

Section ES-9 and table ES-1

This section reports the summary conclusion that the More Permissive Project scenario is the Environmentally Superior Alternative”. With regard to that conclusion:

(1) Lt. Governor Gavin Newsom’s report, *Pathways Report Policy Options for Regulating Marijuana in California* (2015), states on page 39:

“California likely does not want to invite a new gold rush of people into the state to cultivate marijuana, as happened in counties like Santa Cruz after fairly permissive policies were passed...”

Questions

1.a. Why doesn’t the DEIR consider the possibility that if Santa Cruz County’s regulations are permissive, we will end up attracting growers from around the country (or from foreign countries) as cited in Newsom’s report?

1.b Did the DEIR compare the More Permissive Alternative with regulations in neighboring counties to evaluate the likelihood of our county becoming a magnet that attracts more growers?

1.c What counties have made cannabis rules more permissive and resulted in less environmental impact, as hypothesized in the DEIR? Or is this idea pure speculation?

1.d Why won’t more permissive regulations result in a combination of growers who will comply *plus* an additional group of new growers moving to the county and not complying, resulting in greater negative impact?

1.e Why didn’t the DEIR consider the possibility that if SC County makes and enforces strict regulations, commercial growers will go elsewhere, where rules are more lenient (because other localities have environments that are less sensitive and doesn’t require such strict protections)?

(2) The California cannabis law, California Assembly Bill AB-266 states:

19303. Protection of the public shall be the highest priority for the bureau in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Questions:

2.a Given that protection of the public is paramount, shouldn’t the Alternatives have included one that places protection of the public first, such as a Rigorous Enforcement Alternative?

2.b Why is it presumed that the County can’t make and enforce strict environmental rules that protect the public, as required by AB-266?

2.c What is the basis for assuming that compliance requires permissive rules rather than strict enforcement?

2.d What other laws that are meant to protect the public are made more permissive than desired? Why should cannabis cultivation be more permissive than optimum for the environment?

2.e Section 2.3.1 Program Objectives lists 12 objectives, some of which conflict. For example, objectives

Section 2.3.1 Program Objectives

Where did objective 2 (maximizing compliance) come from?

Why should it be an objective to maximize the proportion of activities within compliance rather than minimizing the total damage to the environment?

Doesn't merely posing the objective in this manner result in the More Permissive Alternative being desirable, even if it causes greater environmental damage?

Since this is a draft EIR, why wasn't the objective posed as "Develop a program with the least environmental damage"?

Isn't objective 2, as written, analogous to saying that increasing the speed limit to 150 mph will eliminate speeding?

Just as the key to safe driving should be reasonable rules and strict enforcement—rather than undesirably permissive rules—why didn't the DEIR consider a Rigorous Enforcement Project?

In 1974, speed limits were reduced to 55 mph due to the oil embargo. According to the [National Research Council](#), there was a decrease in fatalities of about 4,000 lives in the first year after the law took effect.^{[15][16]} Later, the National Academies wrote that there is "a strong link between vehicle speed and crash severity [which] supports the need for setting maximum limits on high-speed roads," but that "the available data do not provide an adequate basis for precisely quantifying the effects that changes in speed limits have on driving speeds, safety, and travel time on different kinds of roads."

In this case, stricter regulations led to increased safety. Why is cannabis cultivation different, such that the Project—combined with the rigorous enforcement specified in objective 12—would lead to less damage than the More Permissive Alternative?

Some of the 12 objectives in this section (objectives 4 and 7-11) clearly are directed at protection of the public, whereas others such as 6 (improve the county tax base) or 3 (providing efficiency to applicants) are not. As noted above, AB-266 states that "Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount".

How were these 12 objectives weighted, given that the law states that some are paramount?

Objective 11 ("Ensure adequate law enforcement and fire protection...") clearly complies with AB-266 requirement that makes protection of the public paramount. Why didn't the DEIR consider an Alternative that provides adequate law enforcement of the Project? Wouldn't adequate enforcement of stricter rules lead to less environmental damage?

Table 2.5

Were the authors of the DEIR aware that the Sempervirens Fund and The Nature Conservancy have mapped regions of Santa Cruz County as Priority Conservation Zones (Sempervirens) or Priority Conservation Areas (TNC)? [Note: these maps are in the RBDA recommendations were sent by email previously.]

Were the authors aware that many of the priority conservation areas in the 1-mile buffer zone inland from the Coastal Zone?

Why weren't all such priority conservation areas excluded from commercial cannabis cultivation, rather than recommending cultivation in the 1-mile buffer zone?

Given that the priority conservation lands were defined on such factors as “biodiversity, proximity to other protected lands (important for wildlife corridors), forest size and condition..., watershed integrity”, how does it benefit the environment in these lands to open the 1-mile buffer zone to cultivation on RA properties and reduce protection from pesticides that accompany cannabis cultivation?

Table 2.7

The More Permissive Alternative reduces setback from parks other than State Parks. Given that wildlife also lives in and roams from other parks, won't decreasing this setback distance increase the likelihood of wildlife eating rodent's that are contaminated with pesticides?

Table 2.8

The More Permissive Alternative reduces setbacks from neighboring residences. Won't this decrease these residents' protection from odors and other impacts? Doesn't this reduction in setback conflict with AB-266 that places protection of the public as “paramount”?