

Rec'd @ PC 12/13/18
mtg
From Jack Nordlund

December 13, 2018

Trinity County Planning Commission
Trinity County Planning Department
61 Airport Rd
P.O. Box 2819
Weaverville, CA 96093

Subject: Amendment to Trinity County's Zoning Ordinance Regarding Section 43 Allowing for Commercial Cultivation of Cannabis

Honorable Commission:

I am writing to express my opposition to portions of the proposed amendment to the zoning ordinance, specifically, the proposed issuance of lifetime variances in parcels near ground zoned "Open Space", "TPZ", or ground managed by the Federal government.

I have resided in Trinity County for only the past six years, but my connection to this area goes back to my childhood days. One of my earliest memories is of splashing around and catching tadpoles in Swift Creek at the age of four. As I grew older, I fished for salmon and steelhead in the Trinity River, hunted bucks in the Alps, and volunteered on an annual breeding bird survey in the Junction City area. The fish and wildlife resources of this County are extremely valuable to me, to many of my friends and neighbors, and countless visitors to our county who spend a lot of money while they're here fishing, hunting, and camping.

This issue came to my attention through a letter from the residents of Dredger Camp SUD to the Planning Commission, which I completely agree with. The "Open Space" there (along with the Open Space in much of the rest of the county) was set aside for its unique habitat values. Besides containing large expanses of riparian habitat, of which 90% of has been lost in California, it provides excellent year-round habitat and winter range for black-tailed deer, which took a huge loss during the inundation of Trinity and Lewiston Lakes. The County General Plan documents that set aside the Open Space in the Dredger Camp SUD are quite clear about the intent of the Open Space to provide habitat for deer and other wildlife. How does all of the activity associated with commercial cannabis operations support this goal? Commercial-scale cannabis cultivation, at least the way it's done around here, is counterproductive to healthy fish and wildlife populations. The high fences- not quite high enough to stop a truly determined deer, but high enough to entangle her- block migratory routes and funnel animals to predictable areas where predators can take advantage of them. The chemicals that are sprayed for spider mites and other pests end up poisoning birds and small mammals. The noise, from equipment like leaf blowers, generators, and machinery, causes birds to abandon their nests during the prime April-June nesting season. Excess fertilizer runs off into the groundwater, and pollutes adjacent streams where salmon and steelhead live. I'm very concerned that allowing lifetime variances for parcels near "Open Space", "TPZ", or federal ground will focus commercial cannabis expansion in these areas- where it will do the most harm to the most important natural resources of our county. An annual re-application for a variance would allow people to speak up when they see a problem that they might not have even been aware of when the initial variance was granted.

It's very clear to everybody that cannabis is a major commercial crop in this area, as well as many other parts of the country. However, as the wave of legalization that we've seen over the past few years erodes the black market price of cannabis, a grower's earnings have fallen by an incredible amount. It's easy to see that the per-pound price of cannabis is heading farther away from the price of gold, and closer to the price of organic tomatoes (which are much harder to grow than THC-potent cannabis, by the way). In my neighborhood, which is in a so-called opt-out area, growers have responded to this trend in two ways: they either go big, or they go home (leaving their trash and damage behind, of course). We need to think about the eventual outcome of permitting a grow. The county would be wise to permit commercial cannabis cultivation consistently with more conventional agricultural operations, which can have similar environmental impacts, but also pay more attention to where they plan their operations and can take advantage of the infrastructure left behind by the growers who choose to take their money and run. Would you permit a feeder steer operation in the Dredger Camp SUD at a scale that was actually profitable? If no, why would you grant a lifetime variance to a commercial cannabis operation there? If it is a business with a good potential for making money with minimal negative impacts, then we should help them find a location that works for all of us. Besides cannabis, Trinity County is mainly a tourism and natural-resources based economy. If something is bad for the fish and wildlife that people come here to enjoy, it's probably not a good thing. In the meantime, please don't sell out our fish and wildlife resources for the price of some commercial cannabis permits.

Besides my general enthusiasm for fish and wildlife conservation, I also hold a B.S. in wildlife and fisheries biology from U.C. Davis, an M.S. in Forest Resources from the University of Georgia, and have worked as a wildlife and fisheries biologist for over 20 years. I currently focus on riparian ecology. The proposed lifetime commercial cannabis variances is very concerning to me.

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James Lee
Lewiston, CA

Rec'd 12/13/18 @ PC
from Justin Hawkins

CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 8. CANNABIS CULTIVATION
CHAPTER 1. CANNABIS CULTIVATION PROGRAM

Article 1. Definitions

§ 8000. Definitions.

The following definitions, in addition to those stated in section 26001 of the Business and Professions Code, apply to this chapter.

- (a) "Act" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, division 10, chapter 1 (commencing with section 26000) of the Business and Professions Code.
- (b) "Applicant" means an owner of the applicant entity or sole proprietor applying for a state license pursuant to this division.
- (c) "Applicant entity" means the entity or sole proprietor applying for a state cannabis cultivation license.
- (d) "Batch" or "harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested in whole, or in part, at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals.
- (e) "Bureau" means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.
- (f) "Canopy" means the designated area(s) at a licensed premises, except nurseries and processors, that will contain mature plants at any point in time, as follows:
- (1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
 - (2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
 - (3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- (g) "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided for in this chapter.
- (h) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

TEXT OF
CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 8. CANNABIS CULTIVATION
CHAPTER 1. CANNABIS CULTIVATION PROGRAM

Text of Modified Proposed Regulations

Changes are illustrated with a double underline for proposed additions
and by double strikethrough for proposed deletions.

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