



**COUNTY OF NEVADA
COUNTY EXECUTIVE OFFICE**

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**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo**

MEETING DATE: August 16, 2016
TO: Board of Supervisors
FROM: County Executive Office
SUBJECT: Board of Supervisors Responses to the 2015-16 Nevada County Civil Grand Jury Report, dated May 24th, 2016 entitled *Environmental Impact of Marijuana Cultivation in Nevada County*.

RECOMMENDATION: Approve Board of Supervisors' responses to Findings and Recommendations in 2015-16 Nevada County Civil Grand Jury Report, entitled *Environmental Impact of Marijuana Cultivation in Nevada County*.

FUNDING: None

BACKGROUND: As required by the California Penal Code, Section 933 (b), the Board of Supervisors must submit comments to the presiding judge of the Grand Jury on the findings and recommendations included in the Civil Grand Jury Report pertaining to matters under the control of the Board.

For each Grand Jury finding, the Board must indicate either:

1. Agreement with the finding
2. Disagreement either wholly or partially with the finding. In this case, the portion of the finding that is disputed and the reasons for doing so must be specified.

Responses to Grand Jury recommendations must indicate one of the following actions:

1. The recommendation has been implemented.
2. The recommendation has not yet been implemented, but will be by a certain date.
3. The recommendation requires further analysis to be completed within six months.
4. The recommendation will not be implemented for reasons as explained.

We have prepared draft responses to each of the findings and recommendations requiring a response for the Board's consideration. Following Board approval of the responses, they will be submitted to the presiding judge of the superior court as required by the California Penal Code. The Grand Jury requests responses be submitted to the presiding judge by September 14, 2016.

Item Initiated and Approved by: Alison Lehman, Assistant County Executive Officer

NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO

2015-16 Nevada County Civil Grand Jury Report

Marijuana Cultivation - Environmental Impacts

DATED August 16, 2016

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Executive Officer, the Nevada County Sheriff's Office or testimony from the Board of Supervisors and county staff members.

A. RESPONSES TO FINDINGS

None required

B. RESPONSES TO RECOMMENDATIONS

R1. Empanel an interdepartmental working group to coordinate all information pertaining to environmental dangers and public safety issues caused by marijuana cultivations.

This recommendation is partially implemented.

Nevada County recognizes that some marijuana cultivators use eco-friendly, sustainable and safe agriculture practices but there are also some cultivators who are not conforming to these practices. Nevada County also recognizes the potential danger to public safety with cultivation that is best address by the Nevada County Sheriff's Office. This recommendation is partially implemented and continues to evolve as part of the Board of Supervisors' process to address cultivation ordinances in a comprehensive manner.

The Board of Supervisors agrees that marijuana cultivation in Nevada County has the potential for profound degradation of our environment and overall quality of life, including potential health and safety hazards to our residents. The Board will continue to utilize all appropriate county resources in this effort and will continue to integrate to the maximum extent possible agencies that have environmentally-oriented missions and enforcement authority.

The Board recognizes the need to implement policies that are compatible with the California Environmental Quality Act (CEQA). CEQA will continue be a key element in developing long-term policies on marijuana cultivation. Other than criminal statutes, the county's marijuana cultivation policies are based on land use policy and on conformance with CEQA. The Board of Supervisors is mindful of the potential legal difficulties that could ensue from any policies that are not crafted without careful consideration of environmental law, in terms of individual cases as well as the cumulative effects of cultivation in Nevada County.