



376 E. Gobbi St, Ste B

Ukiah, CA 95482

707-621-5178

October 25, 2021

Honorable Supervisors,

First, I'd like to thank you for the time you've spent discussing issues related to cultivators, in particular and work related to the program. Countervail has been working with applicants since 2017 to help them through the permit application process.

We are writing today to express our very strong concern regarding the portal deadline yet again. One of our biggest ongoing concerns is how far the asks as far as documentation required to be submitted have gotten from the language of 10A.17. Historically, as many of the documents were required for the state process or weren't difficult to obtain, we hadn't pushed back on them. However, at this point the "scope creep" (to us a project management term) has increased to a point where the applicants are in danger of losing everything, and the County is in danger of lawsuits (see Exhibit 1 – Comparison of 10A.17 to various checklists over and time and current portal requirements).

I created a spreadsheet (apologies for the small font, hopefully you can zoom in on the pdf – I will also email the excel spreadsheet separately) to illustrate the differences between 10A.17 language, the original asks in 2017, and the portal asks. Among other things, every applicant is required to supply a seller's permit where 10A.17 only requires on "if the applicant intends to sell directly to qualified patients or primary caregivers" (10A.17.090(Q)). All applicants are being required to submit a well permit and a well completion report where 10A.17 only requires "If the source of water is a well, a copy of the County well permit, *if available*" (10A.17.090(K)). A well completion report is a state requirement and has never been part of 10A.17. The well permit was only required if it was available. Indoor

applicants are the only applicants under 10A.17 who are required to identify the source of electrical power and create a plan for compliance with applicable Building Codes (10A.17.090(S)), yet all applicants are being required to indicate their source of power and indicate their compliance with Building Codes.

We're being told that an Operation of Law letter from the CDFW is only a "temporary approval" and that the applicant would have to "reapply for a Final Agreement", which is incorrect. An Operation of Law letter is an acknowledgement that the CDFW missed their statutory deadlines, and no agreement is required to engage in the work in the notification. This is a form of exemption from a Final Agreement.

The portal checklist language for the employee form states that "financial interest holders" must be included, but County regulations have never defined what that term means, making it impossible to comply with this direction. Additionally, the portal checklist requires that you "submit a completed Mendocino County Live Scan for each individual listed on the employee list". The requirement that financial interest holders (presuming this is following the state definition as we have no other definition to go on) have a Live Scan on file exceeds even the state requirements for licensing. Those parties considered Financial Interest Holders under the state requirements are not required to have a Live Scan. 10A.17 requires a Live Scan for "[a]pplicants and every individual engaged in the management of, or employed by, the applicant." Financial Interest Holders under the state definition are generally those parties whose ownership or interest in the activities is so removed that they would not be considered an "applicant" or "engaged in the management of, or employed by, the applicant."

None of this is to set an expectation that applicants do not have to adhere to all laws that are pertinent to them, it is only to say that for the purposes of obtaining a cultivation permit, 10A.17 expressed specific requirements and what is now being required for approval of that permit is well above and beyond what 10A.17 calls for. It seems to be an attempt to ensure the applicant is complying with ALL laws, not purely submitting those documents required to obtain a permit.

While 10A.17 does state that the Agricultural Commissioner is authorized to require in the permit application any other information reasonably related to the application including, but not limited to, any information necessary to discover the trust of the matters set forth in the application, only the Ag Commissioner was given that power and through the various iterations of amendments to the ordinance that power has never been given to any other party. And such requests must be "reasonably related to the application." Requesting information or documents such as a Live Scan for a Financial Interest Holder or sellers permit at


times other than what was specifically contemplated by 10A.17 is not reasonably related to the application.

