

October 31, 2017

Cannabis Comments c/o Matt Johnston
Planning Department
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Subject: Comments on the Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program

I have reviewed the draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program to the extent I could within the time available, and have come to the conclusion that it did not adequately analyze, assess and disclose the true cumulative environmental impacts on a number of issues. Assertions that various mitigations will render certain impacts to less than significant have not been adequately supported. Critical estimates of water usage are erroneous or misrepresented. Baseline current production and exportation was not disclosed. The environmental and other effects on existing communities were not adequately analyzed. The impact of demand on police services was assessed as less than significant, based upon an erroneous statement that existing police staffing levels are currently adequate. The primary mitigation measures assumes a sustained and effective code enforcement program which is not a valid assumption.

I take umbrage with many of the cannabis policy decisions put forth in the proposed ordinance upon which the draft EIR is based. However, I know that the EIR comment phase of this process is not the time to take up policy decisions unless they impact the adequacy of the draft EIR. Therefore, I will limit my comments in this letter to the assertions of environmental impacts made in the draft EIR.

I. WATER USE

Comment: The environmental impact of water use in commercial cannabis cultivation as stated in this draft EIR: 1) is biased; 2) is materially and erroneously misstated; 3) did not use a valid comparable; 4) used faulty data to draw the cumulative impact assessment and mitigation; and 5) did not include local cannabis growers' actual metered water usage.

1. *A cannabis industry study was used to indicate impacts of water usage instead of a scholarly article published by scientists from state and federal agencies – Page 16 of section 3.0.2 of the draft EIR cited and then dismissed a research article published in 2015 by scientists from the California Department of Fish and Wildlife and the National Marine Fisheries Service. That article stated “Marijuana is a high water-use plant, consuming up to 22.7 liters of water per day. In comparison, the widely cultivated wine grape, also grown throughout much of Northwestern California, uses approximately*

12.64 liters of water per day.” (22.7 liters is about 6 gallons per day per plant, or about .75 gallons per day per square foot of canopy assuming an 8 foot canopy.) The County’s draft EIR later said “... the study has been criticized as exaggerating water demand...” The County staff instead chose to use a study performed by the Milewide Nursery in Humboldt County, funded by the cannabis industry. The draft EIR erroneously interpreted that study to say that cannabis water use is just 0.0875 gallons per square foot of canopy per day in a greenhouse, and 0.03 gallons of water used per square foot of canopy per day for outdoor cultivation. Obviously, this study was used because it supports the cannabis growers’ assertion that water usage is minimal. The study used in the draft EIR is a biased and incorrect analysis of water usage.

2. *The draft EIR is seriously flawed in its outdoor water use pronouncements and should not be accepted due to the materiality of this error. The draft EIR states “...the County estimates that general cannabis cultivation water demand is 0.03 gallons per square foot of canopy per day for outdoor operations...” This was a gross misrepresentation and materially incorrect. – Page 17 of section 3.0.2 of the draft EIR states “For outdoor cultivation, the study reported 0.03 gallons of water used per square foot of canopy per day.” This was a gross misrepresentation of the findings in the Humboldt Growers study. This mistake or intentional misrepresentation in the draft EIR is alarming. 0.03 gallons is about ½ cup of water per square foot per day. This obviously cannot be correct. A cannabis plant cannot possibly be grown to maturity outdoors over six months in the spring and summer on ½ cup of water a day per square foot of canopy, which is about 6 to 8 square feet according to the draft EIR. This was either a shocking calculation error or an intentional misrepresentation. I am disturbed to know that this draft EIR was prepared with this misinformation, then proofread by many people, then repeated at least nine times throughout the draft EIR, and no one questioned it!*

The problem stems from the fact that the Humboldt Growers’ study for outdoor grows was based on water usage per plant, and the draft EIR preparer incorrectly converted it to water usage per square foot of canopy. The draft EIR preparer used a ridiculously large 144 square feet of canopy per plant in this draft EIR! This was because the growing method used for the outdoor control group in the Humboldt Growers study was, as stated in their newsletter, “1 clone per pot on 12’ ft. centers. (each unit area taking 144 sq. ft.)”. The calculations per the draft EIR are below.

