Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

February 22, 2021

Re: **Agenda Item 6a -** Discussion and Possible Action Including Cannabis Cultivation Phase 1 Update, Status of the Third Party California Environmental Quality Act Consultant Framework and Process, Clarification of Environmental Mitigation Measures in 10A.17, Correction of Sunset Relocation Date for Coastal Area, and SB59 Support (Sponsor: Cannabis Ad Hoc Committee of Supervisors Haschak and Williams)

Honorable Supervisors,

MCA strongly supports the recommended action as written, particularly the direction to staff to "issue guidance and clarification regarding environmental mitigation measures identifying the information that must be included in application packets to determine whether Sensitive Species Habitat Review is required." We agree that Mitigation Measure BIO-1 of the Mitigated Negative Declaration (MND) is clear that the CDFW Sensitive Species Habitat Review was intended to mitigate the potential significant environmental impacts of new, non-contiguous cultivation.

Our specific recommendations are as follows:

1. Clarification of Environmental Mitigation Measures in 10A.17

We have retained a CEQA/Land-Use attorney and have determined that the MND clearly states that the Sensitive Species Habitat Review (SSHR) requirement is not applicable to any existing cultivation sites or contiguous expansion.

We believe there is sufficient legal basis to define "contiguous expansion" as all expansion occurring on the same parcel as the existing cultivation site used to demonstrate proof of prior cultivation, or an adjacent, legal parcel under same ownership. 'Non-contiguous expansion' should be defined as expansion onto proposed sites on relocation parcels. This is consistent with the common sense understanding of the word 'contiguous' and usage of that term in the land use context.

We respectfully request the opportunity to meet with the BOS Cannabis Ad Hoc Committee & County Staff to assist in the development of guidance and clarification on this matter.

2. Corrections of Sunset Relocation Date for Coastal Area

MCA supports the decision to reopen the ability to relocate cultivation sites to those cultivators located in a sunset zone. It is imperative that staff prioritize these applications and exercise the

utmost level of flexibility and assistance for sunsetting cultivators as they navigate the initiation of transferring permits to a new location in a way that mitigates the expenses incurred and minimizes the break in operation.

Due to the misalignment of the sunset and relocation dates, we recommend extending the sunset date for a reasonable period of time to accommodate the process.

Additionally, we recommend that permit relocation be reopened for all Phase 1 cultivators, as this allowance would allow some folks who may have a more significant environmental impact to move to a more ideal site, reducing environmental impacts, while not clogging the Phase 3 use permit queue.

3. Support for SB 59 and Provisional License Extension

MCA is proud to be a Regional Partner of Origins Council for state level policy advocacy.

A statutory extension of the state's provisional licensing program, and conducting the legal analysis to inform sound policy recommendations that conclusively address CEQA compliance challenges facing legacy cannabis producing regions and individual operators within our regions are among our organizations top state advocacy objectives for 2021.

MCA is grateful to Senator Caballero for introducing Senate Bill 59 which proposes a statutory extension of the state's provisional licensing program. Origins Council has been meeting with the office of Senator Caballero regarding this bill, which as of this writing has not yet been set for committee hearing dates. MCA is working with the other Regional Partners and advisors of Origins Council to draft a letter of support for SB 59 that also addresses the underlying challenges to annual licensure necessitating the extension. We are preparing to submit our letter once the committee hearing dates for the bill are set.

MCA appreciates the Board of Supervisors for being proactive in supporting this legislation, and respectfully requests the Board approve and submit the letter of support for SB 59.

Thank you for the opportunity to provide our comments and recommendations. We appreciate your careful consideration of the points we have raised and look forward to discussing further.

Sincerely,

Mendocino Cannabis Alliance