Our second concern is that the portal review process is being handled in such a manner that it puts the entire program at risk. There are times where no agent puts initials on the form to indicate who the reviewer was, so we have no way to clarify the requests, which requests can be very difficult to interpret or not be required in any way. The portal is not being unlocked prior to receipt of incomplete letters, and we're forced to email the county and then wait until they have time to "unlock" the sections we need to upload (and hope they don't miss the email request). The comments for why applications are being deemed incomplete are not supported by the checklist, the regulations, and the law (See Exhibit 2). The checklist being used by agents to review the application is not the same checklist that is publicly available (See Exhibit 1).

The reality of the current situation is that the requests for documentation have increased over time with no basis in 10A.17, to the point where even in the portal process the document being used to review the submission is not the same document that (to date) is available to the public as what should be submitted. The questions in the portal do not line up with what the agents are requiring. As an example, the portal asks:

Will you be providing a Small Irrigation Use Registration (SIUR)? If so, how many? If the applicant plans to use a surface water diversion to irrigate cannabis, submit a valid SIUR.

If you are not diverting, and answer the question no, you are not given the opportunity to upload any document. The county will then deem your applicant as incomplete for not submitting a "Small Irrigation Use Registration Notice of Receipt or certificate to satisfy this requirement". This was never asked for on the checklist or the portal, and if you answer the portal question appropriately based on a lack of diversion, there is no upload option available.

 Submit a Small Irrigation Use Registration Notice of Receipt or certificate to satisfy this requirement.		State Water Resource Control Board - Small Irrigation Use Registration. if the applicant plans to use a surface water diversion to irrigate cannabis, submit a valid SIUR. More information can be found here .
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

We understand the frustration with the idea that some applicants have not taken the appropriate steps to ensure that all documents have been submitted. However, we have had agents indicate permits are set for denial due to “no record of those items listed in our file,” however, when we went to the county and obtained a copy of the files, they included every document listed that there was supposedly “no record of” with a date stamp of at least a year prior.

While there are definitely applicants who have not followed through on their work, there are other applicants who have taken every step to be in compliance and the county “lost” or “had no record” of the documents submitted. This portal process was originally intended to check what the county had with what the applicant had. Now it’s being used to further ask for additional documents that were never requested, are not part of 10A.17, and being done in a manner that puts every applicant at risk.

Applicants are (reasonably) incredibly frustrated with the process and the response. When issues are addressed to agents in the county, often times the response is flippant and uncaring. Applicants are sinking thousands, and often hundreds of thousands, of dollars into this process to be treated as though the county doesn’t care and isn’t willing to be accountable for its own issues.

As I have written in previous communications, it’s no wonder the black market is proliferating when applicants feel they’re being set up for failure based on ever changing goal posts and a general feeling from the County agents that they don’t care about the cultivators and it doesn’t matter how the livelihood of the cultivator is being impacted.

To deny applicants based on this faulty process is likely to result in large issues for the county and a lack of success in this program. We’re very concerned for our clients, and especially for those applicants who do not have the funds to hire consultants or attorneys to represent them in this process. We cannot urge you strongly enough to extend the portal deadline.

Respectfully,

Sarah Hake, Esq.

