



Mendocino County General Government Committee  
501 Low Gap Road  
Ukiah, CA 95482

June 13, 2021

Re: Item 2a - Legislative Platform 06-14-2021

Honorable Committee Members,

I am writing regarding agenda item 2a for the Monday June 14, 2021 GGC meeting. On Jan 5, 2021 the Board ordered "Supervisors McGourty and Williams to work with staff on the Legislative Platform, to incorporate Mendocino Cannabis Alliance recommendations and Covelo Cannabis Advocacy Group recommendations; also to incorporate advocacy of streamlining efforts for better vegetation management in our federal forests, with the Platform to return at a later date to the Board" (minutes attached). I am attaching the recommendations from MCA and CCAG to this email.

The agenda item for the 6/14/2021 meeting includes a document titled '2021 Legislative Platform' ([CLICK HERE](#)) which on Page 9 reads "On January 5, 2021, the Board adopted the 2021 Legislative Platform reflecting the County's legislative priorities and policies for the upcoming legislative cycle." Given the direction of the Board on Jan 5, and the lack of inclusion of the recommendations from MCA and CCAG in the agendized document, this statement is inaccurate.

Following the Board's direction, please incorporate the additions to the 2021 Legislative Platform proposed by MCA and CCAG (attached) as soon as possible and return to the Board for approval. Given the timing of this item, we must now act quickly to ensure that the opportunity to engage meaningfully at the State level does not pass us by completely for this Legislative session. Along these lines, we request a meeting with the County lobbyist at their earliest availability to discuss the approved additions to the Platform.

We further request that the Board engage MCA, CCAG and Origins Council in development of the 2022 Legislative Platform as early as possible in the process to maximize opportunities for input.

We are available to discuss this further at your convenience.

Sincerely,

Mendocino Cannabis Alliance  
e: [info@mendocannabis.com](mailto:info@mendocannabis.com)

CC: [bos@mendocinocounty.org](mailto:bos@mendocinocounty.org); [cob@mendocinocounty.org](mailto:cob@mendocinocounty.org)



January 4th, 2021

Re: Board of Supervisor Meeting 1/5/2021 Agenda Items: 5h, 5j, 6b, 4o

Dear Honorable Board of Supervisors,

The Covelo Cannabis Advocacy Group would like to wish everyone a Happy New Year and welcome Mauren Mulheren and Glenn McGourty to the Mendocino County Board of Supervisors representing the 1<sup>st</sup> and 2<sup>nd</sup> Districts. We look forward to a bright and successful year ahead and appreciate the service of all the supervisors and their dedication to the County.

We have provided feedback for the outlined agenda items below for your consideration.

**1. Agenda Item 5h**

*Discussion and Possible Action Including Adoption of Mendocino County's 2021 Legislative Platform (Sponsor: Executive Office)*

CCAG fully supports all of the outlined objectives in the legislative platform concerning cannabis for 2021. We strongly believe the top priority should be lobby efforts to the State for a Provisional License extension that is set for at least 4 more years in order to provide a realistic timeline for applicants currently in the cannabis licensing queue.

Advocating for CDFA to acknowledge and accept a local programmatic Environmental Document to satisfy site specific CEQA would be an absolute game changer for the cannabis community. CCAG would like to see a strong effort be made towards this directive in the legislative platform as early as possible.

We also believe it's important to advocate for CEQA exemptions for small farmers cultivating footprints smaller than 10,000 sq ft. Especially those that are farming using regenerative farming practices. The State should be incentivizing farmers that care for the environment, land stewardship, biodiversity, carbon footprint, composting practices, the health of the soil, conservation of water and resources.

We would like to see the inclusion of cannabis tax reform at the State level. The set tax pricing structure imposed on the cannabis industry is creating many hardships for businesses as well as consumers. When taxes are too high, the illicit market thrives because consumers will go elsewhere. We need tax reform in order to see a

robust market that ultimately benefits everyone. The current tax structure set at fixed dollar amounts needs to change to a percentage for cultivation taxes due to the fluctuation of pricing in the market. We also believe the 11% tax rate at the retail level also should be further reduced to entice customers to shop in legal retail stores rather than support illicit markets which have lower pricing.

