

Appendix A

Notice of Preparation and
Comments Received



County of San Diego

DAHVIA LYNCH
DIRECTOR

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VINCE NICOLETTI
ASSISTANT DIRECTOR

NOTICE OF PREPARATION DOCUMENTATION AND PUBLIC SCOPING MEETINGS FOR A DRAFT ENVIRONMENTAL IMPACT REPORT

Date: September 15, 2023

NOTICE IS HEREBY GIVEN that the County of San Diego (County), Planning & Development Services (PDS), will be the Lead Agency and will prepare a Program Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA) for the project below. PDS is seeking public and agency input on the scope and content of the environmental information to be contained in the EIR. A Notice of Preparation (NOP) document, which contains a description of the probable environmental effects of the project, can be reviewed at the following website link:

http://www.sdcounty.ca.gov/pds/ceqa_public_review.html.

SOCIALLY EQUITABLE CANNABIS PROGRAM

Description of the Project:

The County is developing a Socially Equitable Cannabis Program (Cannabis Program) as directed by the Board of Supervisors (Board) on January 27, 2021. The Cannabis Program will allow for and establish a permitting and licensing system for new commercial cannabis activities including retail, cultivation, manufacturing, distribution, testing, microbusinesses, and temporary events. Furthermore, the Cannabis Program will contain and be informed by a Social Equity Program, which will provide greater opportunities for individuals negatively or disproportionately impacted by cannabis criminalization and the War on Drugs. Adoption of the Cannabis Program will require amendments to the San Diego County Code of Regulatory Ordinances and the San Diego County Zoning Ordinance to establish licensing and operational regulations for a range of cannabis cultivation and non-cultivation uses authorized under state law.

The overall purpose of the Cannabis Program is to acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016 and allow for a suite of commercial cannabis uses in unincorporated San Diego County including retail, cultivation, manufacturing, distribution, testing, microbusiness, and temporary events. The primary objectives of the Cannabis Program are to:

- Develop a regulated and legal cannabis industry that allows for greater economic opportunity and safe access to cannabis;
- Provide consistency with state law and County regulations associated with commercial cannabis operations;
- Prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs;
- Develop an efficient and user-friendly cannabis licensing and permitting system;
- Develop a regulatory program that will assist in protecting public health, safety, and welfare;
- Minimize the effects of commercial cannabis activities on sensitive populations and land uses; and
- Minimize the potential adverse effects of cannabis activities on the environment.

PROJECT LOCATION:

The County of San Diego is located in the southwestern corner of the state. The County is bordered by the Pacific Ocean to the west, Orange County to the northwest, Riverside County to the north, Imperial County to the east, and the Republic of Mexico to the south.

The proposed Cannabis Program will apply to the unincorporated areas of the county.

PROBABLE ENVIRONMENTAL EFFECTS:

The County has determined that implementing the Cannabis Program may result in significant environmental impacts; therefore, a Program EIR will be prepared. As allowed under CEQA Guidelines Section 15060(d) and 15063(a) (when it has been determined that an EIR will clearly be required), the County has elected not to prepare an initial study and will instead begin work directly on the EIR. The impact analysis in the EIR will be conducted in accordance with the CEQA Guidelines and the County's Guidelines for Determining Significance.

Potential issues and impacts to the existing environment to be analyzed in the Draft EIR include the following environmental topics:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The EIR, consistent with CEQA, will include sufficient information to facilitate meaningful public review and informed public decision-making regarding the significant effects on the environment that may be caused by the project. The EIR will include information regarding the environmental baseline, including the past, current, and reasonably foreseeable expected future environmental impacts of implementing the project in the project area. Where needed, the Draft EIR will identify potentially feasible mitigation measures to avoid and/or substantially lessen any significant adverse effects identified in the EIR's impact analysis.

The EIR will also address the cumulative environmental consequences of the proposed project in combination with other closely related past, present, and reasonably foreseeable future projects in the area. This will serve to satisfy CEQA requirements regarding potential regional cumulative effects.

In compliance with CEQA Guidelines Section 15126.6, the EIR will describe and evaluate the effects of a reasonable range of alternatives to the proposed project and will compare the impacts of the alternatives to the impacts of the proposed project. The EIR will also identify any alternatives that were considered but rejected by the lead agency as infeasible and briefly explain their reasoning. The EIR will provide an analysis of the No Project Alternative and will also identify the Environmentally Superior Alternative. The alternatives to be analyzed in the EIR will be developed during the environmental review process and will consider input received during the public scoping period.

Public Scoping Meetings

The County will conduct two virtual public scoping meetings. The scoping meetings will involve a presentation about the proposed project and the environmental review process and schedule. The purpose of the meetings is to facilitate the receipt of verbal comments about the scope and content of the environmental analysis to be addressed in the Draft EIR. The scoping meetings are for information gathering; they are not public hearings, and no public testimony will be taken. No decisions about the project will be made at the public scoping meetings. The meeting dates and times are as follows:

When:

- Thursday, October 12, 2023, at 6:00 PM
- Tuesday, October 17, 2023, at 6:00 PM

Location: Virtual

- Please register using this link:
https://us06web.zoom.us/webinar/register/WN_InkTYI3sQP2bmb86gPXoLg

Submitting Comments:

At this time, the County is soliciting comments on the NOP regarding your views on how the project may affect the environment. This information will be considered when preparing the Draft EIR's discussion of environmental topics, significant effects, mitigation measures, and alternatives. Because of time limits mandated by state law, comments should be provided no later than October 31, 2023, at 5:00 p.m.

You have several options for submitting comments: (1) verbally during the scoping meeting, (2) by U.S. mail, or (3) by email. Comments provided by email should include "Socially Equitable Cannabis Program – NOP Scoping Comments" in the subject line.

Please send all comments to:

County of San Diego, Planning and Development Services

Attention: Audrey Hamilton

Mailing Address: 5510 Overland Avenue, Suite 310, San Diego, CA 92123

OR via email: PDS.LongRangePlanning@sdcounty.ca.gov; include "Socially Equitable Cannabis Program – NOP Scoping Comments" in the subject line.

Attachments:

Figure 1 – County of San Diego Socially Equitable Cannabis Program Area Map

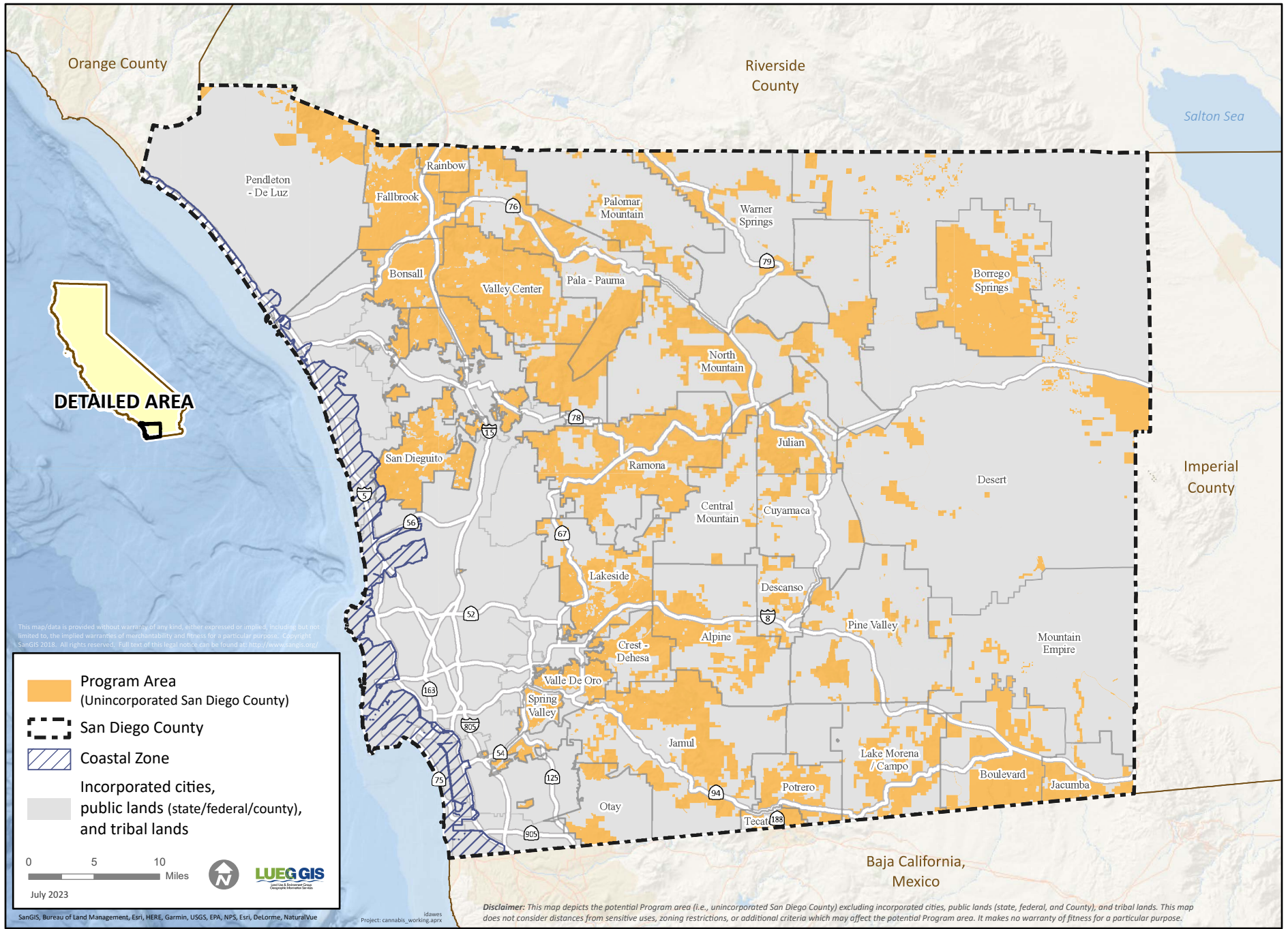


Figure 1 - County of San Diego Socially Equitable Cannabis Program Area



San Diego Regional Water Quality Control Board

October 30, 2023

Attn: Audrey Hamilton
County of San Diego,
Planning and Development Services
5510 Overland Avenue, Suite 310,
San Diego, CA 92123
Email:
PDS.LongRangePlanning@sdcounty.ca.gov

VIA EMAIL

Subject: Socially Equitable Cannabis Program – Notice of Preparation for Draft Environmental Impact Report Comments

The South Coast Regional Cannabis Unit staff (Cannabis Unit), working on behalf of the San Diego Regional Water Quality Control Board (San Diego Water Board), is interested in staying engaged throughout the California Environmental Quality Act (CEQA) process for the County of San Diego's Socially Equitable Cannabis Program and appreciates the opportunity to provide input. After review of the Notice of Preparation (NOP), we would like to submit the following comments:

- San Diego Water Board Cannabis Unit staff virtually attended a public scoping meeting for the Socially Equitable Cannabis Program and intends to submit comprehensive comments during the public review and comment period once the Draft Environmental Impact Report (EIR) has been released. The public scoping meeting provided an outline of the EIR process, a list of topics the EIR will cover, as well as an opportunity for public comments. Particularly, San Diego Water Board Cannabis Unit staff are interested in the “Hydrology and Water Quality” and “Geology and Soils” sections of the Draft EIR, which should analyze the cumulative impacts of cannabis cultivation and associated activities on water quality in the proposed, expanded areas.
- Cannabis cultivation has the potential to negatively impact water quality and water resources. Specifically, outdoor cannabis cultivation located within close proximity to waters of the State of California, without proper engineering controls and best management practices, may result in significant discharges of waste that contribute to water quality degradation. Waste discharges from cultivation sites include, but are not limited to, sediment, irrigation runoff, fertilizers, pesticides, fumigants, petroleum products, agricultural related chemicals,

CELESTE CANTÚ, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

San Diego Regional Water Quality Control Board

cultivation related wastes, refuse, and human waste. Additionally, construction of access roads has the potential to result in significant erosion and sediment discharges to water bodies. Due to the various discharges of wastes associated with cannabis cultivation and related activities, San Diego Water Board Cannabis Unit staff request that the potential waste discharges and threats to water quality are thoroughly evaluated, and appropriate mitigation measures are proposed to address all environmental impacts associated with San Diego County's Socially Equitable Cannabis Program.

Sincerely,

Maher Zaher
Water Resource Control Engineer
South Coast Regional Cannabis Unit
Agriculture and Cannabis Section
Santa Ana Regional Water Board
Maher.Zaher@waterboards.ca.gov

Brian M. Covellone, Ph.D., P.G.
Senior Engineering Geologist
South Coast Regional Cannabis Unit
Agriculture and Cannabis Section
Santa Ana Regional Water Board
Brian.Covellone@waterboards.ca.gov

CC:

Audrey Hamilton, Planning Manager, Audrey.Hamilton@sdcounty.ca.gov
Jessica Norton, Land Use/Environmental Planner, JessicaA.Norton@sdcounty.ca.gov

From: [Pam Nelson](#)
To: [Long Range Planning, PDS](#)
Subject: [External] comment: socially equitable cannabis
Date: Saturday, October 28, 2023 11:48:37 AM

Hello; I have two more comments to make on the proposed Cannabis program:

1) The zoning chart that exists in relation to this program needs to be clarified/refined. For instance, commercial zones in the back-country should not have Distribution or operational processing since those endeavors should be closer to large populations where the product is purchased. Having sales in the unincorporated areas increases greenhouse gas/VMT and puts a burden on the infrastructure.

2) Large (great acreage and large number of greenhouses) should have an individual EIR. There needs to be a cut-off for small and large operations to determine what type of EIR (individual vs. Program) is applied.

Thanks,
Pam Nelson
Warner Springs, CA 92086

From: [San Diego County](#)
To: [Hentschel, Natalia](#); [Elkurdi, Dara](#); [Norton, Jessica A](#); [Hamilton, Audrey](#)
Subject: [External] Pamela Nelson completed NOP Comment Form
Date: Sunday, September 17, 2023 6:45:57 PM

Pamela Nelson just submitted the survey NOP Comment Form with the responses below.

Name (First, Last)

Pam Nelson

Email Address

pamela05n@yahoo.com

Enter your comment here

Cannabis cultivation can be considered an agricultural endeavor with some unique impacts to the environment. The usual concerns are increased water usage, degraded water and air quality, increased traffic, especially by larger vehicles, night-time light and noise pollution, aesthetic degradation by green house construction, grading of sensitive habitat and grading causing erosion and sediment transport. In addition, unique concerns for cannabis production are extreme odor nuisance and neighborhood security problems. These can cause the lowering of market-value for the area, as well. --Location of the facilities must be carefully considered due to the above. --Greenhouse construction must be limited so as to fit into the area's topography and aesthetic appeal ---Road infrastructure must be improved to accommodate the vehicle-size and increase in traffic. --Water quality in areas where residents are dependent on wells is a critical to the value and health of the land and its occupants. Adding pesticides and fertilizers must be tightly regulated. --Wildlife corridors must be evaluated in the agricultural regions. Open space is being fractionated and disconnected. Agricultural projects must include a wildlife connectivity element. --Night-time activity must be tightly regulated so that noise and light are below the original ambient levels. --Public services will need to be included in management plans since cannabis attracts thieves and increased danger to the neighborhood.

From: [Pam Nelson](#)
To: [Long Range Planning, PDS](#)
Cc: [Hans Petermann](#)
Subject: [External] cannabis NOP comment
Date: Tuesday, October 17, 2023 7:34:25 PM

Thank you for the workshops you are offering on this subject. I have just attended one of these and found that we need to comment on the NOP, right away. I'm part of a Community Sponsor Group and will be following this subject.

On first glance and as a result of comments at our last board meeting, I wish to submit the following comments as an individual since we won't have time to send a letter as a Group.

--air quality: odor. At the time of harvest, the cannabis odor travels for several miles not 1000 feet (with the prevailing wind). Cultivation must be contained in greenhouses and the odors filtered. Even those sites next to National Forests, etc. would be effected by odor. Bird nesting and other wildlife impacts would occur. Also, proper disposal of waste, not burning, must be addressed.

Unincorporated areas have many dirt roads. Dust is a problem. Speeds of vehicles and rock application can reduce this.

--hydrology: fertilizers/pesticides, etc. are a problem in cannabis cultivation. Organic certification should be incentivized and monitoring of water and use of chemicals be strictly regulated. Sediment transport/erosion due to truck and other traffic must be addressed.

--geology: runoff is always a concern with any agricultural endeavor. Grading permits in the unincorporated areas are often applied for after-the-fact. We are in the N. County MSCP area and grading permits need to reflect the environmental sensitivity of the area.

--aesthetics: Greenhouse construction should be limited, as should the entire project. Small "grows" are more appropriate for the unincorporated areas since residents live in these areas for the views, the clean air, etc.