Countervail Inc., COO

EXHIBIT 1

4/24/2017 Checklist	8/10/18 Checklist	4/1/2019 Checklist	Publicly Available Portal Checklist	Portal Checklist Used By Agent to Review Submission	10A.17.090
Mendocino County Dept of Ag Application	Permit Application	Cultivation Permit Application	submit a completed and signed cultivation permit application.	submit a completed and signed cultivation permit application.	A)The name, business and residential address, and phone number(s) of the applicant. (F)A cultivation and operations plan which includes elements that meet or exceed the minimum legal standards for the following: water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides and other regulated products to be used on the legal parcel. Any fuel, fertilizer, pesticides, or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device. The plan will also provide a description of cultivation activities including, but not limited to, permit type, cultivation area, soil/media importation and management, the approximate date(s) of all cannabis cultivation activities that have been conducted on the legal parcel prior to the effective date of this ordinance, and schedule of activities during each month of the growing and harvesting season. If a generator is proposed to support any aspect of the cultivation site or related operations, the cultivation and operations plan shall identify any containment structure and dimensions necessary to contain any leak or spill that may develop or occur as a result of relying on any generator for backup power generation. The plan shall also include a maintenance plan for the generator, detailing how spent oil, used oil filters, expired batteries and other hazardous wastes generated from the operation of the generator will be handled, including fuel storage and delivery systems. E) Applications submitted for any Permit during Phase One shall include proof of prior cultivation pursuant to section 10A.17.080. (D)Site plan showing the entire legal parcel configuration with Assessor's Parcel Number(s), acreage, site address, including the location of: (1)Easements (access and utility and all roadways public and private); (2)Streams, springs, ponds and other surface water features, including the location of any flood plain or floodways; (3)The location and area of the cultivation site on the legal parcel, with dimensions of the area for cultivation of cannabis and showing that all setbacks required by section 10A.17.040 are being met; (4)All areas of ground disturbance or surface water disturbance associated with cultivation of cannabis activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features; (5)All structures, which shall be clearly labeled; and (6)All septic systems, leach fields and water wells.
Cultivation and Operations Plan	Completed Cultivation and Operations Plan	Cultivation and Operations Plan	submit a completed and accurate cultivation and operations plan that is consistent with all other application materials, and represents the applicant's current activities.	submit a completed and accurate cultivation and operations plan that is consistent with all other application materials, and represents the applicant's current activities.	
Proof of prior cultivation	Proof of Prior Cultivation	Proof of prior cultivation	N/A	N/A	
Site Plan	Site Plan Zoning Clearance/Parcel Determination from the Department of Planning and Building Services	Site Plan	submit an accurate and up to date site plan that reflects the applicant's current and proposed activities. The site plan must match the cultivation related information provided in the structures list and the cultivation & operations plan.	submit an accurate and up to date site plan that reflects the applicant's current and proposed activities. The site plan must match the cultivation related information provided in the structures list and the cultivation & operations plan.	
Property Permission form	Property owner consent form	Property Owner Consent Form	if the applicant does not own the property were the cultivation will be occurring a property owner consent form must be completed, executed, and submitted.	if the applicant does not own the property were the cultivation will be occurring a property owner consent form must be completed, executed, and submitted.	B)If the applicant is not the record title owner of the legal parcel, written consent from the owner allowing the cultivation of cannabis on their property by the applicant with original signature of the record title owner. (C)Written evidence that each person applying for the permit and any other person who will be engaged in the cultivation of cannabis is at least twenty-one (21) years of age. (L)A unique identifying number from a State of California Driver's License or Identification Card for each person applying for the permit and any other person who will be engaged in cultivation of cannabis. (M)Applicants and every individual engaged in the management of, or employed by, the applicant shall be subject to a criminal history check, which shall include a Live Scan criminal history inquiry. The reasonable costs of a Live Scan criminal history inquiry pursuant to this section shall be the responsibility of the applicant and every individual engaged in the management of, or employed by, the applicant. Live Scan criminal history inquiries completed at a certified and approved Live Scan location shall be transmitted to the Sheriff or District Attorney for review
