



## SAN LORENZO VALLEY WATER DISTRICT

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Cannabis Comments  
c/o Matt Johnston,  
Santa Cruz County Planning Department,  
701 Ocean St., 4th Floor,  
Santa Cruz, CA, 95060  
[cannabiseir@santacruzcounty.us](mailto:cannabiseir@santacruzcounty.us)

### **RE: SLVWD Comments on the Santa Cruz County Draft Environmental Impact Report (DEIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program**

Dear Mr. Johnston,

Thank you for the opportunity to review the Draft Environmental Impact Report, we also really appreciate the 15 day extension that was granted for the review. We want to acknowledge the enormous challenge the County and our community has undertaken to develop a policy that balances the needs of the community with the needs of the environment. We appreciate the effort that county staff has put into this analysis in order to ensure that the ecosystem services, on which our community depends, will not be compromised.

#### **Mapping**

- Many of the figures have inappropriately identified parcels for their respective role in a future licensing program. For example, San Lorenzo Valley Water District Lands on Ben Lomond Mountain are identified as being eligible for cultivation in Figure 2-6. Will the county revise the mapping in the DEIR?

#### **Maximum Cultivation Canopy Size page 2-29**

- The total disturbance envelope is not addressed. This would potentially result in significantly increased impact to habitat, and connectivity - necessary for genetic diversity. It will reduce water absorption by leaf litter in forested areas and result in increased runoff, erosion, water quality issues, and reduced base flows. How will the project or more permissive project protect habitat connectivity and minimize soil disturbance?

#### **Imported Water for Cultivation page 2-34**

*The More Permissive Project would allow those onsite sources as well as importing water by truck for initial filling of water storage tanks required to meet Fire Code standards.*

- Upon reconsideration of our previous recommendation that water may be purchased off-site only from local water districts to ensure sustainability of the resource, we now believe that trucked water

should not be allowed for any commercial cultivation activities for the following reasons: Trucked water will open up significant number of properties to cultivation that might not otherwise be possible. The ability of water purveyors to oversee a trucked water program is logistically unrealistic when consideration is given to the changing regulatory realities in water management, water rights, climate impacts, and use tracking etc. Furthermore, as a water purveyor, we have not analyzed this issue at a level that would accommodate this new water demand through our Urban Water Management, Climate Action, or other related plans that are in development.

- The DEIR states that 26 (3%) of registered cultivators depend on imported water supply for irrigation purposes, the multi-year drought resulted in a significant increase of bulk water sales during 2015 summer growing season. With the increased area of potential cultivation sites proposed by the more permissive project, we are concerned that a future multi-year drought will result in water shortages that could impact our community.

### **3.9.3 Regulatory Setting - Sustainable Groundwater Management Act (SGMA)**

- New Groundwater Sustainability Agencies will be required to prepare a Sustainability Plan by 2022. There will be a number of mandates that will be generated from that process. The Project or More Permissive Project should ensure that Cannabis Cultivators will need to meet all requirements that result from SGMA. Will the County ensure that licensed Growers comply with SGMA requirements?

### **3.9.6 Environmental Impact Analysis and Mitigation Page 3.9-20**

*The More Permissive Project would involve licensing of more eligible sites than the Project, which would increase the number of sites subject to existing local regulations, but also increase the amount of site grading and use of potential pollutants. In comparison with other agricultural uses and disturbed areas within the County, up to 190.1 acres of canopy for potential new cannabis cultivation, distributed county-wide, would involve relatively minor amounts of soil disturbance.*

- The majority of cannabis licensees are located in the mountain regions of the county with steep forested slopes & unstable soils. Formerly, these areas were not suitable for most agricultural activities. Maximizing eligibility for these areas would involve significant amounts of soil disturbance, which would result in significant impacts to water quality, groundwater recharge, base flows, and forest health. How does the DEIR evaluate the statement provided above and come to that conclusion?

### **IMPACT HYDRO 1: Introduction of pollutants & sediment into surface flows and groundwater sources**

- The County is already considering karst protection language for several existing regulations and inclusion of karst protection standards in commercial cannabis cultivation regulations and inclusion of karst protection standards mitigation measures in this EIR seems appropriate as well. The San Lorenzo Valley Water District relies on karst terrain for water supply, for approximately 1/3 of the system, the impact is currently not sufficiently mitigated.

### **MM HYDRO 1.2 - Cleanup and Restoration Plan for Relocated Cultivation Sites**

- What is entailed in the 5 year cleanup & restoration plan?