--transportation: many of the areas where parcels are available are off of dirt roads. These roads must be required to have rock and routine maintenance. Two-lane roads are the norm in our area. Increased traffic must be addressed (VMT and GHG).

--land-use: figuring out the size of the grow and the zone it should occupy is a need. Large grows become industrial after a certain size.

--noise and lights: hours of operation must be limited to daytime hours. Transport, as well. Noise travels easily in the back-country. Lighting effects insects, birds and humans. We are in the Palomar Observatory range.

--wildfire: currently, grows are starting fires by burying and burning the waste on site. Also, the extraction process for oils and other products are very flammable and must not be allowed in agricultural zones.

One of the reasons for creating the new ordinances for Cannabis that was mentioned tonight was that it would reduce criminal and illegal production and impacts to communities. This is not necessarily true since illegal grows supply distribution

centers. This flaw needs to be addressed. As long as distribution centers can purchase illegal product, illegal grows will still flourish.

Also, communities will suffer when legal grows are allowed since there are very few law enforcement officers available. This way, criminals will be drawn to the unincorporated areas where they will cause a huge impact on our residents.

Pam Nelson
Warner Springs

NATIVE AMERICAN HERITAGE COMMISSION

September 15, 2023

Audrey Hamilton
County of San Diego (Attn Planning and Development Services)
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: 2023090330, Socially Equitable Cannabis Program Project, San Diego County

Dear Ms. Hamilton:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

[AB 52](#)



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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Pricilla.Torres-Fuentes@nahc.ca.gov.

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

cc: State Clearinghouse

From: [Alster, Theresa](#) on behalf of [Long Range Planning, PDS](#)
To: [Elkurdi, Dara](#)
Cc: [Hamilton, Audrey](#); [Norton, Jessica A](#)
Subject: FW: Socially Equitable Cannabis Program - NOP Scoping Comments
Date: Friday, September 15, 2023 12:38:56 PM
Attachments: [image001.png](#)
[image002.png](#)

From: jeberstein ccrconsulting.org <jeberstein@ccrconsulting.org>
Sent: Friday, September 15, 2023 12:35 PM
To: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>
Subject: [External] Socially Equitable Cannabis Program - NOP Scoping Comments

Good morning, my name is Joe Eberstein I am the Program manager for the San Diego County Marijuana Prevention Initiative. I would like to address this bullet point,

- Develop a regulatory program that will assist in protecting public health, safety, and welfare

We have been collecting public health data regarding the impacts of marijuana on youth. I attached a link to our latest Impact report from 2021.

https://www.ccrconsulting.org/media/attachments/2023/02/07/2020.2021-mpi-report_final_county_approved_1.25.2022.pdf

I hope that the committee will monitor public health impacts by keeping records of youth use rates, treatment admits, ER visits and poisonings. As well as have a robust enforcement campaign that ensures products are not being purchased by minors including via deliveries.

I hope that facilities are kept 1000ft from youth sensitive locations. As well as keeping advertising 1000ft away. Develop of structure for over concentration of outlets similar to ABC. Provide an easy way for consumers to ensure they are soliciting a legally licensed shop. Ensure the illegally operating ones are closed.

Temporary events should focus on adults and the event staff should get special event training that focus on ID checks with designated areas designed to keep youth from psychoactive products and displays.

Community meetings should be held to ensure that neighborhoods have a way to communicate their concerns.

Thank you!

Joe Eberstein, CCPS
Center for Community Research
San Diego County Marijuana Prevention Initiative (MPI)
SAMHSA Region 9 PTTC Advisory Board Member
8885 Rio San Diego Drive, Suite 335
San Diego, CA 92108
Cell: 619-886-0247
Office: 619-684-5108
Learn more about the MPI: <https://www.ccrconsulting.org/about-mpi>



2021



San Diego County Marijuana Prevention Initiative Report

Table of Contents

- 1 Introduction, Overview & Current Environment**
- 2–6 Data Indicators and Trends**
- 7–8 Local Collaboration & Prevention Efforts**
- 9 Emerging Trends**
- 11 References**

Introduction

California voters passed Proposition 64, The Adult Use of Marijuana Act, on November 4, 2016, legalizing the adult use and possession of marijuana. Retail sales of marijuana products began in 2018. The San Diego County Marijuana Prevention Initiative (MPI) published an initial report in early 2016 and a subsequent report in 2020. Previous reports included local marijuana-related trends to assess baseline data and identify important public health issues. This new report presents trends and public health data related to youth marijuana use and documents changes observed following legalization.

Overview of the MPI

The County of San Diego, Health and Human Services Agency, Behavioral Health Services (BHS), has funded the current MPI since 2012 to reduce youth access to and use of marijuana. The MPI engages in science-based educational outreach in collaboration with the County's Regional Prevention Providers to inform the community of the harmful effects marijuana can have in our youth populations. The MPI's regional prevention strategies focus on educating and informing the public about the harms associated with adolescent marijuana use. MPI staff continues to engage the community and share resources through workshops, trainings, and media advocacy.

The MPI regularly collects local-level data to inform prevention practices and identify any emerging trends within the local landscape. These data are then shared with prevention providers, law enforcement partners, parents, educators, and youth. Data are routinely collected from the California Healthy Kids Survey (CHKS), San Diego County Community Survey, SANDAG, San Diego County drug treatment admissions, medical examiner, and other local sources. Additionally, the MPI reviews and compiles data from both the state and national level to identify trends and track changes in youth marijuana use over time.

Current Environment

COVID-19 and the lockdown have changed the environment around marijuana access. On March 17, 2020 California declared marijuana an essential business early in the pandemic which, coupled with isolation and anxiety, created a financial windfall for the marijuana industry. At the same time, schools and other youth activities were cancelled or limited, leaving a tremendous gap in supervision and support for families of all ages.

Current Environment (cont.)

The MPI worked to reorganize and respond immediately to unprecedented environmental changes, while maintaining focused strategies to reduce youth access and use of marijuana. Below are key examples of how the MPI quickly pivoted to operate in a virtual environment:

- Conducted meetings, media events and workshops through virtual platforms, expanding participation and attendance at many meetings.
- Continued to provide technical assistance to our prevention partners virtually.
- Engaged in media advocacy efforts to challenge the decision to declare marijuana businesses as essential businesses during a respiratory pandemic. Several opinion articles were submitted and published in the Times of San Diego to educate and inform the community on potential dangers.
- Disseminated key information and updates to the MPI mailing list to ensure community partners and agencies were kept up-to-date with public health information.

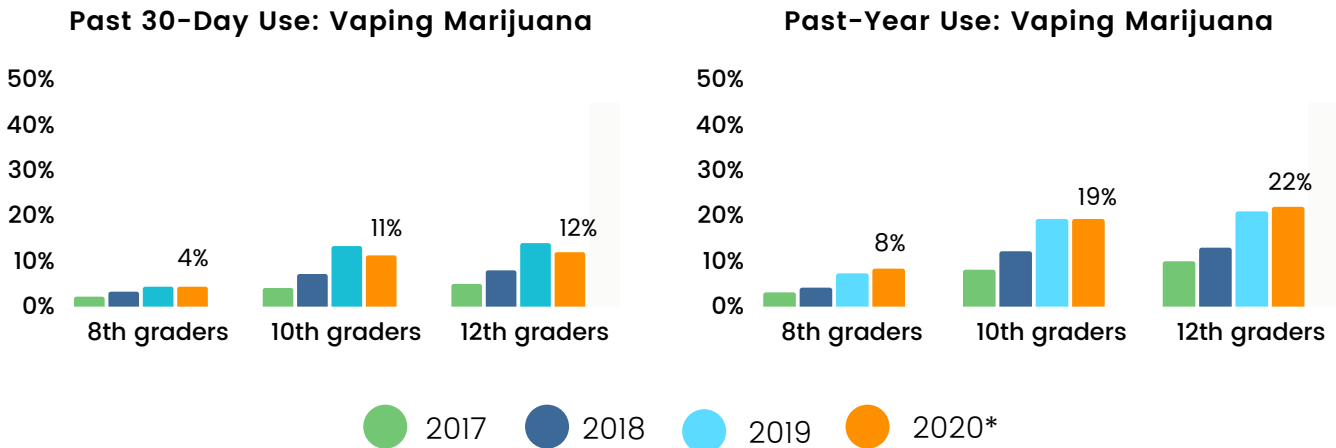
Key Data Indicators

Given the importance of monitoring key indicators relative to the current and emerging marijuana landscapes countywide, it is critical to be aware of and monitor current data and trends pertaining to marijuana use, access, and use. The following pages highlight datapoints from extant data sources, useful for informing current needs and continued prevention strategies.

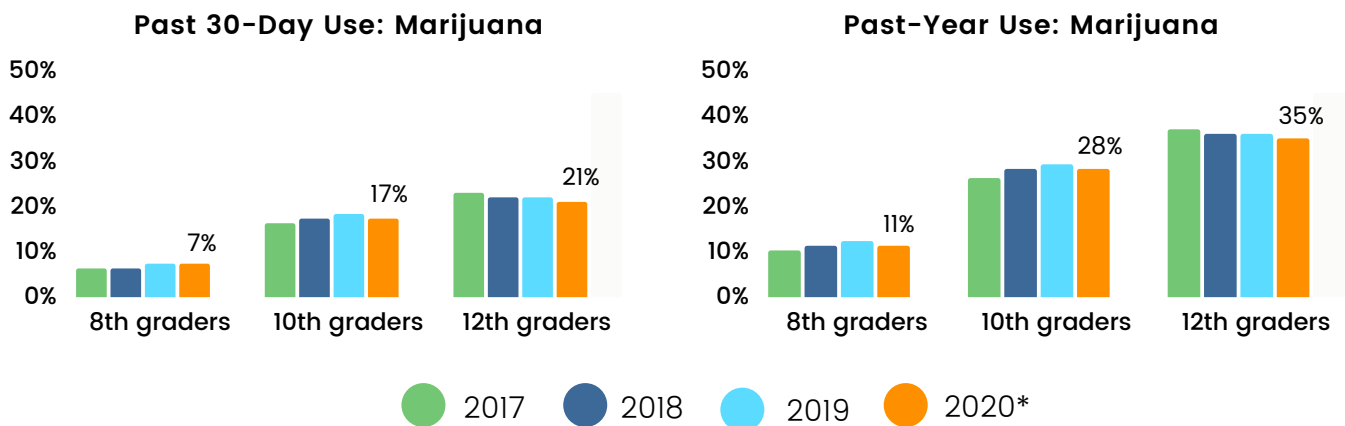
Monitoring the Future (MTF) Survey¹

MTF is an ongoing national study of the behaviors, attitudes, and values of U.S. secondary school students, college students, and young adults on drug and alcohol use and related attitudes.

Past-Month and Past-Year Marijuana Vaping



Past-Month and Past-Year Marijuana Use



*Note: Data collection stopped prematurely due to the COVID-19 pandemic. Completed surveys represent about 25% of the size of a typical year's data collection. However, results were gathered from a broad geographic range and were statistically weighted to be nationally representative.

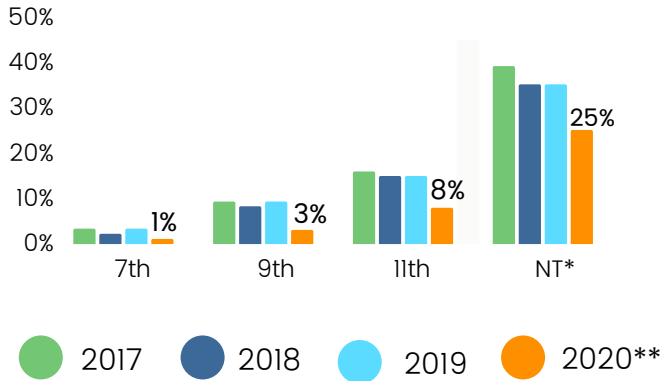
The use of marijuana (in all forms, including smoking and vaping) did not significantly change in any of the three grades for lifetime use, past 12-month use, past 30-day use, and daily use from 2019–2020.

California Healthy Kids Survey (CHKS)²

The CHKS is administered in most San Diego County school districts. It surveys middle and high school youth attending both traditional/mainstream and nontraditional/alternative schools (e.g., continuation schools).

Marijuana Use Across Grade Levels

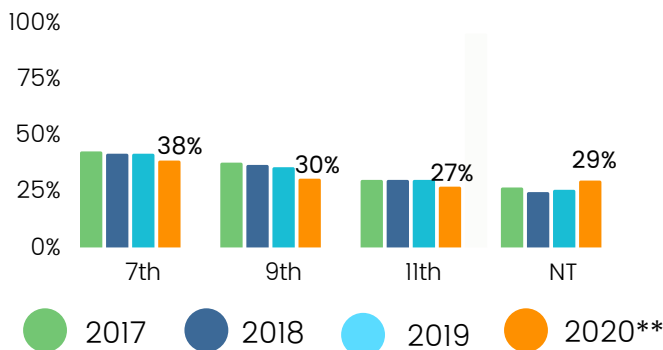
Past 30-Day Use of Marijuana



One in ten (10%) students attending non-traditional schools reported **daily marijuana use in 2020**

Perception of Harm & Ease of Access

Perception of Harm: Students Reporting 'Great' Harm from Occasional Marijuana Use



Students Reporting That Marijuana is Very Easy or Fairly Easy to Obtain[^]

12% of 7th graders

35% of 9th graders

53% of 11th graders

49% of NT* students

[^]2020 -21 data


*Students attending non-traditional schools

**When considering 2020-21 CHKS data, please note that survey methodologies were revised to allow for online or hybrid data collection due to COVID-19. These changes, coupled with lower response rates and impacts of COVID-19, may affect the data presented and limit comparability of findings to previous years.

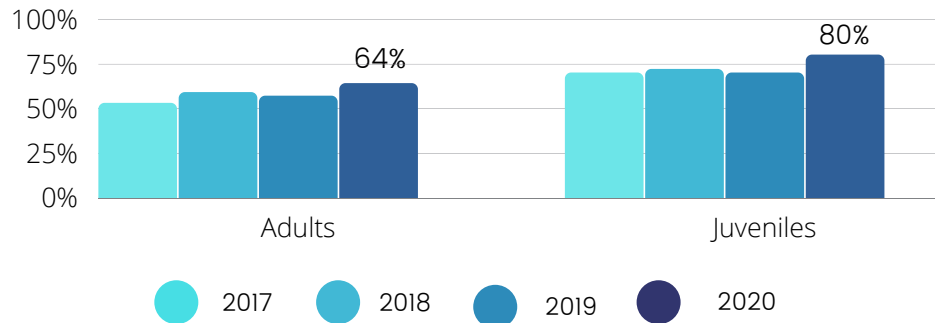
SANDAG Substance Abuse Monitoring (SAM) Survey³

The purpose of the SAM survey is to identify drug use trends among the adult and juvenile offender populations to develop appropriate strategies for the prevention of drug misuse. Biannually, SANDAG staff conduct interviews with a sample of adults and juveniles arrested and booked into the San Diego County detention facilities.


8 in 10 youth say they have ever dabbled THC



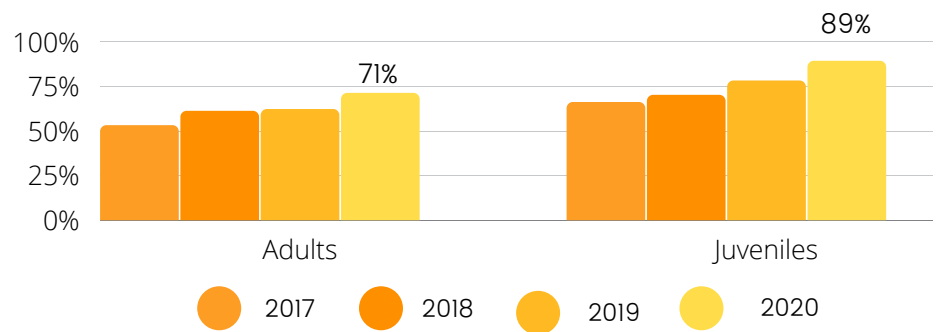
Ever Dabbed THC



Almost 9 in 10 youth say they have ever vaped THC



Ever Vaped THC



Ease of Access

100%

report marijuana is easy to obtain

Marijuana Remains Drug of Choice

56%

positive for marijuana at time of interview

Low Perception of Harm

1 in 5 (20%)

youth feel marijuana would be harmful to users

San Diego County Community Survey⁴

The San Diego County Community Survey was developed to systematically collect and assess alcohol- and other drug-related (AOD) perceptions and opinions. The findings from the Community Surveys have allowed the Prevention System to monitor trends and track changes in community perceptions and opinions over time and to identify emerging issues of concern. Below are key findings from the 2021 administration of the Community Survey. To view more in-depth findings please [click here](#).