	Fingerprinting	Livescan	submit an up to date employee list. Be sure to include all applicants, owners, and financial interest holders when filling out this form.	submit an up to date employee list. Be sure to include all applicants, owners, and financial interest holders when filling out this form.	
			submit a completed Mendocino County Live Scan for each individual listed on the employee list. Only Mendocino County Live Scans will be accepted.	submit a completed Mendocino County Live Scan for each individual listed on the employee list. Only Mendocino County Live Scans will be accepted.	
			submit an up to date structures list that clearly identifies all structures used for the propagation, cultivation, processing, and storage of cannabis. These structures must be clearly identified in the cult & ops plan as well as the site plan	submit an up to date structures list that clearly identifies all structures used for the propagation, cultivation, processing, and storage of cannabis. These structures must be clearly identified in the cult & ops plan as well as the site plan	
Plan for compliance with all applicable building codes, if indoor	Residential Building Report/Record and Septic Permit	Building Structure List			N/A
Source of power, if indoor Documentation that addresses the handling of waste discharge from the grow location, if indoor	Source of power and plan to comply with building codes (Indoor or Mixed Light)	Source of Power (on Cult & Ops Plan)	Source of Power (on Cult & Ops Plan)	Source of Power (on Cult & Ops Plan)	S) For all indoor cultivation facilities, identify the source of electrical power and plan for compliance with applicable Building Codes. Also, provide documentation that addresses the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, un-used containers and other associated hardware, supplies, and garbage.
	Ground level photos of current cultivation activities	Photograph of current cultivation activities			
	List of all owners' and employees' names, State ID number, copy of ID and CDL	Color copy of valid identification of applicant and all listed employees/workers	submit a color copy of the government issued ID for each individual referenced on the employee list. All submitted IDs must be current and valid.	submit a color copy of the government issued ID for each individual referenced on the employee list. All submitted IDs must be current and valid.	L)A unique identifying number from a State of California Driver's License or Identification Card for each person applying for the permit and any other person who will be engaged in cultivation of cannabis.
If applying as a non-profit or partnership, a copy of the articles of incorporation or statement listing members of the partnership	Non-Profit (Articles of Incorporation)	Business organizational documents	if the applicant is not a sole proprietor, submit the business formation documents. More information can be found here.	if the applicant is not a sole proprietor, submit the business formation documents. More information can be found here.	(O)If the applicant is organized as a non-profit corporation, the applicant shall set forth the name of the corporation exactly as shown in its Articles of Incorporation, and the names and residence addresses of each of the officers and/or directors. If the applicant is organized as a partnership, the application shall set forth the name and residence address of each of the partners, including the general partner and any limited partners. Copies of the Articles of Incorporation or a statement listing the members of the partnership shall be attached to the application.
Proof that the applicant is authorized by one or more medical marijuana dispensing collectives or processors to produce medical marijuana for use of the members of said collective(s) or processor(s) Seller's Permit if direct sale is intended to qualified patients or primary caregivers	BOE Seller's Permit	CDTFA Seller's Permit	if the applicant has relocated the cultivation site, a relocation worksheet must be submitted. include a copy of the applicant's valid sellers permit. More information can be found here.	if the applicant has relocated the cultivation site, a relocation worksheet must be submitted. include a copy of the applicant's valid sellers permit. More information can be found here.	(Q)A copy of a Board of Equalization Seller's Permit if applicant intends to sell directly to qualified patients or primary caregivers. (G)Copy of the statement of water diversion, or other permit, license or registration filed with California Water Resources Control Board, Division of Water Rights, if applicable.(H)An irrigation plan and projected water usage for the proposed cultivation activities, as well as a description of legal water source, if not covered by item (G).
Copy of the statement of water diversion, or other permit, license or registration filed with the California State Water Resources Control Board, Division of Water Rights	Water Source: Type of Diversion, If Well, County Well Permit and completion report, If Water District, a will-serve letter from the provider, Environmental Concerns (if applicable)	Water Board Permits (NOA or water rights or SIUR)	if the applicant plans to use a surface water diversion to irrigate cannabis, submit a valid SIUR. More information can be found here.	if the applicant plans to use a surface water diversion to irrigate cannabis, submit a valid SIUR. More information can be found here.	

