 lbs. of dope. Well the census states there are 270,000 people in the county, That equals 96.3 lbs per person (including children). That's a lot of dope for just Santa Cruz county! WOW the planning department has really drank the Kool-Aid on this one.
- 5) Water use - The E.I.R. states that one square foot of canopy of outdoor dope (marijuana) plant uses only 0.03 gallons of water per day. This is utterly a lie and non-scientific. Water use can not be based on this fake data.

I'm not a scientist, but even I can tell this is a unprofessional document. This document falsely misleads the public into thinking it safeguards public health and safety. This document would also be the biggest land use change since county codes began in the 1950's!! This document also would be death warrant for our threatened Steelhead and Coho salmon. Just the errors that I've pointed out should be enough to have county supervisors throw out this incomplete E.I.R.

Tim Tonsing

From: ["Todd Bredehoff" <toddbredehoff@outlook.com>](mailto:toddbredehoff@outlook.com)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR@santacruzcounty.us)
Date: 10/27/2017 12:37:49 AM
Subject: EIR comments

Hello

I am member of a cultivation company seeking a Santa Cruz County license.

I am concerned the EIR proposing that a cultivation business is considered an F-1 Occupancy type of business.

This appears to be a mistake. "F-1 Factory Industrial" is a category that applies to manufacturing and industrial storage. Cultivating cannabis is agricultural in nature, essentially the same as many Santa Cruz County businesses that grow and process other types of flowers. Applying this F1 classification to cannabis cultivation would be an unequal, inaccurate and inappropriate application of the code.

Thank you very much for your consideration of this issue. Please correct the EIR and ensure County legislation does not classify cultivation of cannabis as an F1 Occupancy scenario.

Regards
Todd Bredehoff

Cannabis Comments
c/o Matt Johnston,
Santa Cruz County Planning Department,
701 Ocean St., 4th Floor,
Santa Cruz, CA, 95060



Marijuana cultivation should be strictly regulated exclusively on agricultural land. It is not appropriate for forest and watershed areas

Non-Surreptitious growing of marijuana poses a number of threats to life in the mountains. Fire can spread more easily in the mountains. In the mountains is harder to patrol whether rules regulations and restrictions are being followed. Grow locations should only be sited on agricultural land where they can be easily monitored and not subject mountain wildlife and residential uses to environmental problems and nuisances of noise, fire risk, increased mountain road activity that would likely accompany grow locations in the mountains.

1. There should be strict regulations regarding electric and fire hazards.

2. There should be no toxic chemicals in mountains. Timber areas have been free from such uses. The value found in residential properties in the mountains is partly due to freedom from such usage. There is a large variety of wildlife in the forest that should be protected from toxics (as well as fires).

3. There should not be generators or other noise generating activities. There should be no grow sites without full on-grid electric. Generators are a disturbance to existing and future residential usage. Sound carries exceptionally far in mountains, where people located their residences in significant part because of the minimum of nuisance noise. The only occasional chain sawing which occurs in the mountains should not be augmented with chronic constant generator noise. Property values for residential use would lower if subjected to ongoing chronic noise. Solar should not be allowed as it easily could become just an excuse for overuse of backup generators.

Further, allowing grow sites to have generators would just make it harder to effectively shut down any sites that fall out of compliance with regulations.

4. Grow sites should only be in agricultural areas. Not on special use zoned parcels.

5. Because of the potential for criminal activity at an extremely high valued crop location, as well as fire and environmental considerations, grow sites should not be within 1000' of residential even if residential is in agricultural zone.

6. Any potential grow site should require a public hearing with notice to all properties within 5000'.

7. All grow sites should be subject to regular random inspections.

It seems unlikely that strictly regulating will result in any significant long term difference in price to a degree to make it prohibitive for those who need it.

It would be better to strictly regulate marijuana cultivation at the beginning. Use revenue produced from legal grow operations to enforce regulations against illegal grow operations. It is quite possible that the difference in profit between a legal grow operation and an illegal one will no longer be sufficient to finance the degree of hiding that illegal grows have gone to. There is no need to reward those who have grown illegally by providing them with relaxed restrictions.

Thank you for your careful consideration.

County Board of Supervisors
Commentary on the Cannabis EIR Report 2017

10.02.2017

We recognize the great achievement accomplished in the creation of this Environmental Impact Report. The broad sweeping vision is masterful and we are grateful for this response in addressing pressing issues that have arisen since and prior to legalization. It is not lost on us that the answer to controlling problems associated with unregulated cannabis is to create more inclusive regulations, those that invite participation, rather than limitation.

However, some concerns remain. Today, due to time constraint, I raise the following two:

The EIR conclusion that the “most permissive alternative” presents the least amount of environmental impact is significant. This finding provides the opportunity for the greatest number of current participants in the cottage industry to transition into a regulated market. But meeting these regulations will be costly and without some form of financial grace, prohibitive for entrepreneurs of small businesses.

The negative impacts of the Drug war have forced potential business people to remain underground. Many have suffered the consequences of operating in the shadows of illegality, yet these are the very people who have made up the movement to legalize cannabis and brought this discussion to the table today.

Understanding that significant cost can eliminate many local business people and encourage an environment conducive to wealthier industry players is obvious.

- In what ways will small businesses be encouraged to participate, considering the challenges associated with costs of meeting regulations?
- What policies can be put into place to insulate cottage industry who otherwise haven't the financial means to participate?

Santa Cruz County has witnessed an exodus of agricultural enterprise. While we do not intend to propose that cannabis agriculture replace the entirety of that loss, it is certain that we can learn a few things from this. It is difficult to ignore that cannabis is being viewed in a significantly singular manner, outside of an agricultural context. When we look at the impacts of inorganic farming on the north and south counties, in Bonny Doon and other areas where vineyards flourish, the imbalance is evident, all of which lend to the realization that cannabis industry, pioneered by small business is primed to be a rich man's playground.

Will you please address the reasoning behind the distinction between cannabis farming and any other agricultural endeavor (i.e., fire access, greenhouse construction, water storage, etc.)?

Kindly,

Valerie Leveroni Corral
WAMM, Director
815 Almar Ave. Ste. #2
Santa Cruz, CA 95060



CREATING A COMPASSIONATE MODEL

To begin I would like to thank you for your tireless efforts & for providing us the opportunity to bring forth concerns and congratulations on a most impressive document.

While the Environmental Impact Report (EIR) proves to be a profound resource, providing a thorough analysis of the production of cannabis and potential impacts on the environment, there is an insensitive omission in the language of the EIR. It is perhaps the single most important factor, all reference to the patients, the people that legalization of cannabis was intended to serve has been omitted. By not including language that pertains to patients we are eliminating all reference to an essential impact on the environment of health.

The EIR addressed the sensory impact on neighbors, both visual and olfactory; it addressed the proximity of cannabis and cannabis products to the general public, children, and animals, but what of the welfare of patients and their safe and affordable access to this phytotherapy? Because language has not been developed to address patient access, by its omission it neglects service to the patients. By the end of 2017 in California alone 246,000 people will become medically bankrupt. How many of those are potential cannabis patients? How many will be underserved should we neglect to provide safeguards? How can our community do what others have neglected to do by avoiding unintended consequences on the very people that cannabis legalization was built to serve?

I present the following questions and supply some recommendations for resolution in the paragraphs that follow:

Environmental Impact on Patients

While regulations define the parameters of cultivation, production, and sales it eliminates any reference to how patients with little or no income will acquire products?

How can we ensure that the people with little or no income will be served?

Who will serve patients with little or no income?

How will this service be provided?

What measures can be taken to assure the viability and sustainability of a program designed for the indigent?

Suggestions for Resolving Unintended Consequences

Mandate a WAMM-like model.

Mandate a percentage of tax directed to a dispensary for the sole purpose of providing services to those with little or no income.

Compassion Model

"access/production for those who need cannabis medicinally." County code 7.128

Monitor the sources from dispensaries for provision for the Compassionate products

- 1) Further define: tax incentive/break/credit goes to the actual supplier of product
- 2) Percentage of gross provisions, reflect percentage of products provided, monitor



quality of products rendered, specifically so that patients do not receive lesser quality products or those that are only donated by vendors

Choosing the Model

- 1) Percentage of **tax revenues** provided for one or more identified collectives to supply the underserved members of the patient community
- 2) Inspire participation through **tax reward** program
- 3) **Tax forgiveness** incentive
- 4) **Donation model** some dispensaries require of their vendors to donate products to for their internal compassion program. This required donation limits access by the patient to products that may better serve her/his medical needs to being the recipient
whatever is given to be able to sell in the dispensary.

Choosing a Working Solution Model & Determining Compassionate Access Eligibility

Refer to the "*Treatment Model*"

- ❑ Survey needs in scientific assessment
- ❑ Document needs based on:
 - 1) Health: physical, emotional, social
 - 2) Financial need
- ❑ Recommendations for obtaining resources
- ❑ Determine the provision of resources

Housing

Many patients are housebound or not ambulatory. Being confined to bed or living with limited mobility is a challenge lost on those without personal experience. But the nature of our lives is that of such fragility. The human condition with its frailties will touch all of us. By ensuring that we How can we ensure that low-income patients who reside in subsidized housing are able to use cannabis in their homes?

We can create an assurance that provides for the use of cannabis in private residences where patients reside. Through defining patients as an elemental part of the environment, the impact that the regulations we instill have the potential to reduce suffering.

Submitted by:

Valerie Leveroni Corral
Director, WAMM
815 Almar Avenue, Ste. #2
Santa Cruz, CA 95060
831.425.0580 (off)
831.425.0582 (fax)



Although a wonderful resource and thorough document, the draft Environmental Impact Report may be too limited in at least one key way.

When examining the effects of policy on the complex interactions of living systems and geography that constitute our environment we need to pay special consideration to human beings who are a part of it.

By not examining the effects on excluding many of the smallest and most vulnerable of cannabis cultivators we have not taken into consideration the full human impact of our policy.

The EIR fails to look at licensing small gardens on parcels less than 2.5 acres in most rural areas, and any gardens in residential zoning

Many of the smallest cultivators did not register and are not represented in the EIR estimates

"It is estimated that the 567 registrants who currently cultivate 36 acres of canopy employ 1,500 FTE cultivation employees, which includes onsite trimmers and processing/manufacturing workers." -3.12-4

The current amount of people making their living in the local cannabis industry is probably much greater. The number generating supplemental income adds many more.

"This EIR, therefore, assumes a future growth of 6,516 FTE employees at cannabis cultivation sites, with another 600 manufacturing workers located outside of cultivation sites, for a total industry growth of 7,116 FTE jobs." -3.12-4

These are new jobs. Replacing the previously unregulated livelihoods and supplemental income.

"Assuming a 40-hour work week, over 52 weeks, \$20 per hour is equivalent to \$42,640 gross income per year. If the cannabis cultivator/worker were the only wage earner in a local family" 3.12-11

This is not enough to raise a family.

"that would qualify the household as "very low income" under the criteria established by the California Department of Housing and Community Development" 3.12-11

or find housing.

Are we trading small businesses and community members for jobs that don't pay not enough for workers to put down roots?

And what about the patients who's providers will not be considered for licensing?

The county has considered a low/no income cannabis access program to lessen the human impact of these changes in policy.

Percentage of taxes revenues provided for one or more identified organizations specially suited to supply the underserved members of the patient community

Provide tax rewards program for local businesses that donate product to the underserved patient community.

How would these programs mitigate the loss of patient access to cannabis?

Cannabis Licensing Dept. 9-4-17

I propose you make every effort to grant discretionary licenses to all cultivation registrants who meet basic safety standards. Dan Peterson told me he intended to help as many people as possible get licensed. I think that is smart!

If the County must decide if they want to spend enormous resources on Cannabis Code Enforcement, or spend resources on giving people variances, grace periods, and discretionary permits. Those registrants who are denied licenses will feel disenfranchised and may likely decide to grow clandestinely.

So long as there is a:

legal and reasonable water supply,

Fire safety plan

Sufficient water storage

Erosion and drainage plan

10 acre parcels or bigger

Sewage disposal facilities

Fees paid for bldg permit or down payment on fees? \$10,000?

And if the Czar feels there is no significant reason to deny the license, then a license should issue...

Failure to do so could cause extensive expensive and wasteful litigation by disgruntled registrants as well.

Thanks you,

Vincent Pastore, District 2

Watsonville

A handwritten signature in blue ink, appearing to read "V.P." followed by a stylized "K".

<vincentpastore@gmail.com>

9-2-17

OCT - 5 2017

BOS and Cannabis Licensing Dept

What are the biggest two mistakes the County Cannabis Licensing Department. (CLD) are making?

The CLD is funneling commercial cannabis growers into CA zoned parcels. Commercial Agriculture zoned parcels are toxic wastelands! Nearly 99% of these parcels have had a plethora of herbicide, pesticide and random other toxic brews applied in abundance for the last 65 years.

If, by luck and by chance, nobody ever sprayed a particular parcel, you can be sure all the neighbors have sprayed their farmlands. If it is true that 80-90% of pesticides drift, then it has contaminated the entire valley, and continues to do so.

The commercial ag industry depends heavily on pesticides and herbicides to grow food for the world and fat profits for stockholders.

I found a random, but sobering study on Watsonville from 2007. It was written by Anna Garrido Espeja, Professor John Borrego, and r Steve Gliessma from UCSC.

In 2007, Santa Cruz County used a total of 1,640,601.0727 pounds of active ingredients in a total of several dozen pesticides in about 56,175 applications. One and a half million pounds per year. So perhaps there has been added an additional 15 million pounds in the last ten years?

I advise the County and the Board to read the study for some edification:

<http://spatial.cisr.ucsc.edu/envs/thesis/Garrido-EspejaA.pdf>

I advise growers to reconsider growing medicine in contaminated zones with no control on what your neighbors might be spraying in their berry fields three days before harvest. IF the State has its way and there is zero tolerance for pesticide/herbicide residues, which I am thrilled about, Watsonville/Santa Cruz region may become tainted if it is known for producing tainted medicine.

"Harborside Health Clinic has a 7 acre cannabis farm in Salinas. They spent \$20 million setting up state of the art greenhouses. One of their entire first crops had to be burned as it was contaminated by pesticide drift from a neighbor broccoli grower. They had to spend another million installing special air filtration systems to keep the drift out of the houses.

<http://www.greenstate.com/news/a12237854/californias-polluted-farms-prove-unfit-for-legal-weed?>

How will small farmers afford to keep their plants free of pesticides and herbicides if "Harborside", who has unlimited funds, lost an entire crop, due to contamination, from pesticide drift?

I am glad I read Anna's paper before I purchased property there!

I propose that the Board and CLD encourage clean cannabis be grown in mountain regions. It grows better in drier, warmer and sunnier regions anyway. Less humidity is less mold, mildew and mites.

The mountain regions will grow the cleanest cannabis. I propose these areas be allowed to grow 10% of their land for the following three reasons.

There will be only a few years left of high cannabis prices before low prices destroy the once lucrative market, and it is no longer profitable for small growers. (under an acre) The competition is fierce now, and will get even more so, putting most growers out of business in the next year or two.

The Counties with the most generous rules will be way ahead of the strict Counties. Only profitable businesses can afford to be in compliance and pay taxes.

The quantity of scale favors larger growers. If Santa Cruz County growers go belly up because San Luis Obispo County allows larger and more efficient farms, nobody wins.

I believe there is a consensus that Cannabis grown at elevation is superior to valley grown cannabis. We need to capitalize on our mountain regions.

Finally, security is way better in the hills, among the trees and topography to hide fields. Every grower with a \$200,000 crop, days from harvest, reeking to high heaven, surrounded by berry fields, in Watsonville ... will be slightly nervous on moonless nights doing security detail.

Because the mountain sites are so good, and most have no residences, I propose you allow licenses anyway under the following conditions.

1..... Legal water source

2.....Legal septic

3.....10,000 gallons water and fire suppression plan (hydrants and hoses) faster than the fire dept!

4.....A building permit or fees paid for one

5.....ten acre parcel or more RA, SU or TPZ

6..... Approval by Cannabis Licensing Dept.

Thank you for your consideration,

And thank you all for your amazing efforts in these challenging times of great change!

<vincentpastore@gmail.com>

9-2-17

Sincerely,

Vincent Pastore,

District 2, Watsonville 831-254-7225

A handwritten signature in blue ink, appearing to read "V.P." followed by a stylized surname.

SFGATE

<https://ww2.kqed.org/news/2017/08/01/driscolls-tied-to-central-coast-chemical-incident-that-sickened-farmworkers/>

Dole, Driscoll's tied to Watsonville chemical incident that sickened farmworkers

OCT - 5 2017

Ted Goldberg, KQED Updated 3:43 pm, Tuesday, August 1, 2017



IMAGE 1 OF 3

Driscoll's brand strawberries are displayed for sale on the opening day of the 365 by Whole Foods Market store in the Silver Lake neighborhood of Los Angeles, California, U.S., on Wednesday, May 25, 2016.

Two firms affiliated with the Dole Food Co. and another tied to Driscoll's, a major berry distributor, are under investigation in connection with a release of insecticides, fungicides and other chemicals believed to have sickened raspberry workers in Watsonville in late June.

A Santa Cruz County official released the names after a California Public Records Act request by KQED following several refusals by the county's agricultural commissioner to identify the firms tied to the June 29 incident near Highway 152,



which caused some of the workers to vomit.

The agricultural commissioner is investigating **Coastal Berry** North, Garrett Farms, FMG Farm Contracting and Los Amigos Harvesting, according to **Jason Hoppin**, a Santa Cruz County spokesman, who stressed that the companies' inclusion in the investigation does not imply guilt.

Coastal Berry was bought by Dole in 2004 and operates under the name **Dole Berry Co.**, according to Dole spokesman **William Goldfield**. Dole Berry uses FMG as a farm labor contractor, said Goldfield.

Garrett Farms does work for Driscoll's.

VIDEO: EPA chief Pruitt faces criticism over refusal to ban controversial pesticide



Word that major produce firms were tied to a local investigation into potential pesticide illnesses prompted a

strong response from farmworker advocates.

"It's really concerning and it's really disappointing that large-scale growers put the health of farmworkers and even the communities surrounding agricultural fields at risk in order to grow the large amount of berries that they grow," said **Lucia Calderon**, an organizer for **Safe Ag Safe Schools**, a coalition of groups that aims to reduce the use of dangerous pesticides in the Monterey Bay area.

The owner of Garrett Farms, the firm that works for Driscoll's, was not happy his

company's name was identified in connection with farmworker illnesses.

"We're disappointed in the decision to name Garrett Farms as part of this ongoing investigation, as formal conclusions have not been reached," **Steve Garrett** said in an email.

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The company is cooperating with the investigation into the incident that took place in a field near his farm, Garrett said.

"We greatly respect all agricultural workers, and value their contribution to the Watsonville community. Our thoughts are with those workers involved in the incident, and we hope for their quick recovery," Garrett said. He added that the farm is family-owned and a long-standing member of the area's agricultural community

that strives to make safety a "number one priority."

Driscoll's issued a similar statement.

"Our thoughts are with those farmworkers who became ill, and we hope for a quick recovery," the company said in an email.

"We do know that the incident occurred in a field near one of our independent growers. We have been in contact with the involved operations to understand the circumstances behind the incident and to provide any needed support," the statement reads. "Driscoll's is committed to working with independent growers who not only adhere to all applicable local laws but also strive to make safety a number one priority."

Goldfield, the Dole spokesman, said in an email Tuesday the six workers taken to the hospital all worked for FMG.

While the FMG workers were picking raspberries, Goldfield said, an employee from another company working on a neighboring block began to spray a pesticide mixture.

The Watsonville incident was one of two apparent chemical-drift cases in Santa Cruz and Monterey counties in June that sent a total of 24 agricultural employees to the hospital, alarming labor experts and advocates for farmworkers.

Monterey County's agricultural commissioner is investigating a release that may be responsible for sending 18 celery workers to the **Salinas Valley Memorial Healthcare System**'s emergency room after some of them became ill on June 22.

The county identified Tanimura & Antle as the company it's investigating in connection with that incident.

Santa Cruz County agricultural commissioner **Juan Hidalgo** refused to release the names in the Watsonville case several times.

Hidalgo initially said that the growers his agency would interview might not feel comfortable talking to investigators if they were publicly identified.

On July 5 Hidalgo said he would release the names after those interviews.

"We hope to conclude interviews late next week at which point I would be able to release the name of the operation under investigation," Hidalgo wrote in an email that day.

However, when asked to identify the growers close to two weeks later, he refused again. "The names of the companies involved as well as conclusions reached in this case will be available once the investigation is complete," he wrote on July 17.