Gallons for one outdoor cannabis plant to maturity	787 gallons	} Per Humboldt Growers study
Number of days to maturity	÷ 180 days	
Gallons per day	= 4.375 gallons / day	
Square feet of canopy per plant (12 ft X 12 ft)	÷ 144 sq ft	} Computed in County EIR
Gallons per day per square foot of canopy	= 0.03 gallons / day / sq ft	

It was an outrageous assumption that only one plant will be grown in 144 square feet of canopy in Santa Cruz County, like the test plot in Humboldt County. Again, Appendix D stated repeatedly that it “assumes 6 - 8 sf per plant for outdoor and greenhouse grows”. Using an 8 square foot canopy per plant, 18 plants would grow in 144 square feet of canopy, not one plant. Therefore, water usage would be 18 times higher, or 0.55 gallons per day per square foot of canopy, not 0.03 ($0.03 \times 18 = .55$). Stated another way, the 4.375 gallons of water per day is what it took to grow one outdoor plant to maturity, and assuming a 8 foot canopy for that plant, that computes to the same 0.55 gallons per day per square foot of canopy ($4.375 \div 8 = .55$). This is close to the .75 gallons per day per square foot of canopy in the research article by the scientists from the California Department of Fish and Wildlife and the National Marine Fisheries Service which this draft EIR dismissed as excessively high.

3. *The draft EIR is biased in its indoor or greenhouse water use pronouncements, and should not be accepted for this reason. The Humboldt Grower study by Milewide Nursery in Humboldt County was conducted to support their position that a very specific greenhouse cultivation method could minimize water use, but obviously not every indoor cannabis grower in Santa Cruz County will use that method – The Humboldt Grower, as footnoted in the draft EIR on page 16 of section 3.0.2, said “Cannabis does not have to impact the aquifer during the dry months. The traditional method is at peak water consumption from August to October – the driest months of the year. The greenhouse light deprivation method does not consume any water during these months. Humboldt County can raise cannabis quality dramatically and cut water use in half by moving towards light deprivation greenhouse growing.” This Humboldt Growers study was conducted to support their position that this light deprivation greenhouse cultivation method (a 3 month crop in a greenhouse from April 15 to July 15 in beds of 5 ft wide, 5 ft long, 8 inches deep, with 6 plants per bed) would use less water than growing a 6 month crop outside. Clearly, not every cannabis grower in Santa Cruz County will use this very specific method. Therefore, this study is not a valid comparison for Santa Cruz County cannabis water usage for indoor or greenhouses grows.*
4. *The cumulative impact for water use is incorrect because of the calculation error or intentional misrepresentation – The cumulative impact analysis for water usage, MM Hydro 2.1 and 2.2 concluded that the impact will be less than significant with mitigation. Both the impact and the mitigation measures were based on significantly false and biased data and need to be reassessed based on correct data.*
5. *Actual metered water usage should have been presented in the draft EIR - The draft EIR said in Table 3.9-4 that 263 license applicants are on municipal water systems. Why wasn't their metered water usage presented in the draft EIR? That may be the most accurate representation of actual water usage by the cannabis industry in Santa Cruz County. Since water usage is such a crucial factor, that data should have been collected*

by the County for those growers on metered systems, and maybe it was but just not included in the EIR.

II. CURRENT PRODUCTION AND CURRENT DEMAND

Comment: The cumulative environmental impact assessed in this draft EIR is deficient because it did not disclose: 1) the baseline volume of cannabis currently grown in the County, even though an estimate was available; and 2) the fact that a large majority (up to 90%) of the cannabis grown or manufactured in the County is exported.