Copy of Notice of Intent and Monitoring Self-Certification and any other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in and compliance with (or proof of exemption from) Tier 1, 2, or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.	Water Board Enrollment	Water Board Permits (NOA or water rights or SIUR)	submit a valid Notice of Applicability or Notice of Exemption	submit a valid Notice of Applicability or Notice of Exemption	(I) Copy of Notice of Intent and Monitoring Self-Certification and any other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in and compliance with (or proof of exemption from) Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.
Projects that disturb one or more acres of soil or projects that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres are required to obtain coverage under the SWRCB General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ (disturbances to land surfaces solely related to agricultural operations such as disking, harrowing, terracing and leveling, and soil preparation are exempt)	Storm Water Construction General Permit				W) Projects that disturb one (1) or more acres of soil or projects that disturb less than one acre but that are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. (J) If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, show proof they have notified the California Department of Fish and Wildlife (CDFW) pursuant to section 1602 of the Fish and Game Code and provide a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife.
If required, a Streambed Alteration Permit obtained from the Department of Fish and Wildlife.	LSAA	LSAA			V) For activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, including streams and wetlands, the application shall include a copy of a federal Clean Water Act (CWA) Section 404 permit obtained from the Army Corps of Engineers and a CWA Section 401 water quality certification from the NCRWQCB.
For non-exempt activities that involve construction and other work in the waters of the US, include a copy of a federal Clean Water Act Section 404 permit obtained from the Army Corps of Engineers and a CWA Section 401 water quality certification from the NCRWQCB					(X) The results of a "Cortese List" database search for sites known to be contaminated with hazardous materials. If the site is listed on the "Cortese List", the application shall include sufficient information to demonstrate that the cultivation is in compliance with any cleanup and/or abatement order that is established for the site.
The results of a "Cortese List" database search for sites known to be contaminated with hazardous materials, including sufficient information to demonstrate that cultivation is in compliance with any cleanup and/or abatement order that is established for the site	Cortese List	Cortese List Copy of Well permit (if used for irrigation), copy of septic permit (if septic is used on property) copy of well completion report (if available) or a copy of the Residential Building Record from the Mendocino County Assessor's Office	submit a copy of the website results from the EnviroStor Cortese List using the cultivation site address. The EnviroStor website can be found here.	submit a copy of the website results from the EnviroStor Cortese List using the cultivation site address. The EnviroStor website can be found here.	(K) If the source of water is a well, a copy of the County well permit, if available; applicant shall provide documentation showing the approximate date of installation.
If the source of water is a well, a copy of the County well permit if available; applicant shall provide documentation showing the approximate date of installation.	Water Source: Type of Diversion, If Well, County Well Permit and completion report, If Water District, a will-serve letter from the provider, Environmental Concerns (if applicable)		if the applicant plans to use a well to irrigate cannabis, submit a well permit, or proof that the well does not require a permit. for each well referenced above, submit a well log. More information regarding well logs can be found here.	if the applicant plans to use a well to irrigate cannabis, submit a well permit, or proof from Mendocino County Department of Environmental Health that the well does not require a permit. for each well referenced above, submit a well log. More information regarding well logs can be found here.	N/A
If water or sewer services to the cultivation site will be provided by a community provider, a will-serve letter from the provider indicating adequate capacity to service the cultivation site	If Water District, a will-serve letter from the provider, Environmental Concerns (if applicable)		if the applicant is connected to a municipal water system or intends to receive delivered water to irrigate cannabis, at any time in the year, submit a will serve letter from the permitted water hauler or municipal water service district.	if the applicant is connected to a municipal water system or intends to receive delivered water to irrigate cannabis, at any time in the year, submit a will serve letter from the permitted water hauler or municipal water service district.	(Y) If water or sewer services to the cultivation site will be provided by a community provider, a will-serve letter from the provider indicating adequate capacity to serve the cultivation site.
Clearance from CalFire related to compliance with requirements of Public Resources Code Section 4920			if the applicant has relocated the cultivation site, a relocation remediation plan must also be submitted.	if the applicant has relocated the cultivation site, a relocation remediation plan must also be submitted.	U) If applicable, clearance from CalFire related to compliance with the requirements of Public Resources Code Section 4290 and any implementing regulations.
A statement describing the proposed security measures					N) A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of members and employees and protect the premises from theft.
Copy of payment receipt from the Treasurer/Tax Collector's office	Timberland Permit, Proof of Mitigation or 3-acre conversion	Timberland Permit, Proof of Mitigation or 3 acre conversion			R) Written consent for an onsite pre-permit inspection of the legal parcel pursuant to Section 10A.17.070 by County officials or other appropriate agency representatives at a prearranged date and time in consultation with the applicant prior to the approval of a permit to cultivate cannabis, and at least once annually thereafter.
Affidavit Indemnification Agreement and Certification and Site View Authorization, if Administrative Permit is required		Copies of credentials for cultivation activities issued by the California Department of Food and Agriculture if received	submit each state license associated with the cultivation application if the applicant has relocated the cultivation site to a property that is NOT zoned AG and is using a well for irrigation purposes, a water availability analysis must also be submitted. if the applicant would like to register an agent in association with the application an agent consent form must be submitted. Previously submitted agent consent forms will not be considered. Only one agent consent form may be submitted per application. if the applicant plans to use a pond to irrigate cannabis, submit a pond permit or proof that the pond does not require a permit. if the applicant will be using a water source to irrigate cannabis that has an appropriative water right associated with it, submit the appropriative water right. More information about appropriative water rights can be found here. submit a completed air quality management district questionnaire. Be sure to include all supplemental information that might be required, as a single PDF, including but not limited to burn permit(s). submit a completed sensitive species habitat questionnaire, along with the following supplemental information, if applicable.	submit each state license associated with the cultivation application. if the applicant has relocated the cultivation site to a property that is NOT zoned AG and is using a well for irrigation purposes, a water availability analysis must also be submitted. if the applicant would like to register an agent in association with the application an agent consent form must be submitted. Previously submitted agent consent forms will not be considered. Only one agent consent form may be submitted per application. if the applicant plans to use a pond to irrigate cannabis, submit a pond permit or proof from Mendocino County Department of Environmental Health that the pond does not require a permit. if the applicant will be using a water source to irrigate cannabis that has an appropriative water right associated with it, submit the appropriative water right. More information about appropriative water rights can be found here. submit a completed air quality management district questionnaire. Be sure to include all supplemental information that might be required, as a single PDF, including but not limited to burn permit(s). submit a completed sensitive species habitat questionnaire, along with the following supplemental information, if applicable.	N/A
					N/A
					N/A
					N/A
					N/A
					N/A