We would also like to see a reclassification of F1-occupancy requirements for trimming facilities. We need to see the State Building Code create a new designation for this activity instead of putting trimming under a category that includes airplane manufacturing. The current designation is another barrier for many small producers in our rural County. We would greatly appreciate it if this could be added to the State legislative platform.

It is imperative that the County advocates for reform at the State level regarding direct sales to consumers for cannabis cultivators. It's so important to have the opportunity to sell directly to the consumer and we appreciate the inclusion of this topic in the legislative platform for 2021.

We also support all of the recommendations proposed by the Mendocino Cannabis Alliance and the noted recommendations from Origins Council.

## **2. Agenda Item 5j**

*Discussion and Possible Action Regarding the Operation, Staffing, and Fiscal Plan for Additional Ten (10) Deputies to the Sheriff's Operations to Address Organized Crime and Illegal Marijuana Grows in Mendocino County (Sponsor: Sheriff-Coroner)*

We support the efforts of the Sheriff Department to rectify the issues we face with illegal cannabis activities that are causing serious issues in parts of Mendocino County. We especially feel it in our community in Covelo with the rampant illegal cannabis sites that are growing exponentially each passing year.

To speak to the issues we face in Covelo: we desperately need a resident deputy. The time it takes for law enforcement to respond to a reported crime or emergency is extremely important. Crimes will go unreported or suspects will continue to have an advantage of fleeing crime scenes because of delayed response time. Unfortunately, many of the murders and egregious illegal cannabis sites have been reported in Covelo in this past year. If the increased criminal activity that is happening in our community is contributing to the desire to increase deputy staffing to help reduce crime, we need to look at the specific solutions that will help Covelo.

We have heard from Sheriff Kendall that he has been unsuccessful in finding someone to fill the resident deputy position. We strongly encourage some of the proposed funds to be devoted towards hiring a resident deputy for Covelo with an increased salary to create an incentive. We believe hiring and retaining a resident deputy in Covelo is part of the solution to reducing criminal activity in our community and we hope this board will consider our recommendation.

If the County is unsuccessful in hiring a resident deputy, perhaps another solution would be to have a police presence daily in our community with the new deputies taking turns to offer coverage to our area. Illegal cannabis cultivation is only a fraction of the problems we are facing in our community right now and we can't afford to lose more lives from reckless drivers, gunshots, and substance abuse.

We also appreciate the continued collaboration between the Round Valley Tribal Police Department and the Mendocino County Sheriff's Department to work together. This is a crucial and important piece to reducing criminal activities in our community when the two departments can work together and provide support.

CCAG was also very disappointed and confused by slide show picture #11, which featured a black man, hog-tied by his hands, in the attached powerpoint presentation for this agenda item. We appreciate that Sheriff Kendall provided a response to many outraged citizens on social media explaining the intent behind the slide on Sunday. However, beyond intent, the impact of this image as a part of a County presentation remains incredibly inappropriate and hurtful, especially to communities of color in this County. In addition to Sheriff Kendall's informal social media response, CCAG feels it's very important for the image to be removed from the presentation and for the Board of Supervisors along with the Sheriff to issue a formal statement of apology during the Board meeting.

### **3. Agenda Item 6b**

*Discussion and Possible Action Including Direction to Staff to Develop a Framework for Approving Third Party Planning Consultants to Avail Phase 1 Cannabis Cultivation Applicants with the Option to Directly Hire for Summarization of County Performed Review as Necessary to Meet Site Specific Environmental Review Under the California Environmental Quality Act (CEQA) for Purposes of Seeking a State Annual License (Sponsor: Cannabis Ad Hoc Committee of Supervisors Williams and Haschak)*

- *Direct staff to implement and execute a framework for approving cannabis cultivation planning consultants based on merit, ability to adhere to county standards, agreement of appropriate indemnity and assurance that in the course of summarization, California Environmental Quality Act will be followed and only existing county records memorialized by a writing will be translated;*

CCAG supports the partnership with multiple qualified planning consultants to help alleviate some of the bottleneck that CEQA compliance work will inevitably create for cannabis applicants. We would like to understand what this recommendation means specifically in regards to existing county records to be memorialized. During board discussion it would be appreciated if this could be clarified for better understanding.

- *Direct staff to maintain publication of the list of approved cannabis cultivation planning consultants on the web site;*

CCAG supports this recommendation.