Perception of Harm

Underage Marijuana Use

About 7 in 10 (67%)

respondents believe marijuana use **under 21** is harmful to health.



Frequent Marijuana Use

About 6 in 10 (64%)

respondents believe using marijuana **everyday or every week** at any age is harmful to health.



Edible Marijuana Food Products

About 5 in 10 (47%)

respondents believe using **edible marijuana food products** at any age is harmful to health.



Policy Support

Marijuana Drug Interaction Warning

77%

support a law that requires pharmacies to label medications that have drug interactions with marijuana products.

Ban Marijuana Sales to Those Under 21

57%

support a law that would prohibit any type of marijuana product, medicinal or recreational, to those under age 21.

Marijuana Outlet Regulations

56%

support a local law regulating marijuana businesses.

Adolescent Marijuana-Related Treatment Admissions⁵

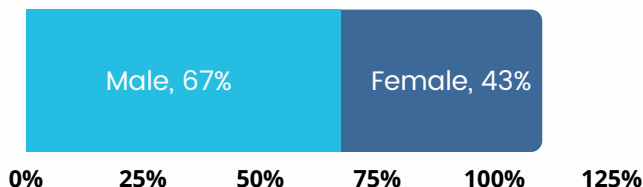
Marijuana Remains Drug of Choice for Adolescents Entering Treatment

About 8 in 10 (82%)

adolescents (<17) entering a San Diego County Funded Treatment Facility reported marijuana as their primary drug of choice in FY 19-20.

n=1,238

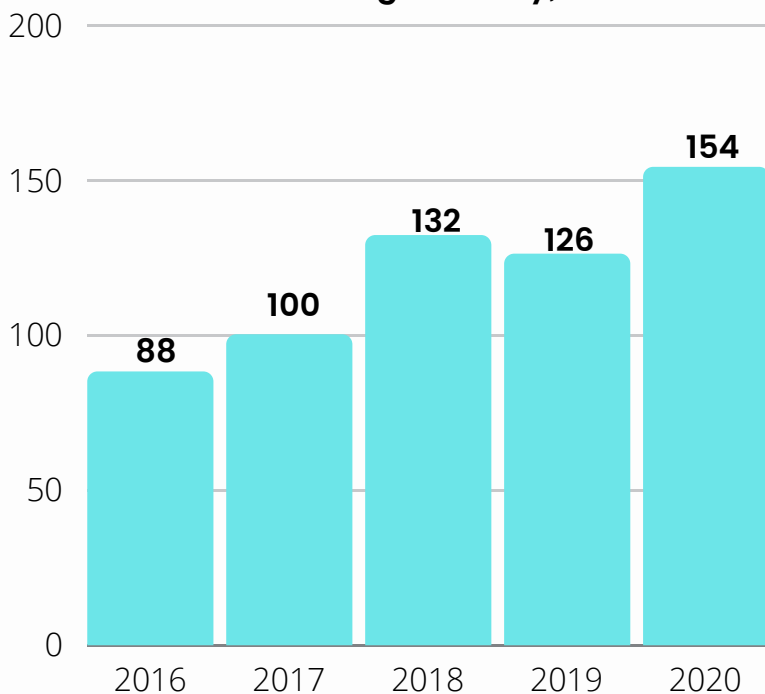
Primary Marijuana Treatment Admissions for Adolescents, by Gender



San Diego County Poison Control Data⁶

The below graph displays the number of unduplicated cases handled by the California Poison Control Center for calls related to marijuana exposure from persons living in San Diego County. Each year displayed includes all persons of any age and dispositions/outcomes for the cases, including cases “resolved on-site” (i.e., from the location of the call), “treated/released from health care facility,” and “admitted to health care facility.”

Number of Marijuana Human Exposure Cases for San Diego County, 2016-2020

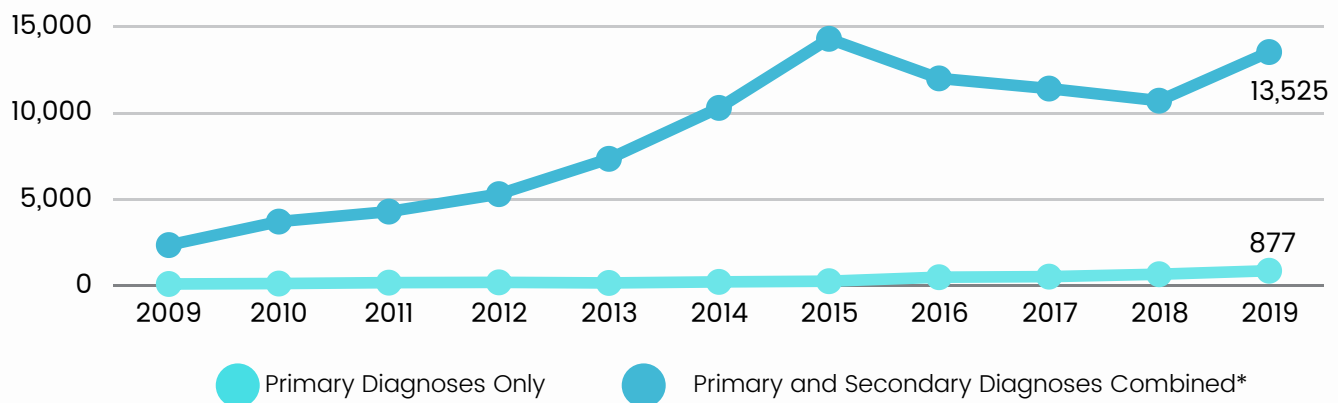


75% increase

in marijuana exposure cases in San Diego County handled by the California Poison Control Center **since 2016.**

Marijuana-Related Emergency Department Discharges⁷

Number of Emergency Department (ED) Discharges for Marijuana-Related Diagnoses in San Diego County, 2009-2019



690% increase

in ED discharges with marijuana listed as a **primary diagnosis**, from 111 in 2009 to 877 in 2019.



473% increase

in ED discharges with marijuana as a **primary or secondary diagnosis combined**, from 2,362 in 2009 to 13,525 in 2019.

*Indicates cases where either the primary or secondary diagnosis upon discharge was marijuana-related. For most secondary cases, individuals came into the ER for something else (e.g., broken arm, injury, flu, etc.) and cannabis use was added as a secondary diagnosis. In these cases, the drug use may or may not have contributed to the reason for the ER visit

THC Presence in Youth & Young Adult Suicides

A study conducted by researchers at the National Institute on Drug Abuse (NIDA) found that marijuana use was associated with increased risks of thoughts of suicide (suicidal ideation), suicide plan, and suicide attempt among young adults ages 18-35 .

The results of the study indicated that even people who used cannabis nondaily (<300 days/year) were more likely to have suicidal ideation and to plan or attempt suicide than those who did not use the drug at all. These associations remained regardless of whether someone was also experiencing depression.⁸

In San Diego County

39% of completed suicides under the age of 25 tested positive for THC in 2020.⁹

Local Collaboration and Prevention Efforts

Local prevention efforts continue to evolve as virtual advocacy and access to potent marijuana products become the norm. Despite recent local policy changes around marijuana storefront operations, prevention activities continue to focus on compliance, education, consumer protections and health.

Marijuana-Drug Interactions Education



MPI staff developed a drug interactions project along with 17 local pharmacies to raise awareness about dangerous drug interactions between over-the-counter, prescription medication, and THC/CBD. More than 10,000 resource cards were disseminated encouraging patients to visit [drugs.com](https://www.drugs.com) to check for harmful drug interactions. A survey was developed to identify gaps in consumer protections.

Assessing Marijuana Outlet Compliance

A marijuana storefront assessment tool was developed and made available by SAY San Diego, to monitor retail outlets and ensure compliance. It is undergoing final updates and will be ready for distribution Spring 2022.



Reducing Youth Access to Vaping Devices

Vaping has become an epidemic and schools are ground zero in efforts to educate and prevent youth from vaping. MPI staff, the San Diego County Office of Education along with regional prevention partners developed a vape disposal protocol for school staff. This will help ensure the safe disposal of these products which are considered hazardous waste.

Local Collaboration and Prevention Efforts



Public Health Experts Guide MPI Efforts

An important component of a public health first approach to environmental prevention is to recruit partners with extensive knowledge in the field of substance use prevention. CCR was proud to announce the addition of Roneet Lev, MD, FACEP, to the CCR team. Dr. Lev is former Chief Medical Officer at the White House Office of National Drug Control Policy (ONDCP) and current Chief of the Emergency Department at Scripps Mercy Hospital in San Diego; she also hosts a popular podcast known as High Truths on Drugs and Addiction.

MPI Media Advocacy

MPI hosted a news event to introduce a new medical advocacy group that encourages a public health first approach to marijuana policy. IASIC, or the International Academy on the Science and Impact of Cannabis, is a group of doctors educating on marijuana harms. This non-partisan and non-political group is developed, organized, and guided by doctors in the hope that science guides policies that protect the public and create informed decision making. The IASIC resource library and advocacy tools are located [here](#).



Emerging Trends

Increasing DUI Fatalities

DUI-related fatality crashes are spiking across San Diego County at a record-setting pace with 2021 data indicating the most fatal DUIs in two decades. Local officials reported 37 people have died in DUI crashes in 2021, already surpassing last year's DUI deaths. In 2020, 33 people were killed, which was the worst such year in San Diego County going back more than two decades. Both drug legalization and polydrug use may be the leading cause of the increases. A drugged driving prevention campaign, with input from Regional Prevention Providers and Initiatives, will be created with a focus on polydrug use and availability of rideshare programs.

Local Control and Community Voices

Proposition 64 promised local communities the ability to decide how much marijuana access they will allow. However, we have seen attempts to limit public input on issues related to youth. Local community voices are critical in the process of deciding how much access to marijuana products they will allow. Moving forward, it is critical to empower communities and local groups to engage in the planning process and voice their concerns surrounding public health and youth impacts of expanding marijuana access.

Transition from Marijuana Storefronts to Virtual Sales

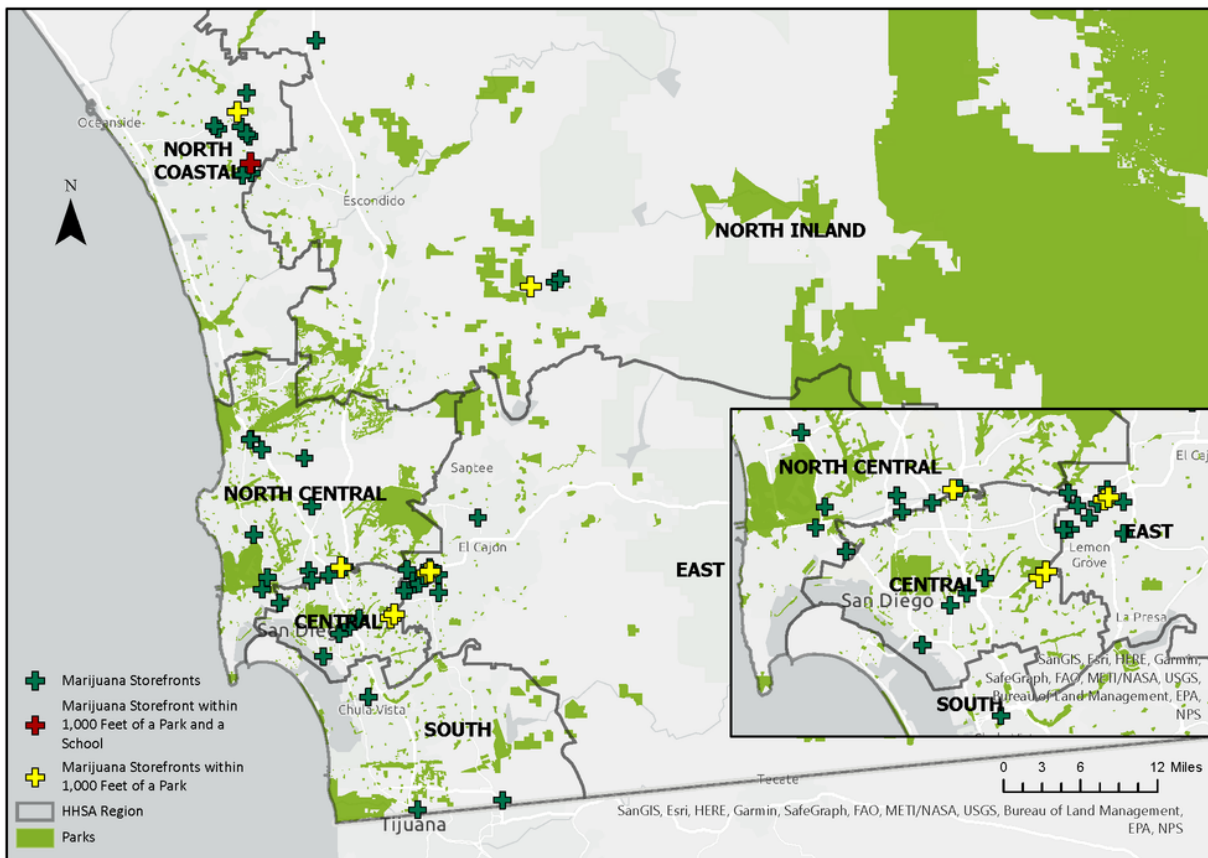
During the pandemic we saw many marijuana outlets increase online delivery services, further expanding their reach and access throughout the community. With this expanded availability there is an increasing need for standardized compliance protocols to hold these businesses accountable to the rules and regulations put forth by the California Department of Cannabis Control. This will be a challenge, especially with minor sales, advertising, and increasing virtual transactions.

Lack of Consumer Protections

In a study conducted by UCSD of 700 legal recreational cannabis dispensaries, 67.9% failed to comply with California laws requiring age-limit signage. Additionally, 35.3% of dispensaries had marketing items that appealed to children inside their stores.¹⁰ Synthetic THC, such as Delta-8-THC and THC-P, have been created and marketed with little information about side effects. This, combined with the availability of higher potency products leaves consumers at an increased risk of potential harm. Customers can purchase and consume (vape, eat or smoke) as much or as potent of an amount they desire with little to no restrictions. Many product labels lack the proper warnings about driving, drug interactions, mental health, and prenatal use. The industry must allow for accurate labeling of product ingredients, and child proof packaging with warnings that discuss potential harms.

Tracking Storefronts and Compliance

Licensed Marijuana Storefronts in San Diego County



Footnote: Data pulled on 8/6/2021 from the California Department of Cannabis Control. Data only include licensed marijuana outlets with storefront locations (Type 10 and Type 12 licenses). The map does not account for delivery services (Type 9 licenses) or unlicensed marijuana storefronts available throughout the County. Of the existing 51 marijuana storefronts with a known address, 16% are within 1,000 feet of a school and/or park. One storefront is within 1,000 feet of both a Park and a School.



Looking Ahead: Prevention Priorities

As marijuana access and availability increase, public health data measuring youth trends and community impacts need to remain a key factor in policy decisions. The prevention community must continue to develop tools that hold the industry accountable to the existing guidelines and develop new, innovative approaches to address issues of overconcentration of marijuana businesses, THC potency limits and compliance with existing protocols for delivery services that are meant to prevent and discourage underage consumption.

For more information about MPI please visit www.ccrconsulting.org/mpi.

References

1. NIDA. Monitoring the Future Survey: High School and Youth Trends. National Institute on Drug Abuse Website. <https://www.drugabuse.gov/related-topics/trends-statistics/monitoring-future>. Published 2020. Accessed November 18, 2021.
2. California Healthy Kids Survey (CHKS). San Diego County, Main Reports: 2009-2020. San Francisco; 2020.
3. San Diego Association of Governments (SANDAG). Juvenile Arrestee Drug Use in the San Diego Region. San Diego; 2020.
4. Center for Community Research. County of San Diego Community Survey Findings: 2011, 2014, 2016, 2019. & 2021 San Diego; 2021.
5. County of San Diego Behavioral Health Services. Alcohol and Drug Services Databooks: FYs 2009/10 – 2019/20. 2021. https://www.sandiegocounty.gov/hhsa/programs/bhs/technical_resource_library.html.
6. California Poison Control Center. Marijuana Human Exposure Calls. 2021.
7. County of San Diego Emergency Services. Emergency Department Discharges for Cannabis-Related Diagnoses in San Diego County, 2006 – 2020. 2021.
8. NIDA. 2021, June 22. Cannabis use may be associated with suicidality in young adults. Retrieved from <https://www.drugabuse.gov/news-events/news-releases/2021/06/cannabis-use-may-be-associated-with-suicidality-in-young-adults> on 2021, December 14.
9. County of San Diego Department of the Medical Examiner. (2020, January–December). 2020 Suicides, 25 and under, San Diego County [Dataset].
10. Shi Y, Pacula RL. Assessment of Recreational Cannabis Dispensaries' Compliance With Underage Access and Marketing Restrictions in California. *JAMA Pediatr.* 2021;175(11):1178–1180. doi:10.1001/jamapediatrics.2021.2508

From: [Long Range Planning, PDS](#)
To: [Elkurdi, Dara](#); [Hamilton, Audrey](#); [Norton, Jessica A](#)
Subject: FW: [External] EIR of Cannabis Program
Date: Monday, September 18, 2023 10:34:25 AM

-----Original Message-----

From: Karen McCann <kluchercann1@cox.net>
Sent: Friday, September 15, 2023 8:27 PM
To: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>
Subject: [External] EIR of Cannabis Program

To Whom it May Concern,

This is such a charade. You want "buy in" from "the stakeholders" of San Diego County to normalize the idea that cannabis use is fine. It isn't! The government promoting cannabis use is wrong on so many levels. I know the pitch...it helps people with PTSD, relieves pain from disease; then it should be prescribed by a doctor. There will be many impacts. Impacts that will have a ripple effect that you won't be able to measure. Many young people will become addicted to cannabis or other drugs they may try experimenting with for a bigger and better high. I think most parents would not support any cannabis program in their town, but making money always seems to be put before the health and safety of people.

