

Commissioner Price: Please state your first and last name and you have 3 minutes.

Hi, my name is Maria Kahn I. Have also looked at this project and my concern is that this is crossing through federal lands. According to federal statutes, it's still illegal to possess or transport cannabis through federal land. And indeed, a gentleman named Ryan Cooper from. Mission, wildlife or fishing game. One of those wrote a letter stating as such and so he could not condone or recommend this project. Currently, the county is requiring a signed indemnity agreement as a condition of use for this project and for other ones, you know, acknowledging that the project cannot be accessed access without illegally transporting cannabis over federal lands. So, I have a question, Madam Chair, if I may ask the Deputy County Council. Um. I don't know if I'm able to do that, but I'd like to know if this indemnity agreement to protect the county from legal act if it protects the county from legal actions brought on by the federal government or the public at large.

I can. I know that Council is listening, and she can chime in accordingly.

Counsel: is this a question that the that the Commission has.

Price: Yes, yes, the Commission would like to know.

Counsel: **So, I'm not sure we can rightfully call this an indemnity agreement.** It is a recognition that the applicant makes. Noting that. Cannabis is still illegal at the federal level regardless of what lions they go through. So even if the project abuts BLM land and there's the only access Rd. is through BLM land, it doesn't matter if the project itself is on county land it's illegal everywhere. Cannabis is not legal. In the United States, at the federal level, no matter where your project is or who manages those lands. So, **the federal government could effectively enforce those rules against any cannabis permit holder in the county anywhere.** On any property. To be any resource managing agency for them at the federal level like BLM or Fish and Wildlife, they have authority in those lands because they are the land manager there. The county does not. So, we I mean with. We can't make a distinction between projects that do go through federally managed lands and those that do not, because **technically speaking, that rule applies everyone.** So, we have no way of making the distinction between a project that is in say Kelseyville versus a budding up of Fish and Wildlife reveal and managed properties and we have no way of making that situation so. That we have provided in the cases where there is a BLM. Or other thoroughly managed property over which a project applicant. Must traverse to do their their to engage in the use that the county approves. We make certain that they recognize that it is still in fact. A crime at the federal level, no matter what they're doing. So, the county itself would not necessarily be held accountable beyond the fact that the county is permitted to use that is currently federally illegal. I don't. The issue here would be if if someone were to sue the county because they relied on it other counties approval of that particular use, but that's a more complex issue that it would not come before your Commission. Because it is. It would involve both state approvals and county programs. And so, in this case, we're not so much concerned about. The county's liability in New Square. Just making sure that people understand what. This is still a crime; I think the federal level. So, we we can't change that there is no and the states can't change that. The states can say that they're under their regulations, that they're that they don't see it as a crime, but they're. Anywhere in the state of California still is that would even apply to the six plants that individuals are correct allowed to absolute cultivate correct. So, it would be any any it's still and the notice that we ask applicants to

sign does tell them what schedule that they that they can that cannabis is still regulated under. I know there is some federal rule, there's some consideration at the federal level to change which schedule is regulated under the right now underline our notice that makes a point to to highlight the fact that this is still illegal at the federal level no matter what the county. Of the state of California have had chosen. To do. I it answers, it's just it's it's, you know, kind of just like a disclosure, you know, you're just saying, hey, you know, this, that and the other. And if you wanna be aware of it and move forward, then wrecked. Here we go. And and yeah. I have also spoken with for example, in this case BLM. And their concern was less the legal grows so much as the illegal activity that the illegal grows and illegal activity that would be social with specific grows. But we have no way of predetermining which applicants will will engage in illegal activity which will not right. We don't we're Commission doesn't permit the illegal activity. BLM has the authority to enforce rules on its own lands. We cannot do that. I've reached out to the local regional office for them, and I have. Recommended that they contact code enforcement related to joint efforts perhaps, or to to notify code enforcement if they do in fact see any illegal activity that may be associated with a permit. And as the as director, as the director has outlined earlier, we do have processes for code enforcement and permit enforcement related to various projects. So, if there is illegal activity or there is. Encroachment onto lands that that. The county, the the permittee doesn't have any authority to go to use then we do have options for for that, but we but your Commission cannot take an action based on. An assumption that the individual applicant may engage in those activities. So, we have nothing. So, unless there's evidence that they are in currently engaging in, in, in violations, that is something you can consider in your findings. If there is a current violation, then the permit cannot be approved, but. Anticipating violations is not not something that we. What happens? One of our findings? Sure. Umm. Maria, whether you have already completed your state or OK not I'd like to know if the Board of Supervisors has approved the indemnity agreement. Also, I think it's kind of a given that they are going to be violating federal law if they're transporting marijuana across these. Federal lands, it's not a suspicion or a, you know? They will be violating the law and then our county government will be accepting taxpayer taxes from these organizations and knowing full well that they are violating federal law. So., I don't feel comfortable about that, but I don't know how you would, but I would like to know if the Board of Supervisors has approved the indemnity agreement and if yes, then when they did that. And if not, then we'd like to request this hearing be postponed until the Board of Supervisors and the County Council reviewed the agreement and made a determination. So. We just don't wanna open up our county government to liabilities brought on by other organizations and and look dictation.

OK, this I complete your your comment. Thank you.

Thank you. Any other hands in the Zoom room?

Donna, please go ahead and state your first and last name. You have 3 minutes.

Could you please clarify yes or no? The county will not be held responsible for transport of cannabis across public lands, correct? Thank you.

Counsel: One moment. OK, well. Again, I can't predict the future. I don't know if someone will will file a claim of any kind as far as cannabis is concerned. Cannabis at the federal level is illegal everywhere in the United States, so it doesn't matter if it's transported across BLM managed land or county or state managed land. It is a crime in both instances. The state of California, and therefore

through those actions that county of lake have have determined that it is not a crime under their rules. So we have permitted the use. So the action it it is an odd circumstance. We don't control the federal government. The the language that we provided is not so much an is not an indemnity. The individual applicant is not agreeing to indemnify the county. If I if I recall it is them. Assigning a recognition that they understand that they are taking on a use that while the county may approve it and the state of California may approve it. The federal government has not and it is a crime, so they are risking their investment in their business and potentially depending on what how the federal government prosecutes them. There. I guess but. That's up to the federal government is how it's enforced. It wouldn't be a civil action, it would be a criminal action against the individual who's breaking the law. So the county in this instance is not because it is not a violation under state law or. In in the county ordinance. It's not, it's not. We're not going against your. The county ordinances or that the state. So. It, it's right now precarious sort of Gray area of, of of of of the law. The federal government has been choosing not to enforce in certain circumstances, but that's not always the case and that can always change. And that's essentially what we ask the applicant to recognize in the circumstances is that. That is a risk they're taking and and federal managed lands are at greater risk potentially because they are in fact regulated. In their borders by by federal agencies that don't. Operate under California and and county regulations. I'm not sure how I can make that. Contract and read now I think it's pretty clear OK, so the county. I can't see the county's number at risk. That's not that's not. Yeah, but the county does have various.protection. The county carries insurance. The county has has various protections under state law. There's a long history of of regulations that deal with suing governments. It's a complex issue. I can't promise nobody will ever soon. But in this instance the. The the. This will notice that we asked applicants to sign is simply the recognizing that that risk.

OK. I think that's, you know, that covers a lot of it. Any other hands in the Zoom room, Ruby