

October 31, 2017

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

RE: Large Land Management Organizations' 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,

The undersigned are organizations that own and manage large landscapes or assist landowners in the Santa Cruz Mountains, all of whom are committed to practicing effective stewardship on their own lands and are coordinating efforts with other land stewards to enhance stewardship on a regional level.

The Santa Cruz Mountains region has a long history as a place of significant cultural, biological, and environmental diversity which supports many native plant and animal species found nowhere else on Earth. Effective land stewardship means taking good care of the land for its own sake, for its ecological benefits to society, and for future generations, and not allowing its exploitation for short-term personal or economic gain.

The undersigned have reviewed much of the Draft Environmental Impact Report and we have concerns that some of the policies being recommended may hamper our stewardship goals for the region and cause harm to its natural resources and landscapes. The following addresses our concerns and is organized by specific topics covered in the DEIR.

More Permissive Project

We are concerned that the recommended "More Permissive Project" establishes significantly more lands that would be eligible for cannabis cultivation than in the "Project" scenario. Under the More Permissive Project, cannabis production would far exceed the demand of Santa Cruz County and will encourage export of product over county lines. The cultivation of excess product may overburden local ecosystem services and adversely impact community security as we adapt to a changing climate where we are already experiencing strains on natural resources. As the DEIR itself states, it is quite likely that even with the most permissive project illegal grows will be rampant due to the complexity of the license process, perceptions of excessive taxation, temptation of illegal out-of-state markets, and related issues. We ask that the county explore a way to quantify local cannabis

consumption demand in the community, and match this to cultivation supply, and propose a regulatory mechanism which would balance the two.

Mapping

Many of the figures have inappropriately identified parcels as eligible for cultivation in a future licensing program. For example, BLM & State Park Lands are identified as being eligible for cultivation in Figure 2-6.

Cumulative Impacts

The disturbance envelope of the total cannabis industry that would be eligible under the Project & More Permissive Project is not addressed. Clearing of forests, compacting soils, and removing forest floor duff that exposes bare soil, will reduce the ecosystems' opportunity to slow storm water and allow recharge into shallow groundwater – thus reducing base flow which is critical for aquatic ecosystems. 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 impacts of cannabis operations will increase proportionately with the area of land that is eligible for cultivation to take place. The Cumulative Impacts section does not adequately describe the cumulative impacts outside those addressed by the mitigation measures.

Impact AT-3.

Forestlands provide invaluable ecosystem services including retention of runoff, wildlife habitat, carbon sequestration, and overall watershed functions. Many of our watersheds support special status species and supply drinking water for the majority of County residents. Therefore, the impacts of forest conversion or increased rezoning of Timber Production zoned (TPZ) lands could be very significant. Furthermore, vegetation community shifts due to climate change predicted by many researchers indicate that redwood forests may be severely limited in the County in the future, thereby exacerbating this issue. 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, and prohibiting all commercial cannabis operations on TPZ zoned parcels would be the environmentally responsible decision.

MM BIO 4.2. No Cannabis Activities allowed within Sandhills Habitat or Salamander Protection Zone.

As large landscape stewards it our responsibility to ensure that threatened habitats are protected to ensure sustainable places for biodiversity to thrive. We strongly support this mitigation and encourage the county to continue to monitor threatened habitats and adapt management and regulations to protect those ecosystems in danger of being lost to human activity.

Support for Resource Conservation District

The Resource Conservation District of Santa Cruz County has a proven track record of 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 to provide permitted (legal) cultivators with technical assistance related to erosion, roads, riparian management and irrigation efficiency, among others, to help them maintain and restore natural resources.

Pesticide and Herbicide Control

Rodenticides are available over the counter and not likely to leave residue on the product, and therefore may not be specifically addressed in the Project Alternatives. It is important to note that rodenticide products can not 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. The Ordinance and the Pest Management Plans should reduce or prohibit the use of rodenticides.

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.

Sustained (and Enhanced) Enforcement Program

While we understand the incentive to create a policy that would allow more existing cannabis cultivation operations to conform and comply with the regulatory framework established, it would be a disservice to the ecosystem services and the rest of the community who rely on those natural resources to implement an ordinance that allows widespread agriculture in inappropriate environments. Additionally, the County will have serious challenges with program implementation on licenced grows, and especially with enforcement on unlicenced grows with any project alternative.

Illegal grows operating next to legal grows will be even more difficult to enforce if they are scattered county-wide and the standards for legal grows are so permissive that differentiating between legal and illegal grows will be challenging. Code Compliance will need to have sufficient resources to respond adequately to enforcement needs. At the very least, dedication of cannabis licensing and sales related tax revenue should be directed to help ensure some long-term viability of an enforcement program that is commensurate with the scale of the industry, be it legal or not. Revenues from enforcement fines, licensing fees, and sales tax should also be dedicated to environmental remediation from sites where cannabis activities continue to impact ecosystem services. Without these measures, it seems speculative to conclude that impacts will be mitigated to a less than significant level with mitigation by a sustained and enhanced enforcement program.

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report. We appreciate your consideration of these important issues.

Sincerely,

The undersigned organizations as follows:

Organization Sempervirens Fund

Name Sara Barth Title Executive Director

Signed  Date 10/31/17

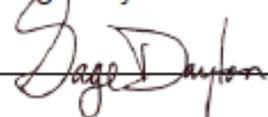
Organization San Lorenzo Valley Water District

Name Brian C. Lee Title District Manager

Signed  Date October 31, 2017

Organization UC Santa Cruz Natural Reserves

Name Gage Dayton Title Director

Signed  Date 10/29/17

Organization Resource Conservation District of Santa Cruz County

Name Chris Coburn Title Executive Director

Signed  Date 10/31/17

Organization: Santa Clara Valley Open Space Authority/Santa Cruz Mountains Stewardship Network Member

Name: Matt Freeman

Title: Assistant General Manager

Signed:



Date: October 31, 2017

Organization CA STATE PARKS

Name CHRIS SPONZER Title DISTRICT SUPERINTENDENT

Signed  Date 10/31/2017