When KQED reminded him of his email, suggesting he would release the names

after interviews, **Hildago** again refused. "I feel it is essential to maintain the integrity of the investigation," he wrote July 18.

That lack of disclosure has bothered farmworker advocates.

"We believe that it's the public's right to know what growers are hurting our farmworkers and our communities," said Calderon from Safe Ag Safe Schools. "We are really concerned that it took so much effort just to get that simple information out. By not releasing the information of the growers, they were protecting identity of ... Driscoll's."

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2017

California's farmland too dirty for legal cannabis

SEPTEMBER 16, 2017 JACKIE FLYNN

SHARE

California's recreational pot market begins commercial licensing this January, and industry leaders have long-expected weed farms to go from clandestine to conventional.

That means abandoning the steep hills, poor soil and lack of water in the remote mountains of Humboldt and Mendocino Counties and instead farm traditional agricultural lands in the

Central Valley. There, the ground is flat, the soil is rich, and water and labor supplies — as well as connections to city markets — are abundant.

However, rampant pesticide use across California's farmlands, combined with the state's de facto organic standards for legal cannabis could mean the best place for pot farmers is the wildlands where they started.

"We won't be able to grow cannabis next to traditional, full-scale agriculture. It just won't be practical," said Hezekiah Allen, the Executive Director of the California Growers Association. "I live in Yolo County. I see the crop dusters. It's not going to work."

"This is going to lead to huge conflicts," said Chris Van Hook, director of Clean Green Certified, a sustainable cannabis certification program that operates in place of the United States Department of Agriculture's organic program. "We have had farmers who have had their entire year's crop rejected because they were next to a blueberry field."

It was likely broccoli in the case of Steve DeAngelo, 59, executive director of Harborside Farms. DeAngelo was one of the first large-scale pot farmers to set up in one of California's most productive farmlands — the Salinas Valley.

In 2016, he set up 200,000 square-feet of cannabis greenhouses and grew weed following organic standards, but the farm's first harvest failed testing due to pesticides -- chemicals he said he never applied. He suspected contamination by pesticides blown over from crop-dusters on a neighboring broccoli farm.



JIM LYTHE

This pesticide drift is rampant in modern agriculture. According to a 2016 review in the journal *Comprehensive Analytical Chemistry*, up to 30 percent of pesticides sprayed on crops don't end up where they're supposed to.

"If you looked at a map of agriculture in the Central Valley, just the sheer concentration of industrial farming -- you'd see the problem immediately," said Dominic Corva, founder and social science research director at the Center for the Study of Cannabis and Social Policy, a Seattle-based nonprofit cannabis research organization.

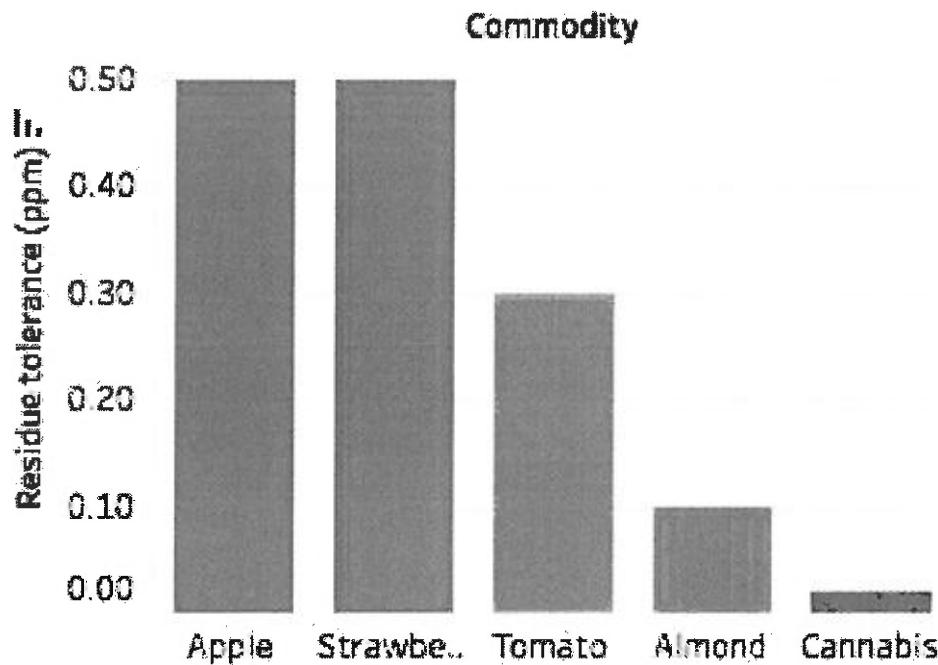
Farmers in California's Central Valley region, the state's largest agricultural hot spot, applied to crops over 150 million total pounds of pesticides in 2015 (the most recent year pesticide data is available). That's an average of 3,500 pounds per square mile comprising over 75 percent of all pesticides applied across the state, according to data from the California Department of Pesticide Regulation.

[[Click here to look at an interactive map of where pesticides are applied in California](#)]

Meanwhile, state pot regulators plan to set contamination fail levels in the ranges of a few parts per million. That's because scientists generally don't know the risks of inhaling burned

pesticides, so the state has proposed some of the country's tightest limits on over 60 popular cannabis pesticides.

Myclobutanil tolerances, selected commodities



U.S. Government Publishing Office, Bureau of Marijuana Control | San Francisco Chronicle

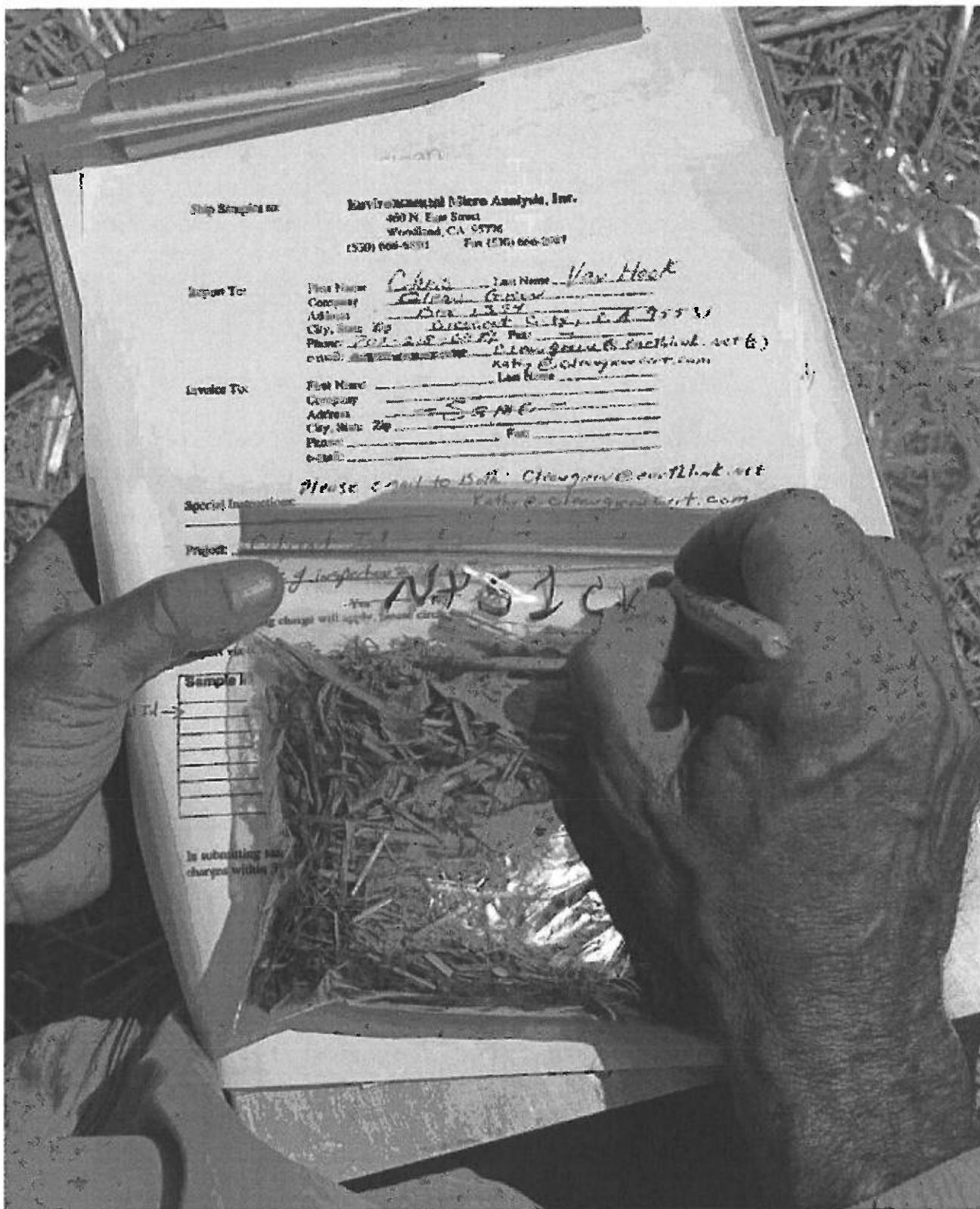
"Unlike agricultural crops, when it comes to cannabis goods, scientists have rather limited knowledge of how much an average person may ingest or inhale or use a cannabis product on a daily basis," said Charlotte Fadipe, assistant director of California's Department of Pesticide Regulation, in an email.

One pesticide threatens cannabis growers more often than any other. Farmers apply myclobutanil — often called Eagle 20 — to a variety of crops to prevent powdery mildew. Myclobutanil isn't deemed harmful if eaten, but smoke myclobutanil and it turns into cyanide gas, which could be dangerous. Thus, regulators have proposed limiting myclobutanil on cannabis to levels that are as little as one five-hundredth of what's allowed on other crops.

Pesticides drifting over from a conventional farm to a cannabis farm are only part of the problem. Exactly when farmers spray pesticides, as well as residual pesticides in soil and water are also major problems for pot growers eyeing regular farmland.

In the Central Valley, farmers spray pesticides on almonds and stone fruit just before the fall pot harvest, which is the “exact worst time for cannabis,” Allen said.

“This is a delicate flower,” said Swami Chaitanya, of Mendocino County’s Swami Select Cannabis. “If you’re going to spray Eagle 20 on this, you’re never going to get it off.”



Michael Macor

Chris Van Hook, director of the Clean Green Certified program collects samples for testing and records information during a visit to the Ganja Ma Gardens Cannabis farm operated by Nikki and Swami Chaitanya in Mendocino County, Ca., as seen on Tues. September 5, 2017.

And pesticides don't break down easily in the environment. Some can persist in soils for up

to 20 years, according to Reggie Gaudino, vice president for scientific operations and director of intellectual property at Steep Hill Labs, a cannabis testing facility based in Berkeley, Calif.

"The dirtier or more agriculturally inclined a place is, the more pesticides will get into the water," he said. These hidden pesticides can be taken up by cannabis, a plant that is naturally good at pulling chemicals out of the environment.

At Harborside Farm, DeAngelo did two major things to prevent contamination. First, the farm began growing weed from seed, rather than risk buying cuttings, which are often dipped in pesticides. Second, Harborside installed massive ventilation systems to push filtered air through its greenhouses and keep pesticides from drifting in -- much like how a wind tunnel keeps an indoor skydiver from hitting the ground.

It worked. After six months of transition time, Harborside Farms grew contaminant-free cannabis.

"It is not impossible for conventional agriculture and organic cannabis to co-exist," said DeAngelo. "We're doing it now. I just harvested 2,000 pounds of clean cannabis."

But DeAngelo said his farm has resources smaller farms don't, including full-time lawyers to talk to neighbors and county regulators.



Gabrielle Lurie

A worker harvests cannabis plants at Harborside Farms in Salinas, Calif., on Thursday, July 20, 2017.

Even with tight pesticide rules, there should be enough clean cannabis for all of California's consumers — eventually. Californians use about 2.5 million pounds of cannabis annually, while the state produces an 11-million pound surplus for export.

"We have no problem producing clean cannabis in California. We just need to make sure it's that cannabis that gets on the shelves," Allen said. "At the end of the day, these are the best practices."

Van Hook said cannabis' current problems should yield new solutions for other crops.

"There will be agitation and conflict, but we're moving toward cleaner practices," he said. "Hopefully five to 10 years from now, it will lead to safer pesticides and safer application."

Jackie Flynn is the Stanford Rebele Intern for the San Francisco Chronicle's cannabis media startup, GreenState.

OCT - 5 2017
BOARD OF TRUSTEES
COMMITTEE

Impacts of pesticides on farmworkers and the community of Watsonville

**Anna Garrido Espeja
Spring 2007**

Final Thesis

Professor John Borrego

Co-advisor Steve Gliessman

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ABSTRACT

The city of Watsonville, surrounded by agricultural fields, is the main urban area of the Pájaro Valley. Many different fruits and vegetables can be grown in these rich alluvial soils, but because of its high value, strawberries have become the main crop of the Valley. Strawberry

production is both labor intensive and pesticides intensive. The combination of these two things is what makes this place potentially more problematic than other agricultural areas.

Pesticides are extremely toxic to human health and California governance theoretically pretend to protect farmworkers from this dangerous pesticides exposure. Nevertheless, when asking social workers and local farmworkers, the situation is considerably different. Farmworkers are unaware of their risk while working in the fields and they are not always properly trained to handle pesticides. Since 90% of the pesticides are drifted away from their intended target, exposure to farmworkers laboring in the nearby fields as well as families and schools is an important issue to study.

No reliable data exists on the total pesticide-related poisonings occurring every year in California or in the Pájaro Valley. For this reason, the pesticides problem is not a current issue in the state regulatory agenda and no action is done in order to change the present conditions.

The current situation for most of the Watsonville Latino immigrant farmworkers includes low wages, and hard working conditions with no health insurance or benefits provided. A great number of farmworkers have an illegal status in this country, which holds them back from demanding their rights. The effects of pesticides exposure become worse due to the labor and life conditions mentioned above.

To protect the health of farmworkers and the general public, state and federal agencies must phase out these pesticides and dramatically boost their support for growers to transition to sustainable agriculture.

METHODOLOGY

The main objective of this study, based on a research and a field work, is to know if the use of pesticides in agricultural fields of the Pajaro valley has any type of health effects on farmworkers and the people who live in the Valley.

In order to know that, it was necessary to find out the crops that are currently grown in the Pajaro Valley, the pesticides used in each crop and the toxicity and health effects of each pesticide in humans. It was also necessary to know the history and the characteristics of the Pajaro Valley, the labor and health conditions of Watsonville farmworkers, and finally, to know their experience with pesticides.

The main background information and base for this project has been another study done in winter 2007 called *Agriculture in the Pájaro Valley*. This paper was done in a collaborative effort of four students (Jake Salcone, Allie Iacocca, Annd Garrido-Espeja and Yvea Eaton) under the LALS 126A+B class offered in the University of California Santa Cruz (UCSC) with the professor John Borrego.

The field work has been based on interviews to different people related to agriculture and farmworkers in the Pajaro Valley. These are the people interviewed:

- Ken Corbishley; Santa Cruz County Agricultural Commissioner
- Mark Bolda; Farm Advisor for Strawberries and Caneberries in Santa Cruz, Monterrey and Benito Counties.

- Sergio Guzmán; regional director of United Farm Workers
- Saúl Ramos; sub-director of La Manzana Community Resources.
- Guillermo Torres; social worker in Salud para la gente, medical clinic in Watsonville.
He also helped to lead the "Watsonville's Pesticide Crisis" study that was done in 1998. He is a UCSC professor and agricultural expert.

During the field work, a lot of obstacles and impediments made the work more difficult to be accomplished. For example, some of the people I called to interview did not seem very interested in helping me. It was a challenge trying to obtain their willingness to set up an interview. Some of them never accepted; other people were able to find a spot in their busy schedule to meet with me.

After calling and talking to a lot of people, someone gave me the opportunity to join in a popular Health Fair that the clinic Salud para la gente was organizing for the community. For five hours, I was able to interview around eighty farmworkers. I could only ask a few questions because they did not have time to sit and have a talk. Since they do not like to talk about their own lives with an unknown person, it was so challenging to get their trust in order to have reliable answers.

One problem related with the way of conducting the interviews was to ask about the pesticide-related symptoms. A deviation might happen when the question refers directly to a specific symptom, as the interviewees may be inclined to answer positively to the question. I always started with a more general question such as "how do you feel?" and then I went to more specific questions. This "problem" is also discussed above, as other cultural issues are related to that.

Another problem of doing this study in this season of the year is that during the spring a lot of people suffer from allergies, and they can be easily confused with some of the poisoning symptoms. Trying to minimize this deviation I always asked for how long they had the symptoms, taking under consideration just the longer symptomatic cases.

INTRODUCTION

Watsonville, known as the world capital of strawberries, faces a big issue about pesticides and farmworkers. The present study tries to analyze the impact of pesticides used in the Pajaro Valley on the farmworkers and the community of Watsonville.

This land is incredibly rich and the climate is nearly perfect to grow practically everything. Historically, apples and other row crops were dominant in the area. In the last thirty years, the market forces have moved growers into a more intensive and profitable crop; strawberries. Nowadays, with a high technological investment, the agricultural business has been able to increase the production per acre to a number higher than ever and growers can keep having enormous profits. However, this high technology includes the use of massive amounts of pesticides, not only terribly toxic to the environment but also to humans.

Strawberries need a big crowd of people in the fields harvesting this precious fruit on time. Big quantities of chemicals applied in the fields combined with a lot of people working around turns to be a serious risk with unknown consequences.

Watsonville's population exceeds 46,000, and 75% are Latino immigrants, mostly from Mexico. Social and environmental justice becomes an issue when these poor Latino people are the ones that work in the fields, bending their bodies for long hours, receiving the lowest wages of this country and being exposed to arduous poisoning pesticides without even a health insurance provided. As most of these immigrants have no legal status, it is easier for companies to violate their rights.

"You can find in strawberries the most modern technology. The absolute application of the highest form of science and service to commodities along side the most primitive conditions of reproductive labor, life, and quality of life of people who work in the industry. It is the most dismal human nature associated with it. Part and parcel. Combined and uneven." (Sean Swezy)

What is the current situation of the Pajaro Valley in the agricultural production? Which pesticides are used, in which crops, and in which quantities? Are the farmworkers and residents of Watsonville being exposed to these chemicals? Are these pesticides affecting their health? What are the current regulations that protect them? Are they restrictive enough? Is the law accomplished in the fields of this valley? What are the labor conditions of farmworkers? How far human rights can be violated? These are the main questions that we try to respond in this paper, which is divided in three main pieces: the location, the pesticides and the farmworkers.

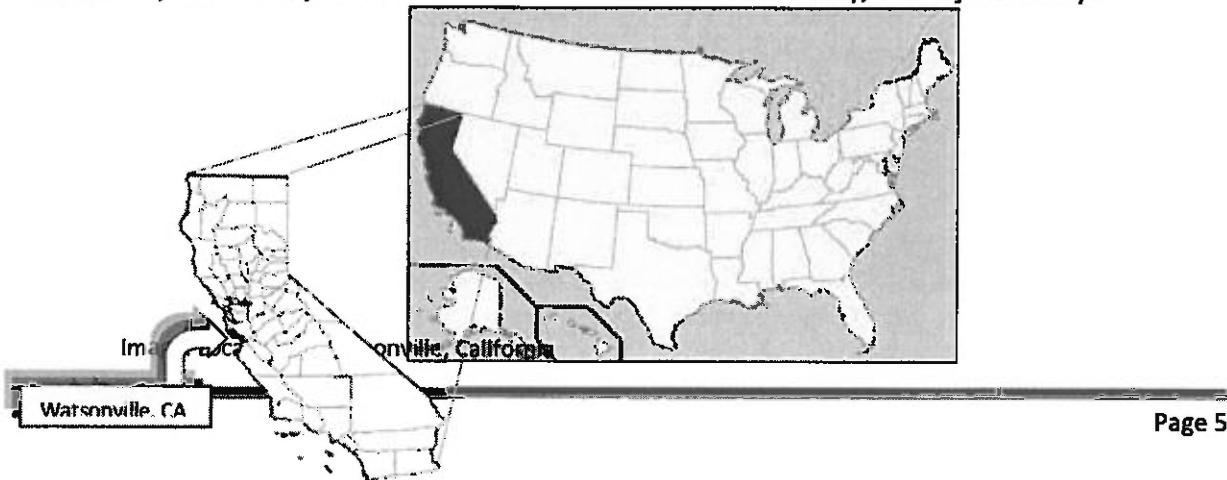
LOCATION

The characteristics of the area of Pajaro Valley are crucial to really understand why the problem with pesticides and farmworkers is worse here than in other places.