1. *The draft EIR made no attempt to disclose or estimate the volume of cannabis grown annually in Santa Cruz County* – This draft EIR completely sidestepped a discussion of the baseline volume of cannabis currently produced. Disclosing an estimate of the number of plants grown or pounds of cannabis produced would allow the reader to draw more informed conclusions regarding increased environmental impact. A section titled Existing Cannabis Cultivation and Manufacturing on pages 2-17 through 2-24 of chapter 2 spends seven pages on generic baseline information such as general location, type of growing method, water source, etc, but manages to ignore on the current volume of cannabis cultivation in the County. The only information I could find exposing the estimated volume of cannabis currently grown in the County was the registrants’ canopy size presented on page 10 of Appendix D, but this limited piece of information did not allow for any meaningful comparison to future allowed cultivation levels. The draft EIR cannot truthfully and adequately assess the cumulative impact of the proposed cultivation levels without disclosing the current baseline production volume, and is therefore insufficient.
2. *An estimate of the annual volume of cannabis grown in the County was available, but was excluded from the draft EIR* – As stated above, the draft EIR is deficient because an estimate of the baseline annual volume was not included, but that information was available at the time the draft EIR was prepared. A few weeks after the draft EIR was released, the Cannabis Licensing Manager responded to Supervisor Coonerty’s questions. Her memo dated October 23, 2017, was included with item #36 in the Board’s agenda packet on October 24, 2017. One of the Supervisor Coonerty’s questions was “What is the estimate for how much cannabis is cultivated, manufactured and/or sold locally?” The Cannabis Licensing Manager’s response began by stating “While registration data indicates about 244,620 pounds of cannabis per year are grown within Santa Cruz County, this data is likely under-reported as not all cultivators registered or reported their operation size...” I understand and agree that this volume is probably under-reported, but would still have been extremely valuable information to include in the EIR. It should have been included in the draft EIR with the caveat that the estimate was flawed and the actual volume could be double or triple (or whatever multiple) of that amount. I contend that this information was intentionally excluded from the draft EIR because the 244,620

pounds (or double or triple that amount) did not compare favorably to the 8,408,389 pounds estimated as the minimum allowed under the proposed program, or the 26,637,433 pounds estimated as the maximum allowed under the more permissive program (Appendix D, page 3).

The 244,620 pounds was an estimate using registration data, and did not include any data from those who did not register, but the estimates of volume quoted in the draft EIR allowed under the proposed programs do not include unlicensed cultivation either. So if the 244,620 pounds estimated by the Cannabis Licensing Manager had been adjusted to add an estimate for the license applicants who did not report their volume, it would have been a valid comparable to the allowed future volume estimated in the draft EIR since they both exclude unlicensed (i.e. illegal) grows. Even if the 244,620 pounds was under-reported by the registrants by a factor of four, and the actual current volume was closer to one million pounds, it still does not compare favorably to 8+ million pounds or 26+ million pounds allowed under the projects. I believe that this is the real reason why the information was not disclosed in the EIR.

3. *The draft EIR also did not disclose the fact that a large majority (up to 90%) of the cannabis grown or manufactured in the County was exported* – In the Cannabis Licensing Officer’s October 23 memo, she answered the last part of Supervisor Coonerty’s question by stating “...a large majority of the cannabis grown and/or manufactured in Santa Cruz County is exported (some estimates indicate up to 90%)...” Her memo also stated that the demand at the local dispensaries is “...about 24,000 pounds of cannabis sold, which is also about 10% of what registrants claimed they were growing. Though again, we do not believe this is the most reliable data.” The data may not be the most reliable, but it is probably not that far off either. The pounds grown locally and the pounds sold locally through dispensaries are probably both underreported, so it is not unreasonable to assume that the 90% export ratio remains fairly accurate, although the actual pounds may be underreported. Furthermore, the draft EIR states on page 2-51 that “California is understood to produce much more cannabis than can be consumed in-state”, which again support the fact that most of local cannabis is exported.

This information absolutely should have been included in the draft EIR. Citizens have the right to know that up to 90% of the cannabis currently grown in our county is exported out of the area. Program objective #5 of the cannabis Program is to “Encourage the cultivation and manufacturing of high quality local cannabis products that meet the demand...” This goal was designed to sound like the County has difficulty meeting the demand for cannabis. When I learned that current cannabis production meets current demand ten times over, I was offended by the tone of this Program objective. The environmental degradation associated with the increased volume of cannabis up to 50 or 100 times higher than current levels may not be tolerable to citizens if they know it will

be mostly exported. Again, the draft EIR is deficient in this regard as it did not include this crucial information.

