



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

April 11, 2021

Re: Item 5b on 4/12/2021 Discussion and Possible Action Including Presentation by California Department of Fish and Wildlife (CDFW) Regarding Current and Future Impacts of Legal and Illegal Cannabis Cultivation in Mendocino County (Sponsors: Supervisor Haschak and Supervisor Williams)

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Honorable Supervisors,

MCA supports CDFW's recommended considerations presented to the Board, and joins them in their urgent call for careful planning and administration of the cannabis program in Mendocino County. The decisions made regarding the roll-out of Phase 3 and the assessment of the cumulative impacts will determine the quality of life for both the ecological and human communities of our county.

In line with MCA's commitment to sustainable farming practices and forward-thinking environmental protections, we support the CDFW's initiative to maintain, restore, and re-establish the biodiversity of species and the critical habitats that are found in Mendocino County. Preserving these natural resources must be prioritized as we consider a continuation of sound, sustainable cannabis development policy locally, in concert with the development of equitable enforcement programs.

We ask the Board of Supervisors to consider the following:

1. Allowing existing cultivation parcels to get licensed is the best way to mitigate existing environmental impacts. Licensed cannabis cultivation projects undergo the most rigorous environmental compliance process of all agriculture. We must not lose the opportunity for the complete implementation of restoration projects on existing cultivation properties. State licensing requires all cultivation projects to:
  - have documented, legal water source, to comply with a property-wide CDFW Lake or Streambed Alteration Agreement,
  - enroll in the State Water Board's Cannabis General Order, obtain a Water Quality Protection Permit, demonstrate water rights or water source, in addition to meeting detailed best management practices for the prevention of sediment delivery and wastewater discharge into the watershed,
  - engage in an LSA process that is specific to cannabis cultivation, which requires cultivators to remediate actions of prior industries and actors.

2. It is critical to not paint ALL current cannabis activities as causative of environmental damage. We believe the majority of existing legal cultivators and operators in Mendocino County are striving to both meet and exceed CDFW guidelines, including SSHR and LSA inspections, in addition to compliance with the State Water Board's Cannabis Policy and General Order. We call on the County to acknowledge the good actors in the realm of environmental practices to balance public understanding of this issue.
3. Consider the cumulative impacts of expansion - as well as impacts on water availability - and a measured approach to opening a new wave of cultivation.
4. Consider the alternative CDFW offers in their Cannabis Presentation to the proposed NEW "Phase 3", discretionary land use ordinance as written:
  - "Another potential option includes creating a discretionary Phase 3 process to address projects that incorporate all protective measures included in the existing Mitigated Negative Declaration. The county could then conduct CEQA review for a future "Phase 4" that would potentially allow for expansion, pending public review and a full analysis of cumulative impacts.
  - "A scaled-down Phase 3 as described would allow Phase 1 applicants to enter a discretionary process through the County."
5. MCA continues to recommend that the County adopt sustainability matrices against which to measure all cultivation permit applications as part of any discretionary review process for current and future cannabis cultivation in Mendocino County.

Finally, MCA urges the County to support CDFW recognizing and documenting the *good actors* in the cannabis industry and distinguishing them from those engaging in egregious environmental violations. Secondly, all regulatory agencies, with the County's urging, must take an even-handed approach in implementing environmental regulations across all industries, including vineyards, other commercial agricultural crops, cattle ranching, and all uses of rural lands that have a potentially deleterious impact on biodiversity and connectivity.

Sincerely,

Mendocino Cannabis Alliance