		<p>if the applicant has expanded and/or relocated cultivation and qualifies for the Contiguous Expansion Affidavit, submit the executed affidavit with supporting materials. More information can be found here.</p> <p>if the applicant will be utilizing a generator to support the cultivation operations, a generator noise plan must be submitted.</p> <p>if the applicant will be using artificial lighting for propagation and/or cultivation, an artificial light management plan must be submitted.</p> <p>if the applicant has a pond on the property where the cultivation will be occurring, a bull frog management plan must be submitted.</p> <p>if the applicant has received a notice of violation from a state licensing authority, local agency, or state agency, the notice of violation(s) must be submitted. Include, when using the naming convention, the abbreviation of the agency or licensing authority that issued the notice of violation.</p>	<p>if the applicant has expanded and/or relocated cultivation and qualifies for the Contiguous Expansion Affidavit, submit the executed affidavit with supporting materials. More information can be found here.</p> <p>if the applicant will be utilizing a generator to support the cultivation operations, a generator noise plan must be submitted.</p> <p>if the applicant will be using artificial lighting for propagation and/or cultivation, an artificial light management plan must be submitted.</p> <p>if the applicant has a pond on the property where the cultivation will be occurring, a bull frog management plan must be submitted.</p> <p>if the applicant has received a notice of violation from a state licensing authority, local agency, or state agency, the notice of violation(s) must be submitted. Include, when using the naming convention, the abbreviation of the agency or licensing authority that issued the notice of violation.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------

