

April 18, 2021
Mendocino County Board of Supervisors
Comments on Cannabis Land Ordinance, April 19, 2021

Mr. Chairman & Board Members,

I strongly oppose the Board of Supervisors' absurd plan to expand Phase 3 of the Commercial Cannabis Land Use Ordinance, which would open up hundreds of thousands of acres of open range and forest lands to unrestrained cannabis cultivation in some of this county's most biologically sensitive habitats .

I also believe that any applicants for Phase 1 permits that have already been denied, for the reasons mentioned in the recent Planning Commission's Staff Report dated March 19, should automatically be denied a Land Use Permit. If you are going to approve applications, focus on those that made a serious effort to comply with state CEQA standards as well as our own county's General Plan. Do not pass the Phase 3 ordinance.

Even after revision, the current cannabis ordinance is still inadequate for many reasons, which have been discussed in hundreds of letters submitted to this board by an obvious majority of its constituents. Many of them are long-time residents like myself who are appalled by the Board's blind, senseless doggedness to approve cannabis cultivation permits, apparently for the sole purpose of appearing like it is "getting something done," whatever the harmful, long-lasting repercussions might be.

If the Board does decide to finalize any part of this ordinance, I ask that it please inform the public of how it will address and resolve the following issues:

- 1.) Ensuring that artificial lights must not "exceed the boundaries of the legal parcel upon which they are placed:" Outdoor lights are bound to have a negative effect on the surrounding area, even if a neighbor on the next parcel may not see them directly. Lights from the cannabis parcel, even if pointed down, will still have a major negative impact on wildlife living on that site and in the surrounding natural environment. Animals of many species, from nocturnal insects to mammals, are very sensitive to light, and even if the lights at night do not bother humans, they can greatly disrupt the life patterns and security of wild animals, already greatly impacted by many other harmful effects of cannabis cultivation and human encroachment on their habitat.
- 2.) Assuring a "sustainable use of water:" At this point there is no such a thing. The idea that drilling wells is somehow better for the environment and natural watersheds than tapping into surface water such as springs, ponds, creeks, etc., is erroneous. The water that feeds wells is the same water that flows in the underground aquifer and eventually gets pushed up towards the hilltops and ridges. It then seeps or flows out through fissures in the rock to create the natural springs, ponds and other forms of water that you call "surface water." It's all the same water, and its supply is shrinking drastically more and more every year. The water that is sucked up by the private wells you are permitting is vital to countless living organisms that most people are unaware of, including nearby mature, deep-rooted trees which are dying everywhere you look.
- 3.) Requiring construction of 6' high fences to completely surround each 10,000 square foot plot: Has this board or its staff done the math to figure out how many board feet that will require per plantation and multiplied that by the number of proposed sites you plan to approve? Where will all that wood come from? We are losing trees by the thousands, possibly

hundreds of thousands, during this drought and especially after the heavy snowfall that destroyed countless numbers of our largest trees all over this county.

4.) Restrictions on tree removal: Growers have been getting away with removing trees to make room for their plantations and vineyards for years. This removal, combined with long-term over-grazing, over-paving, and unrestricted water use have created a dire situation for our county's native oaks and other trees. Even if growers are fined eventually for removing trees, those trees will not be replaced for hundreds of years, if they even make it at all.

5.) Forest compost extraction: We have all seen the high number of tractor-trailers on the freeways hauling tons of plastic bags back and forth, full of "forest product" that was scoured from unknown forest floors to provide mulch for artificial plantations that do not replace the nutrients and do not allow healthy drainage back into the surrounding soil and watersheds. The trees and other life forms in those forests—what's left of them—need that natural mulch for themselves. Can our board supervisors tell us where those tons of extracted forest mulch are coming from, or what the effect is on our forests?

6.) Most alarming of all, the Board's own CDFW expert, Angela Liebenberg, said quite clearly that "site-specific review is NOT a substitute for a supervisory program." She went on to say permitting even legal cultivation can lead to the same negative impacts. She and the other CDFW agents mentioned several important environmental issues that they cannot enforce, including water availability, water hauling, and even habitat degradation. Those issues must be regulated and addressed through enforced county ordinances, such as road grading and oak woodland preservation, as well as an official drought declaration. Also, Ms. Liebenberg pointed out that the proposed ordinance without a proper, complete CEQA review would "deprive the public of hearing a CEQA analysis." Everything would be up to the County's underfunded, misinformed, untransparent "discretion."

Despite Ms. Liebenberg's research-based, informative presentation, and despite their constant mouthing of pro-environment, pro-quality-of-life platitudes, the Board again showed its outright disregard for the majority of its constituents by also deciding to ignore Ms. Liebenberg's professional recommendation to address the "*cumulative impacts*" of cannabis cultivation resulting in permanent environmental impacts. Instead, stating that the term "*cumulative impacts*" was a legal term, Supervisor Gjerdy slyly changed it to "current and future impacts," a deliberately weaker choice of words which was quickly substituted in order to bypass the legal protections of CEQA. This total disregard for their own invited expert's advice reeks of a deliberate, arrogant abuse of political power and exposes the true motives of most of our Supervisors for what they truly are.: an easy way out of an unwinnable situation through a cowardly capitulation to outside big money interests.

It is time for Mendocino County's Board of Supervisors to stop inventing new ways to ram through its contradictory, deceptive cannabis cultivation approval process, which will open up our uniquely beautiful rural lands to disastrous, irreparable damage.

Sincerely,
Debra Doering