



A watershed community
dedicated to preserving, protecting,
and restoring the Mark West Creek and its
watershed as a natural and community
resource.

Friends of the Mark West Watershed
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Date: July 13, 2018

To: Sonoma County Board of Supervisors

RE: Amendments to the Cannabis Ordinance, BOS August 7 Meeting
Request for Cannabis Exclusion Combining Districts

Dear Board of Supervisors,

The Friends of the Mark West Watershed (FMWW) is a community of neighbors, landowners, and supporters dedicated to preserving, protecting, and restoring the Mark West Creek and its watershed as a natural and community resource. FMWW is a 501(c)(3) non-profit organization that works to engage the community in hands-on ecologically-based stewardship projects and educational opportunities. FMWW also collaborates with several other non-profit and governmental agencies invested in the ecological health and sustainability of the Mark West Watershed.

This letter is to request that the Board of Supervisors approve the cannabis ordinance language allowing for the creation of exclusion combining districts and then immediately move to create an exclusion district for the Mark West Watershed.

The Mark West Watershed is a crucial component of government efforts to restore Coho salmon populations in the Russian River watershed. Significant public funds have been expended for studies and restoration projects for the Mark West Watershed.

Mark West Creek has been identified as a high priority stream for preservation and restoration by numerous federal, state, and local agencies including:

- National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service
- California Department of Fish and Wildlife
- Wildlife Conservation Board
- State Water Resources Control Board

- Sonoma County Water Agency
- Sonoma Resource Conservation District

The Mark West Watershed is a significant area for conservation and protection because of its high water quality, extensive in-stream and riparian habitat, and endangered species.

A typical assessment of the current condition of the Mark West Watershed is reflected in the Wildlife Conservation Board's staff analysis contained in its Streamflow Enhancement Meeting Agenda (Item #7, Flow Availability Analysis for Mark West Creek Funding Request, March 9, 2017), which describes the challenges facing the watershed:

“The Mark West Creek watershed’s streamflow impairment is the result of many factors, including the watershed’s Mediterranean climate, increasing demand for water over time, hydrologic modification due to agricultural and rural development, and the effects of climate change and prolonged drought. These factors have resulted in insufficient summer baseflows, lack of high quality pool habitat, lack of winter refugia, and stream temperature which have been identified as limiting factors for steelhead trout (threatened) and Coho salmon (endangered) throughout the watershed.”

Failure to exclude cannabis operations will further threaten the recovery of the watershed.

Additionally, the area has been a high-priority region for conservation easements and public lands acquisition by both the Sonoma Land Trust (SLT) and Sonoma County Agricultural Preservation and Open Space District (SCAPOSD). These lands include the SCAPOSD's Cresta, McCullough, Rancho Mark West, and Saddle Mountain properties and the SLT's Nefertierra and Rock Fall Woods. The Mark West Watershed also contains portions of Bothe-Napa Valley State Park and Pepperwood Preserve. Furthermore, SCAPOSD has chosen Upper Mark West Creek for a proposed riparian easement pilot program, recognizing the largely intact riparian area as high priority for both fish and wildlife and human needs.

In 2015, as a part of the Governor’s Water Action Plan, the California Department of Fish and Wildlife and the State Water Resources Control Board identified Mark West Creek as one of five high priority stream systems statewide to support

critical anadromous fish, based on detailed studies that the creek was deemed restorable.

The Upper Mark West Watershed was also selected as a keystone watershed for the Sonoma Resource Conservation District Russian River Creek Stewardship and Volunteer Monitoring Program in 1999. The watershed was selected by a multi-agency Technical Advisory Committee due to the significant aquatic resources and the relative interest, awareness and stewardship ethic shown by landowners and residents to restore and protect the watershed.

The Friends of the Mark West Watershed does not believe that the current ordinance and amendments sufficiently ensure that cannabis operations will not impact streamflow nor the ecological health of the Mark West Watershed. Allowing cannabis operations to apply for either ministerial or conditional use permits on an individual basis does not allow for their impacts to be included in an overall assessment of cumulative stressors on the watershed.

