



Planning Commission
County of Mendocino
Department of Planning and Building Services
860 North Bush Street
Ukiah, CA 95482

March 18, 2021

RE: Commercial Cannabis Activity Land Use Ordinance

Dear Planning Commissioners and Chair Pernell,

Thank you for the opportunity to comment on the proposed Commercial Cannabis Activity Land Use Ordinance. The California Native Plant Society (“CNPS”) is a non-profit environmental organization with over 10,000 members. CNPS’ mission 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 and environmentally friendly policies, regulations, and land management practices. The Sanhedrin Chapter of the California Native Plant Society covers Inland Mendocino County and Lake County.

Cannabis policy has been a moving target in Mendocino County, making it hard to track the many changes that have been implemented over the last few years. We provided input in the initial phases of its development and changes where possible to the Board of Supervisors. The initial Mitigated Negative Declaration (MND) of the phase I Cannabis Cultivation Ordinance hinged on the strict exclusion of rangelands and timberlands from production, and the clear requirement that cultivators not remove trees (oaks in particular) in their operations.

There has clearly been little enforcement of these policies, and the BOS is now proposing that these restrictions be removed. This would violate their MND and could require the county to conduct an Environmental Impact Report to support its new proposed ordinance. We strongly oppose the Commercial Cannabis Activity Land Use Ordinance currently proposed by the county to be reviewed as item 6b at the Mendocino County Planning Commission on March 19, 2021.

The Sanhedrin Chapter of CNPS supports clear policies that conserve natural resources while ensuring that cannabis growers in the county who are acting in good faith can grow legally.

Below are the policies we would like to see addressed in any new ordinance:

- 1) Regardless of the rest of the policy, enforcement mechanisms need to be clear. Fines should be prohibitive and reflect the cost of enforcement and cleanup. The lack of enforcement by the county to date has led to the proliferation of cultivation sites in highly inappropriate places with catastrophic cumulative effects. We support Sherriff Kendall’s request to utilize satellite imagery as practiced in Humboldt County. This has led to the identification of properties that are out of compliance, and a concerted effort to enforce the Humboldt County ordinance.

- 2) All rangelands should be excluded from cultivation.
 - a. Rangelands incorporate oak woodlands, as well as sensitive natural habitats, streams that harbor the remaining populations of over-summering steelhead and Coho juveniles, and more.
 - b. Our rangelands are not appropriate for development that brings in roads that lead to erosion of silt into our streams, input of fertilizers, herbicides and pesticides, and water removal from these salmonid refugia.
 - c. Rangeland sites are more vulnerable to wildfires, and increasing industrial activity in these areas will lead to more wildfires (for ex. 2014 Black and 2020 Oak Fires).
 - d. Rangeland soils and oak woodlands store large quantities of carbon. Cultivation in these areas have large footprints, including roads, and impacted areas much larger than the actual farmed zone. Damage to rangeland soils and woodlands release stored carbon, increasing climate impacts.
- 3) Water resources are extremely limited in rangelands. **Rainwater collection is not appropriate for cultivation**, since it serves to remove critical precipitation from the watersheds. All hydrological systems are connected, and rainfall replenishes the water table as it infiltrates into the soil. Rainwater collection should not be considered an “alternative” water source, because it is simply water removal.
- 4) Water trucking should not be allowed. If a site does not have adequate water for cultivation, it should not be used as such. Water trucks degrade roads, bring in pathogens with their water, and, ultimately, that water is coming from somewhere unknown with no oversight on appropriate sourcing. Water trucks use large amounts of fuel and exacerbate our carbon emissions in the county.
- 5) Cannabis cultivation **is** appropriate in already developed agriculture zones with existing water rights and habitat that has already been converted and zoned.

IF an area zoned rangeland was converted in the distant past (not for cannabis cultivation) and is clearly appropriate for agriculture, then the owners of that property have a mechanism to have it re-zoned by going before the Planning Commission.
- 6) Discretionary Use-Permits are appropriate if there are adequate environmental protections in place as part of the permitting process. For example, if rangeland is still excluded, and there continues to be a prohibition on oak tree removals in order to obtain and retain a cannabis cultivation permit, and if water resources are considered as part of the permitting process.
- 7) The proposed 10% rule is egregious. Expanding cultivation to 10% of a property, especially on inappropriate sites, does not solve the resource issue. We are shocked and distressed that the county is now considering considerable expansion of legal cannabis when so much is still out of control. Since when is it the job of Mendocino County to provide enough cannabis to the processing businesses that have set up shop in our region?



We are already seeing an artificial inflation on land prices around the county as speculators hope to cash in with the cannabis boom, making it hard for those lands to be protected and used in other ways. Land use practices such as livestock grazing in rangeland can reduce fire risk and maintain large tracts of wildland that protect watersheds. **A firm no on cannabis cultivation on rangeland will remove such inflationary pressures.**

8) Without effective, consistent enforcement, regulations are meaningless.

Finally, we ask the Planning Commission Members, what do you want the county to look like in the future? Do we want to be the county that sold its natural resources for potential short term financial gains that we may never see? Or, do we want to be a rural county with intact wild places, functional watersheds, and a long-term plan for a financial future that does not rely on boom-and-bust crops?

Thank you for your consideration.

Sincerely,

Andrea Davis, wrecodeesign@gmail.com, Co-President
Jennifer Riddell, jenariddell@gmail.com, Co-President
Cathy Monroe, cathy.monroe@gmail.com, Vice-President

Sanhedrin Chapter California Native Plant Society Board, sanhedrincnps@gmail.com

CC:

Isabella Langone, Conservation Analyst, California Native Plant Society
Nicholas Jensen, Conservation Program Director, California Native Plant Society
Sanhedrin CNPS Board
Nancy Morin, President Dorothy King Young Chapter, CNPS
Angela Liebenberg, California Department of Fish and Wildlife