



April 11<sup>th</sup>, 2021

Re: Board of Supervisor Meeting 4-12-2021 Agenda Items 5a,b,c,d,e, f,g

Dear Honorable Board of Supervisors,

CCAG would like to thank the Board for continuing to hold special meetings on specific agenda items related to cannabis. This meeting is especially important for all the issues it touches upon. Overall we feel concerned for the fate of many cultivators in our current program. We hope this meeting will bring clarity for the entire community about permit denials and enforcement actions. We sincerely wish for all applicants in the current program to come forward with all of their necessary paperwork to be able to remain in good standing and secure a Provisional and Annual State License. However we do acknowledge that there are applicants that have no intention of entering the commercial market and those applicants need to be removed from the program. We raise some concerns in how this all will be administered and how to separate out those that truly are trying their best to be in compliance with a moving target and program that to this date has proven inefficient and very disorganized. We have outlined our comments under each agenda item below for your consideration.

**5a) Discussion and Possible Action Including a Workshop on Water Supply Conditions in Mendocino County; and Approval of Implementation of a Drought Preparedness Campaign administered by the Mendocino County Resource Conservation District (Sponsors: Supervisor McGourty and Supervisor Mulheren)**

We appreciate this agenda item coming forward in acknowledgement of the lack of precipitation that Mendocino County has been experiencing. Reports are saying this is the worst drought since the 1970's. CCAG is very concerned about how this will impact farmers in both vegetable and commercial cannabis production, as well as fire preparedness as the fire season quickly approaches. The workshop outlined in the agenda provides information for many areas of the County and it would be great to see some information about Round Valley/Covelo included. We hope that the campaign will be advertised across the County in all communities small and large. It's important to prepare everyone to conserve water in every way possible. In times like these, it really highlights the importance to pace ourselves with creating new

ordinances that may impact water availability in the future and we hope this will be a consideration as the Board looks forward to the April 19<sup>th</sup> meeting to discuss cannabis expansion. Water is essential to life and we all have a duty to conserve as much as we can, especially in times of drought. Thank you to both Supervisors McGourty and Mulheren for bringing this important agenda item forward.

**5b) 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)**

CCAG strongly believes in protection of our fragile watershed and ecosystem. The members of CCAG are doing their best to be stewards of their land by being responsible cultivators and care deeply about the environment. Many are certified regenerative farms, with 2 farms in CCAG winning the Emerald Cup Regenerative Farming Award in 2019.

CDFW states:

*“allowing development on 10% of large RL parcels poses a risk of significant cumulative habitat loss, based on this provision alone.”*

This is an extremely important finding that should not be overlooked when the Board considers expansion on April 19<sup>th</sup>. The presentation also indicated that the new Phase 3 ordinance should be in areas with existing development, without sensitive species or habitats, and located outside of impaired watersheds. This language should be included in the CCAO or the alternative that CDFW is recommending is to conduct a full EIR to assess the cumulative impacts. The diagram provided in the slideshow that shows the cumulative changes over a 10 year period are very alarming. It's extremely important for the Board to take into consideration these findings.

**5c) Discussion and Possible Action Including Acceptance of Presentation Regarding Crisis Intervention Trainings (CIT) Provided in Mendocino County and Direction to Staff Regarding Possible Future Participation in Crisis Intervention Team International (Sponsor: Health and Human Services Agency)**

CCAG was appalled by the way the Ukiah Police Department handled the incident over Easter weekend involving a man in a mental state of confusion that resulted in a senseless and unnecessary beating by law enforcement. When police officers showcase their inability to handle mental health crisis issues in an appropriate way, everyone in the community suffers. Trust is lost and it further highlights the systemic issues in police departments across this country. We must have better training for police officers and better tools for handling these kinds of situations. The victim of this brutality is lucky he did not lose his life. Let this be a continued lesson for our entire community. We must not stand for abuse of power. CCAG offers its full support for Crisis Intervention Training. We appreciate this item coming forward at this time in hopes to acknowledge the recent unacceptable acts that took

place in our County.

**5d) Discussion and Possible Action Including Acceptance of Presentation from California Department of Food and Agriculture (CDFA), Cal Cannabis Division, and Cannabis Program Manager (Sponsors: Cannabis Program and Cannabis Ad Hoc of Supervisor Haschak and Supervisor Williams)**

CCAG would like to know how long County Staff anticipates it will take for an Appendix G #15168 application to be processed and reviewed. How will the County notify applicants of the outcome of their application once reviewed? Will the notification be sent via email or regular mail? Will applicants that do not receive a sign off have to stop operations immediately or after their permit expires? CCAG would also like to know how many County Planners will be assigned to the reviewing of the Appendix G #15168 applications. During the presentation, it would be great if CDFA can speak to how long it will take their department to review an Appendix G #15168 application once they have received it. Will the determination be sent to the applicant directly or to the County? Or both? CCAG would also like to know from CDFA how long an applicant can anticipate the review of their evidence of proof that was recently required to be uploaded as a Science Amendment to their cannabis file.

**5e) Discussion and Possible Action Including Acceptance of Presentation on Code Enforcement in Mendocino County (Sponsors: Supervisor Gjerde and Supervisor McGourty)**

The issue of enforcement is of great importance. Without a structure in place, public safety and the environment ultimately bear the greatest risks. Our group is focused on community values, land stewardship and working together to see a robust and thriving local economy that is supported by our many craft producers in Round Valley/Covelo and surrounding areas.

