

October 31, 2017

Joe Christy

Bonny Doon, CA

Cannabis Comments c/o Matt Johnston  
Planning Department  
701 Ocean Street, 4th floor  
Santa Cruz, CA 95060

Dear Mr. Johnston,

As a private citizen with a long history of work on wildfire preparedness in Santa Cruz County, I would like to comment on two impacts – risks involving wildland fire from both regulated and unregulated cannabis cultivation – mentioned in the **Draft Environmental Impact Report** [DEIR] (Department 2017):

**Impact HAZ-3.** Cannabis cultivation and manufacturing may be located within high fire hazard areas, exposing people or structures to significant risks involving wildland fires, along the wildland-urban interface (WUI), where uses are located in wildlands or through interference with emergency evacuations. Impacts would be less than significant with mitigation.

and

**Impact HAZ-4.** Unregulated cannabis cultivation and manufacturing may use, transport, or store hazardous materials, expose or release hazards, or be located within high fire hazard areas, exposing people or structures to significant risks involving wildland fires. Impacts would be significant and unavoidable.

Though arrests have been made for arson and related crimes in connection with the Bear Fire, the location of the fire in a high fire hazard area [identified in the **Wildfire Safety Recommendations for C4** (Christy 2016) as the Deer Creek cannabis cultivation region] and discussed there compels me to make three points:

1. **Retaining the requirement that there be a permitted permanent habitable structure on site is essential, since otherwise fire codes don't apply.**

2. **Mitigation must include adequate funding to the County Sheriff and County Fire Marshall to send armed teams to conduct unannounced inspections.**
3. **The carrot of legitimization of registered cultivators must be accompanied by the stick of de-legitimization of unregistered cultivators via the enforcement of nuisance, fire, and building codes at unregistered cultivation sites, to shut down the larger and more dangerous black market in cannabis.**

### Context: the Bear Fire and the Deer Creek Cannabis Cultivation Area

The Bear Fire began at 10:37pm at 475 Diane's Way, near the intersection of Bear Creek Road and Deer Creek Road outside of Boulder Creek adjacent to the Deer Creek cannabis cultivation region. The Deer Creek cannabis cultivation region is rife with at least three dozen cannabis cultivation sites clearly visible in Google Earth. Between 2010 and 2016 the area saw 11 cannabis related fires. Figure 2-4 of the DEIR (Department 2017) indicates that only a dozen of the cannabis cultivation sites are registered. Containment of the fire was hindered by the poor roads, most of them unpaved and originally built for seasonal logging. Only about 5% of these roads are in compliance with local and state fire standards for emergency fire access (Christy 2016). Moreover, during the fire there were reports of cultivators firing shotguns at occupied vehicles (Todd, Shotgun blasts vehicle near Bear Fire 2017).

At its peak 600 firefighters were involved in the suppression efforts. In all, thirteen firefighters were injured, three of them seriously (Santa Cruz County Sheriff's Office 2017), defending unpermitted structures including both registered and un-registered cannabis cultivation sites. The Bear Fire cost \$7.1 million to suppress. Two homes, four outbuildings, and five recreational vehicles were destroyed before the fire was declared fully contained at 5pm October 26.

### Requiring a Permitted Permanent Habitable Structure on Site Is Essential, Since Otherwise Fire Codes Don't Apply

Were the registered sites in the area compliant with the fire codes regarding permitting permanent habitable structures emergency, access roads would have been far better suited to handle the traffic from firefighting equipment. This requirement would also have resulted in much more water being available to firefighters to defend cannabis cultivation sites in fire footprint. There is a chance that the fire might have been contained at far less than 391 acres.

In the Executive Summary of the DEIR (Department 2017), it says for mitigation measures related to Impact HAZ-3, “Direct: No mitigation required. Indirect: No mitigation required.” Is this an oversight? Is the mitigation embodied in the requirement that there be a permitted permanent habitable structure on site, so that fire codes apply? How precisely will this be enforced?