- *Direct staff to develop a third party consultant engagement package for Phase 1 applicants, including agreement to release records to a consultant contracted by applicant, and a statement clarifying risks inherent in attempting to reuse County's phase 1 site specific review documentation for the purpose of state license.*

We know that not everyone will be able to use the same pathway to get to an annual state license. Creating a checklist of things that would create a risk to an applicant that chooses to use the Phase 1 site specific review documentation option would be very beneficial. It would be great to get a better understanding of what things will absolutely disqualify someone from using the Appendix G option.

Here are some examples of questions among our CCAG members in regards to how the following situations could impact the use of a more streamlined approach to CEQA compliance. We believe these are some of the biggest questions people have about their sites that should be incorporated into the list:

-What happens if someone has a building unrelated to cannabis that is permitted under the Class K amnesty program but has not been finalized yet?

-Would cultivators who have greenhouses, hoop houses, ag-exempt drying sheds etc. that don't have a final permit on a building yet, or that were built after 2016 be disqualified from using a pathway such as the Appendix G to satisfy CEQA?

-How do things unrelated to cannabis affect the ability to use a more streamlined path in regards to CEQA, such as building an accessory dwelling on the same property as cannabis is cultivated?

-Can someone apply for an Administrative Permit to scale up to a different size (if they meet requirements)? Can this then be a pathway towards CEQA compliance? For example: a 5k permit scaling to a 10k permit?

-Would adding more water storage containers to a site since 2016 affect CEQA compliance? Especially given the fires Mendocino County has faced over the past several years which are growing larger each year. Many cultivators need to add more water storage for fire reasons.

-How does it affect CEQA compliance if someone would like to build a 10x12 shed, unrelated to cannabis and that does NOT require a building permit because of the intended use, but is built in 2021?

These are the types of questions our members have about their sites and hope to see addressed if this recommendation is adopted.

- *Direct staff to continue expeditious processing of Air Quality Management District permits and Sensitive Species and Habitat Review in collaboration with California Department of Fish & Wildlife.*

CCAG is in full support of this directive. We also strongly believe that since the County has stated that an estimated 181 APPROVED County permits have been issued incorrectly with regard to the Sensitive Species and Habitat Review, CCAG would like to see the County reach out to those applicants to let them know of this error. **It's imperative that the County remedy this situation as quickly as possible and give priority to those that were issued incorrectly.** Cultivators should know as soon as possible if they actually pass this requirement before making continued investment into a license they may not ultimately qualify for.

#### **4. Agenda Item 4o**

*Adoption of Ordinance Amending Mendocino County Code Chapters 1.04, 1.08 and 16.30 Relating to Code Enforcement Procedures and Regulations, Including Administrative Penalty Increases Relating to Stormwater, Cannabis and Building Violations*

CCAG made previous comments to this agenda item at the December 8th meeting. We greatly appreciated the time staff took to address and answer many of our questions during that meeting. We really want to restate the importance of holding violators responsible for their actions and not making innocent landowners pay for the mistakes of previous owners. Especially if land is returned to landowners because of defaulted loans. We know this may be a rare case currently, but we may find this situation to be more prevalent as time goes on. We also appreciate that there is intent to allow violation fees to apply towards remediation to help restore land and clean up efforts.

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

Sincerely,

Monique Ramirez  
*for the Covelo Cannabis Advocacy Group*



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

January 3, 2021

Re: **Item 5H on 1/5/2020** - Discussion and Possible Action Including Adoption of Mendocino County's 2021 Legislative Platform (*Sponsor: Executive Office*)

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Honorable Supervisors,

MCA appreciates and supports the inclusion of a robust set of cannabis-related legislative priorities included in the Draft 2021 Legislative Platform. The bold acknowledgment of Mendocino County as a pre-eminent producer of cannabis products, and home to multi-generational cultivators, manufacturers, and other industry participants, is exciting. We believe that this premise is foundational for MCA's potential to collaborate successfully with the County government this year.