It is most likely that you don't want any feedback that goes against what the government is planning to do.

Sad state of affairs,

Karen McCann

County of San Diego, Planning and Development Services

Attention: Audrey Hamilton

RE: Socially Equitable Cannabis Program – NOP Scoping Comments

The Warner Springs Community Sponsored Planning Group thanks you for your time and commitment on developing a program Environmental Impact Report (EIR). While the program EIR may satisfy some of the legal requirements under CEQA, it does not address the significant impacts on individual communities and individual site locations that will be used in the program.

The Warner Springs area has significant challenges that should be addressed in the EIR specific to individual areas in our community. Warner Springs has multiple geographical areas within the region, such as Oak Grove, Dameron Valley, Chihuahua Valley, Los Tules, Santa Ysabel, Lake Henshaw, Los Coyotes, Holcomb Village/ Sunshine Summit, Dodge Valley. Each area has different resources, infrastructure and environmental conditions and concerns. Major concerns for our area are Resources, Air Quality, Water Quality, Greenhouse Gas Emissions, Noise, Access to Public Services, Police Services, Fire and Medical Services, Noise, Transportation, Hazards and Hazardous Material, Tribal and Cultural Considerations, Lack of Utility Services (including stable electrical, phone, internet, well water), and an Extreme Wildfire Risk.

Each item below, should be addressed for each area above and each area in every community that the program is expected to cover.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise

- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

If the proposed program EIR does not address all individual communities and all areas within the communities, it is the recommendation of the Warner Springs Community Sponsored Planning Group that conditions are added to the program requiring that an individual site specific EIR be performed for all individual location applications.

It is the recommendation of the Warner Springs Community Sponsored Planning Group that an approved site specific EIR is finalized prior to approving the site location for inclusion into the program.

It is the recommendation of the Warner Springs Community Sponsored Planning Group, that no mitigative measures are allowed to satisfy EIR deficiencies.

If the program does choose to allow mitigation measures, against the recommendation of the Warner Springs Community Sponsored Planning Group, the Warner Springs Community Sponsored Planning Group moves that all mitigative measures are to be implemented in the community that the individual site location is proposed in. Example if the site is in the Warner Springs area, the mitigated measures shall support the Warner Springs area. Adding EV chargers to an area like Ramona or Poway, that has a more robust electrical infrastructure, to mitigate the vehicle miles traveled in a Warner Springs site project location, does not support the community, community infrastructure, owners or those visiting the local community of Warner Springs.

Thank you for your consideration and inclusion of our concerns in the notice of preparation of the EIR.

Sincerely,

The Warner Springs Community Sponsored Planning Group

Andrew Krogh

Board Member

Letter Approved by Unanimous Vote.

From: [Norton, Jessica A](#)
To: thpo@morongo-nsn.gov
Cc: [Long Range Planning, PDS](#); jschneider@morongo-nsn.gov; lhatterton@morongo-nsn.gov; ABrierty@morongo-nsn.gov
Subject: RE: San Diego County
Date: Thursday, September 28, 2023 12:05:31 PM
Attachments: [image001.png](#)

Good afternoon,

This email is confirmation that your letter regarding the County of San Diego's Socially Equitable Cannabis Program has been received and added to the project file. We appreciate you taking the time to review and provide comments.

Sincerely,



Jessica Norton (she/her)

Land Use/Environmental Planner
Planning & Development Services | Long Range Planning
County of San Diego | 5510 Overland Ave., Suite 310 | San Diego, CA 92123
☎ (619) 541-0016 | ✉ JessicaA.Norton@sdcounty.ca.gov

From: Tribal Historic Preservation Office <thpo@morongo-nsn.gov>
Sent: Wednesday, September 27, 2023 5:08 PM
To: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>
Cc: Ann Brierty <ABrierty@morongo-nsn.gov>; Laura Chatterton <lhatterton@morongo-nsn.gov>; Joan Schneider <jschneider@morongo-nsn.gov>
Subject: [External] San Diego County

The Morongo Band of Mission Indians (Tribe/MBMI) Tribal Historic Preservation Office received your letter regarding the above referenced Project. The proposed Project is not located within the boundaries of the ancestral territory or traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians.

Thank you for notifying the MBMI about this project. MBMI encourages your consultation with tribes more closely associated with the lands upon which the project is located.

Please see attached letter.

Respectfully,

Laura Chatterton

Cultural Resource Specialist
Tribal Historic Preservation Office
Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220
O: (951) 755.5256
M: (951) 663.7570

TRIBAL HISTORIC PRESERVATION OFFICE

VIA ELECTRONIC MAIL

PDS.LongRangePlanning@sdcounty.ca.gov

Audrey Hamilton
Planning and Development Services
County of San Diego
5510 Overland Avenue Suite 310
San Diego, CA 92123

**MORONGO
BAND OF
MISSION
INDIANS**



A SOVEREIGN NATION

September 27, 2023

**Re: Notice of Public Hearing for Socially Equitable Cannabis Program, San Diego County
California**

The Morongo Band of Mission Indians (Tribe/MBMI) Tribal Historic Preservation Office received your letter regarding the above referenced Project. The proposed Project is not located within the boundaries of the ancestral territory or traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians.

Thank you for notifying the MBMI about this project. MBMI encourages your consultation with tribes more closely associated with the lands upon which the project is located.

Respectfully,

Bernadette Ann Brierty

Bernadette Ann Brierty
**Tribal Historic Preservation Officer
Morongo Band of Mission Indians**

CC: Morongo THPO

From: [San Diego County](#)
To: [Hentschel, Natalia](#); [Elkurdi, Dara](#); [Norton, Jessica A](#); [Hamilton, Audrey](#)
Subject: [External] BEVERLY completed NOP Comment Form
Date: Monday, October 16, 2023 4:01:30 PM

BEVERLY just submitted the survey NOP Comment Form with the responses below.

Name (First, Last)

BEVERLY BECKER

Email Address

BEVERLYJBECKER@YAHOO.COM

Enter your comment here

I live in the close proximity of one of the cannabis retail facilities located on Montecito Way. I am opposed to the growth of this business at a level more than what it is today. The road it is on is a dead end end. We already have trouble with speeders and drinkers parking down the street because there are no streetlamps in the majority of Ramona. Especially Montecito Rd and Montecito Way. I read that the plan is to allow smoking and consumption of edibles on the premises, which I am opposed to. I feel that a grow operation would expand the business beyond what it should be for the neighborhood it is in. This is a residential neighborhood with single family homes. The nearest business activity is on a dead end road. Which we can all agree is usually a magnet for crime activity especially since there are no street lights as I mentioned before. And all of this is in addition to the SHORTAGE of Police and Sheriff presence in Ramona as a whole. Thank you Beverly Becker

From: [Norton, Jessica A](#)
To: [Mark Hutton](#)
Cc: [Long Range Planning, PDS](#)
Subject: FW: [External] SECP (Socially Equitable Cannabis Program – NOP Scoping Comments)
Date: Friday, September 15, 2023 5:03:09 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Mark,

It was nice speaking with you today. As promised, below is the email chain which includes your previous comments from April this year.

Please feel free to review and send back any revised comments that you may have in response to the Notice of Preparation. I will ensure that your updated comments are saved and included in the public scoping comments for the EIR.

Please feel free to reach out if you have any other questions. Hope you have a nice weekend.

Sincerely,

Jessica



Jessica Norton (she/her)

Land Use/Environmental Planner
Planning & Development Services | Long Range Planning
County of San Diego | 5510 Overland Ave., Suite 310 | San Diego, CA 92123
☎ (619) 541-0016 | ✉ JessicaA.Norton@sdcounty.ca.gov

From: Norton, Jessica A **On Behalf Of** Long Range Planning, PDS
Sent: Wednesday, April 26, 2023 2:53 PM
To: Mark Hutton <masdca54@gmail.com>
Cc: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>
Subject: RE: [External] SECP

Hi Mark,

Thank you for your comments on the Socially Equitable Cannabis Program. This email is confirmation that your comments have been received and added to the project file. The County is committed to open, inclusive, and ongoing communication throughout the development process, and we appreciate your input.

If you have not done so already, we invite you to [subscribe](#) to the Cannabis Program email list to receive program updates and announcements about upcoming outreach activities.

Thank you,



Jessica Norton (she/her)

Planner | Planning & Development Services | Long Range Planning
County of San Diego | 5510 Overland Ave. Suite 310 | San Diego, CA 92123
☎ (619) 541-0016 | ✉ JessicaA.Norton@sdcounty.ca.gov

From: Mark Hutton <masdca54@gmail.com>
Sent: Thursday, April 20, 2023 9:10 PM
To: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>
Subject: Re: [External] SECP

Thank you Dara.

As a resident of the unincorporated area of San Diego County for over 4 decades (and as a property owner) I have 2 concerns about Cannabis Microbusinesses as they are currently being imagined.

1) Rural areas are often not compatible with businesses that open their doors to the public. This is especially true on unpaved easement-holder-only roads that are privately-maintained. I'd like to see language in the SEC regulations that would require every easement holder on such roads to be notified-given that changing a private road into a public one by allowing retail would negatively impact privacy, security and property values. (not to mention the impacts to the road itself: dust-ie. particulate matter in the air that was formerly road surface, and serious degradation of roads during winter storms)

2) I'd also like to see a process in the regulations that considers the impact of sitting an cultivation/manufacturing operation (which could potentially use a great deal of water from wells) in areas that do not have/can not get local Water District service.

Also, when crafting the SECP program, I'd ask you to consider the effects of changing zoning regulations to allow commercial uses in rural A-70 and A-72 zoned residential areas. As it is currently being imagined, the SECP would create numerous cumulative impacts to the environment (and to people), such as;

a) the degradation of air and water quality,

b) increased traffic and noise, along with its effects on transportation infrastructure (both public and private) and the people who live in areas targeted for these zoning changes, and,

c) increased human presence in areas set aside for MSCP-mandated mitigation of State and Federally protected species and habitat (this is particularly damaging in areas where highly human-averse species (such as mountain lions) live

Thank you for considering my comments,

Mark Hutton (I prefer to be referred to/addressed by the name preceding these parentisized instructions)

On Mon, Apr 10, 2023 at 8:38 AM Long Range Planning, PDS

<PDS.LongRangePlanning@sdcounty.ca.gov> wrote:

Hello Mark,

Thank you for your email. We estimate that the release of the final EIR will be in late 2024, possibly into early 2025.

A microbusiness is a license type for a business which conducts at least 3 out of the 4 activities at one location:

- Cultivation – up to 10,000 total square feet
- Manufacturing – use of non-volatile solvents, mechanical extraction or infusion
- Distribution or distribution transport-only
- Retail – storefront or non-storefront

Thank you,

Dara Elkurdi ([she/her/hers](mailto:dara.elkurdi@sdcounty.ca.gov))

Land Use/Environmental Planner

County of San Diego | Planning & Development Services

5510 Overland Avenue, Suite 310, San Diego, CA 92123

Phone: 619-993-9051 | dara.elkurdi@sdcounty.ca.gov

From: Mark Hutton <masdca54@gmail.com>

Sent: Monday, April 3, 2023 10:51 PM

To: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>

Subject: [External] SECP

County Staff,

Do you have an approximate date yet for the release of the PEIR for the SECannabisP?
And where can I get more information about what "Microbusinesses" refers to?

Thanks,

Mark

PDS/APCD EIR Scoping Coordination Meeting

10/18/2023

Attendees

San Diego Air Pollution Control District

- Eric Luther, Supervising Air Resources Specialist
- William Jacques, Chief of Departmental Operations

County of San Diego Planning & Development Services, Long Range Planning

- Audrey Hamilton, Planning Manager
- Jessica Norton, Land Use/Environmental Planner
- Dara Elkurdi, Land Use/Environmental Planner

County of San Diego Planning & Development Services, Code Compliance

- Conor McGee, Planning Manager
- Mike Condon, Land Use/Environmental Planner

Meeting Notes

- APCD has a MOU with the State to enforce state regulations
- Follow [County Guidelines](#) for Determining Significance – AIR QUALITY (2007)
- Follow guidance on APCD website: [CEQA \(sdapcd.org\)](http://CEQA(sdapcd.org))

Summary of Topics APCD would like addressed in EIR:

- Include District Permitting:
 - Cite specific rules (e.g., Permitting Rule 10)
- Dust and odors from cultivation and manufacturing
 - Even if something is exempt, it could be a public nuisance
- Onsite consumption lounges – APCD does not regulate indoor air pollution, but could recommend filtration systems (cannot recommend a specific brand or type, but just in general to be a good neighbor).
- Off-road construction equipment
- Truck routes – how they go through communities
- Diesel impacts
 - Recommending Zero-Emission vehicles or clean diesel
- VMTs
- Land use compatibility (covered under zoning)
- Impacts to low-income/disadvantaged communities
 - Consider siting of businesses in areas where communities are already burdened by environmental impacts, such as Environmental Justice communities (CalEnviroScreen review)
- Look at both construction and operational impacts
- Manufacturing and solvent use

From: [Sandra Farrell](#)
To: [Long Range Planning, PDS](#)
Cc: [royalviewranch](#); [Harris Korn](#); [Joe Bunn](#)
Subject: [External] Comments to Socially Equitable Cannabis Program NOP & Scoping for the EIR
Date: Tuesday, October 31, 2023 4:59:21 PM
Attachments: [Comments to Cannabis NOP Scoping- Twin Oaks Community Sponsor Group.pdf](#)

Please see our attached comments. We may have additional ones or need to modify our comment letter but will need to do so at our November meeting.

Thank you very much.

Sandra Farrell
Chair, Twin Oaks Valley Community Sponsor Group



Twin Oaks Valley Community Sponsor Group

October 31, 2023
San Diego County PDS

RE: Response to the Socially Equitable Cannabis Program
NOP & Scoping for the EIR

Submitted as an attachment to email to pds.longrangeplanning@sdcounty.ca.gov

Thank you for allowing us this opportunity to comment on the Socially Equitable Cannabis Program EIR Notice of Preparation and Scoping. The Twin Oaks Valley Planning Area is home to many commercial agricultural operations with most plants grown in green house conditions. Our community is sandwiched in between the cities of Vista, San Marcos and Escondido.

We understand that the purpose of this Socially Equitable Cannabis Program is to provide compensation in the form of streamlined permits and possible aid so that those who have been harmed by the war on drugs and provide them with a path to thrive in the cannabis industry. Although we strongly support correcting injustices, we are unsure how the Socially Equitable Cannabis Program will accomplish that. We can appreciate the State and County's desire to capture revenue by the growing and sales of cannabis. However, the public needs evidence that beyond tax revenue, the populations targeted by the Socially Equitable Cannabis Program and the communities they serve, will actually receive a benefit by the County's program.

Although page 70 of the Women's Work Report notes, "*...legal cannabis in unincorporated areas "could generate between \$2.9 million and \$5.6 million in annual cannabis tax revenue"*", the DEIR needs to identify all costs and compare them to the potential profit from tax revenue. They must balance out or the public will be forced to pay the difference.

Like gambling, alcohol, and other substances and or activities that either cause or contribute to addiction, it is often the disadvantaged communities and taxpayers who end up paying that cost of addiction. The companies who profit from addiction, benefit while the taxes gathered from these enterprises fail to cover the cost of added enforcement, healthcare needed for addiction treatment or government programs, funded by taxpayers, to help mitigate problems.

We believe the DEIR needs to address the following comments and questions.

Comment 1: How will the Socially Equitable Cannabis Program be funded? Will taxpayers pay for the program by providing money via grants, or pay to reduce loan costs, provide land, reality discounts or credits, property tax relief, or provide other financial incentives to aid those who qualify under the Socially Equitable Cannabis Program?