EXHIBIT 2

Applicant 1:

“Page 2 of an appended document missing a date”. Said date was on Page 1. This type of non-substantive issue should not cause an applicant to be denied a permit.

“Operation of law letter is not a final LSAA”. While not a final LSAA, it is an exemption therefrom.

Applicant 2:

“Structures used for nursery operations unclear”. Structures were explicitly labeled with sq footage, canopy and use in the legend.

Applicant 3:

“Site plan missing setback to watercourse.” This is not a requirement listed on the site plan requirements document as put out by the county, nor a requirement of 10A.17.

Applicant 4:

California Driver’s License rejected based on it’s being “expired”, but it was valid at the time of submission.

“Bullfrog plan must include monitoring and prevention measures.” Nowhere is there a description of what a “bullfrog management plan” should include, and it is not a part of 10A.17. Applicants are being expected to just know what the county wants in the form of this plan with no legal basis.

Applicant 5:

“Waterboard report not submitted”. Waterboard report is not required by the county’s publicly available portal checklist.

Applicant 6:

“Structures list must include pond”. The pond was noted as not being used in the cultivation operations. The structures list specifically states “Please complete this form showing the building(s) and structures used in the County of Mendocino Cannabis Program”. As the pond is not being used in the program, it is improper to include it on this form.

“Waterboard report not submitted”. Waterboard report is not required by the county’s publicly available portal checklist.

“Pond permit not included”. The publicly available portal checklist states that a “if an applicant plans to use a pond to irrigate cannabis, submit a pond permit or proof

that the pond does not require a permit.” This pond is not being used to irrigate cannabis, and therefore, does not meet the requirements on the checklist to submit a permit or proof that the pond does not require a permit.

Applicant 7:

“Mixed light areas with no structures”. Where an applicant is engaging in light dep only and has used the number of hoop houses that are allowable, they may use stakes and tarps to cover plants. Having to explain an applicant’s growing methods to an agent when they’ve applied for the higher use permit type is a waste of time and resources.

“Employee list missing ag # and date”. County has access to the permit number and the date it was submitted. This type of non-substantive issue should not cause a client to be deemed incomplete and be at risk of losing their permit.

“SSHQ undated.” Again, the county has the date of submission. This type of non-substantive issue should not cause a client to be deemed incomplete and be at risk of losing their permit.

Applicant 8:

“Provide location where processing activities are taking place” on site map. Applicant is not engaging in processing activities on site, and the box was not marked.

Applicant 9:

“APN does not appear on application”. It was on the application.

“Improper Livescan”– this livescan form was previously approved by county employees, and we had emails to that effect.

“Water reporting not provided”. Waterboard report is not required by the county’s publicly available portal checklist.

Applicant 10:

“Water reporting not provided”. Waterboard report is not required by the county’s publicly available portal checklist.

“Employee list missing ag # and date”. County has access to the permit number and the date it was submitted. This type of non-substantive issue should not cause a client to be deemed incomplete and be at risk of losing their permit.

“Cannot open SIUR document”. This is not the fault of the applicant. This type of non-substantive issue should not cause a client to be deemed incomplete and be at risk of losing their permit.

Applicant 11:

"Must obtain mixed light license with the state." We are applying for an outdoor permit to align with her state license, and a statement was appended to the application itself saying as much..

"Pond permit not uploaded"- The publicly available portal checklist states that a "if an applicant plans to use a pond to irrigate cannabis, submit a pond permit or proof that the pond does not require a permit." This pond is not being used to irrigate cannabis, and therefore, does not meet the requirements on the checklist to submit a permit or proof that the pond does not require a permit. It was noted on the cultivation and operations plan that this pond was not being used to irrigate cannabis.

"Water reporting not provided". Waterboard report is not required by the county's publicly available portal checklist.

"No artificial light management plan included." Applicant is not using any artificial lights as is indicated by her outdoor application.

"Site plan missing setbacks to watercourse." This was on the second rejection, not rejected for this reason in the first review. Additionally, this is not a requirement listed on the site plan requirements document as put out by the county.