In this first part, we are going to introduce the city of Watsonville and its social situation. Then we will see the agriculture in the Pajaro Valley, analyzing the history of the growing crops, the technical innovations introduced and the importance of strawberries for Watsonville economy.

The city of Watsonville

Watsonville is situated in the Central Coast of California, USA. Most of the city belongs to Santa Cruz County, though a little part of the city is part of the Monterrey County. It is situated by the coast, just in the middle of a rich-soil alluvial Valley, the Pajaro Valley.



Source: http://en.wikipedia.org/wiki/Santa_Cruz_County%2C_California



Image: Topographic map of the Pajaro Valley

Source: www.pvwma.dst.ca.us/

Watsonville's history spans many thousands of years, having first been inhabited by the Costanoans, a hunter and gatherer Indian tribe. Explorers with the first Portola expedition in 1769 reported seeing a large straw-stuffed bird at one river's mouth and decided to name the river after the Indian symbol: *Rio Del Pajaro*, or River of the Bird. Watsonville derived its name from Judge John Watson, who came to the valley in 1851¹.

With a current population of 46,468 (census April 2003), Watsonville has faced an important growth since the 1980's, when the city only had 23,000 people. The young population has also increased, mostly because of the high Mexican migration. In 1990, 60% of the population was Hispanic or Latino origin. Today, the proportion rises up to 75% of the total population.²

The median household income in 2000 was \$37,600. It is about 70% of the Santa Cruz County median of \$54,000. This reflects the considerable number of residents holding lower-skilled, lower-paying jobs, and who also experience higher rates of unemployment in the City. Unemployment rate (in 2004) was 17.0 %, double the countywide rate of 8.3 %.³

This unique city faces important challenges. Watsonville has to deal with more economic and social problems than most of the other cities of California, which makes its population less concerned or interested in environmental issues. As the environment is not the main issue, there has never been a preventive work, but more a restoration work when the disaster or the problem has already occurred.

¹ History of Watsonville, City of Watsonville (<http://www.ci.watsonville.ca.us>)

² Watsonville Vista 2003, General Plan (p.1-16)

³ Watsonville Vista 2003, General Plan (p.1-19)

Agriculture in Pajaro Valley

The Pajaro Valley is one of the most productive agricultural lands in the world. Facing the ocean, the area has a temperate weather with mild winters and foggy summers. The soil is alluvial, rich in nutrients and very well drained. All these unique conditions make the Valley nearly perfect for growing more than 60 crops, including strawberries, apples, fresh flowers, lettuce, bushberries, brussels sprouts, cauliflower, broccoli and artichokes.⁴

With a growing season of 245 days, innovative techniques and tools have put Pajaro Valley at the highest level of standards for crop production in the world⁵. The fruits, vegetables and flowers farmed in this land are the driving force of Watsonville's economy. In 2004, 18% of all jobs in Watsonville were directly related to agriculture.⁶

For nearly all of California's history, and the Pájaro Valley is no exception, the agriculture has been commodity-centred. What this means is, instead of smaller-scaled, family farm focused agriculture, the agriculture has been business-focused.



Photo: Aerial view of the southern section of Watsonville and the Pajaro River.

Source: http://en.wikipedia.org/wiki/Watsonville,_California

Since the Spanish conquest land ownership in California has been concentrated into large ranches or 'haciendas', influencing large scale units of commodity production. The first non-native immigrants to the fertile flood plains of the Pájaro River grew grains and raised animals, but the first commodity crop to take hold in the region was apples. While many crops could be grown in the temperate coastal climate, easily transportable apples proved to be a fruitful commodity for many years. Lettuce, spinach, Brussels sprouts, artichokes, broccoli and

⁴ Agriculture in Watsonville, City of Watsonville (<http://www.ci.watsonville.ca.us/information/Agriculture.html>)

⁵ Agriculture in Watsonville, City of Watsonville (<http://www.ci.watsonville.ca.us/information/Agriculture.html>)

⁶ Watsonville Vista 2003, General Plan (p.2-7)

other cool weather greens grew quite well in the area, but only became a dominant commodity after the introduction of the refrigerated train car and truck. The production of these annual crops took more human hands, and production took place during a longer part of the year. Yet their particular adaptation to this climate made them more uniquely profitable, and so most of the apple orchards were torn down⁷.

The presence of secondary production - canning, freezing, juicing - also influenced the crop composition in this area. Martinelli's apple cider company remains and has kept a nominal number of acres under apple production to this day. The row crops mentioned above ended up in local food packaging plants, but were phased out as these plants closed one by one through the '80s and '90s. Strawberries, a delicate, high-value fruit took the place of many row crops and now dominate the agricultural landscape in this area⁸.

Watsonville is such a particular community not only because of its unique weather and rich land that makes it so appropriate for agriculture. This city is also special because it is incredibly sensitive to what is happening globally. National politics and global economics highly affect the agriculture situation in Watsonville, and the history of its community cannot be properly understood without knowing all these global economic affairs⁹.

Markets determine what it is going to be produced, how, where and in which quantities. And capital always moves from one place to another, being placed where the best conditions of production are. In the case of agriculture, the production is placed where there is cheap and exploitable labor, cheap land and cheap resources in general (including all the inputs needed for production)¹⁰.

The consecutive shifts of crops during the history of the Pájaro Valley have been a consequence of the changes in capital. The price of apples, which was the first main crop of the 20th century, remained stable over the years, while the cost of land kept rising year after year. Foreign and national competition put more pressure on apple growers, and they started shifting their acres to produce the higher-value crops mentioned above. At the same time, the market of strawberries, which had been a small local crop before, expanded with the emergence of a national and international distribution system. And thus, agriculture still maintains its dominant presence in the Valley despite the fact that costs of production in coastal California have risen above most other places in the world¹¹.

The continuing of agriculture in this area depends on the profits growers make. As an important part of the population of Watsonville work in an agricultural related job, the economy of the city directly depends on the capital per acre made. In order to increase the profits per acre of production, huge investment and changes in technology have been made, moving agriculture into more capitally-intensive monocultures¹².

⁷ Salcone, J. et al; *Agriculture in the Pájaro Valley*, 2007 (LALS 126A+B) (p.5)

⁸ Salcone, J. et al; *Agriculture in the Pájaro Valley*, 2007 (LALS 126A+B) (p.5)

⁹ Personal Communication from Saúl Ramos.

¹⁰ John Borrego Lectures in LALS 126A+B class.

¹¹ Salcone, J. et al; *Agriculture in the Pájaro Valley*, 2007 (LALS 126A+B) (p.8)

¹² Swezy, S.; *Ecological crisis of south county*, 1998

Strawberry fields have been increasing year after year, taking the place of other less profitable growing crops, to the point that now the Pajaro Valley is commonly called the world's capital of strawberries. A big percentage of farm workers of Watsonville work in the strawberry fields, more than in any other crop. The reason is because strawberries are a labor-intensive crop. They require large number of workers for hand-cultivating and harvesting, basically the poor migrant and seasonal farmworker. Strawberries also need large quantities of water per acre cultivated¹³ and they use enormous quantities of pesticides in order to increase the production per acre¹⁴.

In this case study, strawberries have to be considered in a very important way, because an enormous quantity of pesticides is combined with a big crowd of people and mixed together in the same place, creating a very dangerous situation with still unknown consequences for human health.

PESTICIDES

In this part, we are going to understand what pesticides are and how they can affect people. We will also see which pesticides are used in the Pájaro Valley and the main crops that use them. Finally, we will take a look to the history of pesticides use and regulation, the reasons for using pesticides and the problems related to that massive use.

Pesticide's definition

To know how the pesticides are affecting people's health, we first need to know the meaning of pesticide. The California Department of Pesticide Regulation (CDPR) defines pesticide as "Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Pests are defined as insects, fungi, rodents, nematodes, algae, weeds, viruses or bacteria-- almost any living organisms that cause damage or economic loss, or transmit or produce disease. Therefore, pesticides include herbicides, fungicides, insecticides, rodenticides, and disinfectants, as well as insect growth regulators. In California, adjuvants are also subject to the regulations that control pesticides. Adjuvants are substances added to enhance the efficacy of a pesticide, and include emulsifiers, spreaders, and wetting and dispersing agents¹⁵.

Pesticides toxicity and health effects

¹³ Bethel, A. et al; *Potentially Sustainable Agriculture in the Pájaro Valley: The History, the Reality and the Vision*, 2001 (Community studies 100D-X), (p.22)

¹⁴ Rodriguez A. et al; *Agriculture, labor and the environment: A study of the Pájaro Valley strawberry industry*, 2002 (LALS 126A/B), (p.2)

¹⁵ California Environmental Protection Agency, Department of Pesticide Regulation. *Pesticide Illness Surveillance Program*, 2003

Pesticides can be very toxic and harmful to human health when someone gets exposed to them. The main routes of pesticide exposure are the skin, the eyes and the lungs – this last one mainly of fumigants¹⁶.

The health effects of pesticide exposure include both immediate, acute problems and longer-range, chronic conditions. The immediate effects of pesticides are better known than the chronic impact. A very few studies about the long-term effects of pesticides in farmworkers have been done. It is much more difficult and time consuming to document chronic health problems than acute ones¹⁷.

Within the state of California, San Mateo and Santa Cruz counties have the highest intensity of California Bad Actor Pesticide use. Bad Actor refers to pesticides that are acute poison; known or probable carcinogen, neurotoxin, reproductive or developmental toxicant; or known to have contaminated California Groundwater¹⁸.

In fact, not only pesticides are poisoning and dangerous to people exposed to them. Pesticides usually include inert ingredients in their formulation, which are not active as pesticides. However, some of the inert ingredients in pesticides are more toxic than the pesticide they are mixed with. The problem is that nobody can know what inert ingredients are in each pesticide. The names of most inerts are not required to be on the pesticide label. Even doctors who are treating poisoned workers may not be able to find out the inert ingredients in a pesticide formulation. The manufacturers of pesticides insist that this information is a trade secret¹⁹. This fact adds a new difficulty in the study of the impact of pesticides in the people's health.

Methyl Bromide is the most used pesticide in the Pajaro Valley²⁰. It is an extremely potent fumigicide and nematocide that nearly sterilizes the soil onto which it is applied. It is a colorless gas or volatile liquid which is usually odorless, but has a sweet, chloroform-like odor at high concentrations. Other names used are Brom-o-Gas, Bromomethane or MeBr²¹.

Methyl bromide affects human health both directly and indirectly. It is a complete biocide that kills all living organisms in soil, agricultural products and in buildings where it is applied. The U.S. Environmental Protection Agency classifies methyl bromide as a Category I acute toxin -- EPA's most deadly category of substances²².

¹⁶ Moses, M., *Harvest of Sorrow: Farm Workers and Pesticides, Part II: Mixers, Loaders, and Applicators*, 1992, (p.26)

¹⁷ Moses, M., *Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots*, 1993, (p.166-167)

¹⁸ Bethel, A. et al; *Potentially Sustainable Agriculture In the Pájaro Valley: The History, the Reality and the Vision*, 2001 (Community studies 100D-X), (p.6-7)

¹⁹ Moses, M., *Harvest of Sorrow: Farm Workers and Pesticides, Part II: Mixers, Loaders, and Applicators*, 1992, (p.19-21)

²⁰ Pesticide Action Network North America, PAN Pesticides Database.
(<http://www.pesticideinfo.org/DCo.jsp?cok=44>)

²¹ Extension Toxicology Network:Pesticide Information Profiles (<http://extoxnet.orst.edu/pips/methylbr.htm>)

²² Corpwatch; *Methyl Bromide alternatives, Ozone action*, 1997 (<http://www.corpwatch.org/article.php?id=870>)

Studies show that harmful concentrations of methyl bromide can drift several miles from the site of fumigation, posing a threat to nearby residents and workers who may be exposed to damaging levels through direct inhalation of the gas. Unlike other commonly used pesticides, however, methyl bromide is believed to leave little or no residues in most foods.

It is a potent ozone depleter, which means that methyl bromide indirectly increases the health problems caused by exposure to ultraviolet-B radiation, including skin cancer, eye cataracts and suppressed immune systems²³.

Health Effects of Direct Exposure As a gas at ambient temperatures, the most significant route of exposure is inhalation. The lowest inhalation level found to cause toxicity in humans is 0.14 mg/L in air. The major route of absorption of methyl bromide vapors is through the lungs and it can be highly irritating to the mucous membranes of the eyes, airways, and skin with contact.

In humans, methyl bromide's half-life in blood is about 12 days. As a result, the toxic effects of methyl bromide can be delayed or prolonged. Additionally, once in a cell, this chemical inactivates many enzyme systems, so prolonged small doses can cause severe toxicity. Methyl bromide is toxic primarily to the central nervous system. Many symptoms of exposure resemble those of alcohol or drug intoxication. Death by methyl bromide poisoning may occur from respiratory failure, and it is medically described as "intoxication." Recovery from the more severe symptoms of methyl bromide toxicity can take days to several months, if it happens at all²⁴.

Fetuses may also be harmed by methyl bromide. Toxicology studies indicate that when pregnant animals are exposed to this pesticide, their unborn fetuses can suffer birth defects. Because of the pesticide's ability to cause birth defects in laboratory animals, in 1992 the California Department of Pesticide Regulation (CDPR) restricted the use of methyl bromide only for structural fumigation. This restriction did not really improve the situation, as most fatalities and injuries occur when methyl bromide is used as a fumigant²⁵.

Low doses/ possible symptoms of methyl bromide exposure during fumigation	The table below:
effects	abdominal pain; laboured breathing; irritated eyes, nose, and throat; itching, tingling and redness of skin; blisters
Medium doses	slurred speech, blurred vision, temporary blindness, mental confusion, sweating, hallucinations, incoordination, symptoms resembling psychosis, lethargy and paralysis
Higher doses	lung swelling; congestion; pneumonia; hemorrhaging of the brain, heart, and spleen; severe kidney damage; and numbness, tremors, and convulsions ²⁶

²³ Moses, M., *Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots*, 1993, (p.166-167)

²⁴ Extension Toxicology Network:Pesticide Information Profiles (<http://extoxnet.orst.edu/pips/methylbr.htm>)

²⁵ Extension Toxicology Network:Pesticide Information Profiles (<http://extoxnet.orst.edu/pips/methylbr.htm>)

²⁶ Pesticide Action Network North America, PAN Pesticides Database.
(<http://www.pesticideinfo.org/DCo.jsp?cok=44>)

The symptoms of chronic exposure may include dizziness, vision and hearing disturbances, depression, confusion, hallucinations, euphoria, personality changes, and irritability. A chronic pneumonia-like syndrome may become apparent after repeated exposure to sufficient levels. Methyl bromide is considered to be weakly mutagenic. Carcinogenic effects are not likely to occur at low doses. Thus, the data are inconclusive²⁷.

Chloropicrin is a clear, colorless, oily liquid with a strong, sharp, highly irritating odor. It is a strong lachrymator. Other names used are "Chlor-O-Pic," and "Tri-Clor." The primary use today is for preplant soil fumigation to control soil borne fungi, diseases and nematodes, usually combined with Methyl bromide or Telone. Chloropicrin/methyl bromide mixtures will volatilize readily upon opening of the cylinder valve²⁸.

Health Effects of Direct Exposure: Undiluted chloropicrin is highly toxic by ingestion or direct contact with the skin or eyes. The American Industrial Hygiene Association Emergency Response Planning Guideline for one hour exposure to chloropicrin is 3 ppm (20 mg/meters cubed)²⁹.

Route of Exposure	Symptoms
Inhalation	Abdominal pain. Cough. Diarrhoea. Dizziness. Headache. Nausea. Sore throat. Vomiting. Weakness. Irritation of the airways and difficulty in breathing. Pulmonary edema, unconsciousness and even death.
Skin	Redness. Pain.
Eyes	Redness. Pain. Blurred vision. Tearing and irritation.

Telone 1,3-Dichloropropene is a slightly straw-colored liquid with a penetrating, irritating, chloroform-like odor. The primary routes of potential human exposure to 1,3-dichloropropene are inhalation of vapors, dermal contact, and ingestion of contaminated foods and drinking water. Additionally, workers may be exposed during field preparation, planting, field maintenance, and crop harvesting. Laboratory studies indicate that 1,3-D has carcinogenic and mutagenic potential³⁰. It is reasonably anticipated to be a human carcinogen³¹.

Health Effects of Direct Exposure to mucous membranes.

- Nausea, vomiting, headache, CNS depression and multiorgan system failure including severe coagulopathy, hyperglycemia, acute renal and hepatic failure, and adult respiratory distress syndrome³².

Other Pesticides used in the Salinas Valley in most of the crops as a fungicide or insecticide. It is also used in organic agriculture. It may cause characteristic smell of rotten eggs³³.

²⁷ Extension Toxicology Network:Pesticide Information Profiles (<http://extoxnet.orst.edu/pips/methylbr.htm>)

²⁸ Extension Toxicology Network:Pesticide Information Profiles (<http://extoxnet.orst.edu/pips/chloropi.htm>)

²⁹ Extension Toxicology Network:Pesticide Information Profiles (<http://extoxnet.orst.edu/pips/chloropi.htm>)

³⁰ Extension Toxicology Network:Pesticide Information Profiles.

(http://extoxnet.orst.edu/newsletters/n53_85.htm)

³¹ National Toxicology Program: department of Health and Human services. Substances profiles, 1,3-Dichloropropene. (<http://ntp.niehs.nih.govntp/roc/eleventh/profiles/s067dich.pdf>)

³² PANNA, PAN Pesticides Database. (http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC33610)

³³ PANNA, PAN Pesticides Database. (http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC34501)

Route of Exposure	Symptoms
Inhalation	Burning sensation. Cough. Sore throat.
Skin	Redness. Irritation and associated with dermatitis.
Eyes	Redness. Pain. Blurred vision.
Ingestion	Burning sensation. Diarrhoea. Induces catharsis

Mineral Oil: Mineral Oil is a petroleum derivate used as an insecticide or adjuvant. The major findings in a laxative abuse patient include chronic diarrhea, vomiting, abdominal pain, lassitude, thirst, weakness (15 %), edema, bone pain resulting from osteomalacia, and weight loss³⁴.

Metham Potassium: Metham Potassium is a Methyl Isothiocyanate (MITC)-generating compound. The symptoms of poisoning include headache, dizziness, irritation of eyes, nose and throat, nausea, diarrhea, shortness of breath and chest tightness. Symptoms delayed a week or more may include: weakness, diarrhea, cough, and rash³⁵.

Captan: It is a Thiophthalimide compound, a highly toxic fungicide mostly used in strawberries. Some health effects of captan poisoning include irritation of skin, eyes and respiratory tract, dermatitis and exacerbation of asthma. At high doses, laboratory animals exhibit hypothermia, irritability, listlessness, anorexia, hyporeflexia, and oliguria , the latter with glycosuria and hematuria³⁶.

Maneb: Maneb is used as a fungicide mostly in lettuce. Some symptoms of poisoning include irritation of the skin, eyes and respiratory tract. Chronic skin disease has been observed in occupationally exposed workers³⁷.

Why we use pesticides?

The use of pesticides in California, as well as nationally, has increased significantly. More acres are farmed and more pesticides are used per acre. But why we use so many pesticides?

Large amounts of money capital are invested into technology to modify nature. This is what is called high capitalization of agriculture. Pesticides, fertilizers, drip irrigation and new plant varieties are some examples of this technological investment. The major function of technology that is being used in agriculture is trying to control, cajole and mold nature for one purpose, which is the increase of crop production for profit³⁸.

³⁴ PANNA, PAN Pesticides Database. (http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC32784)

³⁵ PANNA, PAN Pesticides Database. (http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC32848)

³⁶ PANNA, PAN Pesticides Database. (http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC34569)

³⁷ PANNA, PAN Pesticides Database. (http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC32909)

³⁸ Sean Swezy: Ecological crisis of south county, 1998

The University of California in Davis is continually innovating the farming techniques and the agricultural methods in order to increase the yields of the fields. They do research to develop new crops and new varieties that are more productive. They also provide growers more powerful pesticides to combat new pests and weeds. All the investments and efforts done by the government have one single purpose: increase profits for the agricultural sector³⁹.

Thanks to the effectiveness of pesticides in killing any kind of living thing that could damage the main crop, the total production per acre has multiplied incredibly.

Pesticides use in the Pajaro Valley

The use of pesticides has also increased over the years in the Pajaro Valley. At the same time, production and profits of growers keep rising as well. The total gross production value of Santa Cruz County agricultural commodities in 2005 was \$418,114,000⁴⁰.

Most of Santa Cruz County agricultural production is concentrated in the Pájaro Valley. For this reason, in this study we consider that the Santa Cruz County data is comparable to the Pájaro Valley and they are used in an indistinct way.

