



September 2, 2015

Humboldt County Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501

Dear Supervisors,

After much deliberation and discussion of California Cannabis Voice Humboldt's (CCVH) proposed Humboldt County Cannabis Cultivation Compliance Initiative, Draft 7, the undersigned environmental advocacy organizations have developed the following recommendations aimed at addressing permitting and licensing for existing operations and mitigating ongoing environmental impacts of the cannabis industry.

On August 13, the North Coast Regional Water Quality Control Board approved Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects. The order is explicit in its reach in that it only applies to existing operations. CCVH's draft ordinance is largely focused on existing operations and relies on the county's conditional use permit process to impose limits on the location and scale of future operations. As such, we agree that an ordinance be written in a manner to focus on existing operations and that all new commercial operations and expansion of existing ones should be required to first obtain a conditional use permit until such a time as the County enacts policies governing such activities.

Given the Regional Board's order, current legislation to regulate medicinal marijuana/cannabis that is advancing in Sacramento, and the anticipated legalization of recreational cannabis in California, we believe a county-based land use ordinance is necessary to support responsible cultivators while drawing a clear line as to what activities are and are not acceptable. Such a framework must address the damage that our watersheds, forests and communities are suffering in the absence of appropriate environmental regulation and enforcement. It is particularly imperative to take action now given that salmon streams are imperiled due to the unprecedented expansion of the North Coast's cannabis industry in conjunction with the combined impacts of decades of harmful logging practices and ongoing severe drought.

Although some watersheds are beyond carrying capacity to support the number of existing diversions while still supporting salmon, steelhead, and other aquatic species, many of these impacts can be ameliorated through mitigation and remediation that must be incorporated to ensure both adequate water quality and water quantity.

Forest fragmentation is an increasing problem in Humboldt County; because of this, large tracts of forest are increasingly being broken into smaller parcels for new residences and/or commercial agricultural ventures. Fragmentation poses a serious threat to the values our forests provide.

Any ordinance adopted by the County should be consistent with the Regional Board's order. As such, we believe that ministerial permits for existing operations would be acceptable only if they meet the following standards:

- Require evidence of adequate water storage and no surface water diversion between May 15-Oct. 31.
- Require evidence of compliance with existing applicable regulations, including enrollment in the North Coast Regional Water Quality Control Board's *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order No. 2015-0023); approved 1600 permits from the California Department of Fish & Wildlife; approved County grading permits; timberland conversion permits; registered, legal water rights; etc.
- Require Ministerial Permits for grows with cultivation areas between 2,000-10,000 sq. ft.¹ Require Ministerial Permits for grows with cultivation areas between 2,000-10,000 sq. ft. that meet all conditions of either Tier 1 or Tier 2* of the Regional Board's cannabis order, including no cultivation or associated activities within 200 ft. of surface water and on less than 35% slope.

For all other operations:

- Require Conditional Use Permits for all grows with cultivation areas greater than 10,000 sq. ft. **or** located less than 200 feet from all surface water **or** located on slopes greater than 35% as per Regional Board's Cannabis order, Tier 2.

In addition, the ordinance must:

- Ensure an adequate fee structure to fully fund program oversight and inspections. The County must establish new adequate revenue sources—whether fees, taxes, or both—to ensure that the ordinance is implementable and enforceable.

¹ As measured by the perimeter around cultivation areas, not by plant canopy size.

- Include a sunset clause that coincides with the sunset and renewal of the Regional Board's Order No. 2015-0023, since it is a pilot program.
- Consistent with Regional Board Order No. 2015-0023, standards should be based on cumulative cultivation area, as measured by the perimeter around cultivation areas, not plant canopy size as provided in draft 7 of the CCVH ordinance.
- Remove reference to specific allowances for cannabis cultivation on Timber Production Zone (TPZ) lands.

Thank you for your consideration of these comments as our region grapples with this complex issue. Our individual organizations may have additional comments that are not addressed in this unified position, and we collectively and individually intend to comment further on future cannabis cultivation policy proposals.

Sincerely,

_____/s/_____
Natalynne DeLapp, Executive Director
Environmental Information Protection Center

_____/s/_____
Larry Glass, Executive Director
Safe Alternatives for our Forest Environment

_____/s/_____
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_____/s/_____
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Cc: California Cannabis Voice Humboldt, info@ccvhhumboldt.org