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October 30, 2017

Cannabis Comments
c/o Mr. Matt Johnston
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
VIA EMAIL

RE: Comment on the Draft EIR on Cannabis Cultivation and Manufacturing

Dear Mr. Johnston,

Please enter my comments on the Cannabis Cultivation and Manufacturing Draft EIR into the public record.

I am a 45 year resident of Bonny Doon, and a former firefighter with Bonny Doon Volunteer Fire and Rescue/County Fire.

Thank You,

Russell Mackey

Comment on the Draft EIR on Cannabis Cultivation and Manufacturing

October 30, 2017

Russell Mackey

For the Public Record

The following comments apply to Section 3.11 of the Draft EIR, specifically to the impacts on Fire Service in the area served by the Santa Cruz County Fire Department , in the areas supported by taxes collected by County Service Area 84, CSA 48.

This Draft EIR displays a near total lack of understanding of the Santa Cruz County Fire Department, the financing issues, the years of attempts by the County Supervisors to raise taxes on CSA 48 properties and the critical role of volunteer firefighters in County Fire operations. The EIR authors fail to recognize and describe the distinction between CalFire and County Fire.

The EIR authors, in concluding that County Fire is a viable entity, contradict the opinion in multiple reports accepted by the Board of Supervisors since 2007.

The EIR authors offer no reason for the "reduction in fire risk" other than new rules that will be imposed. Such a conclusion flies in the face of the history of marijuana growing in Santa Cruz County.

The EIR authors' conclusion is rejected as absurd.

A review of the following list of Reviews and Special Reports is essential to an understanding of the Santa Cruz County Fire Department County Fire. These documents are part of the Official Records of Santa Cruz County and are available online. They will be referred to in my comments.

Document A

"County Fire: Alternative Service Delivery Options and Financing"
Supervisor's Agenda, January 23, 2007, Item 61

Document B

"County Fire Service and Financing"
Supervisor's Agenda, May 15, 2007, Item 17

Document C

"What is County Fire? A review of fire protection in county service Area 48"
2007-2008 Santa Cruz County Grand Jury Final Report.

Document D

"County Fire Funding"

Supervisor's Agenda, January 26, 2010, Agenda Item 15, Minute Item 37.1

Document E

"Cal Fire Contract: Options for Changing the County Fire Level of Service"
Supervisor's Agenda, September 2011, Agenda Item 19, Minute Item 49.1.

Document F

"Future Funding Options for County Fire"

Supervisor's Agenda, February 9, 2016, Agenda Item 11.

Supervisors Documents are available from the Santa Cruz County Home Page,
<http://www.co.santa-cruz.ca.us/>

Grand Jury Documents are available from the Grand Jury Home Page
<http://www.co.santa-cruz.ca.us/Departments/GrandJury.aspx>

EIR STATEMENTS, FOLLOWED BY A RESPONSE TO THOSE STATEMENTS

EIR, Page 3.11-2

This page is a Map purporting to show the area served by "CSA 48 Cal Fire" and other fire agencies. The map is attributed to Santa Cruz County Emergency services.

Response

The map on 3.11-2 is inappropriate and has a number of errors. County Service Area CSA 48 is a taxation district for Local Responsibility Fire Services. CalFire is currently contracted to provide specific services to CSA 48, HOWEVER, the County is the responsible party. CalFire's mandated service area is defined by the state, and covers territory in the county that is NOT part of CSA 48. The chosen map inappropriately merges the functions of County Fire and those of CalFire with a taxation district.

An appropriate map showing the County Fire - CSA 48 area is found at:

http://gis.co.santa-cruz.ca.us/map_gallery/pdfs/Map%20Gallery/County%20Service%20Areas/CSA48_CountyFire.pdf

EIR, Page 3.11-3

" Fire protection in Local Responsibility Areas (LRAs) is provided by the County, a city, or a designated fire protection district."

Response

Document A, from 2007 notes,

"Fire service is not a mandatory service obligation for the County"

Document D, from 2010 considers the option of eliminating County Fire as a cost saving strategy,

" Eliminate the Santa Cruz County Fire Department. There is no legal mandate requiring the County to provide fire services. If the County Fire Department were eliminated, it is possible that many areas of CSA 48 would be annexed by other jurisdictions (which at that time should be encouraged and facilitated by County staff)..."

The Draft EIR has failed to DISCLOSE that there is NO COMMITMENT by the County to continue to provide fire services to the area now served by County Fire.

EIR, Page 3.11-4

Table 3.11-4, "Fire Protection Services within Santa Cruz County", lists fire departments, service areas, staffing and resources, and region served. The sixth listing reads:

Fire Department	Service Area	Staffing & Resources	Region
CSA 58 CalFire	State Responsibility Area (SRA) of Santa Cruz County	Not available	North Coast

Response

There so many problems with this line, that it appears that the preparer of the Draft EIR does not understand the differences between County Fire, CalFire and the related County Service Area, CSA 58(sic).