Comment 2: After providing the financial and permitting incentives designed to allow people who qualify under Socially Equitable Cannabis Program, how does the County ensure the licensees don't turn around and sell their business and licenses to another party who would not qualify under the social equity program?

Comment 3: How profitable is growing cannabis? Would the growth of cannabis convert existing agriculture to cannabis agriculture? If so, would the growth of the Cannabis industry convert land that could be used for low-income housing to cannabis operations? Because the costs of land is so high in San Diego County and because there is a needed for housing, the DEIR needs to discuss the economic impact of cannabis cultivation and land needs on the County's need to provide more housing.

Comment 4: If cannabis is grown or sold near residential areas or schools, will there be any negative impacts?

Comment 5: The DEIR needs to establish an economic need for dispensaries to ensure those the County wants to benefit from the Socially Equitable Cannabis program can succeed. According to the County's website there are five existing cannabis facilities authorized to operate in the unincorporated area of San Diego County. The DEIR needs to address the true need of such facilities beyond the money the County and State stand to make selling cannabis. For instance, according to Google maps, within a few miles of the Twin Oaks Valley Planning Area, and most of North County Metro that is along the SR78 corridor and near Vista, there are eleven cannabis dispensaries. These include:

Speedy Weedy,
March and Ash,
Hello Cannabis,
Coastal Cannabis Dispensary,
Serene Tree Hemp,
Urbn Leaf Vista Cannabis Dispensary,
Stillzy Vista,
the Cake House Vista Dispensary
Dr Green RX
Tradecraft Farms Vista Cannabis
And, Off the Charts Dispensary

What is the real need for more cannabis dispensaries in the unincorporated County given the profusion of locations in cities such as Vista? The DEIR needs to show why these facilities are not able to handle the existing need requiring the County to license some of its own in the unincorporated area. The SR78 that was once the Craft Beer Highway is becoming the Weed Highway.

Comment 6: According to the County website the purpose is to create a “Program that facilitates greater equity in business ownership and employment in the regulated cannabis market by reducing the barriers to entry for those who have been negatively or disproportionately impacted by cannabis criminalization.” Are there other ways this goal can be addressed? Can those that have been negatively impacted by cannabis criminalization have their criminal records expunged so they are no longer seen as felons because they were caught engaging in an illegal activity that is now legal? What about providing those negatively impacted by the “War on Drugs” other business opportunities to start a business that would not have the potential for contributing to an underserved community and not adding to a substance abuse problem the community may already have? Underserved communities need, full-service grocery stores, places for youth, gathering spaces for the community to meet and share experiences, affordable medical services, affordable housing, etc. Why is cannabis growth and sales considered as the best equity program to correct past unjust actions?

Comment 7: The DEIR needs to look at the impact of conversion of farmland and open space as well as water use on the cultivation of cannabis as it relates to global warming and provide mitigation measures. San Diego County has some of the highest water and electricity rates in the United States. As our needs grow for both energy and water the public needs to understand how the cultivation of cannabis could impact both the availability of water and energy. Does Cannabis growth require more or less water than used by existing agricultural uses?

Comment 8: If cannabis is grown above ground, what runoff will it generate and how will it be managed? In addition, how will the growing of cannabis impact traffic and security needs in the unincorporated County and who will pay for the impacts? The DEIR should address these impacts cannabis could have on unincorporated communities as well as the adjacent cities.

Comment 9: Avocados were once a money crop in San Diego County. The high cost of water and competition from Mexico reduced the profitability and over the past few years, groves have been left to die leaving hillsides once covered in green avocado trees are bare and eroding. The DEIR needs to discuss what could happen if, like avocados, cannabis is imported in from outside the area where costs of production are lower and what impact this importation could have on disadvantaged communities. In addition, if the cannabis is not a sustainable business in the future, what mitigation measures will be needed to revegetate open space and return lands back to their pre-cannabis use? The DEIR should look at funds to be set aside to pay for mitigation measures.

Comment 10: The DEIR should discuss a broader mechanism for equity including an alternative to letting everyone in the unincorporated area grow and consume their own limited production of cannabis. With grow lights, cannabis could be grown in any apartment just like any other house plant and one plant could be ample for a family to ingest. No sales would be allowed. This is especially helpful for those who rely on medical grade cannabis and would allow everyone equal access without need of going to a dispensary or pay high retail costs that are difficult for some

people to cover. It would create equity for all, eliminate illegal dispensaries, and the costs associated with regulation! If needed it could be regulated in the same manner as making home brewed beer!

Comment 11: Some websites list Cannabis as a steppingstone drug. Users start using it as a recreational drug and it then escalates to using harder more addictive drugs. Several areas, such as Vista already have a high unhoused population with substance abuse issues. Vista's homeless are so numerous that Vista now needs to place some of them in the unincorporated County. Although homelessness is caused by many factors, one of the factors is drug use which can lead people to become unhoused. The DEIR needs to provide studies to show if there is any correlation between Cannabis use leading to the use of harder drugs and homelessness to ensure the County's cannabis policy, equitable or not, does not end up indirectly increasing the homeless or substance abuse problem in the unincorporated County. If it does, what mitigation measures can be used to offset the impacts to residents living in the unincorporated County?

Comment 12: The DEIR needs to be very detailed in how reporting, compliance monitoring, and enforcement will be addressed to ensure public safety. Will this be done by the San Diego County Sheriff's Department or Code Enforcement? Both agencies currently are underfunded and lack resources to deal with existing issues. The DEIR needs to show a nexus between Cannabis cultivation, distribution, and sales with compliance and enforcement or provide real world funded mitigation measures.

In Summation, we appreciate the Women's Work document. There needs to be equity to eliminate the injustice caused over many years. However, cannabis is not the genie inside a magic lamp. It cannot erase the prejudice and injustice to one group of people perpetrated by another group of people. It is just one plant and the problems of social injustice go much deeper. Each of us must all work to make a more inclusive, just, humane, and climate friendly world for all God's creatures.

This concludes are comments and questions currently. We may have additional ones and will provide those as soon as we have them. Thank you very much.

Sincerely,
Sandra Farrell, Chair
Twin Oaks Valley Community Sponsor Group



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Via Electronic Mail Only

October 31, 2023

Audrey Hamilton
County of San Diego
Planning and Development Services
5510 Overland Ave, Suite 310
San Diego, California 92123
Audrey.Hamilton@sdcounty.ca.gov

Subject: Notice of Preparation of a Draft Program Environmental Impact Report for the Socially Equitable Cannabis Program for San Diego County, SCH #2023090330

Dear Audrey Hamilton:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (DPEIR) for the Socially Equitable Cannabis Program (SECP or Project) with the County of San Diego (County) as lead agency pursuant to the California Environmental Quality Act (CEQA) (CEQA Guidelines, §§15367, 15051). CDFW supports the regulated cannabis market and actively seeks ways to partner with the regulated community and agency partners to avoid impacts to environmental resources and to achieve conservation benefits. CDFW also commends the County's efforts to regulate cannabis cultivation and to address some of the many substantial environmental impacts that can accompany this agriculture use. We appreciate the opportunity to partner with the County to create a mutually beneficial relationship that protects and conserves California's natural resources and supports legal cannabis cultivation. We also recognize the value in being able to provide comments early in the CEQA process regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under Fish and Game Code (FGC).

CEQA ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. [a] & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subd. [a]). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). For purposes of CEQA, CDFW is directed to provide available biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State of California (State) fish and wildlife resources.

Conserving California's Wildlife Since 1870

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, §15381, 15096). CDFW expects that it may need to exercise regulatory authority as provided by the FGC, including lake and streambed alteration (LSA) regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), adopted Natural Community Conservation Plan (Fish & G. Code, § 2800 et seq.) or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project obtain appropriate authorization under FGC (Fish & G. Code, §§ 2080.1, 2081, 2835).

CANNABIS PERMITTING ROLE

The California Department of Cannabis Control (DCC) establishes regulations for cannabis businesses and issues licenses for commercial cannabis cultivation projects in the State. To obtain a cannabis cultivation license from DCC, an entity must provide evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board (SWRCB) or the appropriate Regional Water Quality Control Board. SWRCB’s Cannabis Cultivation Policy establishes principles and guidelines for cannabis cultivation activities to protect water quality and instream flows, many of which are complementary to FGC (Fish & G. Code, §§ 1602, 5650, 5652, Water C. §§ 13260, 13264(a) & 13265). SWRCB’s Cannabis Cultivation Policy includes a Cannabis Cultivation General Order (General Order) that describes waste discharge requirements for different categories of cannabis cultivation. SWRCB’s Cultivation Policy also include standards for setbacks from classes of streams and measures to manage water use to protect resources including forbearance provisions. Another requirement to obtain a cannabis cultivation license from DCC is for an entity to provide a final LSA Agreement (Agreement) issued by CDFW, or written verification from CDFW that an Agreement is not required.

CDFW has regulatory authority over activities in the State that will substantially divert or obstruct the natural flow, or change the bed, channel, or bank of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, an entity must provide a LSA Notification (Notification) to CDFW of the proposed activities (Fish & G. Code, § 1602 et seq.). Based on the Information contained in the Notification, CDFW then determines whether an Agreement is required prior to conducting the proposed activities. CDFW’s issuance of an Agreement is an action subject to CEQA that will require CDFW to function as a Responsible Agency (CEQA Guidelines, §15381). CDFW anticipates using the DPEIR to facilitate implementation of LSA and CESA review for the State’s cannabis permitting program in San Diego County. To minimize the need for additional CEQA review when contemplating issuance of Agreements or CESA authorization for cannabis uses, CDFW recommends the DPEIR fully identify the potential impacts to listed species, streams and riparian resources, and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of Agreements or CESA authorizations (CEQA Guidelines, § 15096).

BACKGROUND

In October 2021, the San Diego County Board of Supervisors (Board) adopted ordinance amendments to allow the five existing cannabis dispensaries that were in operation in unincorporated areas prior to the County's 2017 prohibition on new medical facilities. On January 27, 2021, the Board provided direction on the allowable cannabis zones, use types and activities with setbacks from State-defined "sensitive uses". On June 15, 2022, the Board provided further direction on an alternative for inclusion in the Project that expands the definition of "sensitive uses," increases setback to 1,000 feet for sensitive uses, and prohibits cannabis billboards within 1,000 feet of sensitive uses.

PROJECT DESCRIPTION

The NOP was received September 15, 2023, and the County has requested comments by October 31, 2023. The NOP provides that:

"[t]he Cannabis Program will allow for and establish a permitting and licensing system for new commercial cannabis activities including retail, cultivation, manufacturing, distribution, testing, microbusinesses, and temporary events. Furthermore, the Cannabis Program will contain and be informed by a Social Equity Program, which will provide greater opportunities for individuals negatively or disproportionately impacted by cannabis criminalization and the War on Drugs. Adoption of the Cannabis Program will require amendments to the San Diego County Code of Regulatory Ordinances and the San Diego County Zoning Ordinance to establish licensing and operational regulations for a range of cannabis cultivation and non-cultivation uses authorized under state law. The overall purpose of the Cannabis Program is to acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016 and allow for a suite of commercial cannabis uses in unincorporated San Diego County including retail, cultivation, manufacturing, distribution, testing, microbusiness, and temporary events.

The primary objectives of the Cannabis Program are to: (1) develop a regulated and legal cannabis industry that allows for greater economic opportunity and safe access to cannabis; (2) provide consistency with state law and County regulations associated with commercial cannabis operations; (3) prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs; (4) develop an efficient and user-friendly cannabis licensing and permitting system; (5) develop a regulatory program that will assist in protecting public health, safety, and welfare; (6) minimize the effects of commercial cannabis activities on sensitive populations and land uses; and (7) minimize the potential adverse effects of cannabis activities on the environment."

The NOP identified two scoping meetings to solicit input on the Project and scope of analysis to be included in the DPEIR (CCR §§ 15082[a], 15103, 15375). CDFW attended the October 17, 2023, NOP scoping meeting. Based on the October 17, 2023, meeting the following resource topics were recommended by the public to be analyzed in the DPEIR: (1) hydrological effects of water use from cultivation uses including impacts to groundwater and streams; (2) direct and indirect environmental impacts from cannabis cultivation using studies provided by resources agencies and other

organizations; (3) use of smaller grows distributed throughout the County versus larger grows with increased potential effects; (4) organic-based certification as a method to reduce pesticide use; (5) impacts from fertilizer and pesticide use and related runoff; and (6) need for subsequent environmental review for individual SECP projects.

The proposed changes to zoning designations and use regulations to allow for cannabis uses in the County will direct the programmatic analysis in the DPEIR. Specifically, cannabis uses within Agriculture (A) or Manufacturing and Industrial (M) zone where they could affect wildlife habitat and species or streams are of primary concern for CDFW. For example, cannabis uses would now be allowed in the A70 (Limited Agricultural) and A72 (General Agriculture) designations. Open Space (OS) zone and associated designations (e.g., S80 and S81) would not allow cannabis uses.

COMMENTS AND RECOMMENDATIONS

CDFW believes having the appropriate analysis and mitigation in the DPEIR is essential for program implementation to distinguish between individual SECP projects that would not require additional/subsequent review and those that would require additional assessments, and potentially CEQA review, to address sensitive resources and to minimize the environmental impacts of cannabis cultivation. This will allow SECP projects to confidently move forward with licensing under the DCC and ensure compliance with the FGC. CDFW is therefore providing comments at a programmatic level to identify projects that should be excluded from any ministerial process unless sufficient information is provided to assure that all impacts to sensitive resources can be avoided, and where unavoidable, can be adequately mitigated to less than significant. When sufficient information is not provided, CDFW recommends that individual projects implemented under the SECP be evaluated on a case-by-case basis in coordination with trustee agencies to develop project specific avoidance and mitigation measures for individual projects.

CDFW offers the comments and recommendations below to assist the County in developing the San Diego County Zoning Ordinance (Zoning Ordinance) amendments for the SECP and to adequately identify, avoid, and/or mitigate the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Our comments include: 1) a review of types of environmental impacts from cannabis cultivation; 2) focused recommendations for the DPEIR analyses; 3) recommended language for the Zoning Ordinance; 4) proposed future collaboration with the County; 5) general comments; and, 6) summary conclusions.

Environmental Impacts of Cannabis Cultivation

CDFW supports efforts to regulate cannabis cultivation and to address its many substantial environmental impacts. CDFW believes that, in concept, providing a streamlined and possible ministerial pathway for subsequent projects under the DPEIR that are unlikely to adversely impact public trust resources will be beneficial to a) avoid and discourage development in sensitive habitats, and b) support the legal market.

CDFW devotes a considerable amount of staff time and resources documenting, assessing, permitting, and addressing the environmental impacts and watershed

restoration needs resulting from cannabis cultivation (Bauer et al. 2015). CDFW has documented effects to wildlife resources in its *Review of the Potential Impacts of Cannabis Cultivation on Fish and Wildlife Resources* (CDFW 2018), including impacts from water diversions and stream dewatering, habitat clearing and conversion, pollution, and sediment discharges. Through site visits conducted for permitting, compliance, and enforcement throughout southern California, including the County, CDFW has knowledge and experience on the types and extent of potential impacts cannabis uses can have on the environment at a project and programmatic level, which can be unique compared to other agricultural uses. Impacts from cannabis cultivation of specific concern to CDFW include, but are not limited to (CDFW 2018): (1) habitat fragmentation, conversion, degradation, and loss through land clearing, including direct impacts to riparian areas, wetlands, grasslands, sage scrub, and other sensitive natural communities; (2) alteration to streams from grading, excavation/filling, (3) diversion of water for irrigation and effects to in-stream flows, (4) dewatered activities, and (5) degradation of water quality, from delivery of sediment, nutrients, petroleum products, and pesticides into streams; (6) road building, grading, pond construction, stream crossing construction, increased use of poorly maintained road systems, barriers to fish passage (Fish & G. Code, § 5901), and hydrologic modification including rerouting of streams; (7) effects to wildlife movement from security fencing, including potential wildlife entanglement, entrapment, and mortality; (8) reduced habitat function due to inappropriate location of grow sites; (9) loss of avian foraging habitat due to hoop house construction; (10) development and uses within riparian buffers; (11) impacts from night lighting and noise on wildlife; (12) impacts to wildlife from use of plastic monofilament netting and similar products; and pollution to the environment from trash and other cultivation related waste (Carah et al. 2015); and (13) introduction of non-native species (fish and plants) resulting in predation of native species and degraded habitat quality.

Comments and Recommended Measures

CDFW recommends the DPEIR provide adequate and complete disclosure of the Project's potential impacts fish wildlife resources (biological resources) including the effects documented by CDFW [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003, subd. (i), & 15151, 15063]. CDFW anticipates using the DPEIR to help implement the permitting needed under the State's cannabis program, which may include discretionary permitting under CESA and LSA, and looks forward to commenting on the DPEIR when it is available (CEQA Guidelines, §15381, 15096).

