



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

April 11, 2021

Re: **Item 5d on 4/12/2021**: Discussion and Possible Action Including Acceptance of Presentation from California Department of Food and Agriculture (CDFA), CalCannabis Division, and Cannabis Program Manager (Sponsors: Cannabis Program and Cannabis Ad Hoc of Supervisor Haschak and Supervisor Williams)

Honorable Supervisors,

MCA has previously raised significant concerns that Appendix G is problematic. The County has repeatedly stated that they believe 75-90% of applicants will not pass appendix G, and thus the County has encouraged people to submit their full, site-specific CEQA documentation direct to CDFA under the statutory provisions of 8102(r)(2). However, the letters sent on March 5th by CDFA to all provisional license holders make no reference to the option of submitting CEQA documents directly to CDFA. According to our Members, repeated attempts to contact CDFA to inquire about the 8102(r)(2) path have been met with no response. The County and CDFA continue to provide provisional license holders with different representations of what their options are, and what they should be doing. Until this discrepancy is resolved, taking a punitive approach with provisional license holders is unfounded.

We request, once and for all, that CDFA answer clearly and definitively the following questions, and that the County cease providing messaging that is contrary to CDFA's answers:

1. Will CDFA accept full site-specific CEQA documents for Phase 1 provisional license holders as per 8102(r)(2) as the County has repeatedly encouraged?
2. If someone completes a Section 15168(c)(4) Checklist and Project Description, and the County signs the determination and submits it to CDFA, will CDFA either request additional environmental documentation or potentially seek to condition the state license based on CDFA's belief that the checklist that the County reviews and certifies may not provide complete CEQA compliance?
3. Will CDFA allow a Program Participant holding a provisional license who applies to transfer into the new land use based program, to maintain the continuity of their provisional license on the basis that applying under the discretionary review process under the new ordinance constitutes CEQA being underway, and the discretionary permit, if issued will constitute full CEQA compliance?

We have witnessed lots of confusion in the actual process of our Members submitting their Mendocino County Evidence of Progress. It is not clear as to what is expected of them. The CDFA letter simply asked for a single document to be uploaded. Then license holders were directed to a Notice of Science Amendment which asks for additional information. Our Members are used to working through these new processes with CDFA. They have been doing it for four years. This time was different. This time there was a short notice of a hard line set on a due date. We have gone from a system of waiting for agencies to get in alignment or even acknowledge the need for a process to an immediate status of being in jeopardy of denial or revocation. The systems are hard to navigate because all jurisdictions and agencies are still not on the same page and have each changed their requirements and program administration multiple times.

It was widely understood among Program Participants that the County was conducting CEQA compliance for the past 4 years. Recently, applicants were informed that they must prepare their own project descriptions and CEQA analysis for submission. We understand the need to get a clear picture of who is and who is not currently undertaking the steps necessary to conduct CEQA compliance, but Program Participants still need clarification and clear messaging regarding the new systems and changing processes, particularly when the burden has shifted so dramatically so recently and foundational information regarding processes and definitions have not been available.

MCA expresses support for the questions asked by the Covelo Cannabis Advocacy Group and reiterates the concern for lack of direction and due process when it pertains to county applications. We have witnessed a lot of confusion in the actual process of submitting the Mendocino County Evidence of Progress and expresses concern for deadlines when it is still not fully explained to Program Participants which pathway they are eligible for or should choose. This problem has been exacerbated by the delay in foundational definitions regarding the SSHR and the slow rollout of the CDFW-County partnership in correctly implementing that portion of the local ordinance if it is applicable, as a prerequisite to ANY CEQA compliance submission. Thus, license holders may have been delayed from being able to accurately give a stated timeframe by which the CEQA compliance might be provided to the state as required by the CDFA Evidence of CEQA Progress form.

With local, state and environmental agencies seemingly not on the same page and enduring the difficulties of a pandemic, MCA requests further deliberation and educational dialogue on the information obtained from CDFA's report and any discussion of permit denial be delayed on the basis of this component until 60 days after the digital application portal opening and an opportunity has been provided to resubmit local cultivation permit documents. Whether or not local applicants have properly replied to the CDFA inquiry is a separate item, that clearly needs additional information, but is not properly the basis for local permit denial and as such, that issue should not be conflated with the need to provide complete and current documents that demonstrate adherence to the local ordinance.

Respectfully,

Mendocino Cannabis Alliance