



July 21, 2020

Board of Supervisors, Mendocino County

- 1st District:** Supervisor Carre Brown
2nd District: Supervisor John McCowen
3rd District: Supervisor John Haschak
4th District: Supervisor Dan Gjerde
5th District: Supervisor Ted Williams

RE: Maintenance and Enforcement of Mendocino County's Cannabis Cultivation Ordinance

To the Mendocino County Board of Supervisors:

We are writing to provide comments regarding the upcoming decision on whether or not to abandon the hard-won environmental protections provided in the current version of the Mendocino County Cannabis Cultivation Ordinance.

The mission of the California Native Plant Society (CNPS) is to protect California's native plant heritage and preserve it for future generations through application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices. A formal cooperative agreement between CNPS and the California Department of Fish and Wildlife (CDFW) is the backbone of California's rare plant and vegetation status review programs. The data compiled and shared by both organizations are used throughout the environmental review process.

The Sanhedrin Chapter of the California Native Plant Society includes CNPS members the inland part of Mendocino County and all of Lake County, and has been active in the area since 1981. The chapter focuses on education and outreach on native plants, and conservation of native habitats. Our members are composed of land managers, plant scientists, and both amateur and professional plant enthusiasts

The Dorothy King Young (DKY) Chapter of CNPS focuses on protecting and providing education about the native plants and natural communities within coastal Mendocino County and often works directly with local and Sacramento-based CDFW science staff.

We're writing to ask you to vote to keep the Mendocino County cannabis ordinance in place, and in fact strengthen it by providing further support for enforcement of the ordinance's environmental protections. We supported this ordinance as part of a coalition of organizations that found the multi-stakeholder approach to county regulations far preferable to the unilaterally written Measure AF in 2016.

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Among the important elements that allow the County to claim a mitigated negative declaration of CEQA relevant issues are:

1. The prohibition of new permits to cultivate cannabis in the rangeland zoning district. This is a straightforward provision and therefore enforceable. It removes an incentive to promote commercial and residential development and landscape fragmentation in the county's remote rural areas. These areas generally have sloping to very steep terrain, scarce water resources, erodible soils, and high vulnerability to fire.

Rangelands provide critical contiguous habitat for wildlife, and encroachment by cultivation operations fragments this habitat in ways that will lead to an increased strain on our wildlife populations. Our native carnivore and prey animal populations are high because of our reasonably intact rangeland, oak woodland and chaparral habitats.

Rangeland in Mendocino County contains rare plants, serpentine soils, and vital habitat for over-summering steelhead juveniles. The increased stress on riparian areas in rangeland has led to loss of water in streams, and a loss of cool water for our listed fish species.

2. The prohibition of the removal of any tree for the purpose of cannabis cultivation. Our oak woodlands are a biological treasure. Oaks are slow growing, often taking over 100 years to reach six inches in diameter, and some of our oaks are endemic to California. Oak regeneration in California has been challenged by changing land use practices, leading to an aging population of mature oaks. Overall, we risk a decline in our oak population if we don't put a moratorium on cutting oaks in wildlands.

We've witnessed a significant loss of oaks in new cultivation sites, where growers will cut down trees or damage them in order to make space for a high dollar crop. The Ordinance's prohibition on tree removal is key to being able, with enforcement, to prevent this practice.

3. Maximum size of a single cultivation site is 10,000 sq. ft., with a limit of two permits per parcel. Hypothetically this limitation, if properly administered, prevents large-scale cultivation operations from coming into intact ecosystems and creating large scale damage, as well as providing an opportunity for small growers to compete with more well-funded operations.

Rather than dismantle the Ordinance, we need to enforce it. CNPS has been disappointed with the lack of serious or consistent enforcement by the county code enforcement department. Unpermitted operations have been allowed to operate with little or no threat of enforcement, and large cultivation sites continue to be established at a high rate each year. Additionally, the

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backlog of permit applications has led to a large number of aspiring permittees operating without permission, and therefore without any enforcement of environmental compliance.

If Mendocino County were to discard its Cannabis Cultivation Ordinance, we would fall under California State regulations. However, the state regulations have no zone restrictions, no limits on numbers of permits per parcel, and potentially no limit on the size of cultivation areas. The state cannot address the unique environmental conditions that exist in each county, which would leave environmental protections to the discretion of the planning department cannabis unit, which is currently not willing or not able to enforce existing environmental regulations.

In short, the Sanhedrin and Dorothy King Young Chapters of CNPS urge the Mendocino County Board of Supervisors to keep our Cannabis Cultivation Ordinance, and not leave us without protections for critical habitat in our region.

Sincerely,

Jennifer Riddell

Andrea Davis

Sanhedrin Chapter CNPS Board Co-Presidents

Renée Pasquinelli

Renée Pasquinelli, Conservation Co-Chair (North)

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2707 K Street, Suite 1 Sacramento, CA 95816-5113 • Tel: (916) 447-2677 • www.cnps.org