CSA 58 is a taxation district for road maintenance. (CSA 48 is a taxation district for defined fire services). The State Responsibility Area (SRA) of Santa Cruz County is NOT contiguous with ANY County CSA. The North Coast is a fractional portion of CSA 48. The SRA in Santa Cruz County extends well beyond 'the North Coast'.

EIR, Page 3.11-5

"The County of Santa Cruz contracts with CalFire for administration, support services, and line personnel and include 260 paid firefighters and support staff as well as 110 volunteers."

Response

The number of CalFire 'paid firefighters' requires further disclosure, and the number of volunteers is GROSSLY over inflated in the Draft EIR.

County Fire Chief (and CDF Unit Chief) Ian Larkin, seated with County General Services Department Manager Nancy Gordon addressed the Board of Supervisors at the June 22, 2017 County Fire Budget hearing. At approximately two minutes into Chief Larkin's presentation a power point slide was presented, and Chief Larkin tells the Board that **County Fire is staffed with approximately 80 volunteer firefighters.**

Slide excerpt below:

The County Fire Department provides services from ten fire stations staffed with a combined deployment of approximately 80 volunteer firefighters as well as career firefighters, managed under a cooperative fire protection agreement with the California Department of Forestry and Fire Protection (CAL FIRE).

A video of the presentation can be viewed by selecting agenda Item 7 at:

<http://santacruzcountyca.igm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1587&Format=Agenda>

An example of full disclosure of a count of CalFire 'firefighters' was given by Unit Chief John Ferreira at a 2013 Human Resources hearing:

"Unit Chief John Ferreira (Ferreira), a 30+ year veteran of CAL FIRE, is responsible for the CAL FIRE San Mateo-Santa Cruz Unit (CZU) and supervises approximately 200 full-time employees, 60 seasonal workers, 150 volunteers and 125 inmates.

<https://bloximages.chicago2.vip.townnews.com/hmbreview.com/content/tncms/assets/v3/editorial/8/ac/8accc4ae-966a-11e2-ab61-0019bb2963f4/51522ba7cf0b7.pdf.pdf>

It is further noted that the Cal Fire local unit covers BOTH Santa Cruz and San Mateo counties. Disclosure of the employee count for each county is required for clarity and accuracy. It is also necessary to state the number of employees during both the "fire season" and "non-fire season", as the count varies seasonally. Also of importance, when employee counts are presented as an indicator of "Strength of Response" is the requirement to disclose the number of employees ACTUALLY on duty at a given time. All of these factors are missing in the Draft EIR.

In addition to the overstatement in the number of volunteers, is the necessity to quantify the number of ACTUALLY active volunteers. The General Services Director Nancy Gordon, in her Report to the Board of Supervisors on February 9, 2016 (Document F) reported,

"Understanding that while volunteers provide an invaluable service, their average response rate is 52% and in envisioning one or more station closures, their response rate and times would be extended,"

Gordon's statement, reducing the number of volunteers to those actually responding, when, combined with properly disclosure of the number of paid responders actually available to immediately respond, results is a far less robust level of staffing that was suggested by the unexplained and misleading metrics presentation in the Draft EIR.

For County Fire, paid and volunteer firefighters, taking into account the more detailed count of personnel above, the ACTUAL number of firefighters ready to respond at any given time may be as low as one-third the total number of firefighters presented in the Draft EIR.

The MIIMUM count of Santa Cruz County Fire Department firefighters ACTUALLY available to immediately respond MUST be disclosed. Simply providing the total number of CalFire employees and volunteers on a roster does not accurately portray immediate service capability. Immediacy is a critical factor in evaluating effective fire response.

EIR, Page 3.11-9

" The California Occupational Safety and Health Administration (CAL-OSHA) requires that a minimum of two firefighters, operating as a team, conduct interior firefighting operations while a minimum of two firefighters must be positioned outside and remain capable of rapid intervention and rescue if needed pursuant to the State of California's "Two-In, Two-out" law [29 CFR 1910.134(g)(4)]. If there are only three firefighters assigned to a fire engine, the engine company must wait for back-up to arrive before being able to engage in interior firefighting operations to be in compliance with CAL-OSHA regulations."

Response

Section [29 CFR 1910.134(g)(4)] refers to, a Federal regulation, not a State of California law or code. California has adopted an identical provision. Exceptions from "Two-in, Two-out" exist for incipient structure fires and immediate rescue in certain circumstances.

OSHA issues "Standard Interpretations" of its rules. Standard number 1910.134 addresses the level of staffing on fire trucks:

"OSHA's requirement in no way is intended to establish staffing requirements with regard to, for example, the number of persons on a fire truck or the size of a fire company."

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=29192

EIR, Page 3.11-11

Objective 7.16 Fire Protection

To provide the highest level of fire protection service feasible in the rural areas considering the difficult terrain, disperse settlement patterns, and limited road and water improvements and to provide an urban level of fire service in the urban areas.

Response

Objective 7.16 has been part of the Santa Cruz County General Plan and Local Coastal Program since at least 5/24/94. Neither County General Funds nor Proposition 172 (1993) Public Safety Service Funds are allocated by the County Supervisors to fund needed and feasible increases in the level of County Fire services.