CDFW also recommends that the DPEIR include both programmatic (cumulative) level and project-specific analysis to the extent feasible, and clearly identify criteria and mechanisms where SECP projects would require subsequent review and analysis so that appropriate standards and mitigation can be implemented at the project level.

Habitat Loss

Development of a cultivation site can result in direct impacts to sensitive habitat from grading, clearing, type conversion, and grubbing of existing vegetation, which can have numerous impacts on the local ecosystem and to sensitive flora and fauna. For example, vegetation removal or conversion to establish cultivation areas and clearing

for pad development for support uses, including roads, may result in the loss of sensitive habitat that supports special status plant and animal species.

Analysis: The DPEIR should analyze the potential loss of sensitive habitat, including grassland, coastal sage, riparian and other habitat alliances, from type conversion, direct loss from pad development, site access, fuel management and operational issues associated with cannabis uses in the A70, A72, and other applicable zones.

Recommended Measures: The DPEIR should include mitigation measures for adverse project-related impacts to sensitive habitats, plants, and animals. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable, and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be identified as a mitigation option in the DPEIR.

Baseline Conditions

Under CEQA, the environmental setting represents the conditions that exist at a certain point in time referred to as the “baseline” from which project impacts, individual and cumulative, must be evaluated (CEQA Guidelines, § 15125). Setting baseline conditions will direct the analyses in the DPEIR and corresponding avoidance, minimization, and mitigation measures. The DPEIR should include the following information:

1. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125[c]).
2. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#).
3. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the project area and within adjacent areas.
4. A complete and recent assessment of the biological resources associated with each habitat type in the project area and within adjacent areas. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003[j]).
5. A complete, recent assessment of endangered, rare, or threatened species and other sensitive species within the project area and adjacent areas, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380).
6. A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a period of one year and assessments for rare plants may be considered valid for a period of up to three years.

Analysis: The DPEIR should include a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. A complete and accurate baseline analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, CDFW has multiple ecological reserves located throughout the County (Fish & G. Code, § 1580) that could be effected by cannabis cultivation activities.

The baseline for cumulative impacts should include: (1) licensed cannabis cultivation and associated development; (2) known unpermitted cannabis cultivation; (3) the potential for additional unpermitted cannabis cultivation; and (4) cannabis cultivation sites that may have been abandoned without remediation. Over the last 5 years, CDFW and partner law enforcement agencies have investigated over 40 unpermitted cannabis cultivation sites in the County. As part of setting baselines conditions for the DPEIR, CDFW recommends that existing unpermitted cultivation sites in the County be accounted for and the DPEIR identify measures to address associated impacts to environmental resources affected by unpermitted cultivation sites (CEQA Guidelines, § 15125, Pub. Resources Code §§ 21060, 21068). All environmental resource areas for unpermitted facilities should be evaluated. CDFW considers existing cannabis violations that have not been remediated when the NOP was issued as part of the CEQA baseline. The DPEIR should also analyze potential impacts from compliance and enforcement activities that can be foreseeably associated with the SECP.

Recommended Measures: In the DPEIR, the County should include a description of the process in which owners and operators of unpermitted cannabis cultivations can work to address the cleanup and restoration of those sites with violations. In the process, CDFW should be notified of all actions taking place to remove any materials that have been placed in such a manner that may impact any onsite or nearby streams and riparian resources. A description of such activities should include the location, estimated work area, timetables of activities, and methods of cleanup to minimize further impacts to streams or onsite resources. The DPEIR should also identify a process for remediating existing cannabis violations before entities are allowed to apply for authorization to cultivate by the County. The goal would be to remediate existing violations prior to issuance of approval to cultivate cannabis. In addition, CDFW recommends that the County have or develop a tracking system to track unpermitted sites and the status of their remediation.

Impacts to Wildlife

The County of San Diego is a biodiversity hotspot with a high density of sensitive species and essential habitat areas which is captured in multiple Natural Community Conservation Plans (NCCPs) and other habitat conservation efforts. Over 200 wildlife species occur in greater San Diego area, many of which are considered sensitive under

CEQA (CEQA Guidelines, § 15380). There are multiple sensitive fish, plant, and wildlife species that are associated with agriculture uses in the County. These sensitive species include, but are not limited to, the following:

Federal Endangered Act-listed (ESA; 16 U.S.C., § 1531 et seq.) and CESA-listed southwestern willow flycatcher (*Empidonax traillii extimus*); ESA-listed and CESA-listed least Bell's vireo (*Vireo bellii pusillus*); ESA-listed and CESA-listed Stephens' kangaroo rat (*Dipodomys stephensi*); ESA-listed and CESA-candidate southern California steelhead (*Oncorhynchus mykiss irideus*); CESA-listed tricolored blackbird (*Agelaius tricolor*); CESA-listed California jewelflower (*Caulanthus californicus*); CESA-candidate mountain lion (*Puma concolor*); California Fully Protected golden eagle (*Aquila chrysaetos*); ESA-listed quino checkerspot butterfly; (*Euphydryas Editha quino*), ESA-listed Hermes copper butterfly (*Lycaena hermes*); ESA-listed Braunton's milk-vetch (*Astragalus brauntonii*); ESA-listed and California Species of Special Concern (SSC) arroyo toad (*Anaxyrus californicus*); ESA-listed and SSC California red-legged frog (*Rana draytonii*); ESA-listed and SSC coastal California gnatcatcher (*Polioptila californica californica*); SSC burrowing owl (*Athene cunicularia*); SSC western pond turtle (*Emys marmorata pallida*); SSC yellow-breasted chat (*Icteria virens*); SSC San Diego desert woodrat (*Neotoma lepida intermedia*); SSC coast horned lizard (*Phrynosoma blainvillii*); SSC western spadefoot (*Spea hammondi*); and, SSC southern California legless lizard (*Anniella stebbinsi*).

Analysis: The DPEIR should include analysis of direct and indirect impacts to sensitive wildlife (plant and animal) species in the County from implementation of the SECP. The adopted South County Multiple Species Conservation Program (SC-MSCP) should be used to guide analysis in the southern part of the County. For non-covered species in SC-MSCP, such as southern California steelhead and Stephens' Kangaroo rat, those species should be analyzed in the DPEIR separately from the SC-MSCP. All wildlife species in the northern and eastern areas of the County should be analyzed independently from MSCP since there are currently no adopted NCCP plans for those areas.

Recommended Measures: Measures to avoid impacting sensitive wildlife species should be identified in the DPEIR for implementation at the site level. Measures could include the need to conduct site-specific protocol surveys, prepare and implement habitat protection plans, wildlife protection plans, tree protection plans, or water use plans. Where listed species may be impacted, the DPEIR should identify appropriate avoidance and mitigation, including land preservation with funding, to support State and federal permitting that may be needed.

Multiple Species Conservation Programs

The SC-MSCP is a NCCP that was finalized in 1998 and incorporates a 50-year agreement entered by CDFW, U.S. Fish and Wildlife Service (USFWS), and the County. The SC-MSCP establishes a conservation program to minimize and mitigate habitat loss and provides for the incidental take of 85 covered species in association with activities covered under the permit. CDFW issued the NCCP take authorization (Fish & G. Code § 2835) to the County in August 1998. The proposed SECP includes areas

within the SC-MSCP plan area and is subject to the adopted provisions and policies in the SC-MSCP subarea plan. The SC-MSCP has designated pre-approved mitigation areas (PAMAs) that capture high biological value where conservation is encouraged and counted toward MSCP permit requirements. The North County MSCP (NC-MSCP) and East County MSCP (EC-MSCP) are NCCPs in the County within the SECP program area that are in-progress under a planning agreement but not adopted. The NC-MSCP and EC-MSCP designate focused conservation areas (FCAs) which have been identified as having relatively elevated ecological values where conservation would be directed. Collectively, PAMAs and FCAs are referred to as 'preserve areas' in this letter.

Analysis: The DPEIR should analyze the Project's consistency with habitat conservation plans and NCCPs such as the adopted SC-MSCP (CEQA Guidelines, § 15125(d)). The analysis in the DPEIR should evaluate/acknowledge:

1. Potential for cannabis uses to result in habitat loss and degradation in the SC-MSCP from conversion or clearing of grassland, chaparral, sage scrub, and riparian habitat in agricultural areas. Loss of habitat may occur in the preserve and potentially on conserved lands that are still zoned "agriculture" (Figure 1). This habitat loss can substantially affect conservation goals and permit requirements in the adopted SC-MSCP. An example is the potential for loss of grassland habitat from conversion to cannabis fields, greenhouses, and supporting uses on A70 and A72 designated properties in Ramona that needed to support permit requirements for burrowing owl, golden eagle, and red-tailed hawk (Figure 2).
2. Cultivation located adjacent to existing conserved lands or PAMA areas and the potential to introduce adjacency issues compared to existing conditions.
3. Fencing and other barriers needed for cannabis projects for security and other purposes which can affect wildlife movement and habitat connectivity, and directly impact species if not designed appropriately (Figure 3).
4. Water use and diversions for cannabis cultivation, which can substantially affect water availability in streams and reduce habitat and movement for aquatic wildlife species. Steelhead is a primary concern, which is a non-covered species in the SC-MSCP. Santa Margarita River, San Luis Rey River, and other streams in the County are identified as important to protect the species.
5. Site improvements for cannabis projects which often include work for site access or pad development, including stream crossings, that can impact habitat, species, and wildlife connections that are included in the MSCP.
6. Impacts from cannabis uses to conservation easements, which often allow for existing or continued agriculture activities. If not managed/monitored appropriately, cannabis uses can affect the conservation values of existing easements and related conservation goals and permit requirements in the adopted SC-MSCP.
7. Cannabis cultivation operations, which can have unique aspects that other types of agriculture may not have. For example, crop rotation; use of rodenticides, fertilizers, pesticides, and herbicides; extent of security needed (lighting, fencing); and water use.
8. Species not covered under the SC-MSCP that could be potentially impacted by development, operation and maintenance of cannabis projects in agricultural areas including Stephens' kangaroo rat and southern California steelhead.

9. Based on the known environmental impacts from cultivation sites and information presented in the NOP, CDFW does not consider cannabis a SC-MSCP covered activity or compatible agricultural use within the preserve.
10. CDFW believes that the SECP would not be consistent with the SC-MSCP as currently proposed and may necessitate amendments or special conditions of coverage to be consistent with the adopted SC-MSCP and in-progress NC-MSCP and EC-MSCP.
11. Additional analysis would be needed for cannabis to be considered a covered MSCP activity or for it to qualify for the agricultural exemption in SC-MSCP.
12. Based on the comparison of cannabis cultivation to traditional agriculture, and information provided to date, CDFW recommends the County exclude cannabis cultivation from parcels that have been conserved, including lands purchased with State grant funds, and within the PAMA in SC-MSCP.
13. The input provided on cannabis activities in SC-MSCP should be incorporated into the habitat conservation targets and preserve design for the in-progress NC-MSCP and EC-MSCP.

Recommended Measures: CDFW does not consider cannabis a SC-MSCP covered activity in the plan area or compatible agricultural use in the preserve based on the information presented to date. The DPEIR should include an objective to demonstrate consistency with the SC-MSCP and in-progress NC-MSCP and EC-MSCP by directing cannabis cultivation activities outside of the preserve areas and avoiding wetlands, narrow endemic species, and vernal pools in areas outside of the preserve. CEQA Guidelines requires that the project description contain a clear statement of the project objectives (CEQA Guidelines, § 15124[b]).

Southern California Steelhead

Several watercourses in the County are identified in the candidate listing for southern California steelhead, which is not a covered species in the SC-MSCP or planned for coverage in the NC-MSCP or EC-MSCP. Examples include Santa Margarita, San Luis Rey, and Sweetwater Rivers (CDFW 2021). The DPEIR should analyze the potential effect to steelhead and other aquatic species from water use, diversions, and fish passage (Fish & G. Code, § 5901) associated with site operations and access needed for cannabis cultivation. San Luis Rey River is an example where water demand in agricultural zones that would be allowed has the potential to substantially adversely affect surface flows in the river on a project and/or cumulative basis (Figure 4).

Analysis: The DPEIR should analyze potential impacts from the Project to southern California steelhead including creation of fish passage barriers from site access, effects to instream flow from water demand and diversions, erosion and sedimentation from site activities and impacts to spawning habitats, and effects from use of fertilizers, pesticides, herbicides, and rodenticides to stream areas.

Recommended Measures: An analysis of potential impacts to southern California steelhead should be included in the DPEIR as well as language instructing individual projects to obtain incidental take authorization should any potential impacts occur. Focus should be given to streams that could support southern California steelhead. If

the Project could result in take of a species designated as endangered, threatened, or candidate under CESA, CDFW recommends the applicant/proponent seek appropriate take authorization prior to implementing the project.

Stream Crossings

Cannabis projects often require crossings over streams and through sensitive habitat to provide access for operations. Crossings can be at-grade, culverts, and bridges to allow access to growing locations, water sources, and other cultivation activities. If not designed properly, site access can create or exacerbate fish passage issues (Fish & G. Code § 5901), alter the flow of streams, erode stream banks, impede wildlife movement, and create scour and increase sedimentation to streams. The DPEIR should analyze the need for stream crossings for cultivation and identify the types of studies and design standards that would be needed for individual projects to address fish passage, sedimentation, wildlife movement and prevent stream erosion.

Analysis: The DPEIR should analyze the potential effect to stream habitat/resources, including steelhead and other aquatic species, from construction and maintenance of stream crossings for site access. Potential impacts include fish passage, wildlife use and movement, wetland vegetation, bank erosion, and stream hydrology.

Recommended Measures: The DPEIR should include siting/design criteria for individual projects to avoid impacting stream to the maximum extent practicable. Where stream resources cannot be avoided, impacts should be minimized and mitigation in the same watershed if possible. Measures for fish passage should be incorporated into the design of all project crossings to ensure that sufficient in-stream flows are provided and barriers are not created. Limiting water use during certain periods of the year (forbearance period) consistent with State regulations should also be included as mitigation. The DPEIR should also identify the need to obtain LSA authorization for stream crossings and include adequate information to support permitting by State and federal agencies.

Water Use

Water use and diversions for cannabis cultivation can substantially affect water availability in streams and reduce habitat and movement for species including aquatic and avian wildlife. For example, southern California steelhead is a CESA candidate species and streams in the County provide steelhead habitat, including Santa Margarita River and San Luis Rey River. These rivers systems are identified as important to protect the species (CDFW 2021). Sufficient flows are essential for fish passage and breeding habitat for steelhead and other aquatic species.

Analysis: The DPEIR should analyze the potential for water use associated with cannabis cultivation projects to impact instream flows and water availability for aquatic-dependent wildlife and habitat including steelhead, sensitive frogs and other fish and amphibians. CDFW also recommends the County assess the aquatic carrying capacity of watersheds where cannabis would be allowed. The focus of the assessment should be to determine the maximum water use availability from watersheds to maintain adequate water supply for fish and wildlife resources, considering the cumulative demand from existing and future permitted cannabis cultivation projects.

Recommended Measures: CDFW recommends the County require all commercial cannabis cultivation projects disclose all sources of water and expected demand by season and annually. Projects with water diversions (including wells) should include a well completion report, and potentially a hydrologic study by a qualified entity that analyzes potential impacts to in-stream flow from water use. Measures to manage water to protect habitat and wildlife species should be included in the PEIR as mitigation including forbearance periods consistent with SWRCB and CDFW requirements.

Hoop Houses

Outdoor cultivation under the SECP could include hoop houses, which can cover large acreages of habitat that functions as important foraging habitat and wildlife movement for multiple species. In addition, hoop houses can trap wildlife if not designed properly and can tear apart and become a source of refuse that enters streams and upland habitats.

Analysis: The DPEIR should include an analysis of the magnitude, extent and location where hoop houses could occur and related loss of available foraging habitat for avian species. Effects of hoop house on wildlife movement should also be included in the DPEIR. The DPEIR should analyze and identify mitigation for project level and cumulative impacts to wildlife from hoop houses if they would be allowed for cannabis cultivation.

Recommended Measures: The DPEIR should include measures to allow for wildlife movement and breaks where hoop houses are located. Individual projects under the SECP should include a requirement to prepare a site-specific wildlife movement plan to be reviewed by the resource agencies in situations where activities could affect wildlife movement.

Fencing/Barriers

Fencing required for cannabis uses, if not designed appropriately, can significantly alter wildlife movement and connectivity, and result in direct impacts to wildlife. Fencing and other types of barriers can also trap wildlife resulting in injury or mortality.

Analysis: The DPEIR should analyze impacts from security and other fencing/barriers required for cannabis projects to animal species and wildlife movement/connectivity including effects to SC-MSCP preserve design. The DPEIR should include information on the height, length, type of materials, maintenance requirements, and location of fencing that would be needed for cannabis uses.