III. IMPACTS DUE TO ADVERSE EFFECTS ON EXISTING COMMUNITIES

Comment: The draft EIR concluded that commercial cannabis cultivation and manufacturing under the Program could cause adverse effects to existing communities, but the impacts would be insignificant. The draft EIR is deficient because it: 1) did not adequately analyze the environmental impacts of residential neighborhoods, 2) incorrectly assessed the impacts on residential neighborhoods with significant numbers of RA and SU parcels.

1. *The draft EIR did not adequately analyze the environmental impacts on residential neighborhoods* – There was surprisingly little in the draft EIR about the environmental impacts on local neighborhoods, or “existing communities” as they are called in the draft EIR. Neighborhoods or existing communities are mentioned briefly in just two impacts: #LU-2 and LU-3. The primary objectives of this Program mention neighborhood protection in two of them: Objective #7 seeks to ensure compatibility with residential neighborhoods, and objective #9 seeks to avoid degradation of the neighborhood character. Since these are primary objective of the Program, there should have been much more robust discussion and analysis of the environmental impacts on our neighborhoods. The draft EIR does not adequately address the environmental concerns of residents living in the neighborhoods or existing communities in the rural areas, and is therefore deficient in this regard. I find it offensive and unfair that the residential neighborhoods near the coast are protected under this Program, but the very real neighborhoods in the rural areas are offered up as a sacrifice zone.
2. *The draft EIR assessed the environmental impacts on residential neighborhoods under the Program as less than significant, which I believe is an incorrect assessment* – The draft EIR states on page 3.10 36 (Section #3.10.6.2, Program Impact LU-2) “Commercial cannabis cultivation and manufacturing under the Program could cause adverse effects to existing communities due to increases in traffic, odors, noise, or other quality of life issues. Impacts would be less than significant.” Residents living in the existing communities certainly might find that the environmental impacts are significant and unavoidable once a cannabis operation gets going next door, in spite of the fact that the draft EIR assessed the impacts to be less than significant.

The cannabis Program proposes to allow cultivation and manufacturing on parcels zoned as RA. This conflicts with current applicable land use plan, policy and regulation for residential zoned parcels. RA zones are included in County Code Section 13.10.321, Residential Districts Purposes, along with all the other residential zones: RA, RR, R1, RB and RM. RA zones are residential zones, yet they are the only residential parcels where

commercial cannabis cultivation and manufacturing will be allowed under the proposed cannabis Program.

County Zoning Code lists the reasons that residential districts are included in the zoning ordinance:

- “ (1) To provide areas of residential use in locations and at densities consistent with the County General Plan.
- (2) To preserve areas for primarily residential uses in locations protected from the incompatible effects of nonresidential land uses.
- (3) To establish a variety of residential land use categories and dwelling unit densities which provide a choice of diversified housing opportunities consistent with public health and safety.
- (4) To achieve patterns of residential settlement that are compatible with the physical limitations of the land and the natural resources of the County and that do not impair the natural environment.
- (5) To ensure adequate light, air, privacy, solar access, and open space for each dwelling unit.
- (6) To maximize efficient energy use and energy conservation in residential districts, and to encourage the use of locally available renewable energy resources.
- (7) To provide adequate space for off-street parking of automobiles.
- (8) To provide areas of residential use consistent with the capacity of public services, the urban services line and rural services line and the reserve capacity policy of the Local Coastal Program Land Use Plan for tourist services. To minimize traffic congestion and avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
- (9) To protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such as fire, explosion, or noxious fumes.”

Residential goals 2, 4 and 9 listed above mention residential environmental impacts. These goals would be violated by allowing commercial cannabis cultivation and manufacturing on residential parcels zoned as RA. The draft EIR shows on page 3 of Appendix D that 1,147 parcels zoned as RA would possibly be subjected to cultivation under the cannabis program, and 3,337 parcels under the more permissive program (18% and 37%, respectively, of the total number of parcels potentially subject to cannabis cultivation). An analysis of impacts specifically on residential neighborhoods with these significant numbers of RA parcels definitely should have been included in the draft EIR. The draft EIR is deficient because it did not discuss that RA parcels are primarily residential and did not recognize that the cannabis Program would definitely have negative environmental impacts on residential communities with significant numbers of RA parcels.