The main crops grown in the Pajaro Valley are strawberries, lettuce, apples, raspberries and brussel sprouts, considering the number of acres dedicated and the total yield generated. (see Table 1). The Pajaro Valley growers produce some of the most valuable crops in the market. As we can see in table 1, the market prices per ton for some of the crops are incredibly high. The price for a ton of strawberries, raspberries, or other types of berries, wine grapes, broccoli and cauliflower exceed \$1,000. Other less valuable crops, such as apples, which price is around \$200, are being less produced year after year.

In total value generated in Santa Cruz County, strawberries and raspberries give the highest profit to growers: \$128,672,000 for strawberries and \$112,369,000 for raspberries. Although these numbers are the gross profit and not the net profit, the graphic give us an idea of the huge amount of money the agriculture sector makes.

Cult crops	year	acres	Production	Price (per ton, in \$)	TOTAL VALUE (in \$)
			(tons per acre)		
Strawberries	2005	3,318	31.35	1,237	128,672,000
	2004	3,300	28.13	2,098	194,755,000
Raspberries	2005	2,237	12.88	3,900	112,369,000
	2004	1,921	10.51	5,022	101,393,000

³⁹ Personal Communication, John Borrego.

⁴⁰ Santa Cruz County 2005 Crop Report, County of Santa Cruz..

Misc. berries	2005	529	3.90	5,456	11,895,000
	2004	534	4.86	4,267	11,074,000
Apples	2005	2,600	16.53	211	9,068,000
	2004	2,717	15.60	223	9,453,000
Wine grapes	2005	575	1.39	2,200	1,758,000
	2004	572	1.20	2131	1,762,000
Misc. tree and vine fruit	2005	213			213,000
	2004	250			250,000
Vegetable crops	year	acres	Production (tons per acre)	Price (per ton, in \$)	TOTAL VALUE (in \$)
Brussel Sprouts	2005	1,248	11.99	552	8,260,000
	2004	1,208	9.61	666	7,732,000
Broccoli	2005	342	13.88	1,114	5,288,000
	2004	523	10.46	449	2,456,000
Cauliflower	2005	286	12.00	1,330	4,565,000
	2004	354	14.29	398	2,013,000
Lettuce, head	2005	2,895	25.61	190	14,087,000
	2004	2,506	22.32	172	9,644,000
Lettuce, leave	2005	3,085	16.75	362	18,706,000
	2004	2,171	16.67	351	11,179,000
Misc. veg	2005	2,588			18,725,000
	2004	2,771			14,486,000
Strawberry	crop	Value	berries	\$252,936,000	
Apples, wine grapes and other tree and vine fruit				\$11,039,000	
Vegetables				\$69,631,000	
Nursery crops				\$73,780,000	
Livestock and animal products				\$4,470,000	
Timber and field crops				\$6,258,000	

Table 1: Santa Cruz County Agricultural Report and Livestock Report, Santa Cruz, Agricultural Commissioner document.

Santa Cruz County ranks number one in per acre pesticide use in the state, in an unmechanized crop: strawberries⁴¹. The crops that use the largest amounts of pesticides are strawberries, raspberries, apples, brussel sprouts, blackberries, nursery, wine grapes and lettuce, as seen in Table 2. Strawberries significantly use the biggest amount of pesticides: 1,035,000 pounds from the total 1,660,000 pounds used in all crops. The amount of pesticides used in the next most pesticide-intensive crops is one order in magnitude smaller than strawberries. Raspberries and apples, use the "reduced" volume of 186,000 pounds and 120,000 pounds respectively (see Table 2).

⁴¹ Sean Swezy: Ecological crisis of south county, 1998

Crop or Site (Commodity Code)	Gross Pounds	Application Rate	Acres Planted	Acres Treated	Application Count
		pounds per acre treated	where all or part has been sprayed		
All Sites (00)	1,660,424	6.26	23,618	256,022	26,940
Strawberries (1016)	1,035,286	9.20	4,697	112,045	4,022
Raspberries (1006)	186,445	19.0	1,797	9,824	751
Apples (4001)	120,290	5.90	2,070	20,390	1,656
Brussel Sprouts (13006)	95,297	5.17	1,197	18,442	1,057
Blackberries (1002)	41,610	9.67	459.3	4,302	547
Outdoor Propagation Nursery (156)	38,547	8.70	276.8	4,433	647
Structural Pest Control (10)	32,986	-	-	-	2,793
Wine Grapes (28143)	16,158	3.11	461.6	5,200	785
Leaf Lettuce (13031)	15,257	0.47	2,348	32,472	2,691
Outdoor Flower Nursery (152)	14,728	7.70	327.8	1,907	612
Head Lettuce (13045)	13,317	0.50	2,011	26,522	1,865

Table 2: Top 10 crops and sites for all chemicals used in Santa Cruz in 2005

Source: Pesticide Action Network North America, PAN Pesticides Database.

<http://www.pesticideinfo.org/DCo.Jsp?cok=44>

Strawberry production basically uses Methyl Bromide and Chloropicrin (table3). Those pesticides have been so effective for the strawberry industry that the yields have increased from 5 or 6 Tons per acre in the 1940's⁴² to 31 Tons per acre in the year 2005⁴³. This yield production is the highest for all the cultivated crops of the Valley. (see Table 1).

The gross pounds of all chemicals uses in the Santa Cruz County during the year 2005 exceeded 1,680,000 pounds. The most used pesticides were Methyl Bromide, Chloropicrin, Telone (1,3-Dichloropropene), Sulfur, Mineral Oil and Lime-Sulfur. (see Table 3 and Annex 1).

⁴² Sean Swezy: Ecological crisis of south county, 1998

⁴³ Santa Cruz County 2005 Crop Report, County of Santa Cruz

County	Chemical	Commodity	Pounds	Ag. Apps.	Acres
SANTA CRUZ	METHYL BROMIDE	STRAWBERRY	477,700	232	2,485
		RASPBERRY	91,024	61	462
		N-OUTDR TRANSPLANTS	5,690	5	27
		N-OUTDR FLOWER	5,619	12	27
		N-OUTDR PLANTS IN CONTAINERS	5,207	8	26
		ALL OTHER SITES	5,448	8	30
	METHYL BROMIDE TOTAL		590,687	326	3,058
SANTA CRUZ	CHLOROPICRIN	STRAWBERRY	404,291	267	2,744
		RASPBERRY	97,525	86	613
		BEET	9,536	24	89
		N-OUTDR FLOWER	4,815	13	33
		N-OUTDR TRANSPLANTS	4,122	6	32
		ALL OTHER SITES	8,064	17	60
	CHLOROPICRIN TOTAL		528,352	413	3,570
SANTA CRUZ	1,3-DICHLOROPROPENE	STRAWBERRY	51,249	35	284
		BRUSSELS SPROUT	36,803	36	422
		RASPBERRY	19,059	31	162
		BEET	8,728	23	81
		N-OUTDR FLOWER	1,118	2	8
		ALL OTHER SITES	851	1	5
	1,3-DICHLOROPROPENE TOTAL		117,808	128	961
SANTA CRUZ	MINERAL OIL	APPLE	76,725	153	1,995
		CAULIFLOWER	3	1	3
		ALL OTHER SITES			
	MINERAL OIL TOTAL		76,728	154	1,998
SANTA CRUZ	LIME-SULFUR	APPLE	26,026	150	1,738
		BLACKBERRY	22,608	155	993
		RASPBERRY	20,617	57	730
		PEAR	445	4	34
		GRAPE, WINE	193	11	42
		ALL OTHER SITES	30	4	2
	LIME-SULFUR TOTAL		69,919	381	3,538
	ALL OTHER AIs		260,158	27,719	274,640
	SANTA CRUZ TOTAL		1,643,653	28,768	284,484

Table 3: Top five pesticides used in each county in 2003 and the top five sites upon which these pesticides were used. The ranking of sites and pesticides is determined by total pounds of active ingredient used. The number of applications include only production agricultural applications, and the cumulative acres treated are mostly agriculture.

Source: Department of Pesticide Regulation's Pesticide Use Report, January 2005.

(http://www.cdpr.ca.gov/docs/pur/pur03rep/top5_ais.pdf)

History of pesticides: Their expansion and regulations

A number of insecticides had been in use for centuries, primarily mineral, herbal or animal preparations. The Industrial Revolution of the mid-19th century made mechanized farming possible. With tractors to plow, farmers could cultivate larger acreages. The availability of machinery promoted intensified, specialized agriculture, with crops bred to a uniformity that made for easier machine processing. But this monocultural mass production provided an ideal environment for insect pests to flourish.

In the early 20th century, since few chemicals were available to fight those pests and labor for weed removal was cheap and readily available, insecticides and fungicides use was confined to high-value tree fruit crops. Instead of pesticides, farmers used a combination of clean cultivation, tillage, crop rotation with weed competitive crops, and hand-weeding to keep their weed problems under control⁴⁴.

The pesticides history has gone from a completely non-regulated situation, where companies and farmers had total freedom in the use of pesticides, to become a highly concerning issue raised in an incredibly number of laws.

At the beginning of the last century, pesticides, like many products of the time (including foods and drugs), were often adulterated or mislabelled. It was not unusual for manufacturers to make extravagant claims for products that were useless at best, and sometimes destructive to the plants on which they were used.

To prevent fraud, the nation's first pesticide law was passed in New York in 1898. California's parallel legislation, the *State Insecticide and Fungicide Act* of 1911, was also primarily concerned with mislabelling and adulteration⁴⁵. Since then, most laws and policies were created to regulate labelling.

In 1934, the *Economic Poison Act* was amended to prohibit pesticide sales in anything other than the registrant's container, with "name and percent of every ingredient intended for use on or sold for application to any food crop in such a way as to leave a residue deleterious to health must be plainly stated on label."

After World War II, the Green Revolution did remarkable advances and developments in the chemistry of pest control. By the late 1940's the use of inorganic compounds had significantly decreased. New organic compounds like DDT, 2,4-D and ethyl parathion were revolutionizing agriculture, increasing yields and reducing the need for higher-priced, labor-intensive weed and insect control methods and pest-reducing practices⁴⁶. "The rapid increase in the use of synthetic organic chemicals illustrates the need for study to provide data for intelligent handling of products of this nature. Problems as to hazards to workers not only in mixing of chemicals but to those who make field applications constantly arise. When a chemical

⁴⁴ CDPR; *Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California*, 2001 (p.1)

⁴⁵ CDPR; *Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California*, 2001 (p.2)

⁴⁶ CDPR; *Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California*, 2001 (p.6)

is not acutely poisonous, little is known of the extent of its injuriousness" (1939 Department annual report)⁴⁷.

Synthetic pesticides were also invented after World War II; during the Chemical Revolution. In those years, pesticides were advertised as miracle chemicals that would eradicate crop pests and mosquito. During that era of gold for chemicals, the common public was not conscious at all about the high toxicity they had in humans, and people happily unfilled their lives with thousands of chemicals. However, chemical industry knew much more about the miracle products that it was telling. Secret documents founded reveal that the risk was known from the beginning by the producing companies⁴⁸. However, throughout the 1950s, an increasing number of highly toxic chemicals were introduced to the market.

The first specifically pesticide regulation was a labelling law made by the *Federal Insecticide Fungicide and Rodenticide Act* (FIFRA) in 1947⁴⁹. This FIFRA law had important defects, such as a lack of federal regulatory control on use of a pesticide in the field. Afterwards, it came the dramatic increase in pesticide use in the late 1940s. Growers experimented with the new products, applying them in a variety of ways on a variety of crops, sometimes with insufficient knowledge of their effects or toxicity⁵⁰.

In 1949, California passed its first laws to regulate applications of pesticides statewide. Professional agricultural applicators were required by the State Department of Agriculture, with registration required in the county of operation⁵¹.

Many changes in federal and state law have come out since *Silent Spring* was published in 1962. Author Rachel Carson presented compelling arguments that pesticides and other chemicals were being used with little regard for their impact on either human health or the environment. Since then, the threat has increased more and more due to the fact that the pesticides toxicity and the amount of pesticides used in the fields have risen incredibly.

In 1970, administration of FIFRA was transferred to the U.S. Environmental Protection Agency (EPA), becoming it the primary authority to regulate pesticides in the United States. In the *Federal Environmental Pesticide Protection Act* of 1972 pesticide manufacturers were required to submitted toxicology data to the U.S. EPA on the pesticide's potential to cause chronic health problems. In 1975, the U.S. EPA signed its first cooperative agreement for pesticide enforcement – with California. The EPA registered the pesticides under new standards. However, the toxicity data was missing and inadequate and pesticide polices were weak and deficient.⁵².

In 1984, the Legislature passed the *Birth Defect Prevention Act* which required that all registered pesticides have complete and adequate chronic health effects studies. In 1990,

⁴⁷ CDPR; *Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California*, 2001 (p.42)

⁴⁸ Bill Moyers, Trade secrets [videorecording]: a Moyers Report, 2001

⁴⁹ Moses, M., Farmworkers and pesticides. *Confranting Environmental racism: voices from the grassroots* (p.169)

⁵⁰ CDPR; *Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California*, 2001 (p.6)

⁵¹ CDPR; *Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California*, 2001 (p.7)

⁵² Moses, M., Farmworkers and pesticides. *Confranting Environmental racism: voices from the grassroots* (p.170)

California became the first state to require full use reporting of all agricultural pesticide use and structural pesticides applied by professional applicators⁵³.

In 1990, responding to the public's concern about food safety, California expanded pesticide use reporting requirements to include all applications made to agricultural food crops and many non-agricultural applications as well.

In 1991, California's environmental authority was unified in a single Cabinet-level agency — the California Environmental Protection Agency (Cal/EPA). As part of this reorganization, the pesticide regulation program was removed from CDFA and given departmental status as the Department of Pesticide Regulation (DPR) within Cal/EPA. DPR has a pesticide regulatory program with primary responsibility for regulating pesticide use and its potential impacts on water, air, soil, and biological organisms⁵⁴.

During the 1990s, requests for registration of new products increased as a result of the introduction of new chemical and biological agents. In the late 1990s, DPR completed collection of required health effects data on a priority list of 200 pesticides of highest health concern. Before federal or state regulators register a pesticide, they must collect data on how it behaves under field conditions. Because field studies must be conducted to collect these data, permit processes have been set up under both federal and State law to allow limited, experimental uses of pesticides⁵⁵.

Today, the AB 1530(Lieber), a Preventing Pesticide Poisoning Bill, is now on the Assembly floor of California Legislative Council. It provides a crucial step towards protecting farm workers from hazardous pesticides. More than 30 years ago, the California Legislature determined that state-directed cholinesterase testing is necessary in order to prevent poisonings among workers who routinely work with a group of commonly used toxic pesticides. However, decades later, we still do not know if the resulting Medical Supervision Program protects farm workers. There is no agency responsible for collecting and analyzing the test results showing workers' exposure to these hazardous pesticides. This valuable information has been left scattered and idle.

The current bill requires laboratories that conduct diagnostic tests of workers to share test results to appropriate state agencies. This vital bill ensures that information on the number of workers who experience overexposure will be available and used to prevent future tragedies⁵⁶.

⁵³ CDPR; Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California, 2001 (p.11)

⁵⁴ CDPR; Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California, 2001 (p.12)

⁵⁵ CDPR; Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California, 2001 (p.21)

⁵⁶ UFW; *Take action to prevent pesticide poisoning in California*, 2007 (Piece of new provided by FW)

So, what's wrong?

It is said that California's regulations are considered the best example to follow nationwide⁵⁷. It is true that the pesticides regulation has improved during the last decades by reviewing old principles and creating more restricted laws, while public opinion has become more conscious about the pesticides impacts.

However, they still have deeply important lacks in protecting people from the toxic compounds of pesticides and actually, laws are not always complied. "Our regulations are not strong enough to protect farmworkers health and the laws are violated everyday in the fields." (Sergio Guzmán, UFW). Regulations are theoretical statements that can fail in real life, where the environmental variability creates new situations every day, which are not expected in the legal papers.

During the last decades, some of the more dangerous pesticides have been banned and prohibited in the United States. Although this means that some of the most toxic chemicals have been finally legally recognized to cause too much damage in people's health, the current situation may turn to be more dangerous than before. The government has stopped testing the effects of pesticides on people, and currently, no monitoring of the implementation of regulations is being done anywhere. The state is no more interested in doing those kinds of tests and nobody wants to finance them. If no more studies are done in the fields, where farmworkers are still exposed to bad actor pesticides, no data exists about the actual pesticide effects or the long-term effects of pesticide poisoning⁵⁸.

A lot of chemicals never got reviewed by the legal department in charge of that duty. There has been a reduction in the number regulatory control laboratories and now there is not enough time to review all the chemicals that are offered in the market every year. Meanwhile, the pesticide manufacturers push pesticides like they're candy through their marketing. A lot of manufacturers push pesticides on the growers so they don't know what they're using and they overdose, using more pesticides than they have to.⁵⁹

Pesticides drift

The "Secondhand Pesticides Airborne: Pesticide Drift in California" 2003 is a report that analyzes the pesticide drift or in other words, the airborne movement of pesticides away from the intended target. The report, done by PANNA, Californians for Pesticide Reform (CPR), California Legal Rural Assistance Foundation (CRLAF) and Pesticide Education Center (PEC), compares the results of recent pesticide drift monitoring by the California Air Resources Board (ARB) to levels of airborne pesticide exposure considered safe by state and federal regulators⁶⁰.

⁵⁷ Personal Communication; Ken Corbishley

⁵⁸ Personal Communication; John Barrego

⁵⁹ Corpwatch: Farmworkers on the front lines: *An interview with Dolores Herta*, 1997

⁶⁰ Corpwatch, Pesticide Action Network: USA: *Pesticide Drift a Hazard for Californians*, 2003

The results of the report reveal that several widely used pesticides are regularly found miles away from their application sites at concentrations that significantly exceed acute and chronic exposure levels deemed "safe" by regulatory agencies. The study also states that the pesticides usually persist for days and even months after application⁶¹.

California leads the U.S. in pesticide use, with more than 315 million pounds of pesticide active ingredients sold in 2000. More than 90% of pesticides used in the state are prone to drift⁶². Only 5 to 15% of the pesticides that are applied reach their intended target, that is, 85 to 95% drifts off-target⁶³.

The *Pesticide Illness Surveillance Program* shows that there has been an emergence of fumigant drift as a social issue, as result of increasing numbers of residences built among agricultural fields and increasing replacement of methyl bromide by the powerfully irritating fumigants metam-sodium and chloropicrin⁶⁴.

Pesticide drift poses a great threat, to farmworkers that work long hours in other closer fields. However, as Jorge Guzmán, UFW, says: "Farmers spray their fields and they do not care if half a mile away of the field there are farmworkers working. Those workers are being exposed to the pesticide. In my opinion, growers are more worried about their yields than about their workers."

In response to the *Secondhand Pesticides Airborne* report, the DPR agreed that "airborne pesticide drift is a subject of serious regulatory concern," and states that their own analysis did not show unacceptable risks for both short-term and medium-term exposures for some of the pesticides evaluated in the report.

One would hope that DPR would be taking the most health-protective approach possible, but this does not appear to be their strategy. However, the DPR analysis do not really show the drift problems that are actually happening in the fields. Their studies use old toxicity studies and low sensitive toxicity endpoints to evaluate the pesticides, not talking into account the special vulnerability of children.⁶⁵

Other problems of pesticide use

Other environmental and economic problems are caused by pesticide use. The large inputs of expensive, synthetic pesticides used makes growers increasingly dependent upon chemical inputs. Farmers are irreversibly damaging the land and the environment using big amounts of pesticides, so crucial to the crop. Overuse of pesticides decline the health of the soil and they can finally kill the soil, making it completely useless for agriculture. This dependency

⁶¹ Kegley, S. et al; *Secondhand Pesticides Airborne: Pesticide Drift in California*, 2003

⁶² Kegley, S. et al: *Secondhand Pesticides Airborne: Pesticide Drift in California*, 2003

⁶³ Moses, M.: *Harvest of sorrow: Farmworkers and pesticides* (p.29)

⁶⁴ CEPA, DPR, WH&SB; *Summary of the results from the California Pesticide illness surveillance program*, 2003 (2005)

⁶⁵ Corpwatch, Pesticide Action Network: USA: *Pesticide Drift a Hazard for Californians*, 2003

ultimately manifests in a dead-end situation for farmers as the costs of their production increase too much to keep the business⁶⁶.