Recommended Measures: CDFW recommends that any fencing used for cannabis project be constructed with materials that are not harmful to wildlife. CDFW recommends the County consider requiring design options for fencing that may be less likely to be harmful to local wildlife, such as restricting barbed wire or razor wire along the top. We also recommend frequent monitoring of the fence line to inspect for trapped animals and release any wildlife that may be caught in the perimeter fencing. Individual projects under the SECP should include a requirement to prepare a site-specific wildlife movement plan with fencing included to be reviewed by the resource agencies in situations where fencing/barriers could affect wildlife movement.

Mitigation Measures

Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002[a][3], 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.” Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6[b]; CEQA Guidelines, § 15126.4).

If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed project, the DPEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4[a][1]). In that regard, the DPEIR should provide an adequate, complete, and detailed disclosure about the Project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

Analysis: The DPEIR should identify enforceable mitigation measures for biological resources, hydrology, land use compatibility and cumulative impacts that clearly distinguishes program-level mitigation and mitigation to be applied at the site-specific level. Mitigation measures in the DPEIR should be fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6).

To determine appropriate mitigation for the Project, the DPEIR should include:

1. Analysis regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP [Fish & G. Code, § 2800 et. Seq.]). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed in the DPEIR.
2. Analysis of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2[a]).
3. Analysis of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation.
4. Analysis of Project changes to drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat and natural communities supported by the groundwater. Measures to mitigate such impacts should be included.
5. Analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A

discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DPEIR.

Recommended Measures: CDFW recommends the County provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear so they can be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The DPEIR should include mitigation measures such as habitat protection plans, wildlife movement plans, tree protection plans, water use plans and other mechanisms to implement measures to protect habitat and wildlife at the site level. CDFW is available to consult on what would be needed at the site level for each cultivation project.

The DPEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

For proposed preservation and/or restoration, the DPEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate land protection method (conservation easement) and non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

Alternatives

CEQA directs that an environmental impact report "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project (CEQA Guidelines, § 15126.6[a]). Moreover, project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DPEIR "shall" include sufficient information about each alternative to allow meaningful evaluation, public

participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

The NOP states that the DPEIR will describe and evaluate the effects of a reasonable range of alternatives to the proposed project and will compare the impacts of the alternatives to the impacts of the proposed project in compliance with CEQA Guidelines Section 15126.6. The DPEIR will include an analysis of the No Project Alternative and will also identify the Environmentally Superior Alternative (CEQA Guidelines, § 15126.6[a] and [e][2]). The alternatives to be analyzed in the DPEIR will be developed during the environmental review process and will consider input received during the public scoping period.

The DPEIR should provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources with specific measures to offset such impacts. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the DPEIR include:

1. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the County select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the County consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance, fuel modification, or hydrological changes from any future Project-related construction, activities, maintenance, and development.
2. Where the Project may impact aquatic and riparian resources, CDFW recommends the County select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.

Analysis: CDFW recommends that the County consider the following alternatives for inclusion in the DPEIR at a level of detail commensurate as the proposed Project:

1. A project alternative that excludes cannabis cultivation within PAMA and all conserved lands identified in the SC-MSCP and within PAMAs or FCAs described in the in-progress NC-MSCP and EC-MSCP. CDFW believes that a SECP providing all cultivation outside of PAMA would be the environmentally superior project to one that allows for cultivation within the PAMA. The acreage of available A70 and A72 zoning within and outside the PAMA should be included as part of the analysis for this alternative.

2. A project alternative that would limit outdoor cannabis cultivation to the NC-MSCP and EC-MSCP only to avoid potential conflicts with the existing SC-MSCP (CEQA Guidelines, § 15125).
3. A project alternative that avoids or substantially limits the amount of cannabis cultivation that could occur on sensitive habitat, focusing on conversion and loss of grasslands, chaparral, sage scrub, streams and riparian habitats.
4. A project alternative that includes preserve areas (e.g., PAMA) and other environmentally sensitive lands with the definition of “sensitive uses” with corresponding setbacks per Board direction.

Recommended Measures: If not the proposed Project, the County should consider a SECP that; (1) limits cannabis to outside the PAMA/FCA; (2) includes PAMA/FCA in the definition of sensitive uses; and (3) provides enforceable control and reporting mechanisms for water use, site access, habitat clearing, impacts to sensitive species. This alternative (if not the Project) should be identified as the environmental superior alternative in the DPEIR (CEQA Guidelines, § 15126.6[a] and [e][2]).

Cumulative Impacts

The NOP states the DPEIR will address the cumulative environmental consequences of the proposed project in combination with other closely related past, present, and reasonably foreseeable future projects in the area (CEQA section 15130 and 15355). Cumulative impacts are “two or more individual effects which, when considered together, are considerable...” can result from individually minor but collectively significant projects taking place over a period of time.” The DPEIR should include a cumulative effects analysis as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and natural communities. If the County determines that the Project would not have a cumulative impact, the DPEIR should indicate why the cumulative impact is not significant. The County’s determination should be supported by facts and analyses (CEQA Guidelines, § 15130[a][2]).

Analysis: CDFW recommends that the cumulative section of the DPEIR include an analysis of: (1) the amount and location of acreage by community plan area or other attribute that could be converted to cannabis uses with corresponding loss of habitat and impacts to species using the most recent vegetation and species occurrence data and mapping for the County; (2) the amount and location of water demand by major streams and watershed in the County; (3) the Project’s growth inducing impact by facilitating lands that may currently be fallow to convert to more active cannabis agricultural uses with related increased demand for water; (4) all cannabis cultivation sites when determining cumulative impacts of commercial cannabis cultivation through the County’s licensing program, including a quantification known impacts of unpermitted cultivation sites and an estimation of impacts due existing unpermitted cultivation sites; and, (5) the location and extent of fencing anticipated for cannabis projects and its potential direct impact to animal species from entrapment/entanglement and impacts to wildlife movement and habitat connectivity.

Recommended Measures: The DPEIR should include a mitigation monitoring and reporting program (MMRP) with enforcement measure that address program-wide significant impacts and provides mechanisms to address and mitigate for site-specific impacts to biological resources at the project level. For example, the ordinance amendments could identify that cultivation would not occur in existing or planned MSCP preserve areas to avoid inconsistency with NCCPs and include wildlife movement plan, habitat protection plans, water use plans and tree protection plans for individual projects to be provided for review and comment by the resource agencies. Measures in these plans could be integrated into the County land use entitlements and/or business licenses for cannabis uses to address site-specific conditions.

Consistency with Other Adopted Wildlife Plans and Policies

CDFW recommends the County consider regional and State-wide natural resource conservation strategies outlined in the following reports: [Safeguarding California Plan: 2018 Update](#) (CNRA 2018); [California State Wildlife Action Plan: A Conservation Legacy for Californians](#) (CDFW 2015); and, [California 2030 Natural and Working Lands Climate Change Implementation Plan: January 2019 Draft](#) (Cal EPA et al. 2019). In the [California State Wildlife Action Plan](#), climate change is identified as a significant stressor on the Conservation Targets and Strategies for all habitat types in the South Coast Region (CDFW 2015).

Analysis: The DPEIR should include analysis of SCEP consistency with State adopted plans and policies including the Wildlife Action Plan and Climate Action Plan. The DPEIR should include analysis of program impacts to climate change from increased greenhouse gas emissions and factor it into applicable flood and storm events in hydraulic analysis to support site development including access and stream crossings.

Recommended Measures: Appropriate measures to address impacts from climate change at the program and site-specific level should be identified in the DPEIR. This could include a program that minimizes the amount of natural habitat lost at program and site level.

Zoning Ordinance

CDFW recommends that cannabis uses be excluded from the adopted SC-MSCP preserve areas and in-progress NC-MSCP and EC-MSCP preserve areas. In addition, the definition of “sensitive uses” in the Zoning Ordinance should include environmentally sensitive lands as defined in the Resource Protection Ordinance and include appropriate setbacks.

Analysis: If not the Project, the County should include an alternative in the DPEIR, at the same level of detail as the Project, that excludes cannabis cultivation within preserve areas (PAMA) and all conserved lands identified in the SC-MSCP and provides sufficient setbacks to these lands. CDFW believes that a SECP providing all cultivation outside of the preserve would be an environmentally superior project compared to one that allows for cultivation within or adjacent to the PAMA.

Recommended Measures: CDFW recommends that the County should adopt a program that: (1) limits cannabis to outside the PAMA; (2) includes PAMA/FCA in the definition of sensitive uses; and (3) provides enforceable control and reporting mechanisms for water use, site access, habitat clearing, impacts to sensitive species. A program with these components should be considered to be the environmental superior alternative in the DPEIR (CEQA Guidelines, § 15126.6[a] and [e][2]).

Agency Collaboration

In an effort to streamline the process of implementing licensing for cannabis cultivation in the County, CDFW recommends regular meetings between the County and CDFW region staff to discuss permitting, enforcement, and compliance topics related to cannabis cultivation. In such meetings, agency priorities can be identified, important environmental issues addressed, site visits and enforcement efforts coordinated, and opportunities for grant funding discussed. CDFW looks forward to partnering with the County to minimize significant impacts to wildlife resources through collaboration and review of individual projects and mitigation that will follow under the SECP.

Analysis: The DPEIR should include a mechanism to include resource agency review and input on individual projects that come under the SECP. This could occur as a part of reviewing each project and preparation and implementation of project-level habitat protection plans, wildlife protection plans, tree protection plans, or water use plans.

Recommended Measures: The County should coordinate with CDFW regarding appropriate mechanisms to address and mitigate for site-specific impacts to biological resources at the project level through project-specific site plans, biological assessments, habitat protection plans, wildlife protection plans, tree protection plans, and water use plans. Measures in these plans should be integrated into the County's land use entitlement and business licensing for projects to address site-specific conditions.

General Comments

1. Nesting Birds. CDFW recommends the DPEIR include measures to avoid potential impacts to nesting birds that may find habitat in the ornamental vegetation on site. Project activities occurring during the bird breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
 - a. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
 - b. CDFW recommends that measures be taken to fully avoid impacts to nesting birds and raptors. Ground-disturbing activities (e.g., mobilizing, staging, drilling,

and excavating) and vegetation removal should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.

- c. If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the DPEIR include measures to mitigate impacts to avian species. CDFW recommends surveys by a qualified biologist with experience conducting breeding bird and raptor surveys. Surveys are needed to detect protected native birds and raptors occurring in suitable nesting habitat that may be disturbed and any other such habitat within 300 feet of the project disturbance area, to the extent allowable and accessible. For raptors, this radius should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
2. Scientific Collecting Permit. A scientific collecting permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information.
3. Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2020). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023). United should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
4. Environmental Document Filing Fees. The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are

payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).


Summary of Comments/Recommendations

Based on the information contained in the NOP, participation at the October 14, 2023, NOP meeting and discussions with the County, CDFW's main comments and recommendations are summarized below:

1. Impacts to adopted NCCPs, HCPs and other adopted state and federal permits should be analyzed in the DPEIR. CDFW does not consider cannabis a SC-MSCP covered activity in the plan area or compatible agricultural use the preserve based on the information presented to date.
2. Non-Covered MSCP Species: The DPEIR should analyze impacts to species not covered under the SC-MSCP that could be potentially impacted by development, operation and maintenance of cannabis projects including Stephens' kangaroo rat and southern California steelhead.
3. The DPEIR should include mitigation measures such as habitat protection plans, wildlife movement plans, tree protection plans, water use plans and other mechanisms to implement measures to protect habitat and wildlife at the parcel/site level. CDFW is available to consult on what would be needed at the site level for each cultivation project.
4. The DPEIR should analyze and identify mitigation for project level and cumulative impacts to wildlife from hoop houses if they would be allowed for cannabis cultivation.
5. The DPEIR should analyze impacts to, and provide mitigate for, wildlife movement and connectivity from security and other fencing/barriers required for cannabis projects with opportunity to review site level designs by the wildlife agencies.
6. DPEIR should analyze the potential affect to steelhead and other aquatic species from water use, diversions and fish passage from operations and access needed for cannabis cultivation.
7. CDFW recommends that cannabis uses be excluded from the SC-MSCP preserve areas and in-progress NC-MSCP and EC-MSCP preserve areas.
8. CDFW recommends that the definition of "sensitive uses" for SECP include environmentally sensitive lands as defined in the Resource Protection Ordinance and include appropriate setbacks per Board of Supervisors direction identified above.
9. The DPEIR should analyze potential impacts to CDFW-owned lands in San Diego County which occur throughout the County, including the SC-MSCP areas and in-progress MSCP areas.

CDFW appreciates the opportunity to comment on the NOP for the Socially Equitable Cannabis Program and looks forward to working with the County to support the regulation of commercial cannabis cultivation, and future cannabis grant opportunities, while protecting the fish and wildlife resources held in trust for all Californians. It may be helpful for CDFW and the County to meet regularly during the development of the SECP and DPEIR regarding the Project and comments included in the letter. CDFW is available for consultation during all stages of the CEQA process, to share information related to fish and wildlife resources, and discuss potential impacts and proposed mitigation. If you have any questions regarding this letter, please contact Senior Environmental Scientist (Supervisor) Randy F. Rodriguez at (805) 320-3327 or Randy.Rodriguez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

DF423498814B441...

Heather A. Pert
Acting Environmental Program Manager
South Coast Region

ec:

1. Erinn Wilson-Olgin, CDFW
2. David Mayer, CDFW
3. Randy Rodriguez, CDFW
4. Jennifer Nguyen, CDFW
5. Jennifer Turner, CDFW
6. Kevin Hupf, CDFW
7. Andrew Valand, CDFW
8. Brian Covellone, SWRCB
Brian.Covellone@waterboards.ca.gov
9. County of San Diego Planning & Development Services
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10. State Clearinghouse, Sacramento
State.Clearinghouse@opr.ca.gov

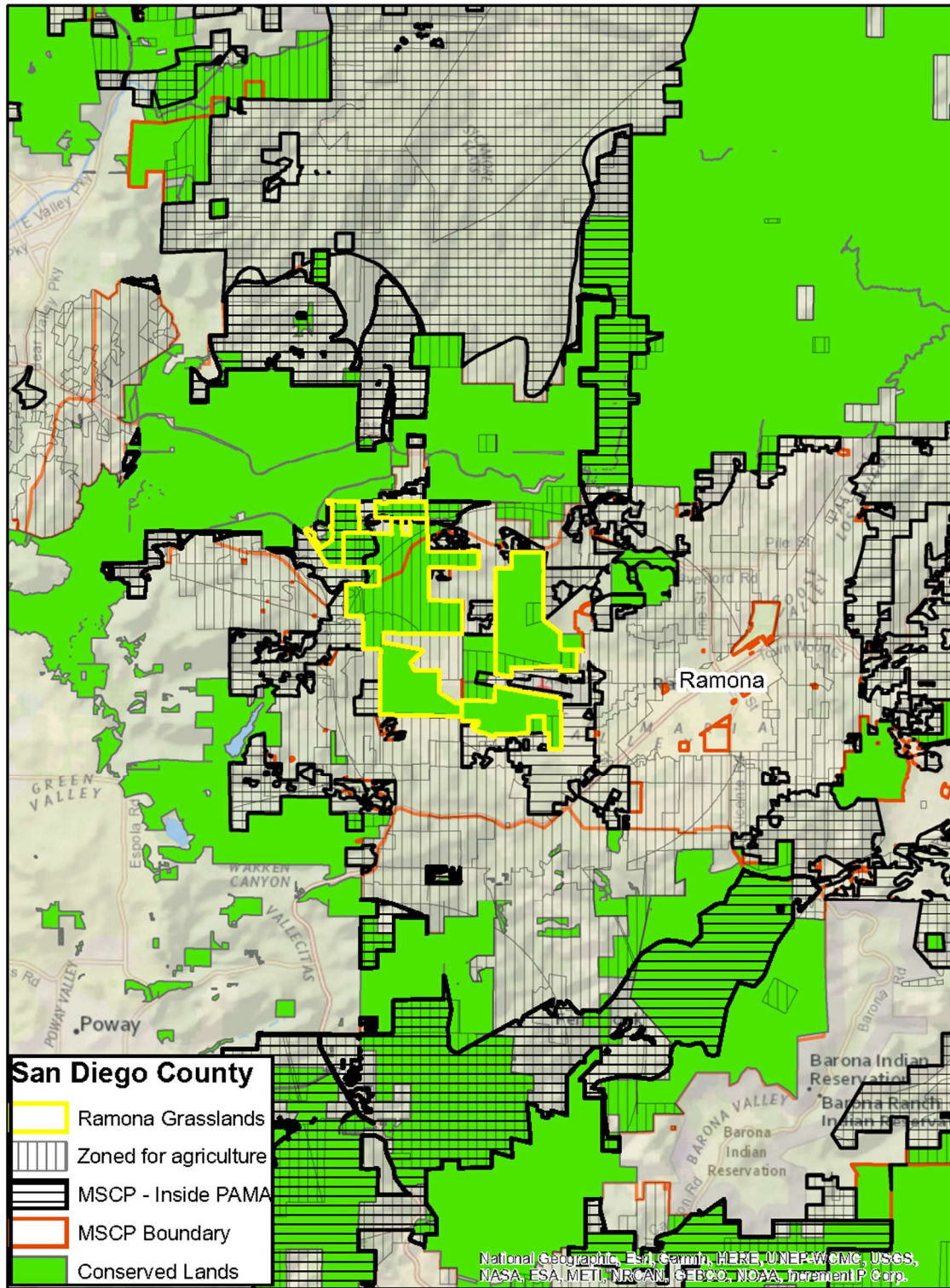


Figure 1. South County MSCP showing conserved lands, MSCP PAMA, and potential locations for cannabis.

