

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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Date: October 30, 2017
Environmental Document Review
Draft EIR
Commercial Cannabis Regulations and Licensing
Program for Cultivation and Manufacturing
SCH No. 2017022052

Santa Cruz County Planning
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

To Whom It May Concern:

The Felton CAL FIRE Resource Management office has reviewed your August 2017 Draft EIR on the County's Commercial Cannabis Regulations and Licensing Program. The following points summarize some of the elements of your program that we are interested in following through your planning process. The main concerns for CAL FIRE are conversion of timberland, unpermitted timber operations, environmental degradation and public safety.

The Felton CAL FIRE Resource Management Office has responded to numerous complaints of illegal timber harvesting over the past 7 years related to cannabis cultivation. CAL FIRE is tasked with enforcing sections of the Public Resources Code (PRC) and the Forest Practice Rules. When Timber Operations (PRC 4527) occur on Timberland (PRC 4526), the project is required to be covered by a State harvest permit (PRC 4581) and conducted by a Licensed Timber Operator (PRC 4571). If the use of Timberland is proposed for a change from growing commercial species to another use, then a Timberland Conversion Permit is required (PRC 4621). Over the years, our office has responded to numerous violations of these rules. This has been pointed out in our comments on the Notice of Preparation for this EIR. To some extent they have been addressed in this DEIR, but must still be emphasized by CAL FIRE as needing additional clarification and analysis.

A recent letter from the California State Board of Forestry to each of the California Counties discusses the counties responsibilities in the Timberland Conversion Exemption process. Simply put, each county should designate a Planning Department representative that will be signing these exemptions, certifying that the plans are in compliance with County Regulations. Santa Cruz County Planning Department has historically provided a representative to serve in the role of certifying compliance prior to landowner submittal to the State. As pointed out in this DEIR, this exemption would need to be utilized frequently for a Cannabis program involving Timberland. This DEIR needs to explore and discuss this issue more. It needs to be clear that while CAL FIRE approves these exemptions as lead agency, it doesn't do so without the County agreeing/certifying that these are valid projects in compliance with County requirements. In other words, without Santa Cruz County certification for the conversion of timberland to Cannabis cultivation, the activity will not be allowed through the CAL FIRE exemption process.

During the past 5 years, CAL FIRE has responded to numerous fires in the Santa Cruz Mountains with either the cause of the fire attributed to a Cannabis grow operation and/or having to suppress a fire in and around a Cannabis grow operation. Both scenarios create conditions that significantly increase the complexity of our suppression activities and have posed significant safety issues and increased risks to our personnel working these fires. There are several issues that the recent Bear Fire brought to light in this regard.

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- Prior to widespread Cannabis cultivation, fires in wildland areas were significantly easier to suppress simply because they were vacant land. Now in many areas the land has been altered and occupied. Where previously we could concentrate on suppression of a fire and keeping a fire small, we now must concentrate on protecting lives and property where Cannabis grows have been created. Essentially we trade acres for lives and property. Frequently we respond to wildland fires where development is not known to exist and we find unpermitted structures and inappropriate and substandard road construction. It is possible that the Bear Fire could have been kept far smaller than 300 acres if our initial response didn't have to go directly into structure protection on the numerous unpermitted hidden grows and homes in the Deer Creek community.
- Criminal activity related to grows hampered suppression activity. For example, 5 civilians that were supposed to have been evacuated made their way back into the exclusion zone. Three of them were allegedly present to protect the grows and two were allegedly present to steal from the grows. A shooting resulted in the fire zone placing our Fire Crews actively fighting the fire at risk. These 5 civilians were subsequently arrested but several were seen back within the fire zone within 24 hours. This is not the only incident where a similar situation has occurred.
- Insufficient vehicle access to these locations, hazardous materials found at these locations, unsafe and illegal electrical power systems encountered while conducting emergency response hampers suppression activities. These hazards place responding firefighters (and other first responders) in danger and create additional fires in what have been normally considered inaccessible areas with high fire severity ratings.
- At this time we have recorded 14 firefighters injured during the Bear Fire. Several suffered traumatic injuries, and one firefighter is still in the hospital. The majority of the saved structures within the perimeter appear to be associated with grows, putting firefighters at risk to protect infrastructure. Firefighters were injured protecting marijuana grows because of the numerous structures and human habitation that goes along with this type of development.

The issues listed above dealing with Public Safety and Fire response have not been adequately described or assessed in the DEIR and should be re-evaluated and adequately addressed before a Final EIR is approved.

The previous CAL FIRE comment letter mentioned issues with the maps in the previous version of this EIR. Unfortunately, these issues have not been corrected. An example is Figures 2-4 and 2-5 where ownerships including State Parks, BLM, San Vicente Redwoods, CAL FIRE, Mid-Peninsula Regional Open Space District, Boy Scouts of America, Local Water Districts, Santa Cruz County Parks, and others have been identified as land available for Cannabis cultivation. Other commenters will apparently be mentioning this issue also. Apparently, the preparer of this DEIR has been made aware of this problem and will correct it. What remains a concern is this DEIR is also based on GIS analysis. Numerous discussions are contained in the EIR document where acres of eligible land are discussed and conclusions made. If so many acres are incorrectly mapped, these conclusions and assumptions must be questioned.

An issue that has become more significant related to Cannabis grows in Santa Cruz County that doesn't appear to be addressed in this document are abandoned sites. Over the past 5 years, numerous sites have been carved out of the Timberland areas of Santa Cruz County creating grows. For various reasons, a significant portion have been abandoned. Some have been shut down for legal reasons, some have been red-tagged by the County and some are failed operations where the grower has simply walked away. In most cases, these sites have not been restored and have been left in environmentally degraded conditions. These sites frequently have uncontrolled accelerated soil erosion affecting water quality, have significant amounts of trash and hazardous materials present, and have accumulations of flammable materials left behind. There doesn't seem to be a program in place nor in planning stages to address this issue. This issue should be addressed in this EIR as it is likely to continue with any future legal Cannabis production program in the County.

A majority of the issues discussed above are directly associated with Cannabis growing operations in Timberland. It should be noted that if Cannabis growing were to be prohibited on Timberland in Santa Cruz County, most of these issues and associated costs/risks could be avoided. Designating land that has historically been utilized for agriculture, specifically nurseries, would be more appropriate land management than converting Timberland to Cannabis cultivation.

CAL FIRE looks forward to continuing to work with Santa Cruz County Planning staff in our review of the preparation of this EIR. If you have any questions, please feel free to contact CAL FIRE staff at our Felton Office at (831) 335-6740.

Sincerely,
Original on file in HQ

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