Applicant 12:

"Please list on-stream pond on parcel and its use." The "on-stream pond" was listed in the LSAA, however, through the course of the permitting process applicant realized this pond was not on his legal parcel and he had no legal right to take any action with it.

"Bladder building permit number missing from the structures list". The structures list asks for structures, ponds, power source, water tanks, and grading. Nowhere does it ask for information on a water bladder.

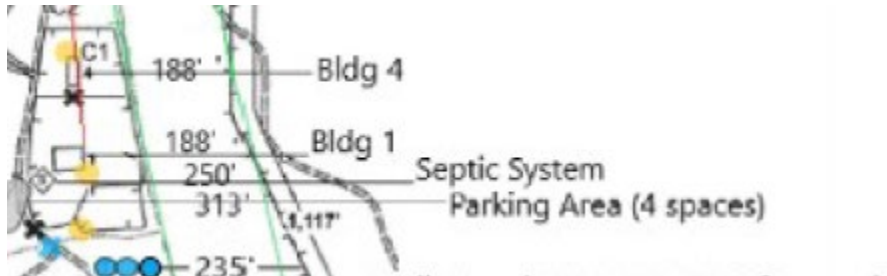
"Please label building 2,5." Building 2 is labeled as "domestic structure" the same as building 1. It's unclear why that needs labeling, and why "domestic structure" was an appropriate label for building 1 but not building 2.

"There are only class 3 water courses labeled but class 1 and 2 in legend? Please clarify." Customarily when an item is in the legend but not on the map, it's because it does not exist.

"Please identify instream and off stream ponds – per LSAA." There is no instream pond as noted above and the off stream pond was included on the map.

“Septic identified but leach fields are not please identify them. Septic and leach not on legend.” Clearly the septic was noted based on the first comment, there is no requirement they be part of a legend, or that there be a legend at all on a site map.

“Line pointers overlap with labeling lines for building 4 and 1 and septic system near building 1, please correct.” This sentence is unintelligible. Additionally, this is what that section of the map looks like:



While the line for building 4 does overlap the property boundary line and fencing line, the only thing they “overlap” is the distance from the building to the property line, which distance is a requirement of the map, and is placed in such a manner that makes the line dual purpose. If an applicant has to put separate lines to indicate what building this is AND the distance, this map is going to get increasingly messy. Nowhere does the site map instructions say these must be indicated using different lines.

“Immature plant area/seed production #3 a hoop house for use in January to protect from weather?” This comment is made on a site map and it’s unclear as to why. Are they second guessing the applicant’s grow methods? It’s unclear where “for use in January” comes from as there’s nothing in the cult/ops plan to indicate this is done in January, but even were it, why does it matter?

“Property owner consent form required”. This property is in the applicant’s trust, of which the applicant is the trustee, which information is shown on the deed. Requiring an applicant to supply a property permission form where they are the trustee of their trust as noted on the deed is wasting the time and money of applicants and the county.

“Soils composted as described in cult and ops plan and in operation calendar, mixing of soil box, please mark yes (on the AQMD sheet)”. The AQMD sheet states “Open Storage, processing and or mixing of soil or soil amendments (More than 500 square feet)

The next question is “Composting On-site” where the compost size shows 100 sq ft.

Not only is composting a separate question and therefore there is not a need to duplicate information, the question related to soil storage, processing, or mixing is for over 500 sq ft.

Open Storage, processing and or mixing of soil or soil amendments (More than 500 square feet) Approximate size of pile: _____ sq. ft.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Composting On-site Approximate size of pile: 10' x 10' = 100 sq ft _____ sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Applicant 13:

“Expansion disturbance was beyond 154 ft.” The affidavit states “contiguous expansion is defined as the relocation of plant canopy, and/or the permitted expansion of plant canopy, to an area that is **within 200 feet** of any original cultivation site (prior to January 1, 2016).