The California Environmental Quality Act (CEQA) requires that the County determine that its approval of this ordinance and its amendments will not have a significant adverse impact on the environmental resources of the Mark West Watershed. The Staff report presented recently to the Planning Commission contends that the Initial Study and Negative Declaration for the Cannabis Land Use Ordinance adopted in 2016 analyzed potential impacts to the environment of the Mark West Watershed and discussed how Ordinance standards would ensure any impacts would be less than significant.

This is simply not true. The Negative Declaration and its supporting record does not contain adequate baseline data, evaluation of the consequences of yet unknown cannabis projects on the watershed's environmental resources, nor proposals for mitigations capable of reducing those yet to be known impacts to a less than significant level.

There are no data and, in fact, have been no adequate surveys of archaeological sites, rare and endangered species, wildlife corridors, vegetative communities, springs and wetlands, and other characteristics, all of which are subject to substantial impact and that cannot be adequately evaluated on an individual, project by project basis.

Consideration of these impacts on a cumulative basis is essential and required by law. The County has in its 1978 Franz Valley Area Plan and its General Plan identified the

Mark West Watershed as an area whose environmental resources are to be protected as mitigation for environmental impacts resulting from the development of and loss of such resources in other parts of Sonoma County. Without adequate evaluation of the cumulative environmental impacts resulting from the adoption of the Ordinance on the environmental resources of the Mark West Watershed, these policy requirements cannot be fulfilled.

This is especially true of watershed hydrology. Staff contends that the Initial Study and Negative Declaration adopted for the ordinance analyzed potential impacts to hydrology and water quality and discussed how Ordinance standards would ensure any impacts were less than significant. As stated in the recent staff report to the Planning Commission, this is to be ensured by applicants providing a project site specific hydro-geologic report prepared by a qualified professional providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis.

No such site specific report could possibly accomplish the mitigation asserted. There is no existing geologic mapping or subsurface data to determine the extent of influence on any individual well, let alone the cumulative impact of an unknown projected number of future cannabis operations yet to be proposed and established in the watershed. This is simply not possible without first undertaking detailed geologic study and mapping of the area and conducting multiple year streamflow and groundwater level monitoring and constructing a hydrology model for the entire watershed.

Without such watershed hydrology work, it cannot be demonstrated that the ordinance as proposed will not result in significant adverse effects on Mark West Creek and in particular to the Coho salmon and other endangered species that it now supports.

Creating an exclusion district for the entire Mark West Watershed is necessary to protect this sensitive area from damage before it is too late. Already this watershed is stressed due to the Tubbs fire, years of drought, and the explosive increase in illegal cannabis operations during the last few years. The County has a duty both to create an exclusion zone and to enforce its own laws and stop the illegal activity that is adversely affecting this watershed.

In addition to the Mark West Watershed exclusion district, the County should require a conditional use permit for all sizes of cultivation operations within non-industrial zones, wherever they are proposed in the county. The public has the right to be notified of all

permit applications and thus given an opportunity to engage in the process of determining the impact of these commercial operations and their use of public trust resources for private profit.

Thank you for your time and attention to this matter. We appreciate your consideration of our point of view. The Friends of the Mark West Watershed has worked with federal, state and local agencies for many years to promote the protection and restoration of our watershed for future generations. Adoption of the cannabis ordinance as proposed threatens to reverse these critical efforts.

Sincerely,



Harriet Buckwalter
FMWW Co-Chair



Linda Sartor
FMWW Co-Chair

Cc: Sonoma County Planning Commission
Permit Sonoma
Sonoma County Agriculture Commissioner
Sonoma County Economic Development Board
Sonoma County Cannabis Advisory Group
Sonoma Resource Conservation District
Sonoma County Water Agency
California Department of Fish and Wildlife
Wildlife Conservation Board
State Water Resources Control Board
North Coast Regional Water Quality Control Board
National Marine Fisheries Service, NOAA
California State Senator Mike McGuire
California State Assemblyman Jim Wood
Congressman Mike Thompson
Congressman Jared Huffman
Sonoma County Agricultural Preserve and Open Space District
Sonoma Land Trust
Sonoma County Regional Parks
California State Parks, Bay Area District
Pepperwood Preserve
LandPaths