Furthermore, the County apparently concluded that residents living on parcels zoned as RA and SU needed to be protected when they enacted the cannabis dispensary ordinance. Dispensary licenses are only allowed on parcels zoned as PA, C1, C2, C4, or CT (not RA or SU) and prohibited a dispensary from operating within 300 feet of any parcel zoned RA, RR, R1, RB or RM (County Code Sections 7.130.110 (1) and (3) respectively.) This was not disclosed or discussed in the draft EIR. Nor was it discussed why cannabis activities were considered unsafe or hazardous to residents living on RA and SU parcels when the dispensary ordinance was written, but are not unsafe or hazardous to those same residents under the cultivation ordinance.

Parcels zoned RA and SU should not be subjected to cannabis cultivation because of the adverse effects to these existing communities (and they are very real residential communities) due to increases in traffic, odors, noise, or other quality of life issues. Impacts would be less than significant.

IV. SIGNIFICANT AND UNAVOIDABLE IMPACTS DUE TO UNREGULATED CANNABIS CULTIVATION AND MANUFACTURING

Comment: The County would need to adopt a Statement of Overriding Considerations describing the economic, social or other benefits the Board considers sufficient enough to override these potential environmental impacts of a more permissive program over a less permissive program on the health, safety, peace and tranquility on dozens of residential neighborhoods and many thousands of citizens.

Page ES 6 says “Further, this EIR programmatically analyzes the secondary impacts of the Program on changing and expanding unregulated and unlicensed cannabis cultivation and manufacturing in the County. Secondary impacts of the Program would create significant and unavoidable impacts to all resource areas analyzed in Chapter 3, Environmental Impact Analysis, except for aesthetics and visual resources.and could therefore cause significant adverse impacts due to practices such as not following grading restrictions and causing erosion, using chemicals hazardous to biological resources, diverting streams and causing water supply and quality issues, and using diesel generators that contribute to air pollution and GHGs.” The key words here are significant and unavoidable impacts from new or increased unregulated cultivation and manufacturing under the Program. This statement is made repeatedly throughout the document. Obviously, the more permissive the Program, the greater the environmental impact.

Page ES 4 says “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 the specific reasons why benefits of the Program outweigh the potential damage caused by these significant unavoidable impacts.”

What specific economic, social or other benefits would the Board consider sufficient enough to override these potential environmental impacts of a more permissive program over a less

permissive program on the health, safety, peace and tranquility on dozens of residential neighborhoods and many thousands of citizens.

V. POLICE PROTECTION

Comment: The assessment of the impact on the demand for police services in PS-1 and PS-2 is “less than significant”. The draft EIR is deficient in this assessment because: 1) it incorrectly asserts that existing police staffing levels are currently adequate; 2) it is in direct conflict with assessment made in impact PS-3 that the demand will be “significant and unavoidable”; and 3) it is based on the assumption that code compliance officers will alleviate demand for police protection.

The draft EIR concludes on page 3.11-14 under the chapter on Public Services that the direct impact on the police protection will be “less than significant”. There is no evidence provided in the draft EIR to support this conclusion, and in fact, all the evidence supports a conclusion of a more significant impact. This assessment of the impact is not based on the facts and is purely speculative.

1. Page 3.11-14 claims “As described in Section 3.11.2, existing police staffing levels are currently adequate...” This is not true. Section 3.11.2 says no such thing. Additionally, I have lived in Santa Cruz County for 30 years and worked for the County of Santa Cruz for 15 of them, and I have never met a member of the Board of Supervisors, an elected Sheriff or Deputy Sheriff who would agree that staffing levels are currently adequate. Every year during budget hearings, the Sheriff makes a pitch (often successfully) for more officers, and reiterates this request repeatedly throughout the year.
2. Impact PS-3 says “Unregulated commercial cannabis cultivation and cannabis product manufacturing under the Program could increase demand for fire protection, police protection, public schools, parks, libraries, and other public facilities. Impacts would be significant and unavoidable.” This is in direct conflict to the conclusion that the demand for police services in PS-1 and PS-2 will be “less than significant”. Some of the impacts mentioned on page 3.11-14 include the potential for crime due to the high-value of cannabis, potential for youth to gain illegal access, calls for responses to noise complaints, driving while under the influence, security concerns, and public transportation safety concerns. With these public safety threats, it is obvious that the demand for police protection will increase significantly, even when one excludes unlicensed grows.
3. It also states on page 3.11-14 that “...the Program includes implementation of a new division within the County dedicated to regulating cannabis production, which includes code compliance officers, alleviating some demand for police protection.” This is also not true. I have worked for local government for nearly my entire career, and I know that code enforcement employees perform a very different service than a sworn law enforcement officer does. There is nothing like a badge and a gun when dealing with the types of law enforcement challenges mentioned throughout the draft EIR. Code enforcement employees

