



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

June 21, 2021

Re: Water Use Requirements Item 5h on 6/22/2021 - Discussion and Possible Action Including Adoption of an Urgency Ordinance Establishing Water Use Requirements for Discretionary Cannabis and Other Permits During the 2021 Drought Emergency (Sponsor: County Counsel)

Honorable Supervisors,

We fully recognize and appreciate the severity of the current drought emergency, and the need to ensure water-saving measures are implemented, not just in cannabis, but throughout the water-user community. We have repeatedly recommended that there be no cultivation expansion, of any kind, during the drought. **We believe that there is no need to call out cannabis specifically in this ordinance and any reference to it should be removed.** If restrictions are required, they should apply to ANY new activity being considered under ANY new discretionary permit. However, the Board should direct specifically in the ordinance what constitutes 'New Activity.'

We request specific clarification from the Board to distinguish those locally authorized Phase 1 and 2 operators who are who will be transitioning their existing operations (or updates to those operations allowable under 10A.17) into the new discretionary use permit process, from any NEW discretionary permits for new activities to which this ordinance will apply. Additionally, those who have already received authorization under a program who are not engaged in new activity, or who have applied previously and are waiting on an as yet un-processed permit who have local authorization to cultivate should not be considered New Activity. However, if a cultivator is now requesting an expansion of their activity, that should be subject to the limitations for the New Activity. It is important to remember that any allowable existing activity is still subject to Water District and Water Board orders that may further restrict water use.

We implore you to limit any restrictions on Existing Operators to those limits placed on non-cannabis agriculture.

In the recitals section of this ordinance it clarifies its application to 'new projects or developments':

*WHEREAS, the immediate implementation of this ordinance is necessary because **new projects or developments** must be analyzed and subject to additional requirements in light of the drought emergency in order to fully take into consideration water usage during the drought.*

Then, in Section 2, it goes on to say:

*The authority approving the discretionary entitlement is authorized, as a condition of permit approval, to implement water use restrictions during the term of this ordinance. Such restrictions may include, but are not limited to, **a temporary moratorium on any newly permitted activity** until such time as the existing drought emergency is terminated by the Mendocino County Board of Supervisors.*

Any temporary moratorium on activity for existing operators who are already subject to more fees and taxes than any other business type could lead to the closing of an untold number of local businesses, and the loss of an untold number of farms.

We recommend clarifying that Phase 1 and 2 operators transitioning to a discretionary permit are not to be designated as ‘newly permitted activity.’

Every community member must do their part to mitigate the danger caused by the drought, but locally authorized cannabis operators simply switching permit mechanisms due to the issues with 10A.17 should not bear the additional burden of being grouped in with those seeking completely new permitting under the new ordinance.

Water is essential to grow any crop, and per this Board’s previous commitment to advocate for cannabis to be classified as an Agricultural Activity, we must take every step possible to ensure parity and fairness for our licensed cultivators.

Thank you for your consideration of these recommendations.

Sincerely,

Mendocino Cannabis Alliance
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