Contamination of groundwater is another environmental problem caused by pesticides use. Since drinkable water comes from aquifers, their chemical contamination may be a big risk for humans' health. As a tremendous water is used for the main two crops grown in the Pajaro Valley (strawberries and lettuce), farmers are overusing the aquifer water, to the point that the low groundwater levels have let ocean salty water entering into the aquifer. Now, the cost for rebuilding the damaged part of the aquifer is enormous. In addition to that, groundwater is being polluted by pesticides that infiltrate from the top soil into the aquifer. Since the amount of groundwater is declining, the concentration of pesticides in aquifer is rising. The polluted underground water supply is now a new threat for the community of Watsonville⁶⁷.

In addition to health and environmental effects of pesticide-drift, economic losses are also suffered. Organic farmers whose land is contaminated by pesticide drift can fail to achieve organic certification, reducing the value of their crops despite their commitment to alternative, and often more expensive, farming methods. Drift can also disrupt beneficial insect populations that are an integral part of the delicate ecosystem that organic farming relies on⁶⁸.

FARMWORKERS

Farmworkers suffer the higher risk of pesticide poisoning. In this last part, we are going to discuss who are the people most affected by pesticides use and why. We will also discuss the historical and current situation of farmworkers, their legal protection and their unfair labor conditions that they are suffering. We will also take a look at the illnesses reports already done and understand the reasons for failure in reporting pesticide-related illnesses. Additionally, discussing the physical protections that farmworkers should follow and the necessity of education in order to reduce pesticide exposure. The last part is a summary of the farmworkers interviews made in Watsonville last month.

Farmworkers and the community exposure to pesticides

Since the publication of *Silent Spring*, by Rachel Carson, in 1962, the mainstream environmental movement has focused considerable attention on the effect of pesticides on wildlife, food quality and the health of general public. Yet, far less attention has been focused on the members of our population most at risk from pesticides-the farmworkers.

⁶⁶ Bethel, A. et al; Potentially Sustainable Agriculture in the Pájaro Valley: The History, the Reality and the Vision, 2001 (Community studies 100D-X), (p.9)

⁶⁷ Salcone, J. et al; *Agriculture in the Pájaro Valley*, 2007 (LALS 126A+B)

⁶⁸ Kegley, S. et al: *Secondhand Pesticides Airborne: Pesticide Drift in California*, 2003 (p. 2)

Almost all commercial crops are heavily and repeatedly sprayed with pesticides, and the great majority are toxic chemicals that pose acute and chronic health problems to exposed workers and to families living nearby the fields⁶⁹.

Farmworkers who handle the concentrated technical formulations, that is – pesticide mixers, loaders and applicators – face the greatest exposure to pesticides. Field workers are also exposed to pesticide residues on leaf surfaces, on the crop itself, in the soil, or in the duff (decaying plant and organic material). Pesticide drift poses also a great threat to farmworkers, as pesticides are transported by the air, dispersed and deposited far away from the sprayed field.

But not only farmworkers are exposed to pesticides. Their families and more their children have a high risk of pesticide exposure. Frequently, young children are taken to the fields by their parents because childcare is not available. The fetus is exposed as well when pregnant women work in the fields. Pesticides residues brought home on the workers' clothes is another way of contamination⁷⁰.

While farmworkers' proximity to pesticide applications places them on the front line of pesticide-drift poisonings, people that live in communities relatively near to sprayed fields, such as rural residents, new suburban communities on the urban fringe, and some urban areas are also at risk. Watsonville is the kind of city surrounded by fields that is highly exposed to pesticides drift. All the population is at risk of being exposed to pesticides, with the external surrounding areas having more probability.

A great number of schools of the Pajaro Valley are placed in an outside area close to the fields. One of the reasons is because of a city expansion strategy. Restrictive regulations limit urban growth from expanding out of the city limits into the agricultural land. However, regulations are less restrictive for school constructing than for housing expansion. The strategy consists in placing those schools some miles away from the urban land. A few years later, the city is able to grow and fulfil the agricultural land until schools placement⁷¹. For this proximity to the fields, students, professors and other school staff are suffering an important risk.

Mark Bolda, the farm advisor for strawberries and caneberries says that people at certain radium are informed that the pesticide application is going to happen. He also affirms that no Methyl Bromide applications are done near the schools during the week and they do not spray near churches on Sundays. Although several studies have proved that around 90% of total pesticides drift miles away from their target⁷², people in charge keep affirming that residential areas are not at risk.

The "Trade off: Pesticides and Public Health" is a documentary video done by No Margins Video in 1992 that shows some sad cases about pesticide-related cancer and other illnesses in children. The documentary also records the opinions of experts and other people that suffer from pesticides. This video says that teachers in the Pajaro Valley die in a rate higher

⁶⁹ Moses, M., Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots (p.161)

⁷⁰ Moses, M., Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots (p.163)

⁷¹ Personal Communication: John Borrego

⁷² Kegley, S. et al: Secondhand Pesticides Airborne: Pesticide Drift in California, 2003 (p. 2)

than normal. It also explains that there is a minimum separation required of 100 foot between any residential area and agricultural fields in order to reduce the chemical exposure risk from pesticide drift. However, since schools are public buildings, they do not have this requirement and they can be right next to and even surrounded by fields⁷³.

Children are especially vulnerable. It takes a smaller amount of pesticides to poison infants than adults and children are less able to detoxify chemicals. Their exposures to pesticides from all pathways (food, water, air, other) are likely to be higher, because their bodies are still growing and developing, so they eat more food, drink more water, and breathe more air per pound of body weight. They also absorb more pesticides per pound of body weight than adults in an identical exposure setting, since they have more skin surface for their size. Children may not be able to break down certain pesticides in their liver and other organs as well as adults, and their immune systems are not as well developed. For all these reasons, exposures early in life can cause impaired growth and development, cancers, and lifelong disabilities.⁷⁴

Farmworkers History in the Pajaro Valley

From the beginning of the agricultural history of the Valley, labor has been essential in maintaining high levels of production, most of it cheap immigrant labor easy exploitable by business industry. In the early 1910s, workers from the Philippines and Japan began coming to the Pájaro Valley to work in the fields, harvesting sugar beets and other crops. Immigration slowed down for these two groups as they attempted to establish better labor standards through strikes and unionization. During World War II, in 1942, the U.S. implemented the Bracero Program, bringing in laborers from México to replace the farm workers who had left for the Army. During those years, crossing the border became easy. The U.S. established a guest worker program where the workers would come to work for a certain period of time, then go home. The workers were supplied housing by the government, often located out in the fields. A lot of money was made from agriculture in the Valley during the years of the Bracero Program, when farm workers were better paid than industrial workers. Later, as Latino hands became less necessary, the government enforced the border against immigrants crossing. The Bracero Program ended in 1964, and since then the workforce has experienced significant fluctuations. Yet the vast majority of the workforce to this day comes from México⁷⁵.

Physical labor, due to its nature, has many more health casualties than other types of work. Providing health care and workers' compensation for this large workforce is expensive for the employers so most of them do not offer it to their workers. Consequently, the vast majority of farm workers suffer important diseases, health problems and physical pains as a result of the hard work they do and the contact with pesticides, with no access to medical service at all.

⁷³ No Margins Video; Trade off: Pesticides and Public Health, 1992

⁷⁴ Kegley, S. et al: Secondhand Pesticides Airborne: Pesticide Drift in California, 2003

⁷⁵ Salcone, J. et al; Agriculture in the Pájaro Valley, 2007 (LALS 126A+B) (p. 6-7)

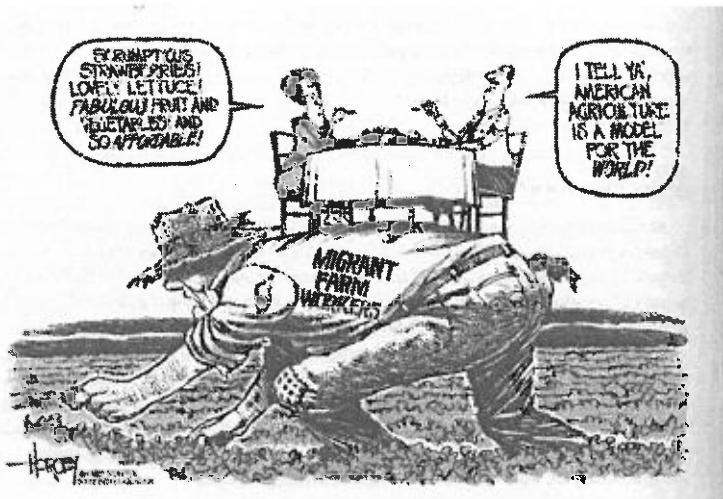
The agricultural sector can survive in the Pajaro Valley and more concretely, the farmers' business can continue being profitable thanks to the convenient illegal system created with the Latino workers. "In the agricultural sector there is a high extraction of surplus value over the total value of what growers have to pay to farmworkers. Another word should be used instead of high surplus value, and it is exploitation." (Sean Swezy).

Environmental Racism: Farmworkers working and health conditions

It is important to take under consideration not only who gets affected but also who gets affected differentially. The disproportionate burden of the pesticide load in the environment is on people of color, concretely low income Latino workers⁷⁶. They are the driven force of this country, working in the jobs that American people prefer to avoid. Americans do not want to work in the fields bending their bodies under the burning sun during the summer, or in the freezing mornings during the winter season, worsening their health day after day. They can perfectly find better jobs with higher wages and with health coverage. This means this country needs foreign people to work in the fields.

UFW researchers have made an estimation of 60% of the farmworkers in the strawberry industry of the Pajaro Valley are undocumented⁷⁷. This illegal status makes them highly vulnerable to exploitation, since they are unlikely to speak out against workplace abuses for fear of retaliation, job loss or deportation. This situation really benefits growers, who can keep their production profitable by saving all the costs of paying benefits and fair wages to their workers.

Farmworkers work under the worst conditions of any group of workers in the United States. Agricultural labor is remunerated at a rate that is considerably below what is considered the living wage, or the amount of income needed to sustain a family of four at the poverty level⁷⁸. The illnesses, injuries and the overworked body of the farmworkers due to their hard work make the longevity of their job very short. In addition to that, they suffer from the toxic pesticides exposure and the paucity of legal protections.



⁷⁶ Sean Swezy lecture, 1998.

⁷⁷ Sean Swezy lecture, 1998.

⁷⁸ Bethel, A. et al; *Potentially Sustainable Agriculture in the Pájaro Valley: The History, the Reality and the Vision*, (Community studies 100D-X), 2001 (p.18)

Public Policy has been discriminatory against farmworkers in a number of federal and state laws. In the federal level, for example, farmworkers are for the most part excluded from the National Labor Relations Act, the Fair Labor Standards Act, and the Occupational Safety and Health Act. In the state level, the Workers' Compensation Insurance excludes farmworkers or denies them equal protection⁷⁹.

One of the worst labor situations takes place with labor contractors. In a lot of cases, the farmer or the owner hires a labor contractor, who is the responsible of hiring the work crews. State considers these contractors are the legal employer, thus shielding the farmer/owner from any responsibility for the workers and any liability for violations of law. Farmworkers hired by contractors are completely at their mercy, suffering all kinds of abuse with no legal protection. This type of trade in human labor is legal in no other sector of the U.S. economy⁸⁰.

In regards to health there is a huge inequality of access to health resources in the United States. Wealth and racial issues usually determine the people access to medical services. Poor people and racial minorities are less ensured than the rest of the population. In California, Latinos are about 2.5 times as likely as whites to be uninsured⁸¹. Watsonville, where the majority of the population is uninsured, Latino and working poor, has fewer doctors per capita than those with wealthier, white population, such as Santa Cruz. Probably the expensive housing, high labor costs and rising number of uninsured patients make hard to recruit and retain doctors in the area⁸².

Sergio Guzmán (UFW) sadly expressed his point of view: "If you are not a citizen of this country you don't have access to health. I know citizens that don't work and they do have medical access. On the contrary, all these people that are working 8 or 10 hours a day, people who are giving us the food.... They don't have these services, just because they don't have legal documents."

The rising of the United Farm Workers (UFW), in the early 1960's, was the first successful unionization of farmworkers, led by the widely known Cesar Chavez. After a great strike in 1965 against California table-grape growers, the growers signed bargaining agreements with UFW. The Union obtained great pesticide-regulation improvements, such as the prohibition on the use of DDT, Dinoceb, Aldrin, Dieldrin, and parathion on table-grapes union ranches. The UFW current efforts are not as good and active as they were in the past⁸³.

Farmworkers not under union contract rarely receive health benefits from their employers⁸⁴. Yet, most of the workers in the Pajaro Valley are not unionized. The labor situation of farmworkers is usually better when they are unionized, as some farmworkers have

⁷⁹ Moses, M., *Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots* (p.171)

⁸⁰ Moses, M., *Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots* (p.173)

⁸¹ California Health Care Foundation, 2005.

⁸² Personal Communication: Saúl Ramos

⁸³ Moses, M., *Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots* (p.176)

⁸⁴ Personal Communication: farmworkers interviews.

expressed. Jesús Reyes is a retired farmworker who worked in the Pajaro Valley fields for nearly fifty years. He started working in the 40's and he joined the union in 1976 until 1991, when he retired. He affirmed that before the union came there was only a pay check. In the union, on the contrary, he had better living conditions. When I asked him why people do not join the union, he answered: "Farmworkers are afraid to be faired. The consultants paied by the companies try to desunionize people lying and intimidating people."

Sergio Guzmán, the regional director of UFW also said: "The companies threat farmworkers that if they unionize, the company will close or it will leave the area. For that reason, farmworkers are afraid and they don't unionize." However, Sergio continued "Farmworkers that are not represented by the Union have absolutely nothing. Unionized, they have health insurance for them and their families, they are better treated at work, and they have benefits, pension, vacation and holidays paied. It is very expensive for the companies to ensure their workers. For each farmworker, the company has to pay the health insurance \$2.20 per hour worked. They have the money to do it, but they do not want to share their profits with their workers."

Pesticide poisoning of farmworkers and their families becomes more dramatic and with worse consequences when people have low wages and no health insurance provided. Low wages means most of the times bad living conditions, bad nutrition, and less access to medical services. The lack of affordable and accesible health care increases the potential for pesticide-related health problems, since they can not get a suspected pesticide-related illness documented, diagnosed, and treated.

Politicians and economists use the common theory of benefits and disadvantages, in this case from pesticides use, have to be compared and decide which level of risk that is going to be assumed. However, they use to not consider the distribution of them; it means how these positives and negatives are shared within the population. In pesticide use, as in other poisoning substances that pose a health risk for humans, the profits go to money makers, mainly big corporations. Consumers and the poor farmworkers are the ones that receive the worse consequences of their use, loosing their health and even life.

Agribusiness interests keep refusing to accept responsibility for the consequences of failing to pay farmworkers a living wage-abysmal housing, lack of health care, malnutrition, and abject poverty. Corporation interests have been always and are still now before people interests. Pesticide-use decisions have always been based on their economic impact on the agricultural and agrochemical industries, with almost no consideration of the impact on human health and the environment. Regulators have always ignored the costs of these agricultural practices. The costs to farmworkers from pesticide poisoning, disability, lost of income, and increased risk of chronic health effects; to society from pesticide pollution and contamination of the air, water, soil and food. To wildlife from the killing of all kinds of species; to the planet generally from the widespread environmental and ecological damage that continues unchecked

because of the failure to develop safer, healthier and more sustainable methods of growing crops⁸⁵.

Illness report

Documenting and reporting the extend and nature of pesticide-related illnesses and incidents is one of the biggest failures of federal and state regulatory agencies. The EPA estimates a wide range of 20,000 to 300,000 acute poisonings annually nationwide⁸⁶.

The California Department of Pesticide Regulation (CDPR) has done an overview of the pesticide illness scenarios existing in California. Their latest study, done in 2003, documents the number of suspected pesticide residue injuries to farm field workers and reports the pesticide drift incidents, agricultural and nonagricultural, since 1992⁸⁷. In this first figure we can appreciate a general decrease in the number of cases and episodes, with the exception of the year 2002.

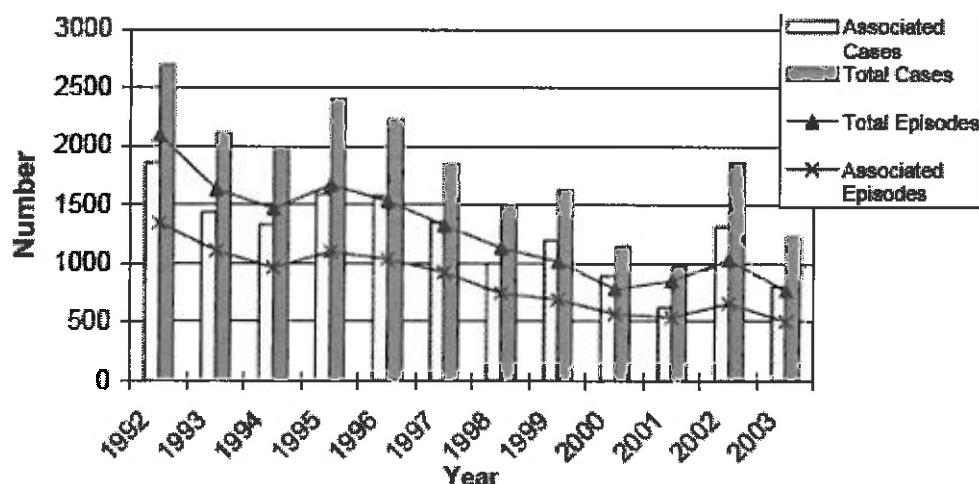


Figure 1: Number of Cases vs. Number of Episodes, 1992-2003

-A case is the Pesticide Illness Surveillance Program representation of a person whose health problems may relate to pesticide exposure.

-An episode is an event in which a single source appears to have exposed one or more people (cases) to pesticides.

-Associated cases are those evaluated as definitely, probably, or possibly related to pesticide exposure. A relationship of definite indicates that both physical and medical evidence document exposure and consequent

⁸⁵ Moses, M., Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots (p.171)

⁸⁶ Moses, M., Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots (p.174)

⁸⁷ California Environmental Protection Agency, Department of Pesticide Regulation; *Pesticide Illness Surveillance Program*, 2003.

health effects. Probable relationship indicates that circumstantial evidence supports a relationship to pesticide exposure. Possible relationship indicates that evidence neither supports nor contradicts a Relationship -Associated episodes are those in which at least one case was evaluated as associated.
(source: Pesticide Illness Surveillance Program, 2003)

Figure 2 shows the percentage of pesticide exposure to residue on the crops, the drift from a pesticide application, the direct spray or other direct contacts. We can see that the majority of the cases are farmworkers in contact with a crop that had pesticides residue. The pesticides drift causes also an important percentage of the worker exposure.

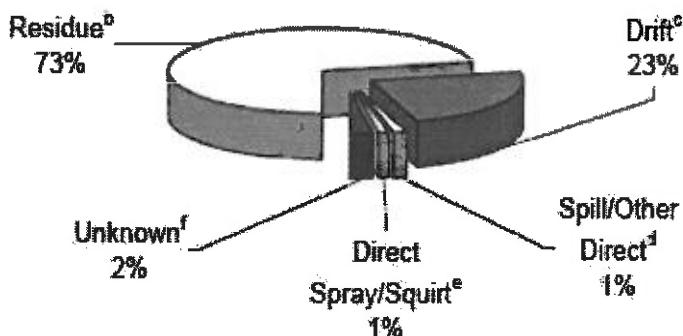


Figure 2: Field worker exposure to pesticides, 2003

a Total field worker cases associated with pesticide exposure = 81.

b Residue refers to field worker cases associated with exposure to residue on the crops.

c Drift refers to field worker cases associated with exposure to drift from a pesticide application.

d Spill/Other Direct refers to contact made during an application where the equipment did not propel the pesticide (e.g., spill).

e Direct Spray/Squirt refers to contact made when the pesticide is propelled from handling equipment (e.g., direct spray).

f Unknown – The exposure circumstances of the individuals are not known.

(source: Pesticide Illness Surveillance Program, 2003)

In Figure 3, it can be appreciated that the measured seasonal concentrations are many times higher than “acceptable” Sub-chronic and cancer risk levels. Although these measures are done at the state level, they can give us a general idea of the exceeded levels of pesticide concentration in air for some pesticides highly used in the Pajaro Valley.