do not replace the level of protection that sworn officer provide, and to assume that code enforcement will alleviate the need for police protection when dealing with these serious public safety issues is purely speculative and wishful thinking.

V. PROGRAM IS REGULATION-BASED BUT COUNTY CODE ENFORCEMENT IS HISTORICALLY VERY WEAK

Comment: The conclusions derived in the draft EIR regarding the environmental impacts of almost all of the areas of concern were based upon mitigation measures which assume a sustained code enforcement program. This is a thoroughly invalid assumption. The draft EIR should have made its assessment of environmental impacts based upon a minimal or non-existent code enforcement program which has been the County's history. The code enforcement mitigation measures recommended in the draft EIR should not be relied upon because they are: 1) just a recommendation and not a requirement in the ordinance; 2) subject to reduction or elimination by the Board of Supervisors at any time; 3) undermined by the unique "No Duty to Enforce" language used in the ordinances; 4) require a level of compliance activity many times higher than the current level, which was just 31 in 2016; and 5) completely counter to past practice which is to require a citizen complaint to initiate an enforcement action.

This Program describes itself as a regulation-based program. The title of the program is the "Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program".

Two of the primary mitigation measures mentioned many dozens of times throughout the draft EIR are MM AT-1.3a and b. Mitigation Measure AT-1.3a, the Sustained Enforcement Program, (which I counted being referred to 64 times in the draft EIR) recommends: "To address continued unlicensed cannabis cultivation within the County ... the Cannabis Licensing Office... shall recommend to the Board of Supervisors an Unlicensed Cannabis Cultivation and Manufacturing Enforcement and Compliance Program. The enforcement program shall have sustainable funding and feasible implementation within the first year of adoption of the proposed Program to address enforcement of unlicensed cannabis cultivators and manufacturers. The funding and implementation program shall be subject to approval by the Board of Supervisors. Within two years of adoption of the proposed Program, funding shall be determined with assistance from the Annual Survey and Monitoring Report described in MM AT-1.3b and appropriately balanced with other County and/or local community priorities to provide a feasible level of funding for an effective ongoing enforcement program." Mitigation Measure AT-1.3b, Annual Survey and Monitoring Report, uses similar language to recommend an annual survey.

These mitigation measures sound nice, but given the County's well known lax code enforcement history, they should not be relied upon as the primary reasons why many of the environmental impacts are assessed as "less than significant" with or without mitigation. This draft EIR bases many of its impact assessments on these two mitigations, which is a serious flaw for the following reasons:

1. These mitigations are just recommendations that the Cannabis Licensing Office shall make to the Board of Supervisors. The Board can accept it or reject it. They do not carry the force of law since there is no requirement in the actual proposed ordinance to have any cannabis code enforcement program, much less a sustained, well funded and effective one.
2. The entire proposed enforcement program is subject to budgetary constraints and political shifts at any time. There is absolutely no guarantee that code enforcement will be sustained at a genuinely effective level in the near future or over the long term.
3. The proposed Cannabis Cultivation Ordinance ends with section 7.128.150 which reads: “No duty to enforce. Nothing in this chapter shall be construed as imposing on the Licensing Official or the County of Santa Cruz any duty to issue a Notice of Violation, nor to abate any unlawful cannabis business activity or cultivation, nor to take any other action with regard to any unlawful cannabis business activity or cultivation, and neither the enforcing officer nor the County shall be held liable for failure to issue an order to abate any unlawful cannabis business activity or cultivation, nor for failure to abate any unlawful cannabis business activity or cultivation, nor for failure to take any other action with regard to any unlawful cannabis business activity or cultivation.” The Cannabis Manufacturing Ordinance ends with almost identical language.

