



March 1, 2017

Mendocino County Board of Supervisors
860 North Bush Street
Ukiah, CA 95482

RE: Medical Cannabis Cultivation Ordinance

Dear Members of the Mendocino County Board of Supervisors;

The Dorothy King Young (DKY) Chapter of the California Native Plant Society (CNPS) fully supports the position of the Sanhedrin Chapter of CNPS regarding the Medical Cannabis Cultivation Ordinance as articulated in their letter to the Board of Supervisors, dated February 6, 2017. The DKY Chapter covers native plant species and habitats that occur roughly within coastal Mendocino County, while the Sanhedrin Chapter represents the inland areas of the county.

Most importantly, the DKY Chapter supports the formation of a Cannabis Cultivation Ordinance that fully avoids and mitigates the cumulative impacts of existing and future cultivation. Under the California Environmental Quality Act (CEQA), failure to identify and implement mitigations that would render the impacts of the Ordinance to a level of less than significant, would require that the county prepare an Environmental Impact Report that discusses all viable alternatives. The severe environmental impacts associated with cannabis cultivation have been well-documented and publicized, and were major factors in the successful passage of our current cannabis laws. The DKY Chapter of CNPS highly supports regulations that are aimed at reducing these environmental impacts, especially those that would impact Sensitive Natural Communities and sensitive plant species.

To ensure that all Sensitive Natural Communities and sensitive plant species are adequately protected, the DKY Chapter of CNPS urges the Board of Supervisors to:

- **Require ALL cultivation permit applications to be reviewed by the California Department of Fish and Wildlife.** We have read the discussion of BIO-1, as written in the Planning Commission's Resolution, dated January 19, 2017, and a memorandum from Supervisor John McCowen to the Board of Supervisors, dated February 10, 2017, which stated that the Board accepted a staff recommendation to modify BIO-1 "to delete the requirement for an automatic referral to CDFW". The DKY Chapter does not agree with the reasoning from the Board for this action, which suggested that the County Agriculture review process would be adequate to determine which applications to send to CDFW, because applicants would have to 1) enroll with the State Water Board, 2) comply with Best Management Practices, and 3) the Agricultural

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Commissioner cannabis inspectors have four year degrees in biology or natural resources. While we would not, in any way, wish to diminish the importance of and knowledge of agricultural biologists, identification of sensitive habitats and species is not the primary responsibility of their profession. CDFW is a Responsible and Trustee agency with jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat, and a primary role of their environmental scientists is to identify Sensitive Natural Communities, and recommend appropriate mitigations. If CDFW is not allowed to review all cannabis permit applications, mitigation measures for the County Ordinance would deviate from what was described in the Draft MND, impacts to Sensitive Natural Communities and listed plant species would potentially be significant, and preparation of an EIR would be required.

- **Require that the Ordinance set a reasonable limit on the number, size and distribution of cannabis cultivation sites based on vegetation types.** BMPs and review of individual permit applications by CDFW still do not address fragmentation of sensitive habitats or cumulative impacts. The County should establish a valid monitoring system that includes mapping the locations and acreages of existing and permitted operations. A cap on permitted cultivations could be more flexible in already disturbed habitats, and more protective where sensitive native habitats occur. In addition, cannabis is a water-hungry crop and our Mediterranean climate means that surface water is very limited during the growing season. This situation will worsen with continued global warming, and the County should also consider water use as one of the cumulative impacts when deciding which permits to approve.
- **Develop appropriate setbacks from sensitive habitats, including those within the State Parks.** While the protection of oak woodlands is vitally important, and we certainly agree that oak trees should not be removed or damaged to facilitate cultivation of cannabis, there are a number of Sensitive Natural Communities, especially near the coast, including Mendocino Coast Pygmy Cypress Forest and Northern Bishop Pine Forest, that should not be impacted by cannabis cultivation. We understand that cannabis cultivation will not be permitted within the Coastal Zone, however, many of these important coastal habitats occur just outside the zone. Runoff, erosion, disruption in vegetative cover, pesticides and fertilizers, and disruption in underground mycorrhizal associations are just some of the factors that would result in significant indirect impacts to natural habitats. By working cooperatively with CDFW, sensitive habitats can be identified and appropriate setbacks can be established. Also, since many of the native habitats along the coast are contained within the State Parks (e.g. the Big River Unit of Mendocino Headlands, Hendy Woods, Navarro River Redwoods, and eastern portions of Van Damme and Russian Gulch State Parks) and these units are already experiencing impacts from

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cannabis cultivation, the County should work cooperatively with California State Parks environmental staff to develop substantial setbacks from the park boundaries.

- **Develop an effective County grading ordinance prior to implementing the Cannabis Cultivation Ordinance, or adopt the Coastal Zoning Codes.** Specifically, the DKY Chapter supports and wishes to reiterate the position of the Sanhedrin Chapter, which stated that absent sufficient grading rules by the county, cannabis cultivation should be regulated under the Coastal Zoning Codes related to grading and habitat conservation.

We applaud the County for embarking on sincere, collaborative efforts to establish local-level regulation consistent with State and Regional regulations. The environmental impacts of cannabis cultivation in northern California have been a concern for decades and are well-documented. Illegal grows in northern California have resulted in forest clearcuts, excessive water diversions, and the application of highly toxic pesticides. During the process of developing the Ordinance, we too were concerned about the possibility of the county considering future amendments that may allow cultivation in Rangeland, TPZ, and Forestland zoning districts, but we thank the Board for listening to concerns and rejecting this future amendment proposal. A State licensing and regulatory framework for medical cannabis is anticipated to be developed by January 1, 2018. In the meantime, the County of Mendocino's Medical Cannabis Cultivation Regulations are important. We support an ordinance that contains effective regulations that reduce the impacts of these operations to levels that are less than significant on the environment.

Respectfully,

Nancy Morin, President, and Renée Pasquinelli, Conservation Co-Chair (North), and Peter Baye, Conservation Co-Chair (South)
Dorothy King Young Chapter, California Native Plant Society

cc: Jennifer Riddell, Co-President, Sanhedrin Chapter, CNPS

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