



Steiner Environmental Consulting
Fisheries, Wildlife, and Environmental Quality

April 19, 2021

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

RE: PROPOSED CANNABIS LAND USE ORDINANCE WARRENTS APPROPRIATE ENVIRONMENTAL REVIEW [ENVIRONMENTAL IMPACT REPORT (EIR)]

Members of the Board of Supervisors:

Let me begin with my position statement, followed by the rationale for my position:

The fisheries and wildlife resources of Mendocino are notably impacted by past and current land use practices. Allowing increased development of marijuana production in rangelands would significantly exacerbate the impacts already present. It is important to understand that these rangelands are the headwaters for all our creeks and rivers. Marijuana is a highly water-dependent crop, so production in the rangeland would mean growers will utilize whatever means necessary to extract water from these upper areas, reducing flows needed to sustain life in the aquatic habitats downslope. Since state and federally listed salmon and steelhead fisheries are native to most of the county's creeks and rivers, multiple state and federal regulations and enforcement agencies have jurisdiction over any actions which would negatively affect these species. Enactment of this ordinance in its current form would be in open conflict with these broader mandates. Before proceeding towards increased marijuana production in the rangelands, it seems incumbent that the County conduct the requisite CEQA and NEPA (EIR) studies to identify, prevent, and/or properly mitigate for any environmental impacts that might result from implementation of this new ordinance. A very important element of such a review would be the cumulative impacts assessment for a multitude of new water users. The preferred option would be to table this ordinance until a more comprehensive review of potential environmental impacts is conducted bringing the ordinance into conformity with existing mandates. Failure to do so would likely place the County at high risk of litigation. Similarly, the County needs to demonstrate the ability to administer and enforce whatever requirements they impose, a public obligation they have inadequately met in the past before allowing any additional expansion.



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I present this position based on my background. I have been a resident of Mendocino County since 1972. Since 1980, I have been a fisheries and wildlife biologist consulting in Mendocino, Sonoma, Humboldt, Placer, and Napa counties. I am past president of Peregrine Audubon Society, have served on the County's solid waste and toxics taskforces, was a founding member of the Ukiah Creeks Coalition, was a member of the Russian River Watershed Association, and was involved with other relevant community endeavors. The core of my professional work was conducting compliance studies for PG&E's Potter Valley Project for over 30 years. These included seasonal fisheries surveys and water quality studies on the Eel River. Additionally, I worked for the Mendocino County Department of Transportation from 2006 through 2014 as their Environmental Compliance Specialist. There I was tasked with fulfilling NEPA and CEQA permitting requirements for the County's road and bridge projects.

Through my professional work and community involvement, I have gained a reasonable understanding of the collapse of the salmonid fisheries in both the Eel and Russian rivers. Historically, these fisheries played a vital role in the economies of Mendocino and neighboring counties continuing into the 1960's. My professional work has helped document the loss of these important resources. In the mid-1990's, I was asked by the Sonoma County Water Agency to research the decline of salmonids in the Russian River. The results of that investigation appear in the following document:

https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/region_1/2008/ref2809.pdf .

Similarly, my work on the Eel River for PG&E included research on the decline of salmonids in the Eel River which is cited frequently in the following summary document:

https://watershed.ucdavis.edu/pdf/Yoshiyama-Moyle_Eel%20River%20Final%20Report%202010.pdf

Mendocino County has two primary river systems, the Eel River flowing to the north and the Russian River flowing southward. These rivers historically supported many tens of thousands of salmon and steelhead. The abundance of these fish supported substantial commercial and sport fishing industries. Both river systems have exhibited significant declines from positions of strong economic importance following WW II to their current levels of near insignificance. The impacts of timber harvest in early years, and later through the decades following WW II, were devastating on salmon and steelhead populations causing severely damaged aquatic habitats. The Endangered Species Act (1973) and the California Forest Practices Act (1973) have provided increased protections for salmon and steelhead. Both fish are now federally and/or state-listed in both river basins. Extensive restoration efforts have reversed some of the damage, but fish population still hover at a tiny fraction of historic levels, some barely sustaining. **In Mendocino County, the present leading cause for fish declines and faltering recoveries is habitat loss resulting from dams and water diversions.** There are a multitude of other human factors that have contributed to the loss of these fish, but none are more irrefutable than the lack of access to spawning areas and lack of water to support rearing and migration.

A large number of dams exist in the Russian River system including two federal dams and hundreds of private dams. Many of the smaller dams were unpermitted, created for personal water supply, recreation, or to facilitate vineyard development. More recently, many new impoundments or diversion points have been created for marijuana grows, especially in the upper reaches of some tributaries. The presence of dams inhibits adult salmonids from returning to their natal spawning grounds. Water withdrawals,



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especially in the spring and summer, limit or prevent successful rearing and migration of juveniles after they hatch.

The Eel River system has two major dams comprising the Potter Valley Project. Due to the Eel's more remote setting, secondary smaller dams were not as prevalent historically. But in the past several decades, illegal marijuana grows proliferated in tributaries throughout the Eel River basin. The result has been a significant increase in water diversions resulting in the loss of the steelhead summer rearing habitat in many stream reaches. The resulting lack of summer rearing has severely reduced wild steelhead populations throughout the Eel basin. In addition to water withdrawals, many marijuana grow sites have polluted water and soils from their extensive use of pesticides and herbicides as well as petroleum spills and the indiscriminate disposal of other chemicals. These sites also create extensive trash and litter which turn toxic as they break down over time. Chemical pollution finds its way into the waterways, killing or affecting aquatic life and contaminating water sources for residents downstream. Poor grading practices at many grow sites have resulted in massive erosion resulting in additional stream degradation. NOAA Fisheries has noted these impacts in their Multispecies Recovery Plan:

“A more recently recognized threat, illicit agriculture (specifically, illicit marijuana cultivation, a growing new threat within the DPS) (*ed. note - distinct population segment*), falls within the previously recognized threat category of agriculture, generally, but is distinguished by being an illegal unregulated activity that does not benefit from the resource management oversight afforded by regulated agricultural operations. Unregulated pesticides use, habitat destruction, and illegal damming and diversion of rural streams and rivers for the purpose of irrigating illegal marijuana growing operations is likely now the paramount threat to salmonid survival and habitat function in many first and second-order streams located in remote, rural areas.” (NOAA Fisheries. Final. 2016. Coastal Multispecies Recovery Plan Vol. III, Northern California Steelhead, https://media.fisheries.noaa.gov/dam-migration/2016-multispecies-recovery_plan-vol3.pdf)

Increased expansion of agricultural operations into the rangelands, permitted or not, will result in further degradation of our fisheries habitats. Rangelands are the headwaters of all our drainages, ultimately becoming the creeks and rivers of our county. It is likely that any new growing activity in these habitats will result in surface water impoundments and diversions, further reducing the water runoff to the creeks. Many of the steelhead creeks flow at only a few gallons of water per minute during summer, enough to support young fish, but inadequate to share with grow operations.

The road signs entering Mendocino County tout our “Wilderness”. It is vital that we protect this biologically and economically important element for future generations.

Respectfully,

W. Park Steiner