## Mitigation Must Include Adequate Funding to the County Sheriff and County Fire Marshall to Send Armed Teams to Conduct Unannounced Inspections

The armed violence associated with the Bear Fire suggests that the County Fire Marshall’s estimate that inspection teams include two armed CAL FIRE law enforcement personnel and two armed sheriff’s deputies (Sampson 2016) is on the mark.

## The Carrot of Legitimization of Registered Cultivators Must Be Accompanied by the Stick of De-legitimization of Unregistered Cultivators Via the Enforcement of Nuisance, Fire, and Building codes at Unregistered Cultivation Sites, to Shut Down the Larger and More Dangerous Black Market in Cannabis

Page 1-2 of the introduction to the DEIR includes the following paragraph:

An unintended consequence of adopting SCCC Chapter 7.126 in February 2014 was that it triggered a “green rush”, with existing cultivators expanding operations due to a sense that being hidden was less important, as well as new cultivators moving into the area and setting up new cultivation and manufacturing sites both outdoor and indoor. It appeared that many of the cannabis operations, especially new operators, simply acted upon a misunderstanding that the County allows cannabis activities, without reading or complying with the restrictions and requirements of the SCCC. Therefore, the adverse effects of illegal cannabis cultivation were exacerbated and expanded to include increased areas of hillside grading, clearing of trees and vegetation, and other environmental and community impacts. Currently, there is a significant known but difficult-to-quantify level of cannabis cultivation and manufacturing activity within the unincorporated area of the County.

Is there reason to believe that the proposed ordinance, coupled with a lax enforcement regime for illegal cannabis cultivation and the financial advantages arising freedom

from taxation and substantially higher profits by remaining in the black market, would not have a similar adverse effect? Why is this not discussed in the DEIR?

Interviewed by the Santa Cruz Sentinel, 5<sup>th</sup> District Supervisor said, with regard to the difficulty of enforcement of nuisance, fire, and building codes in the entire county with just 3 code enforcement officers, “There have been two more hired to for cannabis cultivation, specifically. ... Where is the money going to come from? We’re going to take a look at that.” (Todd, Bear Fire arrest is expected, according to sheriff’s office 2017) Is adequate funding for mitigation measures MM AT-1.3a, MM AT-1.3b, and MM AQ-1.3, cited as mitigations for Impact HAZ-4, actually feasible? Why is this not documented in the DEIR?

## Works Cited

- Christy, Joe, Eric Hammer, John Harriman, Eric Hoffman, and Michael Rowe. 2016. "Wildfire Safety Recommendations for C4." Santa Cruz.
- Department, County of Santa Cruz Planning. 2017. "Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program." *County of Santa Cruz Planning Department*. August 31. Accessed October 27, 2017. [http://www.sccoplanning.com/PlanningHome/Environmental/CEQAInitialStudiesEIRs/CannabisRegulationsEnvironmentalReview/CannabisEnvironmentallImpactReport\(EIR\).aspx](http://www.sccoplanning.com/PlanningHome/Environmental/CEQAInitialStudiesEIRs/CannabisRegulationsEnvironmentalReview/CannabisEnvironmentallImpactReport(EIR).aspx).
- Sampson, Division Chief Richard and Deputy Fire Marshal Chris Walters. 2016. *Discussion of Applicability of County Fire Code to Cannabis Cultivation* (February 29).
- Santa Cruz County Sherrif's Office. 2017. "Arson arrest made in Bear Fire." *KSBW*. October 27. Accessed October 30, 2017. <http://www.ksbw.com/article/arson-arrest-made-in-bear-fire/13110204>.
- Todd, Michael. 2017. "Bear Fire arrest is expected, according to sheriff’s office." *Santa Cruz Sentinel*. October 26. Accessed October 29, 2017. <http://www.santacruzsentinel.com/general-news/20171026/bear-fire-arrest-is-expected-according-to-sheriffs-office>.
- . 2017. "Shotgun blasts vehicle near Bear Fire." *Santa Cruz Sentinel*. October 20. Accessed October 29, 2017. <http://www.santacruzsentinel.com/general-news/20171020/shotgun-blasts-vehicle-near-bear-fire>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Christy". The signature is stylized and cursive.

Joe Christy

CC: Supervisors Leopold, Friend, Coonerty, Caput, and McPherson