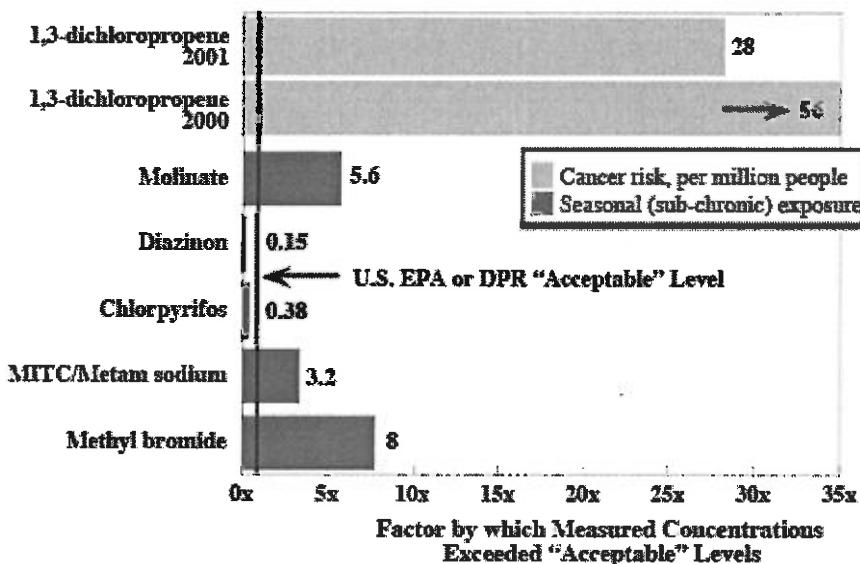


Figure 3: Seasonal exposures to pesticides in ambient air.

In this plot, the dark bars represent the factor by which the measured concentrations of each pesticide in air exceed the sub-chronic Reference Exposure Level (REL) for a one-year-old child. Cancer risk (light bars) only applies to 1,3-dichloropropene (Telone) and is given as a probability of the number of cancers expected per million people from exposure to the chemical at the measured levels over a lifetime. A cancer risk above one in one million is a level of concern.

(Source: Kegley, S. et al: *Secondhand Pesticides Airborne: Pesticide Drift in California, 2003*)

California counties each have Agricultural Commissioner responsible for an initial field investigation and a report of any suspected pesticide incident or illness. Their reports determine whether or not an illness is considered pesticide-related, and should be listed in the annual pesticide-illness report. However, the commissioner staff is not trained in any health-related field⁸⁸.

"There is a requirement that if someone is injured as a result of a pesticide application we have to do an investigation and refer to the district attorney for application of the fine. The district attorney has the first record, the first action. If the district attorney doesn't take any action, then our department has to take action, applying a fine. But if there is not enough evidence to support that the grower did an illegal action, the fine can not be applied." (Ken Corbishley, Santa Cruz Agricultural Commissioner).

However, the state system for reporting and documentation pesticide-related illnesses has important problems. An investigation by California Rural Legal Assistance (CRLA) revealed that between 1982 and 1988, 58% of medical reports of possible fieldwork pesticide illness were discounted by the California Department of Food and Agriculture (CDFA)-25% as

⁸⁸ Moses, M., *Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots* (p.174)

unrelated, 13% as unlikely to be related, and 20% as unclassifiable. CRLA concluded that the high number of fieldworker cases reported by physicians but discounted as unlikely or unclassifiable by CDFA may be a result in part of poor investigations by county agricultural commissioners⁸⁹. In 21% of the investigations, either the name of the pesticide, the date of application, or both were missing. Yet, the CDFA rated 75% of these investigations as "adequate." The CRLA investigation also found that law-enforcement actions remain weak and under consideration. The great majority of violations of pesticide laws do not result in fines or sanctions.

Underreporting of illnesses is one of the main problems for having a real data on pesticides poisonings in order to realize that pesticides are an enormous threat to human health. As Dolores Huerta said, "Unfortunately there are not enough records kept of farm workers who are injured by methyl bromide. God knows how many farm workers have died from methyl bromide."⁹⁰

The difficulties in reporting pesticides poison

Detection of pesticide poisoning is hard for the farmworkers unregulated labor situation and also for the characteristics of their job. Workers ill from pesticide exposure may never see a doctor⁹¹. Many workers justifiably fear the loss of their jobs if they complain. "90% of total pesticide-related illnesses are not reported. Most of farmworkers are afraid of losing their job and they prefer not reporting it." (Sergio Guzmán). They neither want to lose a day of work going to the doctor. Furthermore, a great number of workers are not aware of their rights and so may not report the illness or ask the employer to see a doctor.⁹²

Since many physicians fail to recognize pesticide poisoning or even to consider such a diagnosis, a large potential exists for underreporting. In mild and moderate poisoning, most symptoms of pesticide poisoning are non-specific and doctors can think the illness is not pesticide-related. The symptoms can be easily confused with those of common illnesses such as gastroenteritis, respiratory disease or flu⁹³.

"We make sure the physicians understand the symptoms of pesticide poisoning. The problem is that they are not specific and can be confused with flu, for example." (Ken Corbishley, Santa Cruz, Agricultural Commissioner).

⁸⁹ Lightstone, R. *Pesticide Poisoning and environmental data in California*, Rural California report 2, 1990 (p. 6-7)

⁹⁰ Corpwatch: Farmworkers on the front lines: An interview with Dolores Herta (1997)

⁹¹ Moses, M., *Farmworkers and pesticides. Confronting Environmental racism: voices from the grassroots* (p.175)

⁹² Kahn, E. *Pesticide-related illness in California farm workers*, Journal of Occupational Medicine 18, 1976 (p.693-696)

⁹³ Wasserstrom, R.F. and Wiles, R. *Field Duty, U.S. Farm Workers and Pesticide Safety*. Washington, D.C.: World Resources Institute, 1985.

⁹⁴ Moses, M., *Harvest of Sorrow: Farm Workers and Pesticides, Part II: Mixers, Loaders, and Applicators*, 1992, (p.41)

"You never know if the patients' diseases have anything to do with pesticides. How do you know it? Most times the symptoms are not severe enough to take urine and blood tests, so we can't be sure if they have been poisoned by pesticides." (Ophthalmologist of Salud para la gente).

"I have a friend that had an accident in the fields. He cut his ankle and got it wet from the water of the irrigation system. The wound got infected and he had to stay off his feet for four months. Who knows what made his ankle worsen, but however, nobody made any report, any study to know if it was pesticide related." (Saúl Ramos, subdirector of La Manzana)

Another problem in reporting pesticide-related illnesses is that large number of workers return to Mexico for diagnosis and treatment if they become ill, as medical service is way cheaper on the other side of the border⁹⁴.

All the inconveniences to detect and report pesticide-related illnesses make that the number of reported illnesses are very low, and this data is used to sustain the claim that the country has no serious pesticide problem. As Saúl Ramos (from La Manzana) said: "The pesticides issue has never been taken seriously. There is a big silence from all the administrations."

In Watsonville, the majority of the doctors are young, experts and new residents in the city; some of them even do not live in Watsonville. Thus, the doctors are not aware of the social, cultural and economic situation of the people, making them not really conscious about the real problems of their patients⁹⁵.

Physical protection to pesticides

Farmworkers that are directly handling pesticides or can have an indirect exposure – entering in treated files for working in the irrigation system, cleaning or maintaining pesticide machinery or containers, etc. - should be protected from pesticides using a personal protective equipment and clothing. Depending on the work done, this protection has to be more restrictive or less. The protective equipment include chemical resistant gloves, boot, hat and aprons, long sleeved shirt and long pants (or a suit) to protect the skin. For lung protection it is used a dust respirator and a gas mask. Just using this whole equipment does not mean that the worker is protected from pesticides. Other things have to be considered, such as the timing for the gloves, boots or suit to be changed. Clothes and protections have to be changed each time they are used or at least after a few days, depending on the work done or the pesticide used. It is also important the kind of mask used or the material and the quality of the protective attire, in order to avoid pesticide trespassing⁹⁶.

⁹⁴ Personal Communication; Saúl Ramos

⁹⁵ Personal Communication; Saúl Ramos

⁹⁶ Moses, M., *Harvest of Sorrow: Farm Workers and Pesticides, Part II: Mixers, Loaders, and Applicators*, 1992, (p.67)

Other personal behaviors are necessary to have an effective protection. For instance, it is necessary to shave everyday to have the respiratory mask well fit against the skin, or to wash working clothes everyday and separately from the family clothes. This action is probably not enough to completely eliminate all pesticide residues, since they may remain in the washing machine after washing the clothes. Farmworkers children are exposed to pesticides this way⁹⁷.

Despite the fact that it is very important to protect the children from pesticides exposure, farmworkers do not follow the proper behavior because they are not well informed. As Sergio Guzmán said, "Most people don't know that when they arrive home they have to wash their working clothes separately from the other family clothes, and they do it and expose their families. It is part of the educational service that companies should provide to their workers."

Working long hours handling pesticides, even following all the safety behaviors and protections, can be very dangerous, especially when the weather is very hot and humid. Wearing the protective clothing can lead to heat stress or heat stroke, which has the potential to put the farmworker in danger of death. However, there are no regulations restricting the hours farmworkers can be exposed to pesticides. Similarly, the weak laws do not reflect the actual conditions faced by workers when the weather is hot and humid⁹⁸.

Information and training

Education to farmworkers is highly needed to prevent pesticide exposure. The law requires people who apply pesticides but also people who work in the fields to be trained before going in to the fields. Farmworkers are supposed to know their risk, the preventing behavior they must follow in the fields and what to do in case of pesticide poison.

While asking farmworkers about how they protect themselves, the answers were very diverse. Some farmworkers are informed more or less regularly, while others affirmed they have never been informed at all about the pesticides' symptoms or how to prevent them. In general, most of them are not really aware of the risk. As Sergio Guzmán (UFW Central Coast regional director) said, "Unfortunately, farmworkers are not informed about the pesticide-poison symptoms and how they have to protect themselves. And not everybody is qualified to apply pesticides, the person has to be trained, and it doesn't always happen."

However, the information that arrives to the governance levels is very different. "The employer, whether be a farmer or a labor contractor is required to train their employees in what the symptoms of pesticide poison are. The agricultural commissioner checks the training

⁹⁷ Moses, M., *Harvest of Sorrow: Farm Workers and Pesticides, Part II: Mixers, Loaders, and Applicators*, 1992, (p.80-81)

⁹⁸ Moses, M., *Harvest of Sorrow: Farm Workers and Pesticides, Part II: Mixers, Loaders, and Applicators*, 1992, (p.85-87)

records to make sure that the employees are properly trained. Also asking the workers what are their symptoms, if they are properly trained..." (Ken Corbishley).

Public authorities assume that because laws are written they are being followed. Mark Bolda, the farm advisor for strawberries and raspberries said in an interview "People responsible of pesticides have to know what's going on". Ken Corbishley also said: "There are the laws out there to protect the farmworkers, and you have to believe that growers and labor contractors are going to do the right thing to keep their people healthy. Farmworkers should also know where to report the poisoning."

But unfortunately, what should be done by law is not always accomplished in real life. Farmworkers even do not know where to go or do in case of emergency in the fields, and pesticides incidents continue to occur. "Despite previous DPR outreach efforts, many people seem to be unaware of how to report pesticide complaints, or whom to call", said DPR Director Mary-Ann Warmerdam, in an interview for the NEWS Department of Pesticide Regulation in February 2007.

The DPR has recently offered a new phone service, 1-87PestLine, where the call is transferred to an informative answer machine of the County Agricultural Commissioner's Office. It is still to be seen if it is going to work in the future. Of course, this is simple action that will not solve the complex problem about pesticides exposure⁹⁹.

Farmworkers talking about their experience with pesticides

The main focus of this study is the farmworkers pesticide poisoning. They are the most exposed group and with the highest risk to suffer the health consequences of pesticides. Their knowledge and opinion about the labor conditions and the pesticide poisoning are crucial in order to have an idea of the current situation of the pesticides use in the Pajaro Valley and their effects on farmworkers and their families.

I had the opportunity to interview many farmworkers during a Health Fair in the main "plaza" of Watsonville, a social event promoted by the health organization Salud para la gente. Around eighty people volunteered to answer a few questions about their type of work, their health and labor conditions, and their awareness of risk from pesticide exposure. For the characteristics of the event, I could not have long interviews and I do not know most of their names. The language was another problem. Some people do not speak English or Spanish; they speak other indigenous language, which made me impossible to interview them and know if they had any health problem. The language barrier must also be a huge communication problem in the fields, in farmworkers understanding of regulations and protective behavior.

When I asked about their jobs and their health condition, eye tearing and skin itching were the most common symptoms, two of the many acute symptoms for Methyl bromide,

⁹⁹ Personal Communication, Ken Corbishley

chloropicrin, Telone, Captam, Metam-potassium and Maneb poisoning. Some of the most representative and illustrating responses are compiled here.

I have worked in the fields for more than thirty years. Now I am retired but I feel really bad. I have arthritis, and diabetes. And my eyes have been tearing for a long time. I do not see well any more. (strawberry and lettuce farmworker)

My husband works in the strawberry fields. He always has headaches and dizziness. He always arrives home with a strong Sulfur smell in his clothes. (young woman)

I sometimes have pain in my back and the hip. I also suffer stomach ache, because I don't have enough time at work to go to eat (strawberry farmworker)

My eyes burn and tear all the time, I guess probably because of an alergy. My little daughter also suffers eye burning. (woman raspberry farmworker)

My kidney doesn't work any more and I have dialysis. Since that happened I don't work any more. I have vision problems, eye tearing and high blood pressure. I have had strong headaches, dizziness and stomach ache. (strawberry farmworker)

I have been working in the strawberries for 25 years. Since the year 2000 I don't work anymore because my waist and my neck are worked up. For a long time, I had a lot of eye tearing and I always asked myself why I was tearing only with the air contact. I also had terrible headaches and I had nausea in the fields. Yes, everybody suffers skin itching in the field, mainly when they sprayed the fields. They don't spray in our field but they did in the nearby field.(woman, strawberry and raspberry farmworker)

I worked for 20 years. I can't work any more because my back is over. When I worked I used to have eye tearing and throat ache. One time I ate a strawberry and I had to run to the doctor. (strawberry farmworker)

I worked in the strawberry fields since 1979 until 2005. I had skin itching and eye tearing when I worked, and I still feel it. (strawberry farmworker)

I have worked in a nursery for a long time. I suffered headache, stomach ache and nausea (young woman)

I have worked in the fields for all my life, in strawberries, lettuce, vegetables... I have eye problems. I don't see well now, and my eyes tear a lot. (Farmworker)

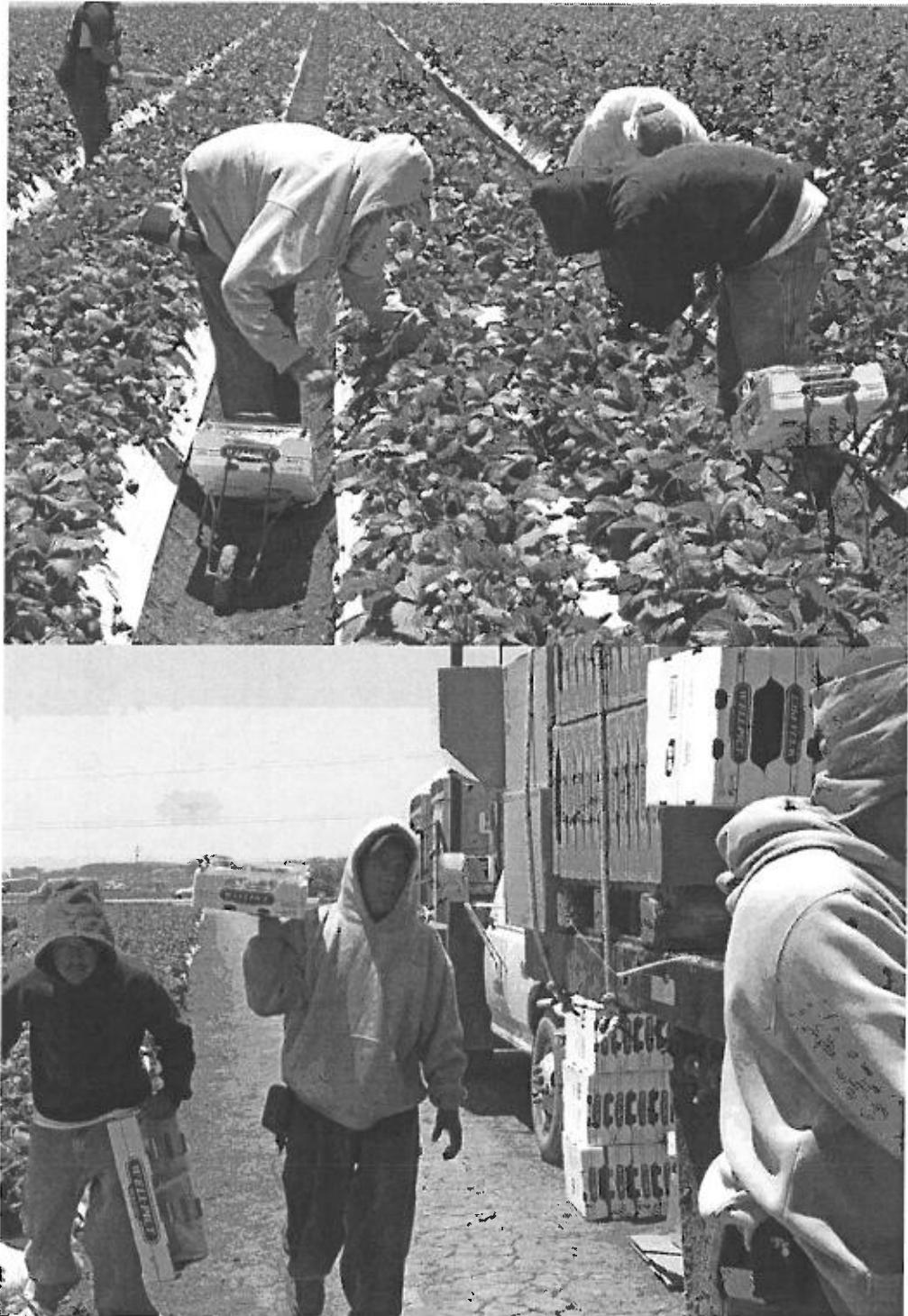
I have worked in the strawberries for some years. We usually had skin itching and eye tearing, mainly in our hands, when we saw they were spraying the field next to us. (woman farmworker)

information meeting, but it is just a state law, the grower does not care about us at all. The government should check continuously the safety of the workers. Because growers just look for their benefit, not for the workers' safety. (Jesus Arenas, strawberry farmworker)

Nobody has explained us nothing about protection. I do not wear gloves. Some people use a scarf to protect their mouths but I don't use it because it does not allow me to breath. I don't have medical coverage and I have never heard about any union. (woman, raspberry farmworker).

Some pictures of strawberry farmworkers







CONCLUSIONS

In Watsonville, pesticides have become a problem for farmworkers and families that are exposed to them. It is known that pesticides are toxic to humans and regulations have been made in order to reduce people exposure to them. However, the law works on paper but it is not effective in real life, where environmental variability, product failures and human mistakes happen all the time. With the continued increase of pesticides use, this probability of mistake is consequently rising.

With legally unprotected farmworkers, agribusiness companies can keep using large amounts of highly toxic chemicals. The farmworkers economic situation leads them to a vicious circle of unfair and dangerous working conditions that they can not combat.

The agricultural sector should experience some changes in order to recognize and value the farmworkers work. The whole community should demand better wages and health coverage for farmworkers, as well as better pesticides regulations and legal protection.

A tension exists between the state and the farmworkers, who disagree about what level of exposure farmworkers are actually having. Since the state does not do any monitoring of farmworkers illnesses, the current effects of pesticide in farmworkers are unknown. Due to the fact that any of the health problems are attributed to pesticides intoxication, the problem does not formally exist, and any legal action is taken to solve it. Consequently, we keep exposing our population to poisoning pesticides that have totally unpredictable long-term effects.

Pesticides risk is not confined to farmworkers and the agricultural sector. Entire communities and the more vulnerable children are being exposed as well. Even consumers are being threatened by the pesticides residues that remain in the fruits and vegetables that they buy in the stores.

One question rises from all the problems associated with pesticides use: What is the total cost that we are paying in order to keep using these highly toxic pesticides? The results of this study show that extremely high economical, social, environmental and human costs are being paid by farmworkers, the surrounding communities and even the whole society. On the contrary, the benefits of using them are concentrated in a few growers and corporations.

"Eliminating use of toxic drift-prone pesticides is the way to stop the drift problem at its source," Anne Katten, Pesticide and Work Safety Project Director of California Legal Rural Assistance Foundation (CRLAF), stated. "To protect the health of farmworkers and the general public, state and federal agencies must phase out these pesticides and dramatically boost their support for growers to transition to sustainable agriculture."¹⁰⁰

In order to have healthier environment and communities, it is necessary to radically stop the application of all kinds of toxic pesticides. A transition to organic agriculture is the only possible solution to keep agriculture in the Pajaro Valley sustainable. Organic industry is now as profitable as conventional industry, and its techniques are respectful with the environment and with the people.