[https://ballotpedia.org/California_Proposition_172,_Sales_Tax_Increase_\(1993\)](https://ballotpedia.org/California_Proposition_172,_Sales_Tax_Increase_(1993))

<http://www.sccoplanning.com/PlanningHome/SustainabilityPlanning/GeneralPlan.aspx>

EIR, Page 3.11-12

"The SCCFD is striving to obtain a minimum of four on-duty firefighters on each engine company in the County in compliance with NFPA standards (NFPA, 5.2.3.1.1)."

Response

Most importantly, CalFire Standards apply to Amador Period Staffing, the period of time when firefighter costs are born by the Santa Cruz County Fire Department.

" THE AMADOR PLAN 8554

(No. 137 May 2017)

The Director, with the approval of the Department of General Services (see Public Resources Code (PRC) §4143 and §4144), may enter into a cooperative agreement with a city, county, special district, or other political subdivision of the state, or person, firm, association, or corporation, for the purpose of preventing and suppressing fires, that requests an agreement, under those terms and conditions that the director deems wise.

Any proposed facility housing CAL FIRE personnel and / or equipment must comply with HB § 3323 CAL FIRE site selection procedures."

"Amador Engine Staffing

Staffing for Amador Plan engines will be at levels that are mutually agreeable to all parties of the fire protection agreement. The state shall apportion to the contracting entity the actual additional costs for providing extended staff availability for 24-hour emergency response.

The Amador Program minimum engine staffing level for the non-fire season period is a two-person Engine Company for local agency mission response.

Local agency mission response means a response to the needs of the local cooperating agency, which includes but is not limited to, responses to structure, vehicle and vegetation fires, medical aids, public assists, and traffic collisions. The response may be directly for the local agency response or as a result of a mutual or automatic aid agreement between the local cooperating agency and another agency." [emphasis added]

<http://calfireweb.fire.ca.gov/library/handbooks/>

"Striving" is not the same as accomplishing. Staffing of Amador period (winter, non-fire season) CalFire Engines has been by TWO on-duty firefighters beginning in 2007. There is NO action plan in effect to increase this staffing. Depending on political and financial considerations, reducing paid staffing staff to two has been described as being both "cost saving" and acceptable to CalFire.

"The defeat of the 2007 ballot resulted in further cost cutting measures and a reduction from 3- person to 2-person fire engine staffing."

http://sccounty01.co.santa-cruz.ca.us/BDS/Govstream2/Bdsvdata/non_legacy_2.0/Minutes/2010/20100126-482/PDF/037-1.pdf

Similar to Santa Cruz County, CalFire contracts with San Mateo County and provides specific Fire Services. In Santa Cruz County, since 2007, CalFire has sought to add a third firefighter to the Amador Period staffing of paid engines. In San Mateo County, however, in 2011 former CalFire Unit Chief John Ferreira reported to the Highland Area residents,

"One option for reducing costs for both CSA 1 and [San Mateo] County Fire is to reduce the total staffing...

"An engine with two staff can respond to all types of emergencies including medical calls and fires."

http://www.highlandscommunity.org/Resources/Documents/lowdown%20April%202011%20final_August.qxd.pdf

EIR, Page 3.11-13

" The character of incidents to which fire services would have to respond under the Program may also shift from the present situation and **this is a potential beneficial impact**. Because there are not yet any licensed cannabis cultivation sites, the experience of fire protection services has only been with responses to incidents on unregulated sites.

"These locations are often not easily accessible, nor compliant with state and local building codes. **Since regulated sites would be designed to minimize fire risk in compliance with existing regulations, implementation of the Program may cause emergency calls and incidents to decrease.**

"Overtime, existing, unregulated operations would be brought into compliance with building and electrical codes as is required by the Program. Demand for non-emergency services such as fire safety inspections for new residences, building inspections, fire code investigations, and code compliance would incrementally increase under both Program scenarios.

"Further, **overall risk of fire would be reduced under the Program**, as further described in Section 3.8, *Hazards and Hazardous Materials*, with a commensurate decrease in demand for fire response services. **Therefore, this impact would be less than significant.**" [Emphasis Added]

Response

The EIR authors' conclusion that the overall risk of fire from Cannabis Cultivation and Manufacturing would be REDUCED under the Project, and that the " impact would be *less than significant*," is unsupported and unconvincing.

This Draft EIR appears to weave a story intended to support a conclusion of "less than significance" based on unattributed statements that fail to pass the test of relevance to the subject under discussion, as has been demonstrated above.

I look forward to reviewing a revised Draft EIR with major corrections, accurate reporting of relevant data and evidence-based conclusions. A proper evaluation of the current status of the Santa Cruz County Fire Department will disclose the shortcomings of County Fire, as it currently exists. A proper evaluation will result in a finding of MAJOR IMPACTS to the provision of Fire Service in the area served by The Santa Cruz County Fire Department.

Sincerely Submitted,

**Russell Mackey
October 30, 2017**

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