



October 31, 2017

Matt Johnston  
Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

**Re: Comments, DEIR Cannabis Cultivation Regulations**

Dear Mr. Johnston,

Big Creek Lumber Company has been in business and conducting sustainable forestry operations in Santa Cruz County since 1946. Our company was the first redwood production sawmill to have company-owned lands certified as “Well Managed” by the Forest Stewardship Council (FSC) ®.

We appreciate the opportunity to comment on the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program Draft Environmental Impact Report (Draft). We have submitted previous written comments to the Board of Supervisors regarding Santa Cruz County’s proposed cannabis cultivation ordinances. These comments have covered broad areas of concern, including potential environmental degradation, impacts to residential neighborhoods and ongoing crime associated with illegal cannabis cultivation. Our comments are part of the public record for the proposed ordinances. This letter is response to the Draft. Our comments will primarily be in response to **Draft Section 3.2, Agricultural and Timber Resources**.

**Section 3.2.7 Secondary Impacts** most accurately reflects Big Creek Lumber Company’s underlying concerns regarding cannabis cultivation in forested

areas of the County. The Draft lists potential problems such as intentional concealment of cannabis cultivation on forested lands, illegal clearcutting of trees, stepped mountainside grading, illegal water use and soil degradation, among others. The Draft indicates that these secondary impacts **would be significant and unavoidable**. We concur.

While the Draft correctly recognizes these very serious potential impacts, it does not provide sufficient background data to adequately assess the scope of these impacts. In fact, **Section 3.2.4 Methodology and Assumptions** states:

**Due to the lack of information regarding unknown cannabis cultivation and manufacturing operations within the County and specific details regarding unknown sites, the discussion of secondary impacts is general in nature.**

Without empirical data quantifying verifiable problems associated with existing cannabis operations, how can the Draft accurately assess potential future impacts associated with the project, or its more permissive alternative?

**The Draft Executive Summary, Section ES-4** states:

**If the Program is approved with significant and unavoidable impacts, decision-makers are required to adopt a Statement of Overriding Considerations pursuant to CEQA Section 15093 explaining why benefits of the Program outweigh the potential damage caused by these significant unavoidable impacts.**

How are the decision-makers going to be able to accurately adopt a Statement of Overriding Considerations explaining program benefits if there is insufficient data to compare the perceived benefits with known impacts? The acknowledged lack of information “regarding unknown cannabis cultivation and manufacturing operations within the County and specific details regarding unknown sites . . . ” makes such a comparison nearly impossible.

**Draft Section 3.2, Agricultural and Timber Resources**, does an acceptable job of describing state statutes as they relate to the regulation of timberland in California. It also outlines (in part) the administrative responsibilities of the California Department of Forestry and Fire Protection (Cal Fire). The Draft points out Cal Fire’s role in enforcing state laws when trees are cut illegally.

Personnel from the Cal Fire San Mateo, Santa Cruz Unit have informed us that currently nearly forty percent of their time allocated for enforcement is being spent investigating and citing illegal cannabis cultivation sites. Throughout the Draft, the potential impacts of the Project, and its more permissive alternative, have been deemed *less than significant* because there are agencies and regulations in place that will minimize impacts. However, the Draft does not consider whether the Project and its more permissive alternative will place additional resource demands on various state agencies. For example, has the County determined whether Cal Fire has sufficient personnel and resources to deal with cannabis related issues if the Project, or its more permissive alternative, result in expansion of cannabis cultivation in forested areas of the county?

Additionally, there are other state agencies that will likely be impacted by the expansion of cannabis cultivation. These include, but are not necessarily limited to, the California Department of Fish and Wildlife, the Central Coast Regional Water Quality Control Board, the California Geological Survey, the California Air Resources Control Board and the California Coastal Commission. The Draft does not appear to address the potential environmental impacts if these state agencies do not have the resources to monitor or regulate increased cannabis activities associated with the Project, or its more permissive alternative.

The Draft outlines the legal processes for converting timberland to other uses. Such conversions involve the removal of trees in order to convert land to another use. However, Cal Fire representatives have informed us that no timberland conversion permit has ever been submitted in Santa Cruz County where cannabis cultivation is the specified conversion activity. How can the Draft adequately assess the potential impacts of such a conversion if none has ever occurred?

The Draft states that:

**The [timberland] conversion must be signed off by a representative of the County, making the determination that the proposed conversion is for a permissible activity and that the necessary permits have been obtained.**

It is unclear whether the County has designated an authorized representative to make determinations regarding timberland conversion code compliance when the stated conversion activity is cannabis cultivation. The California Board of Forestry and Fire Protection sent a letter to the Board of Supervisors, dated August 23<sup>rd</sup>, 2017 (attached). This letter states:

**When a county does not have an authorized designee, the county relinquishes this opportunity and it falls to the RPF [Registered Professional Forester] preparing the Exemption to certify that the county has been contacted and the conversion is in conformance with county regulatory requirements. RPFs have communicated that this determination has been challenging because they may work in multiple counties, each of which may have different regulatory requirements.**

The Draft appears to assume that the County will have a designated representative to review timberland conversions, but the Draft does not address the potential impacts if the County does not designate a representative. Registered Professional Foresters certainly understand state law as it relates to timberland and forest practices, but they may not have knowledge of complex County Code. What are the potential impacts if the County does not designate a representative?

**The Draft at 3.2-8** discusses Agricultural and Timber Uses within Regions of Santa Cruz County. With respect to the North Coast Region, the Draft states:

**Based on cannabis cultivation registration data, 44 cultivation sites are currently in operation in this region, totaling 2.84 acres of canopy. Existing operations are located primarily near Bonny Doon, within its proximate semi-rural agricultural community.**

When analyzing potential environmental impacts, is it adequate (sufficient) to only consider acres of canopy associated with cannabis cultivation based on registration data? Reviewing publicly available satellite imagery on Google Maps, it is clear that there is far in excess of 2.84 acres of what appears to be cannabis cultivation in the vicinity of Last Chance Road alone. Scanning satellite imagery over other rural areas of Santa Cruz County reveals what appear to be numerous greenhouses and outdoor grows. It is reasonable to assume that a number of these operations will continue, either through acquiring necessary permits or continuing to operate illegally. Wouldn't the

Draft be considerably more accurate if it analyzed the actual extent of current cannabis cultivation?

Errata:

Table 3.2-1. **Harvested Acreage** of timber is erroneously listed in board feet instead of acres.

Page 3.2-12, **Timber Production and Harvesting in the County**, third paragraph, first sentence, “Non-NTMP” should be “NTMP”.

Page 3.2-12, **Timber Production and Harvesting in the County**, third paragraph, third sentence states that **“While the County does not have a formal role in regulating timber harvest practices, other than proposing special local rules for State consideration, it does limit through its zoning powers, where timber harvesting can take place.”** This is technically correct. However, as a vested member of the Interdisciplinary Review Team, the County has the ability to non-concur a harvest plan and if they are not satisfied with the response from the permit applicant, the County can appeal the harvest plan to the State Board of Forestry.

Confusing terminology:

The Draft uses the term “timbered”. It appears to use this word interchangeably to mean both land that has timber and land that has been harvested (logged). This interchangeable use is confusing, particularly to forestry professionals. We recommend that the Draft uses the word “forested” when referring to land that has trees. We recommend that the Draft uses the words “harvested” or “logged” when referring to lands where trees have previously been cut.

Sincerely,

*/Bob Berlage*

Bob Berlage  
Communications Director

