



Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

MEMO FOR AGENDA ITEM 5A August 8, 2017
RE: ENVIRONMENTAL HEALTH ISSUES

Dear Honorable Supervisors:

First, I would like to thank Mr. Trey Strickland for taking the time to speak with me at length regarding a variety of issues pertaining to Environmental Health as it relates to cannabis operations and the permitting process. He has indicated a strong desire to implement the Board's direction to be practical and flexible while maintaining adherence to necessary health and safety issues as well as state regulatory constraints. **If there is any delay in or impediment to delivering creative and pragmatic solutions to the challenges presented, it is merely a result of understaffing and lack of funding for specific pilot project or new policy development.**

In addition to the specific issue of when or if portable toilets may be used, which was effectively outlined in Mr. Strickland's Memo, there remain the additional issues that the Board should provide direction to the Department on:

1. Can Mendocino County spearhead a pilot program for compostable and other "eco" toilets? It is my understanding that an environmental center in Western Sonoma County is currently engaged as a pilot program for that County with the use of such facilities. If the Grand Canyon, the Bronx Zoo and other notable tourist sites can utilize such facilities, there must be a way for us to do it.
 - a. Are there State rules that prevent use of such facilities that can be changed?
 - b. Is it possible to apply for funding for a Pilot Program?
 - c. It is possible to amend our local regulations to allow for such facilities so that if State regulators allow such a study or pilot program, we are ready with our own local rules that would allow for it?
2. Is there any way to better educate the public about the unpermitted well issues? Is it ever ok to not have a permitted well? How does one determine if a new well has to be drilled or the existing well can be utilized?
3. What can be done about educating people about all EH issues and requirements BEFORE they apply for a commercial cannabis permit? **As with other departments, it is difficult for a citizen to know what will be required of them at each step of the way.** While part of the need to not adhere to a specific detailed list can be helpful in attempting pragmatic creative solutions, it also can be a nightmare if there is non way for someone to assess whether the property they are on is suitable or if it would require such an extensive list of corrections that might be exceptionally costly, that they should not apply for a commercial cannabis permit on that site. **Unfortunately, because law enforcement will eradicate and possibly pursue prosecution of persons without a submitted commercial cannabis permit application, along with the race against time for being eligible for a State license, and due to the necessity of proof of prior cultivation on existing properties, often the submission of an application for a cannabis permit comes before the holistic evaluation that ought to be conducted.** Unfortunately, this might not only set people up for failure, but could result in more serious impact to our property ownership rates if folks that **come forward only then discover that property they thought was fine in terms of wells and toilets, are found not to be and will require remedies regardless of whether they continue on with cannabis permitting or not.**

Thank you for any concrete and pragmatic direction to Staff coupled with specific resources to form working groups, instigate pilot programs, work on local and state regulation changes, create informational handouts, and any other specific tasks that can help address these issues from a multi-faceted proactive approach rather than a single-issue, reactive one that is necessary due to understaffing and resources.

Hannah L. Nelson