We recognize that there are many flaws with the Code Enforcement program since it is premised around a complaint driven system. Unfortunately the bulk of illegal egregious activities are not being reported to Code Enforcement simply due to the dangerous implications that would follow suit for a person that wishes to report such activity. Many parcels are located in extremely rural parts of our County and many neighbors remain silent for fear of retaliation.

Historically, Mendocino County's Sheriff Department has teamed up with organizations such as COMMET or CAMP to conduct raids against illegal grow sites. This typically would involve a large group of armed police officers and trained SWAT team personnel assisted by helicopters for aerial surveillance. This type of enforcement action affects everyone in a community, as the sounds of loud helicopters flying low above a neighborhood can trigger fear, PTSD and panic in many innocent bystanders. It is also very costly to fuel a helicopter that can only fly for short periods of time.

We have been tracking the enforcement activities in Humboldt County and their approach with satellite imagery to conduct surveillance of a site. While in theory it would seem this is the best approach to conduct effective searches for compliance with County and State laws, unfortunately many law abiding citizens have fallen victim to this strategy which has caused severe financial hardships that left them with no money to fight against violation fees incurred. We would never want to see these same mistakes repeated here in our County for innocent people homesteading and growing vegetables in a greenhouse.

**We must create a workable cannabis program that leads to a State Annual license.** Without this key functioning component, our County will always suffer great losses to environmental degradation, murders, crime, and destruction and it will only perpetuate further illegal activities. Until we have a functioning cannabis program we can't even take a position on what type of enforcement mechanism should be put in place. The prioritization should be targeted at egregious environmental and the most violent activities. At all times, ethical standards and integrity must be at the forefront of any police action and we would hope that illegal cannabis violations could first be handled through an administrative level of enforcement before utilizing the services of law enforcement.

**5f) Discussion and Possible Direction Regarding Phase 1 Cannabis Permit Applications Including: (1) Encouraging Denial of Non-Compliant Phase 1 Cannabis Cultivation Applications; (2) Approving Increased Scope of Work for Existing Outside Counsel Abbott & Kindermann to Assist with Phase 1 Cannabis Cultivation Denials; (3) Obtaining Satellite Imagery Subscription for Cannabis Program and Code Enforcement with Budgetary Request Returning on Consent; (4) Requiring Phase 1 Cannabis Permit and Embossed Receipt Holders to Demonstrate State Provisional License or Attest to Non-Cultivation Within 45 days (Sponsor: Supervisor Williams)**

CCAG requests that no one be denied an application until the electronic portal is launched. CCAG believes that there are many applicants that are trying to obtain certain documents to be able to submit to CDFA or to obtain necessary building permits for their projects to then apply for a Provisional License. We recognize the need to remove applicants that do not wish to participate in the legal commercial State and County licensing and permitting programs but would appreciate the County affording applicants the opportunity to upload a completed application once the portal becomes available. Especially since the County has admitted that many documents have gone missing and so the paperwork that Staff has may not be complete or up to date. The Cannabis Program has moved from the Ag Department to the Planning and Building Services Department and many files were misplaced or lost during that transition or because employees left and things were in emails that can not be retrieved now. Please do not cut people out of the program until they can at least have the opportunity to demonstrate compliance by providing a complete application. **CCAG would also like to suggest a window of 60-120 days to turn in a complete application**, especially since the Planning and

Building Services Department is extremely delayed in issuing necessary building permit applications at this time. If the Board decides on a more aggressive timeline, we recommend that applicants that have building permit applications pending, can provide documentation that they were submitted to the County so that this does not hold them up in the portal for processing. We would like to understand more of the #2 direction regarding assistance with outside counsel in regards to the denial of non-compliant applicants currently in the Phase 1 or 2 programs. What cost would be inquired for this service?

Under the recommended action #1 it states, *“Encourage the Cannabis Program Manager to deny non-compliant Phase 1 Cannabis Cultivation Applications”*

CCAG would like to understand what the basis would be for the denial of applications? The summary of the agenda item also states that 300 applicants and permit holders do not have a Provisional State License. How does the County verify status with the State currently? If the authorization to cultivate is premised on a dual permitting/licensing system by both the County and State, who is fact checking whom? This seems to be an issue that could be easily solved with proper communication between the State and County.

**5g) Discussion and Possible Action Including Direction to Staff Regarding Funded and Vacant Positions at the Mendocino County Sheriff’s Office; and Sheriff Presentation on Specific Cannabis Enforcement Outcomes Board of Supervisors Can Expect with Positions Filled (Sponsors: Supervisor Mulheren, Supervisor Williams, and Sheriff-Coroner)**

CCAG would like to see the allocation of some of the funds being requested by the Sheriff to fill the vacant position of a resident Deputy in Covelo/Round Valley. It’s important to our community in Covelo/Round Valley that we have a police presence to handle the uptick in violent and reckless crimes. It has gotten so out of hand that many citizens are moving out of our community to find safer living conditions. CCAG supports the hiring of a resident deputy, especially if any current deputies have shown any interest.

Thank you for the opportunity to provide comments on these important agenda items.

Sincerely,



Monique Ramirez

*for the Covelo Cannabis Advocacy Group*