It is clear to me that, with adoption of this language in this ordinance, the County is sending a signal to the cannabis cultivation and manufacturing community that they do not intend to rigorously enforce the regulations in the ordinance. This language is not used in any other chapter or section of the Santa Cruz County Code. Not in the Health and Safety chapter, not in the Public Peace, Morals and Welfare chapter, not in the Building Regulations chapter, not in the Environmental and Resource Protection chapter, and in no other section of the Planning and Zoning Regulations chapter. The only way this “not duty to enforce” language can be interpreted is that the County has no intent to enforce.

4. Code enforcement activity against environmentally destructive illegal cannabis grows has been lackadaisical at best. Data provided in the draft EIR proves this point. Page 2-18 says that in 2016, the County conducted 31 active enforcement cases and is aware of 97 potential cases based on aerial photography. Page 2-22 contracts this a little by saying “...there are 200 known cannabis sites based on research of aerial photography, code enforcement case data, and other visual observations conducted by county enforcement staff case data.” The draft EIR states many times that the County Sheriff’s Office estimates at least 1,800 cultivation sites exist, and could be up to 10,000 cultivators or manufacturers located throughout the County. The fact that the County Code Enforcement office had only 31 active enforcement cases out of 1,800 or 10,000 highlights my point that Code Enforcement of cannabis-related environmental damage is

not a priority for the County. There is no reason to assume that it will all of a sudden become one.

5. The County's official position regarding code enforcement for many years was that they only investigate violations that are reported by a citizen, who is required to identify themselves. This position was changed about four years ago, at least on paper, but doubt that actual practice has changed. Additionally, at least up to two years ago, the official policy in the Sheriff's Office was also that they could only investigate a cannabis grow if a citizen reported it to them, no matter how obvious or egregious it was. This policy may have changed within the last two years. This further supports the inconvenient truth that Santa Cruz County does not prioritize code enforcement actions against cannabis activities.
6. One just has to look at recent newspaper articles to see that County code enforcement has been insufficient. One recent incident is the outrageous property near Bear Creek Road where the Bear Creek fire started. I understand that the fire did not start as a direct result of a cannabis operation, but the backstory that was widely reported, including in the Santa Cruz Sentinel newspaper, is that the County had a record of regulatory complaints on that property dating back to 1993, yet it was not required to be cleaned up and remained an epicenter of criminal activity until the fire.

VI. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Comment: The draft EIR does not sufficiently explain how and why the More Permissive Program is considered the more environmentally superior alternative.

The alternative that is being recommended in the draft EIR is the More Permissive Program based on the assumption that "the County could potentially accommodate larger and more numerous commercial cannabis cultivation sites, which would increase the number of properties within the County that would be eligible for a license to operate consistent with County regulations." As I discussed in Section II above, somewhere in the neighborhood of 244,620 pounds (or maybe double or triple that amount) is currently cultivated by the people who applied for licenses. This would balloon to possibly 26,637,433 maximum allowed pounds estimated under the More Permissive Program.

Furthermore, Impact LU-3.1, Secondary Cultivation/Manufacturing, says: "Commercial cannabis cultivation and manufacturing under the Program would potentially conflict with an applicable land use plan, policy, or regulation, an adopted habitat conservation plan in the County, or cause adverse effects on existing communities. Impacts would be significant and unavoidable." There are numerous other impacts addressing other environmental issues in other sections of the draft EIR that make this same conclusion about "significant and unavoidable" impacts.

The draft EIR does not sufficiently explain how and why the More Permissive Program, which would expand cannabis cultivation and manufacturing by literally hundreds of times larger than

current production, and cause “significant and unavoidable” adverse effects on communities and the environment, is considered the more environmentally superior alternative. It is nonsense, and is not supported by fact or reason.

Respectfully,

A handwritten signature in black ink that reads "Mary Jo Walker". The signature is written in a cursive, flowing style.

Mary Jo Walker