The only way to drive our society to sustainable development is working together to ensure both the respect to human rights and the protection of our environmental systems. The consumer movement that understands that worker justice and organic farming should go hand in hand is the motor needed to make a change in the current situation.

¹⁰⁰ Corpwatch, Pesticide Action Network: USA: *Pesticide Drift a Hazard for Californians*, 2003



COUNTY OF SANTA CRUZ

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October 11, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Re: Comments on the Draft Environmental Impact Report (DEIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

Dear Mr. Johnston,

Thank you for the opportunity to comment on this DEIR. It is obvious that staff have taken this complicated policy matter very seriously and considered the impacts of the various projects alternatives very thoroughly. Overall, the document has a high level of sophistication as a planning tool. While there are many aspects of the document that we are supportive of, we will limit our comments to those issues which we feel warrant clarification or further analysis:

- 1. Mapping/GIS analysis.** Many of the figures have inappropriately identified parcels for their respective role in a future licensing program. For example, City of Santa Cruz lands on Newell Creek are identified as being eligible for cultivation in Figure 2-6 and federal land in Bonny Doon is also identified as eligible for cultivation in other figures. Hopefully, the impacts analysis is not GIS-based. However, if the analysis is GIS-based, then it seems prudent to clarify and correct mapping errors and refine the environmental review.
- 2. Land use.** Commercial cannabis cultivation and the related concentrates manufacturing activities would be no different than other industrial agribusiness activities if not for its federally illegal status and the associated culture which has grown around illegal cultivation

since the 1970s. Rather than trying to impose rigorous licensing conditions upon operations that are inherently ill-suited to their current locations, primarily in the mountains, which the County plainly admits in this document that it is likely to be less successful than desired. Limiting this commercial activity to areas already dominated by agribusiness seems more appropriate. The existing infrastructure for cannabis-related activities is located in the mountains not only because the growing conditions are favorable there, but also because the illegal status and subsequently inflated value of cannabis over the decades has required defensible and secure cultivation locations. However, with cannabis now coming out of the legal shadows and the relatively new found ability to openly cultivate in greenhouses, an alternative would be to consciously move this activity into existing agribusiness-dominated areas of the County and out of mountainous areas, which provide other important functions for the County water supply, cold water fisheries, recreation, etc.

3. Alignment with state policies. Several of the standards in the County cultivation regulations are less stringent than policies already in place in other areas of the state. It is unclear to us what requirement the County has for conformance with these standards, but it seems rational that the County regulations ought to be at least as stringent as state standards. For example, mitigations for riparian buffer widths, water diversion forbearance season limits and the need for farm or water resource management plans are not well aligned with state standards.

SWRCB standards can be reviewed in more detail at the following links:

http://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/cannabis_boardworkshop_colorfullscreen.pdf
http://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/cannabis_go.pdf
http://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/staff_report.pdf
http://www.waterboards.ca.gov/centralvalley/water_issues/cannabis/general_order/r5-2015-0113_att_a.pdf
http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf

Assuming the SWRCB will adopt relatively consistent standards statewide, mitigations regarding riparian buffer widths, water diversion and water resource management or farm management plans should be modified to be as protective as their respective state standards.

4. Market branding. Support of a market branding program similar to that used in Humboldt County would be an incentives-based method of protecting both the legacy of small “mom and pop” mountain grows and the natural resources potentially threatened by them in the mountain locations where they have historically farmed . While many of the

standards already proposed in the County's proposed regulations are equal to or superior to certified and branded cannabis from other jurisdictions, Santa Cruz County Certified branded cannabis could be developed as a mitigation and include more rigorous environmental protection standards than more traditional cultivation methods. These standards could include, but not be limited to:

- Organic only pest control methods
- Solventless concentrate manufacturing
- Educational requirements for licensees such as the "Master Gardener" program.
- Enhanced forest preservation, water use, erosion control and related standards
- Third party compliance inspections and certification

Some examples of such programs can be found at the following links:

<https://www.cleangreencert.org/>

<https://www.certified-kind.com/certified-kind-rules>

[http://mbmg.ucanr.edu/Learn To Be A Master Gardener/](http://mbmg.ucanr.edu/Learn%20To%20Be%20A%20Master%20Gardener/)

5. Allowance for trucked water. Trucked water should not be allowed for any commercial cultivation activities. Not only does trucked water open up a new acreage to cultivation that might not otherwise be possible, the ability of the County (not to mention water purveyors) to oversee a trucked water program is highly speculative when consideration is given to the nuances of water rights, use tracking and related issues. Furthermore, we are not aware of any water purveyors who have analyzed this issue at a level of complexity that would allow for thoughtful accommodation for this new system demand through their Urban Water Management, drought contingency and other related plans.

6. Resource Conservation District role. Many of the proposed mitigations are not unique to cannabis and could very readily be implemented with the assistance of the Resource Conservation District of Santa Cruz County (RCD). The RCD commonly assists landowners with similar issues and is uniquely qualified to provide technical assistance to this sector of the agribusiness community as well. The RCD may be able to provide a unique role in certifying cultivation operations, given their vast experience with supporting agriculture and the objectivity that would come from their lack of pre-existing connections to the cannabis industry.

7. Impact AT-3. Considering all the environmental services that forestlands provide regarding retention of runoff, wildlife habitat, carbon sequestration and overall watershed functions and the fact that many of our watersheds support special status species and water

supply for the majority of County residents, the impact of forest conversion or rezoning of TPZ lands could be significant. Furthermore, vegetation community shifts due to climate change predicted by Point Reyes Bird Observatory¹ indicate that redwood forests may be severely limited in the County in the future, thereby exacerbating this issue. Including more rigorous mitigation for this impact such as prohibiting rezoning of TPZ parcels for commercial cannabis cultivation, prohibiting expansion of the agricultural use of TPZ zoned parcels for commercial cannabis cultivation or prohibiting all commercial cannabis operations on TPZ zoned parcels seems appropriate.

8. Impact Bio-1 – MM BIO-1.1b. Habitat Compensation. Many permitting authorities use a 3:1 ratio for mitigation rather than a 1:1 ratio. Consideration of a more rigorous mitigation bank concept seems appropriate given the scale of impacts associated with this project. Implementation of any such program will obviously be very challenging and success may be a speculative, remote possibility. That said, leveraging this mitigation to provide improvements on other public lands, which currently have insufficient resources to do so (State Parks, County Parks, etc.) and habitat mitigation banking criteria that have enough flexibility to trade impacts in upland areas for mitigation in riparian areas, for example, may help facilitate the success of this mitigation.

9. MM BIO-1.1h. Water Draw Restrictions. We strongly support this mitigation, however it is not entirely consistent with state standards, nor will it necessarily be entirely protective of instream flows and related aquatic biota. The SWRCB is currently proposing a surface water forbearance period of April 1 – October 31. If it is determined that groundwater diversions have the potential to significantly affect surface water supply, forbearance periods may extend to groundwater diverters as well. In Santa Cruz County there are also instream flow problems during the winter period in some creeks, particularly during drought periods. Aligning this mitigation with state standards and protecting non-forbearance period instream flows during drought would make this mitigation more rigorous. Of course, water rights validated by the SWRCB and Streambed Alteration Agreements for any surface water diversions will also be necessary to make this mitigation meaningful.

10. MM BIO 4.2. No Cannabis Activities allowed within Sandhills Habitat or Salamander Protection Zone. We strongly support this mitigation as well. It is notable that this mitigation may also serve as mitigation for hydrologic impacts by reducing the groundwater pumping associated with the project in overdrafted groundwater basins such as the Santa Margarita groundwater basin.

¹ <http://data.prbo.org/cadc2/index.php?page=154>

11. MM BIO-4.1. Avoidance of Conflict with an Approved HCP. It is likely that the City of Santa Cruz will have an approved Anadromous Salmonid HCP that includes instream flows for the San Lorenzo River, Newell Creek, Laguna Creek, Liddell Creek and Majors Creek within the next two years. Any licenses granted subsequent to that time in these watersheds should not include allowance of activities which affect instream flows or otherwise affect aquatic habitat to the extent that there are conflicts with implementation of this HCP. This may also be true for other water purveyors such as the San Lorenzo Valley Water District or other San Lorenzo River tributaries in the future.

12. Impact HYDRO-1. Commercial cannabis cultivation under the Program could introduce sediment and other pollutants to surface flows and groundwater, which would cause water resource contamination. With mitigation, this impact would be less than significant. The County is already considering karst protection language for several existing regulations and inclusion of karst protection standards in commercial cannabis cultivation regulations and mitigation measures in this EIR seems appropriate as well. Given that several public and private water sources are located adjacent to “M” zoned parcels in karst terrain where commercial cultivation appears to be possible, the impact is currently not sufficiently mitigated. These standards could include but not be limited to:

- Site-specific geologic investigations
- Setback for any structures, roads and manufacturing from sinkholes or other karst features.
- Routing drainage away from karst features

See the following link for more information on this issue:

http://santacruzcountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=2578&highlight_Terms=karst
<https://www.americangeosciences.org/sites/default/files/karst.pdf>

13. Impact HYDRO-2. Commercial cannabis cultivation under the Program could adversely affect groundwater supplies and groundwater recharge. This impact would be less than significant with mitigation. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water, particularly during drought during both the wet and dry seasons, are not exhaustively analyzed in this document, nor have they been analyzed by local water purveyors. Therefore the impacts cannot be well-understood at this time. Furthermore, new greenhouse construction could potentially increase runoff rates and reduce groundwater recharge, though it is not clear what analysis has been conducted to characterize this issue and provide commensurately appropriate mitigation in the DEIR. This has been a significant issue in other groundwater basins,

particularly the Oxnard Plain, where greenhouse-based cultivation practices have replaced row crops or other agricultural practices that do not result in development of landscape-scale impervious surfaces. Given the existing dire situation with water supply in the County and the mitigations currently proposed, it seems speculative to say that the impact is less than significant with mitigation. Further analysis of the demand posed by the program would facilitate a more rigorous discussion of the true impacts on water utilities.

14. MM-HYDRO-2.1. Water Efficiency for Cannabis Cultivation. While we strongly support this mitigation, implementation success of the mitigation will take an ongoing, long term commitment and significant resources. The success of such a mitigation may be enabled by the involvement of a third party such as the Resource Conservation District. Again, RCDs have a long history of success with such programs. Furthermore, this mitigation measure would be much more successful if it included a requirement for metering groundwater pumping.

15. MM HYDRO-2.3. Water Tank Supply Management. It is not clear if this mitigation applies to water used for irrigation as well as water used for firefighting purposes. However, as previously mentioned, we support the surface water forbearance period for water diversion and tank filling. However, there may be non-forbearance period flow issues to consider and consistency with SWRCB standards that need further consideration in development of this mitigation. Obviously, the standards for the County's program will need to parallel the state standards, if only because state permits are required for water diversions.

16. Impact HYDRO-4. Commercial cannabis manufacturing under the Program would result in a less than significant effect with mitigation on the introduction of sediment and other pollutants to surface flows and groundwater, and on the groundwater supplies and groundwater recharge. This impact would be less than significant with mitigation. The County is already considering karst protection language for several existing regulations and inclusion of karst protection standards in commercial cannabis cultivation regulations and mitigation measures in this EIR seems appropriate as well. Given that several public and private water sources are located adjacent to "M" zoned parcels in karst terrain where commercial manufacturing appears to be possible, the impact is currently not sufficiently mitigated. These standards could include but not be limited to:

- Site-specific geologic investigations
- Setback for any structures, roads and manufacturing from sinkholes or other karst features.
- Routing drainage away from karst features

See the following links for more information on this issue:

http://santacruzcountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=2578&highlight

Terms=karst

<https://www.americangeosciences.org/sites/default/files/karst.pdf>

17. Impact UE-1. The Program could increase demand or result in the expansion of facilities for water, wastewater, or solid waste services within the County due to licensing of commercial cannabis cultivation and product manufacturing activities. This impact would be less than significant with mitigation. The additional water demand posed by allowance of tankered water, groundwater pumping and diversion of surface water (particularly during drought during both the wet and dry seasons) are not exhaustively analyzed in this document, nor have they been analyzed by local water purveyors. Therefore the impacts cannot be well-understood at this time. Given the existing dire situation with water supply in the County and the mitigations currently proposed, it seems speculative to say that the impact is less than significant with mitigation. Further analysis of the demand posed by the program would facilitate a more rigorous discussion of the true impacts on the water supply

18. Sustained (and enhanced) enforcement program. The most permissive alternative may be the most expedient way to get operations into the licensing program, but it seems like a logical stretch to say that it is therefore the environmentally superior alternative. The County will have serious challenges with program implementation on licensed grows and especially with enforcement on unlicensed grows with any project alternative. As the DEIR itself states, it is quite likely that, even with the most permissive project, illegal grows will be rampant due to the complexity of the license process, perceptions of excessive taxation, temptation of illegal out of state markets and related issues. These illegal grows operating in the shadows of legal grows will be even more difficult to enforce if they are scattered county-wide and the standards for legal grows are so low that differentiating between legal and illegal grows is challenging. Furthermore, while our recent experience with County Code Compliance has been mostly positive, it has also been our experience over the years that frequently there have been times when there were insufficient resources for Code Compliance to be adequately responsive to enforcement needs. At the very least, dedication of cannabis licensing and sales-related tax revenue should be implemented to help ensure some long-term viability of an enforcement program that is commensurate with the scale of the industry in the County, be it legal or not. Without this assurance, given the history of Code Compliance, the complex nature of the cultivation regulations and the scale of potential illegal cultivation under any project scenario, it seems somewhat speculative to conclude that impacts will be mitigated to a “less than significant with mitigation” level by a sustained and enhanced enforcement program.

Thank you for your consideration of these important issues. Please do not hesitate to contact me if you have any questions or concerns about these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Hamilton Monkerud". The signature is fluid and cursive, with a large, open loop at the end of the last name.

Carol Hamilton - Monkerud
Chair – Water Advisory Commission

cc: FWAC, COE, John Ricker

From: ["Wes Dewhurst" <ipfagricultural@gmail.com>](mailto:Wes Dewhurst)
To: [CannabisEIR <CannabisEIR@santacruzcounty.us>](mailto:CannabisEIR)
Date: 10/25/2017 8:39:23 PM
Subject: Comment for Draft Cannabis EIR, Santa Cruz County

To Whom it May Concern,

My name is Wes Dewhurst, and I am a cannabis cultivator working for a farm in the process of relocating to the Watsonville area from another location in Santa Cruz County. First, I want to thank you for working so hard on this EIR, and the regulations that will finally govern the legal production of cannabis in Santa Cruz County.

I am writing today to express concern regarding one particular aspect of the EIR and the legislation that is emerging from it: F-1 Occupancy.

I feel like it is clear that a farm producing cannabis flowers should not be classified as F-1 Factory Industrial. It seems that this category applies to manufacturing and industrial storage. The code itself very narrowly defines the businesses that are considered F-1 occupancy, and none of the businesses named are agricultural in nature, nor do any of them involve the growing and processing of any agricultural materials. I can see that Hemp Products are included in this list, but growing and processing cannabis flowers and processing industrial hemp are not the same thing. Industrial hemp processing is basically textile manufacturing, and bears no resemblance to the process of growing, harvesting, drying and curing flowers.

There are a number of very large businesses in Santa Cruz County that are heavily involved in agricultural production, and they are not classified as F-1 occupancy. Some of these businesses even grow and process flowers. The idea that one type of large flower grower would not be classified as F-1, and another flower grower would be seems unfair and unequal in the application of the code.

Thank you very much for your time, and for all your hard work on this incredibly difficult and complex issue.

Thanks,
Wes Dewhurst

From: ["Michael Sapunor"](#)
To: ["Matt Johnston" <Matt.Johnston@santacruzcounty.us>](mailto:Matt.Johnston@santacruzcounty.us)
Date: 10/30/2017 10:53:41 AM
Subject: FW: Environmental Impact Review - Santa Cruz County - Feedback from Public

EIR comments

Michael Sapunor

Resource Planner IV
Cannabis Licensing Office
(831) 454-3405
michael.sapunor@santacruzcounty.us

From: Will Garrison [mailto:razorback0416@yahoo.com]
Sent: Saturday, October 28, 2017 6:51 PM
To: Loretta Moreno <Loretta.Moreno@santacruzcounty.us>; Michael Sapunor <Michael.Sapunor@santacruzcounty.us>
Cc: Dennis Farley <farley4us@yahoo.com>; Richard Rodrigues <richard@happyhollowfarmsor.com>; Viyda Schatz <viyda@gcanoregon.com>; Nikki Hogan <nikki@gcanoregon.com>; Celmafreire <celmafreira@yahoo.com>; Nelson Junco <nelson@happyhollowfarmsor.com>
Subject: Environmental Impact Review - Santa Cruz County - Feedback from Public

Loretta and Michael,
Hope you both are fantastic!

Please forward to the "pile" of comments, in re: to the EIR for the county cannabis ordinance.

I, personally, am very pleased with the recommendations of the EIR..specifically in regards to providing a "more inclusive" cultivation ordinance allowing more existing operators to continue with their livelihood / vocations.

My ain issues are:

- > Be sure that growing in SU zone is protected in regards to being able to cultivate and participate in other cannabis activities.
- > Be sure the growing in TP zones is protected and people who are so zoned are able to participate in cannabis activities.
- > Recommend that when multiple parcels are part of the same farm operation, as long as the parcels are adjacent and contiguous, waive the requirement that each parcel have a resident manager. Again, this enhancement to the ordinance will be beneficial from environmental impact viewpoint because it will reduce the number of living quarters required for grow operations.
- > Similarly, waive the requirement that each parcel must grow its allotment of cannabis on its own footprint... where the parcels are adjacent and contiguous, allow all cultivation activities to occur in one location - reduces environmental impact and costs TREMENDOUSLY.
- > The fire water requirements appear somewhat onerous...suggestion I heard at meeting when EIR was released, where each situation evaluated on case by case basis and alternative means of providing same level of fire protection should be considered.
- > The hazmat rules - seem very straight forward and logical...
- > The wildlife, fish and game, etc. requirements seem fine.
- > Believe I heard that the draft will require fencing to be restricted to immediately surrounding the cannabis operations. This is a very good idea and will be beneficial to animals traversing their existing trails....

> All in all - a wonderful job by professional and dedicated people!

Please advise if questions, etc. 479-301-5108.

Thanks!

Will Garrison

cc: Dennis and Celma Farley

Richard Rodrigues

Fernando Rodrigues

Nelson Junco

Viyda Schatz

Nikki Hogan

Comments on the Draft Environmental Impact Report

General

The history of Santa Cruz County concerning the enforcement and regulation of Cannabis cultivation is one of mistake after mistake. The influx of out of state entities into our area is causing a drastic environmental change throughout the rural mountain areas. During the last 3 plus years Cannabis growers in the mountain regions have greatly impacted the quality of life and seem to be hostile towards and bothered by the residents.

Analysis of the many issues

DEIR Section 2.2.10

"The potential environmental impacts of the Program are those associated with any new activity, or expansion of existing activity, beyond that baseline level that is attributable to the Program. *It is that additional increment of cultivation and manufacturing that is the subject of this environmental analysis*"

To start with, because there are so many unknowns, the County has very little integrity to form a “**baseline**” anywhere close to reality for making a lot of the environmental assumptions and mitigation procedures which are included within the DEIR.

The DEIR relies largely on the “growers” and Cannabis organizations for a large part of its input to form said “baseline” which in itself is a conflict of interest and should be of great concern and looked at as highly suspect. There seems to be an ongoing conflict between the small growers interests and the larger growers interests.

These changes should be in the full stated purpose of this Program:

DEIR Section ES-3 (2)

"Develop a program that encourages (Change to “only allows”) cannabis cultivators and cannabis product manufacturers to operate legally and secure a license to operate in full compliance with County regulations, maximizing the proportion of activities within the program and minimizing (Change to “prohibiting all”) unlicensed activities"

The following is **profound**. It will continue under this new program.

DEIR Section 1.1

"An unintended consequence of adopting SCCC Chapter 7.126 in February 2014 was that it triggered a "**green rush**", with existing cultivators **expanding** operations due to a sense that being hidden was less important, as well as new cultivators moving into the area and setting up new cultivation and manufacturing sites both outdoor and indoor. It appeared that many of the cannabis operations, especially new operators, simply acted upon a **misunderstanding that the County allows cannabis activities**, without reading or complying with the restrictions and requirements of the SCCC. Therefore, the adverse effects of illegal cannabis cultivation were **exacerbated and expanded** to include increased areas of hillside grading, clearing of trees and vegetation, and other environmental and community impacts. Currently, there is a **significant** known but difficult-to-quantify level of **cannabis cultivation and manufacturing** activity within the unincorporated area of the County."