We request that several critical objectives be added to the 2021 Legislative Platform prior to adoption:

- 1. Advocate for the redesignation of cannabis as an agricultural crop, and cannabis cultivation, on-farm drying, processing, and packaging as an agricultural activity, in the CA Food and Agriculture Code, rather than its current designation as an agricultural product in the Business and Professions Code.**
  - a. On 12/8/2020, the Board of Supervisors moved to direct staff to explore redesignating cannabis as an agricultural activity. In our comments, we highlighted our support for this movement but specified that the redesignation at the County-level would not likely resolve the CEQA issue for Phase 1 operators without a complimentary change in designation at the state level.
- 2. Advocate for the inclusion of licensed cannabis businesses in access to disaster relief and grant programs made available by the State to non-cannabis businesses.**
  - a. During this time when cannabis businesses are appropriately deemed essential in California, they are currently excluded from State programs designed to assist businesses cope with the challenges of our new reality.
    - i. The [California Small Business COVID-19 Relief Grant Program](#) lists as an [Ineligible Business](#) any "Businesses engaged in any

activity that is illegal under federal, state or local law,” which, on the Federal level, cannabis is illegal. Cannabis businesses deserve parity with other legal businesses in California.

Additionally, in December, MCA renewed our partnership with [Origins Council](#) (OC) and we continue to serve as one of five member organizations on the Regional Council along with other associations representing legacy producing regions. Together, we advocate for key objectives in state, national and international cannabis policy on behalf of the collective membership of our regions. In government relations, Origins Council is represented by [Mark Smith](#) of the Smith Policy Group. Many of the objectives in the Mendocino County Draft 2021 Legislative Platform align with Origins Council’s 2021 priorities, and we propose the inclusion of several additional objectives as indicated below:

1. The OC Regional Council recently completed our strategic planning process and the following were identified as our policy priorities for 2021. We request that the following objectives be added to, or revised in, the Mendocino County 2021 Legislative Platform:

- a. Provisional License Extension and CEQA Compliance.

1. **Advocate for a statutory extension of cannabis provisional licenses, with an adequate timeline to ensure necessary policy reforms are implemented, allowing cannabis applicants to complete local permitting and state environmental requirements.**

- a. *NOTE: OC has retained esteemed CEQA attorney James G. Moose of [Remy Moose Manly](#), co-author of *Guide to the California Environmental Quality Act* (11th ed. 2007, Solano Press Books), to support our analysis and representation related to environmental law, CEQA and land use policy - relative to rural cannabis production. We have provided, as a supplemental attachment to this memo, an overview of matters on which Mr. Moose either currently or recently acted as representation, and a complete list of his published cases.*

- b. Agency Consolidation and Regulatory Streamlining.

- i. **Advocate for the removal of barriers to regulatory entry for the rural legacy producing community, including: eliminating duplicative licensing requirements; reforming incongruous regulations; supporting realistic compliance timelines, reducing the cost of compliance and licensing.**



c. Cannabis Appellations Program (CAP).

- 1. Advocate for the implementation of a world-class, legally sound cannabis appellations program premised on terroir-based causal link products as per the [Origins Council recommendations](#) to CDFA regarding CAP regulations.**
- 2. Advocate for CDFA to develop educational materials and guidelines to support producing communities interested in petitioning for appellations.**
- 3. Advocate for the promulgation of comprehensive labeling requirements for all cannabis geographical indications, including county of origin, city of origin, and appellation of origin designation.**

d. Board of Forestry Fire Safe Regulations.

- i. Advocate for parity between cannabis and ag crops within the development of the CA Board of Forestry Fire Safe Road regulations.**
  1. RCRC has formed a working group regarding these proposed regulations and provided [this comment](#) to the BoF.

e. Cannabis/Hemp Land Use and Product Testing Standards.

- i. Advocate for the alignment of land use, pesticide, and product testing standards for Hemp produced for human consumption with current cannabis standards.**

f. Cannabis Tax Restructuring.

- i. Advocate for the restructuring of state cannabis taxes to support regulatory viability for rural legacy producing communities, and to increase consumer access to regulated cannabis products.**

g. Interstate commerce and Federal cannabis policy reform.

- i. Advocate for the formation of an interstate compact regulating commerce in cannabis between established producer states and legalizing consumer states, and federal congressional approval of such a compact. (Note: The U.S. Constitution recognizes these agreements.)**
  1. [Website for Alliance for Sensible Markets](#)

Thank you for the opportunity to provide our comments, questions, and recommendations. We appreciate your careful consideration of the points we have raised.

Sincerely,  
Mendocino Cannabis Alliance