### **Mitigation Measures MM HYDRO-1.1 - Pesticide and Herbicide Control; Page 3.9 - 23**

- Rodenticides are available over the counter and not likely to leave residue on the product, but rodenticide products cannot be used in a way that would ensure that they will not enter or be released uncontrolled into the environment. They are used to target species such as the dusky footed woodrat, which is a known prey for many birds of prey. Anticoagulants are known chemicals to bioaccumulate and can spread widely through wildlife food chains, impacting local biodiversity. How will the Ordinance and the Pest Management Plans reduce or prohibit the use of rodenticides?

**Impact HYDRO-1.2 – Indirect Cultivation; Page 3.9-24**

- Although new development would be required to adhere to applicable water quality regulations; cases where the access to a proposed site must cross steep or highly erosive soils, and/or are miles from the nearest accessible County right of way, and/or may include stream crossings, which result in significant impact should be prohibited. How will this be enforced?
- Mitigation Measures outlined in the DEIR including a Master Plan: Mitigations described are inadequate to reduce impact to less than significant. Inappropriate sites on steep slopes with highly erosive soils as described should be prohibited. How will this be enforced?
- Sites that would require miles of timber land conversions to construct 20’ roads cutting into steep hillsides or across highly erosive soils, and forest must be clear cut and to access cultivation sites should not be eligible. How will the County manage timberland conversions?

**Impact HYDRO-2. Commercial cannabis cultivation under the Program could adversely affect groundwater supplies and groundwater recharge. This impact would be less than significant with mitigation**

- While we do support the mitigation measures including rainwater harvesting and water conservation measures, these mitigations will not reduce the impact of shallow groundwater recharge that results from a thick layer of forest duff slowing and storing storm water and is critical for maintaining baseflow in streams during dry summer months. How will the impact of forest health be reduced to less than significant?

**3.9.6.4 Cumulative Impacts**

- The disturbance envelope of the total cannabis industry that would be eligible under this program & more permissive program is not addressed. Clearing of forest, compacted soils, removal of forest floor duff and exposure of bare soil, will reduce the ecosystems opportunity to slow storm water and allow recharge into shallow groundwater. Increased human activities into previously inaccessible or undevelopable landscapes will increase landslides, reduce wildlife habitat and connectivity, and impact water resources regardless of how well the laws set by the regulatory agencies are followed. The cumulative impact of cannabis operations will increase proportionately with the area of land that is eligible for cultivation to take place. The Cumulative impact section does not adequately describe the cumulative impacts outside those addressed by the mitigation measures. How will the County address cumulative impacts?

**Impact AT-3.**

- Forestlands provide invaluable ecosystem services regarding retention of runoff, wildlife habitat, carbon sequestration and overall watershed functions and the fact that many of our watersheds support special status species and water supply for the majority of County residents, the impact of forest conversion or rezoning of TPZ lands could be significant. Furthermore, vegetation

community shifts due to climate change predicted by Point Reyes Bird Observatory [1] indicate that redwood forests may be severely limited in the County in the future, thereby exacerbating this issue. Including more stringent mitigation for this impact such as prohibiting rezoning of TPZ parcels for commercial cannabis cultivation, prohibiting expansion of the agricultural use of TPZ zoned parcels for commercial cannabis cultivation or prohibiting all commercial cannabis operations on TPZ zoned parcels seems appropriate.

#### **Support for Resource Conservation District**

- The Resource Conservation District has a proven track record reducing environmental impacts on ecosystem services by working with landowners through a non-regulatory framework to assist with education, infrastructure improvements, permitting and more. We encourage the County to consider working with the RCD to develop a program which would allow the RCD to ensure cultivators are permitted, and code compliant.

#### **Baseline Conditions**

- Baseline conditions in the DEIR reflect environmental conditions as they existed February 13, 2017. The County and many other agencies have been monitoring environmental conditions (water, land use, lidar, etc.) county-wide for decades. While some baseline data may not yet exist, the historic data should be analyzed to assess environmental conditions prior to the spike of cannabis cultivation over the past 5 years. Additionally, historic baseline data should be analyzed to assess and monitor the impacts to natural resources following the implementation of the new ordinance.

#### **Cannabis Cultivation Enforcement**

- While it is difficult to determine the number of cultivators who did not register, the majority of cultivators who are not participating in the County's Registration Program are currently and likely to continue to operate illegally causing untold environmental damage to ecosystem services, without an adequate enforcement program. As Article 13 of AB 243 States: *the total fees assessed pursuant to this chapter shall be set at an amount that will fairly and proportionately generate sufficient total revenue to fully cover the total costs of administering this chapter.* The County should set fees and sales related tax revenue sufficient to enforce the ordinance and to remediate environmental damage resulting from cannabis cultivation activities. Otherwise it would be disingenuous to conclude that impacts will be mitigated to a "less than significant with mitigation".

Thank you for your consideration of these important issues. Please do not hesitate to contact me if you have any questions or concerns about these comments.

Sincerely,



Gene Ratcliffe, Board President  
San Lorenzo Valley Water District