The whole slant of the DEIR seems to be geared towards the idea that it will result in the legalization of the existing and future activities and discourage the black market in the cultivation and sale of cannabis products. This is especially true of the reasoning for the More Permissive Project. **The DEIR should address the very real and highly probable fact that this will not occur.** Then what?

Evidence shows overwhelmingly that the **black market** will prevail:

DEIR Section 3.0.2 Unlicensed Commercial Cannabis Activities

"Furthermore, many registrants have stated an intention to **increase cannabis activities** in the future, **which may occur illegally** if registrants do not obtain licenses and no longer seek to be consistent with any limited immunity provisions (that are proposed to be eliminated from the SCCC as part of the Program)."

ALSO from Section 3 of the DEIR:

As evidenced in other states where medical and recreation cannabis cultivation and manufacturing has been legalized, such as Colorado, illegal markets for cannabis product are thriving, changing, and growing. For example, as described by a range of news sources, including Newsweek, legal recreational cannabis is satisfying only 59 percent of the demand for marijuana in Colorado. **The remaining 41 percent of users are turning to the illegal market** and medical marijuana growers. **Due to operating expenses including taxation on cannabis at government-licensed dispensaries, many users are looking to unlicensed sources, including home-based cultivators and delivery services, to obtain cannabis.** Further, demand from residents living in nearby states where cannabis is still illegal supports illegal cannabis activities."

In fact, the Black Market will likely flourish and grow as the costs associated with the legal cultivation and regulation from all of the State and County agencies will drastically increase the costs of business for these legal enterprises over the black market costs, not to mention the tax ramifications. Incentives are being proposed by this DEIR which will result in the very opposite of the things the program wants to accomplish.

What are the results of not complying: **Much less expense and more nontaxable profits** along with the **cheaper environmentally harmful cultivation practices**. *The county all but advertises that it is unable (more likely unwilling) to hinder illegal activities to any major extent and has demonstrated this fact.* Wink Wink

This DEIR **is an excuse and a cover up** for this counties past **bad behavior** towards Cannabis activities.

What would be the impacts of the Program if it fails? This needs to be thoroughly addressed in the DEIR if the program is approved. They have been getting away with illegal grows so far so why go through the hassles and expense to change it now?

Drastic **disincentives and enforcement** issues need to be addressed or there is a very real possibility that **more environmental damage** will occur and detrimental quality of life issues will be realized by many more citizens. It will get much worse than it has already become.

The whole basis of this “**Program**” is and should be considered suspect and the issue of **NOT** moving forward in this County with this legalization Program should be taken into consideration and the **environmental impacts compared** to this DEIR.

If the County fully enforced the eradication of the Cannabis cultivation *for any reason*, including “Medical”, it would lead to a much better environmental result and a much better quality of life especially for the rural citizens of the County. To just say that this is impossible because we can't control it is disingenuous at best. There has been very little effort to do so and the ongoing result has been to just look the other way by the County which has lead up to the huge environmental mess we are in today.

The use of marijuana in this county would be taken care of by responsible **legal** enterprises elsewhere if this program is rejected and then the **illegal grows and environmental damage** can be stopped here and truly mitigated.

There are many ways to hinder this black market by making it more costly to continue on with it as opposed to the legal means by using **real disincentives**.

The “Medical” and recreational Cannabis can be supplied by areas that can regulate and enforce ordinances which Santa Cruz County has shown over and over again to be totally incompetent, or more likely, unwilling to accomplish. ***Just the inclusion in the ordinance that they are under no responsibility to enforce the conditions is incomprehensible. This should be noted in the DEIR.***

Santa Cruz County Code: 7.128.013 Enforcement.

“(C) Nothing in this chapter shall be construed as imposing on the Licensing Official or the County of Santa Cruz any duty to issue a notice of violation, nor to abate any unlawful cannabis business activity or cultivation, nor to take any other action with regard to any unlawful cannabis business activity or cultivation, and neither the Licensing Official nor the County shall be held liable for failure to issue an order to abate any unlawful cannabis business activity or cultivation, nor for failure to abate any unlawful cannabis business activity or cultivation, nor for failure to take any other action with regard to any unlawful cannabis business activity or cultivation. [Ord. 5216 § 1, 2015]. “

We have rolled out the red carpet to illegal grows and become a magnet for out of county/state interests which show no desire to integrate into our way of life as they are totally in it for the money. It is becoming extremely worrisome and frightening for our families to live with this Cannabis issue.

History has shown little regard for following any rules and regulations by the majority of people involved in the Cannabis industry.

The fact that you could get a medical marijuana card for **virtually any reason** being used as an excuse for the **recreational use** of the drug has long been the reality of the issue.

The time for the Medical excuse is now over with Prop 64. This should be the basis for **legal and regulated agricultural cultivation of Cannabis** and to bring it into the realm of other **agricultural products** which this DEIR does not require at all. This will not happen voluntarily. This has to be **non negotiable for the safety of the environment** and should be a **fundamental issue** in the DEIR.

Any cultivation license needs to have a bond posted that they will be responsible for any environmental damage which they might cause for a period of time after issuance.

Most all of the discussions on the proper cultivation and ramifications of Cannabis are highly anecdotal as proper studies of the drug are still illegal under Federal law. The amounts of energy, water, fertilizer, insecticide, fungicide, and rat poison uses are unknown and widely different among cultivators. The locations of the grows and the requirements and use of these should be taken into consideration in the zoning. The mountain and rural areas are different than the Commercial Ag and other true agricultural areas.

Here is some real Science of illegal marijuana grows and the *scientifically studied* environmental mess they are causing. **It is happening here.**

<http://discovermagazine.com/2017/sept/high-consequences>

All aspects of the cultivation and manufacture should be regulated and inspections of the end products and procedures need to be undertaken before any of the products of this industry in the County are allowed to be consumed by the public. The DEIR makes unproven assumptions throughout. **Without scientific and documented cultivation practices regulated like all other agricultural products any mitigation's are just unprovable by facts.** The fact that some growers are attempting to go "organic" has what meaning? Is this an item to be included in the DEIR?

As for the inclusion of the **Timber Production Zone (TP)** as an allowed use for Cannabis cultivation, it is incompatible for many reasons. As the owner of a Certified Tree farm which is governed by an Non-industrial Timber Management Plan (NTMP) the regulatory issues are very complex and different and are geared towards the protection of the forest products and are highly regulated under the Forest Practice Rules. These are in many ways not compatible with other uses. The property must be professionally observed by a professional Forester. Any other use should be cleared by such a professional so as to be in compliance with the TP use. The State has jurisdiction over forest practices. TP zoned parcels are very environmentally sensitive areas and should be excluded from the program. All aspects of Timber harvests are highly regulated. Any Cannabis grows in this TP zone likely will not be environmentally compatible or feasible to carry out because of the costs.

For example many roads are not county approved for access and are built and maintained under far different erosion and grading rules than the county's. Most are heavily water barred and are not to be used during the off season October to April. Clearings and landings are to be maintained for Timber production so conversion by buildings and other development is detrimental to their intended use. **The Ag use of TP is appurtenant to the production and health of the forest, wildlife habitat, and watershed preservation and any activities that obstructs this use is in conflict to that requirement.** Most of the roads would need to be brought up to county fire and access road standards. It would be environmentally impossible to do so. *The Cannabis*

*Industry has objected to the road requirements and are lobbying to have them eased, which should not be allowed. **They need to be strictly enforced for Fire Hazard reasons.***

In all zones before any Cannabis cultivation is allowed, **all adjacent parcels should be properly notified** and all environmental issues mitigated if possible or the request for license should be denied. The neighbors need to know and it should always be totally transparent and public information. All Cannabis sites and owners should be made public. *This industry is afraid of this happening* for many reasons which are not feared by the rest of the agriculture community. The reasons why need to be thoroughly studied and understood in this DEIR.

The propensity for these grows to occur on the “**end of the road**” properties is environmentally questionable. The increase in fire access alone because of the poor roads are mainly *Significant and Unavoidable*. If security is their excuse, it by definition endangers the rest of the citizens in these areas. The argument that the mountains are the preferred cultivation site is highly questionable and likely an excuse for hidden activities. We feel these locations are unsuitable for overwhelming environmental and quality of life issues. *Also it is most likely that the increased costs in these locations to be licensed needs to be addressed in any zoning decisions.*

Most properties, especially vacant ones, located in these areas are being gobbled up by growers, many in cash transactions. There are 7 active parcels involved in cannabis around my parcels alone. The fights, law enforcement busts, and major property damage which we have witnessed is incompatible and frightening to our families, kids, and grand kids. There is noise at all hours, there is little road maintenance help, and there is no desire to adjust to the rural family oriented uses which had prevailed before these disastrous policies were set upon us by the County in the last few years. These Cannabis grows are not compatible and would be too expensive to change into legal grows by the overwhelming majority of growers in these timbered areas.

The amount of money involved in this industry is hard to imagine and quantify.

DEIR Section 3.0.2 p. 3-4 states the value of the current crop at “**250 to 300 million dollars**” and “**maybe much higher**”. The counties most valuable traditional crop (strawberries) is valued at only “**219 million**” making this Cannabis issue extremely concerning if it cannot brought into legal compliance completely. This is over \$1000 per man, woman, and child in the county. Is there a requirement to only sell Cannabis to Santa Cruz County? These figures seem to dispute this fact just by the numbers.

Just the ***political power*** of these growers is an issue which needs to be addressed as it can result in invalid reasoning in the DEIR. ***It suspiciously looks like it has already wielded said power in this DEIR to expand the allowed areas.***

The issue of money and the tax income is highly suspect as growers and purchasers especially in the various cannabis transactions up through the supply chain are largely unknown and deal mostly in cash transactions. The black market needs to be stopped or this DEIR is of limited value and the environmental damages will continue. During a crack down and a “clean up” of the mess that currently exists there needs to be a requirement that the property owner has to be held accountable both legally and monetarily. The fines collected from enforcement would be huge and would adequately cover the costs of the environmental clean up. 250 to 300 millions dollars being made here already and we can't rake in some of it to protect our community? Who is making this money? Time to bring this to the surface. Follow the money...

To reiterate, the environmental atmosphere in the **“end of the road”** areas is extremely critical already. The seeming irritation that the growers show towards the existing residents because of the inherent incompatibility of their commercial interests is causing much concern to the people who want to live and raise families in peace.

We need to stop the belief that this DEIR will justify the ordinance, and will mitigate the issues. This thinking has been demonstrably wrong every time it was used in the past. It will just magnify a cannabis problem brought on by the County itself which has shown the unwillingness to enforce its Cannabis ordinances .

This section from the DEIR is also very profound:

“Section 3.10.6.3 Secondary Impacts

Impact LU-3.1 - Secondary Cultivation/Manufacturing. Secondary impacts to land use and planning policy consistency would result from **project-induced new or expanded** land us conflicts related to **unregulated illegal cannabis cultivation and manufacturing activities.** After adoption of the Program, unregulated cultivators would either begin or **continue operating illegally**, or would not seek a license under the Program, causing **significant policy consistency impacts**. Secondary impacts to neighborhood compatibility and plan inconsistency would result from land use conflicts related to **unregulated cannabis cultivation and manufacturing activities within existing communities.** With the implementation of MM AG-1.3a,

Enforcement, the County would enact a program to address enforcement of illegal cannabis cultivators and manufacturers. With the implementation of MM AG- 1.3b, *Annual Survey and Monitoring Report*, the County would monitor and conduct annual surveys of illegal cultivation and manufacturing locations throughout the County, and ensure feasible levels of staffing and resources are dedicated to enforcement.”

The Rest of the Story in this DEIR section ...

“However, even with the implementation of MM AG-1.3a and MM AG-1.3b, secondary impacts related to land use policy consistency conflicts under both the Project and the More Permissive Project would be significant and unavoidable.”

DEIR Section 4.2.1 No Project Alternative

“The No Project Alternative would involve a continued ban on cannabis cultivation without an active enforcement program.”

What's stopping the creation of one if Cannabis was truly banned. The following enforcement could be started at any time. We have been waiting for it to happen. This DEIR is full of references to these mitigation steps and items which are not shown in the Contents pages and this is a typical government exercise of technical and extremely difficult to digest information.

These mitigation sections show up throughout most sections of the DEIR:

Example:

Section 3.13.63 Secondary Impacts

“Mitigation Measures

Implement MM AT-1.3a. Sustained Enforcement Program. To reduce secondary impacts from roadway operations, safety, and emergency access within the County, MM AT-1.3a, addressing County implementation of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program, shall apply to Impact TRA-4.

Implement MM AT-1.3b. Annual Survey and Monitoring Report. To reduce secondary impacts from roadway operations, safety, and emergency access within the County, MM AT-1.3b, addressing County criteria for an Annual Survey and Monitoring Report of licensed activities as well as illegal activities, including recommendations regarding enforcement staffing and resources, shall apply to Impact TRA-4”

Following are the actual sections being referred to in the DEIR.

Section 3.2.7

Mitigation Measures

“MM AT-1.3a. Sustained Enforcement Program. To address continued unlicensed cannabis cultivation within the County that may adversely affect agricultural and timberland resources, the Cannabis Licensing Office, in consultation with the Planning Department and County Sheriff’s Office, shall recommend to the Board of Supervisors an Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program. The enforcement program shall have sustainable funding and feasible implementation within the first year of adoption of the proposed Program to address enforcement of unlicensed cannabis cultivators and manufacturers. The funding and implementation program shall be subject to approval by the Board of Supervisors. Within two years of adoption of the proposed Program, funding shall be determined with assistance from the Annual Survey and Monitoring Report described in MM AT-1.3b and appropriately balanced with other County and/or local community priorities to provide a feasible level of funding for an effective ongoing enforcement program.

Requirements and Timing. The Cannabis Licensing Office and Planning and Development Department shall develop and recommend the provisions of the Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program prior to adoption of the Program. The County shall allocate funding and implementation resources for one year following Program adoption.

Monitoring. The Cannabis Licensing Office shall monitor enforcement programming, in coordination with the Planning and Development Department and the County Sheriff’s Office.”

County of Santa Cruz Section 3.2 Agricultural and Timber Resources

Commercial Cannabis Cultivation and Manufacturing

Regulations and Licensing Program 3.2-30

Draft Environmental Impact Report August 2017

“MM AT-1.3b. Annual Survey and Monitoring Report. To ensure that licensed cultivators are abiding by license and permit conditions, and to identify and take actions to address illegal cannabis activities, comprehensive annual survey and monitoring activities shall be conducted, and conveyed in an Annual Survey and Monitoring Report to the Board of Supervisors, with recommendations regarding enforcement staffing and resources. At least 50 percent of licensed cultivation and manufacturing sites shall be evaluated and reported upon each year in an Annual Survey and Monitoring Report. The survey shall be implemented by the Cannabis Licensing Office once per year, and the list of monitored and surveyed items shall be approved by the County Cannabis Licensing Official, Planning Director and Agricultural Commissioner within one year of adoption of the proposed Program. At minimum, the Annual Survey and Monitoring Report shall include quantitative recordings of the following items, with analysis of both licensed and unlicensed illegal activities:

- Location of the cultivation or manufacturing site;
- Type of cultivation (indoor/ outdoor/ greenhouse/ etc.) and/or manufacturing (volatile/ non-volatile/ etc.) practices;
- Total square footage of disturbed ground associated with cannabis cultivation and manufacturing; and
- Total loss of any adjacent timber resources or recent habitat removals (including, but not limited to, damage to waterways, indigenous wildlife, understory forest vegetation, or felled trees).

At completion of the annual survey and monitoring efforts, the data shall be assembled into an Annual Report available for review by the County Board of Supervisors. The Annual Report shall contain recommendations regarding enforcement and staffing resources, to provide a feasible level of funding for an effective enforcement program.

Requirements and Timing. The Cannabis Licensing Office and Planning and Development Department shall conduct an annual survey and prepare a report to the Board of Supervisors annually. The County shall allocate funding and implementation resources for the survey on an ongoing basis during Program implementation.

Monitoring. The Cannabis Licensing Office shall perform the survey and prepare the annual report, in coordination with the Planning and Development Department and the County”

Here is the real story on Cannabis cultivation from the DEIR:

Post-Mitigation Level of Impacts

"With implementation of MMs AT-1.3a and AT-1.3b, unregulated cannabis cultivation and/or manufacturing would be reduced over time either through enforcement/closure of grow sites, and residual secondary agricultural and timber resource impacts would be reduced, ***but it cannot be ensured that unlicensed activities would be reduced to a less than significant level.*** Though both licensed and unlicensed cannabis cultivation and manufacturing would be tracked and appropriately enforced by the County to the extent the sites are identifiable, including ensuring that licensed operations are compliant with requirements, ***there is a high likelihood that secondary impacts would continue to occur due to the nature of County enforcement and remote and unknown locations of some existing unlicensed cultivation sites. Therefore, while an adaptive plan can be made to track and enforce licensed and unlicensed cannabis cultivators and manufacturers, the comprehensive protection of existing agricultural and timber resources cannot be ensured. Therefore, secondary impacts to agricultural and timber resources would be significant and unavoidable.***

County of Santa Cruz Section 3.2 Agricultural and Timber Resources

Commercial Cannabis Cultivation and Manufacturing

Regulations and Licensing Program 3.2-31

Draft Environmental Impact Report

August 2017

This next section from the DEIR is extremely troubling: ***Ban Cultivation in these areas no matter which zone they are designated as. This area is directly connected to the Buzzard Lagoon, Rider, And Fern Flat Road locales.*** This whole area is surrounded by the Nisene Marks Park.

Section 3.8.2.4 Wildfire Hazards

"However, the greatest concentration of lands designated as "very high" fire hazard severity exists within the **Eureka Canyon** planning area of the South County Region. The County Local Hazard Mitigation Plan also designates critical hazard areas of the County, as areas subject to greater threat from wildfire, and identifies these areas based on slope, vegetation, ability to respond to fire threats, and localized weather conditions in order to assist with preparation of County hazard mitigation and response planning (Figure 3.8-1; Santa Cruz County Geographic Information Services [GIS] 2009).¹ Because data indicates **that existing cannabis operations are concentrated within the remote forested areas of the County that are subject to greater threats of wildfire**, such as the Mountain Region and foothill areas of the South County Region, **there is concern that cannabis activity could spark wildfire.** Registration data confirms significant overlap between **current grow sites and high fire severity zones**. Some cultivation sites may also include **manufacturing activities using higher fire risk methods, such as open blast BHO production.** These areas also have challenging access for firefighting. On August 10, 2017, CalFire officials announced that use of a portable generator at a

cannabis farm was the cause of the Loma Fire in the Santa Cruz Mountains in September 2016, which destroyed 12 homes and burned a total of 4,474 acres over a period of 16 days before fire authorities could contain and extinguish the fire. It was also reported that the Loma Fire was the County's most destructive wildfire linked to unregulated cannabis cultivation since the 2002 Croy Fire on the Santa Clara County eastern side of the Santa Cruz Mountains, which burned over 3,100 acres, destroyed 31 homes, and which officials blamed on unpermitted solar panels powering an illegal cannabis grow (CalFire 2016b; SCruz Sentinel, Robert Salonga 2017)."

As demonstrated by my Comments and discussions above the **Legal Cannabis Cultivation Licenses should be confined to the existing *true* Agricultural Areas and all manufacturing and sales to the appropriate enterprise zones** and kept out of our very unique and sensitive places which need to be preserved and enjoyed. This DEIR truly represents, if implemented, an environmental disaster to our rural county areas and puts lives at risk.

Walton P. Haines
HD Ranch est.1894
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Corralitos Ca, 95076-0116

walton@waltonhaines.com

From: "Yiwei Wang" <ywang@sfbbo.org>
To: CannabisEIR <CannabisEIR@santacruzcounty.us>
Date: 10/31/2017 5:48:19 PM
Subject: Comment on rodenticide use for cannabis cultivation

Dear Sir or Madam,

I have some concerns with the Cannabis EIR as published.

In section 3.4.1, It is unclear how mitigation would ensure that impacts of rodenticide are less than significant as this is not explained in section 3.4.

In Section 3.4-18, why is rodenticide impacts to sensitive species only considered potentially significant when their adverse impacts on wildlife are widely documented?

IN MM Bio 5.1 - what is the measure of success for RURCP? I think a lot more details needs to be provided to justify that the impacts with mitigation will be insignificant

--

Yiwei Wang, Ph.D.
Executive Director
San Francisco Bay Bird Observatory
408-946-6548