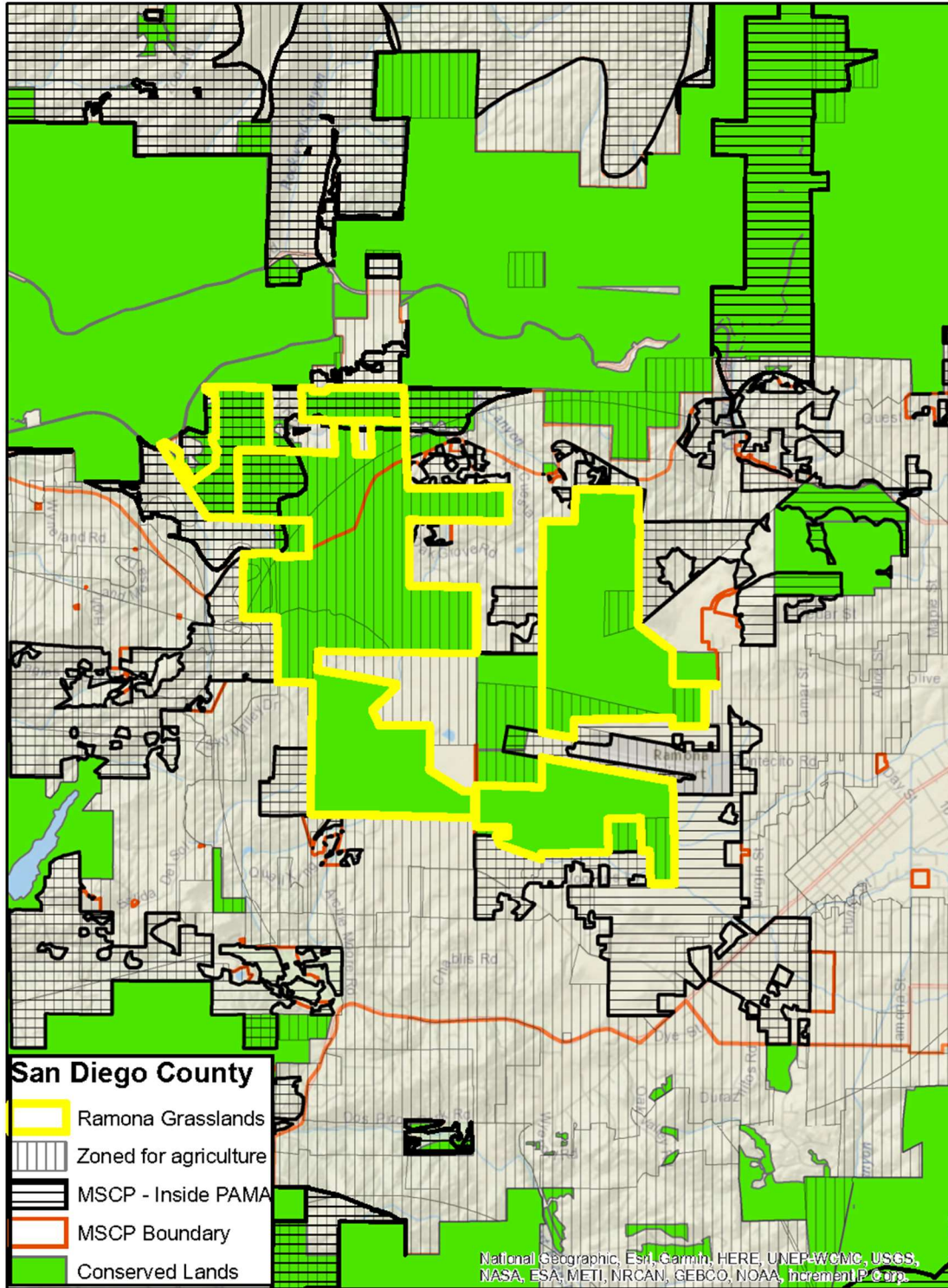


Figure 2. Ramona Grasslands.

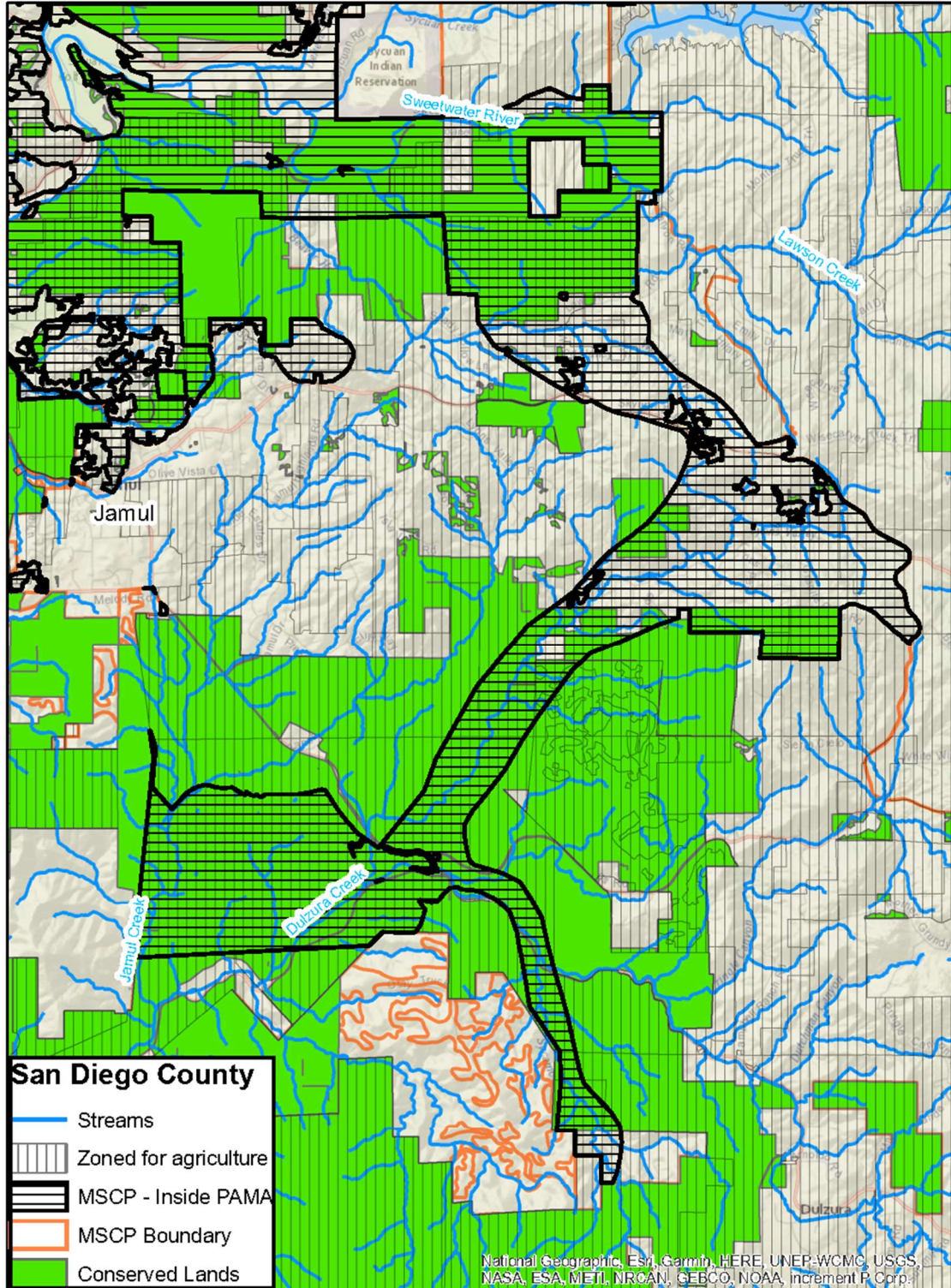


Figure 3. Sweetwater area of the South County MSCP showing core areas of connectivity.

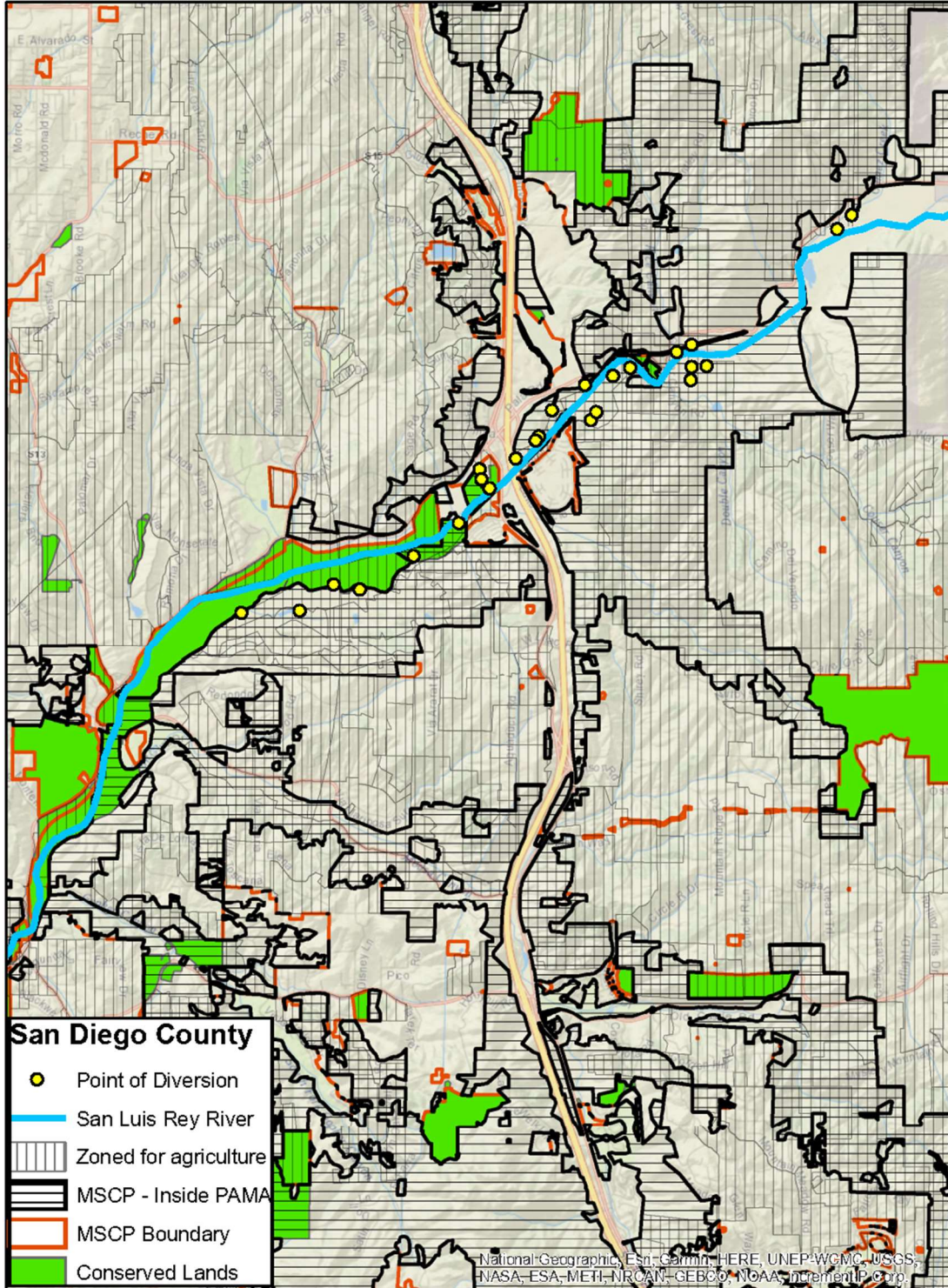


Figure 4. San Luis Rey River – Points of Diversion.

Source: State Water Resources Control Board. 2023. eWRIMS - Electronic Water Rights Information Management System. Available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/

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October 31, 2023

County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA
Email: PDS.LongRangePlanning@sdcounty.ca.gov

Re: **Socially Equitable Cannabis Program – NOP Scoping Comments**

Dear County Supervisors,

I would like to see the following issues included in the CEQA review for the socially equitable cannabis program:

1. A full analysis of the amount of water required to support marijuana cultivation, manufacturing and testing operations, based on square footage, acreage, plant count, or some other parameter as the basis point for determining how much water in our drought-ridden county should be dedicated to this non-food agricultural product.
2. A full analysis of the amount of electricity necessary to support marijuana cultivation, manufacturing and testing operations, based on square footage, acreage, plant count, or some other parameter as the basis point for determining the amount of electricity necessary, the source of the electricity (renewables, natural gas, fossil fuels), and how it meets the criteria as set forth in the County of San Diego's Climate Action Plan.
3. A full analysis of the greenhouse gases that will be emitted as a result of marijuana cultivation, manufacturing and distribution, and how it meets the criteria as set forth in the County of San Diego's Climate Action Plan.
4. An analysis of light pollution for marijuana cultivation, especially as it relates to dark sky communities and their surrounds, and the affect of artificial light associated with marijuana cultivation that could have deleterious effects on wildlife in the backcountry.
5. An analysis of hazardous chemicals used in marijuana cultivation, manufacturing and testing operations, and acts necessary to ensure they do not invade our rivers, streams, creekbeds, and groundwater, geology and soils which could have a deleterious effect on wildlife, and on humans.

Thank you for your anticipated inclusion of these issues in the EIR analysis to be performed on this project.

Sincerely,

Deborah Cushman



RAMONA COMMUNITY PLANNING GROUP

15873 HWY 67, RAMONA, CALIFORNIA 92065

Phone: (760)445-8545

Casey Lynch
Chair

November 8, 2023

Lauren Schulte
Vice-Chair

Planning and Development Services

County of San Diego

Attn: Audrey Hamilton

5510 Overland Avenue, Suite 310

San Diego, CA 92123

Kristi Mansolf
Secretary

Torry Brean

Via email: PDS.LongRangePlanning@sdcounty.ca.gov

Janelle Clark

RE: SOCIALLY EQUITABLE CANNABIS PROGRAM
NOP SCOPING COMMENTS

Jonas Dyer

The Ramona Community Planning Group heard a presentation on the Socially Equitable Cannabis Program, Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR) at the November 2, 2023 meeting. The following motion was made:

Debra Foster

Holly Hamilton-
Bleakley

MOTION: TO SUPPLY FORMAL COMMENTS FROM THE GROUP TO THE COUNTY ON THE NOTICE OF PREPARATION FOR A DRAFT EIR FOR THE SOCIALLY EQUITABLE CANNABIS PROGRAM.

Robin Joy Maxson

Dawn Perfect

The motion **passed 15-0-0-0-0.**

Matt Rains

Comments follow:

Michelle Rains

Agriculture and forestry are considered in the NOP. Please add viticulture.

Andrew Simmons

Paul Stykel

Crime in itself is a physical impact on a community. A crime analysis needs to be included in the Draft EIR.

Dan Summers

The potential for crime needs to be addressed as it relates to the financial side of things. For example, cannabis related businesses can only accept cash, which makes them targets for armed robbery. If the ability of cannabis facilities to deposit cash into banks is not allowed per Congress, then how are we addressing safety issues for facilities that have substantial amounts of cash?

Public health considerations – cannabis is so new and there are physical impacts that have not been studied yet.

There are concerns as to the impacts to K-12 schools.

Given that we have a development issue with the vernal pools and fairy shrimp, will the cannabis businesses be given priority over building or access to mitigation for the fairy shrimp over businesses that were already waiting to move forward?

The Draft EIR should address impacts to public safety and it should address impacts to the real estate market.

There are concerns about impacts to housing and to the environment within the community.

The Draft EIR should address outdoor growing of cannabis in communities and make sure the impacts from outdoor growing are mitigated so neighboring residents are not impacted.

Sincerely,



CASEY LYNCH, Chair
Ramona Community Planning Group