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Mendocino County Board of Supervisors

Dear Board Members,

Today, the public and the Board, the public's elected representatives, are presented, essentially for the first time, with a vague, apparently complex proposal to scrap the existing cannabis cultivation ordinance and transition to a "land use ordinance" while adopting the state regulations for cannabis cultivation which allow up to an acre/ license, license stacking and possibly unlimited acreage after 2023. Based on what staff has presented on the agenda to the public and the Board, it is difficult to understand the details of this proposal, how it helps existing permittees obtain their annual state licenses, how it protects the rare and fragile ecosystems of our county and if it honors the rights of the non-cannabis growing public who in 2016 defeated measure AF, the industry sponsored cannabis initiative, by an overwhelming margin in every district in the county.

The Board clearly does not have enough information and should not give direction to staff on a proposal which apparently was created by staff in collaboration with one supervisor at a series of private meetings. Who beside the cannabis staff, County Counsel and Supervisor McCowan attended these meetings? Were cannabis industry representatives present at any of these meetings and who was responsible for inviting select industry representatives to help craft the vague proposal presented today?

Although the original stated reasons for making this change were the claims by staff that efforts to satisfy CDFA's site-specific CEQA requirement and CDFA's Sensitive Species review was so bogged down that it was impossible to solve. However, why did staff apparently drag their feet for years and failed to remain engaged with CDFA and CDFW in an effort to create a path for county permittees to obtain their annual state licenses? Why does Staff continue to claim that overcoming these mainly staff-created hurdles is both terribly complex and overwhelmingly expensive for Staff to accomplish?

These claims by staff, are in sharp contrast to the communications directly with CDFA and CDFW that show that these hurdles are easily overcome by the permittees working with Staff. It appears that Staff purposely created this regulatory crisis to justify the proposed county regulatory changes. This is comparable to a marathon runner, with the finish-line in sight, being told by the race organizers to run in opposite direction because they forgot their stop watch. Why did staff fail to engage with CDFW for more than a year while claiming that CDFW was refusing to respond? Why did Staff fail to respond to the May 2019 memo from CDFA which gave clear direction on how permittees could satisfy the site-specific CEQA requirement? Who instructed staff to accept applications from people who did not qualify as so-called Legacy growers and lived in zones not open to phase 1 applicants? Who told staff that following the details of the ordinance was optional and that all applications should be accepted? Who instructed code enforcement to avoid enforcing the ordinance in any serious way so as to maintain the flow of taxes to the county from serial violators of the ordinance? Why are new grow sites

appearing now, all over the county, some in zones not open to cultivation, and while phase 1-3 is supposed to be closed to new applicants?

The solution to these problems and staff-created crises is to preserve and enforce the existing ordinance and instruct staff to help the legitimate cultivators to provide the necessary information to CDFA and CDFW needed to allow these cultivators to get their annual licenses. Staff's claims of massive time and economic costs to accomplish this task appears to be fabricated to justify their proposal.

Staff should also deny the applications of all applicants who have made little effort to complete their permits and have been using their embossed receipt as a form of protection racket to protect themselves from enforcement by the Sheriff. Robust enforcement should be the solution to foot-dragging applicants.

Yours,

David Drell, for the Willits Environmental Center