

Table 6-1 Major Differences Between the CMMLUO and the Proposed Ordinance Performance Standards

Requirements	CMMLUO	Proposed Ordinance
Generators	60 decibels at a site's property line.	<p>Generators would be required to not result in an increase in existing ambient noise levels at the property line of the site, and would not be audible by humans from neighboring residences located on separate nearby parcels.</p> <p>Where located within one (1) mile of mapped critical habitat for marbled murrelet or spotted owls where timberland is present, maximum noise exposure from the combination of background and generator created noise may not exceed 50 decibels measured at a distance of 100 feet from the generator or the edge of habitat, whichever is closer. Where ambient noise levels, without including generator noise, exceed 50 decibels within 100 feet from the generator or the edge of habitat, generators may continue to be used when an increase in ambient noise levels would not result.</p> <p>The permit application must include information demonstrating compliance with the noise standards, including: a site plan detailing the location of the generator, property lines, and nearby forested areas, existing ambient noise levels at the property line using current noise measurements (excluding generators) during typical periods of use, details on the design of any structure(s) or equipment used to attenuate noise, as well as details on the location and characteristics of any landscaping, natural features, or other measures which provide serve to attenuate generator noise levels at nearby property lines or habitat.</p>
Lighting Standards	Cultivators using artificial lighting for mixed-light cultivation shall shield greenhouse so that little to no light escapes.	<p>Structures used for mixed-light cultivation and nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>No mixed-light cultivation may occur within 200 feet of a riparian zone.</p> <p>All security lighting would be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the site or directly focusing on any surrounding uses.</p>
Renewable Energy	100 percent renewable energy requirement for indoor cultivation.	<p>Energy would be supplied through one of the following:</p> <ul style="list-style-type: none"> ▲ on-grid power from 100 percent renewable energy source (PG&E Solar Choice, RCEA Community Choice Aggregation, etc.); ▲ on-grid power with purchase of carbon offset from an accredited source; ▲ on-site zero net energy provided by a renewable energy source, <p>Existing sites may be allowed to use 20 percent generator/80 percent renewable energy supplies, upon issuance of a Zoning Clearance Certificate and compliance with other energy and generator noise performance standards.</p>

EVALUATION OF ENVIRONMENTAL EFFECTS

Aesthetics

Under Alternative 1, new commercial medical cannabis operations in the County could alter localized views of scenic vistas or resources. The limitations on size, coverage, and location of cannabis cultivations provided under the CMMLUO, in addition to existing County code and coastal zoning regulations, would limit the potential for cannabis-related uses to result in a substantial adverse visual impacts on scenic vistas or resources. This impact would be **less than significant** because cannabis operations would blend with existing rural and agricultural uses located in these scenic viewsheds for reasons identified Impact 3.1-1. Compared to the proposed ordinance, there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential for adverse effects on scenic resources. Thus, relative to the proposed ordinance, impacts on scenic vistas or resources would be of **lesser** magnitude under Alternative 1.

Improvements to existing cannabis operations and new cannabis operations permitted under Alternative 1 would be visually consistent with the existing rural and agricultural character of the County. Cannabis operations are not substantially different in appearance from other agricultural operations, and non-cultivation activities would appear as similar to other warehouse-based facilities. This impact would be **less than significant** for the reasons discussed under Impact 3.1-2. Compared to the proposed ordinance, there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential for adverse effects on visual character. Thus, relative to the proposed ordinance, impacts on visual character to quality would be of **lesser** magnitude under Alternative 1.

Commercial cannabis operations permitted under Alternative 1 could involve the use of lighting, such as for the interior of hoop houses and other light fixtures used at night, which could create new light sources that are out of character with the area. Under Alternative 1, CMMLUO standards require that “little to no light escapes” from cultivation sites. The performance standards under the proposed ordinance include more restrictive standards that would expressly prohibit any light escaping from nurseries and mixed-light cannabis cultivation operations. Compared to the proposed ordinance, there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential lighting and glare impacts. Thus, relative to the proposed ordinance, light and glare impacts would be of **lesser** magnitude under Alternative 1.

Agriculture and Forest Resources

Cannabis is defined under the CMMLUO and by the state as an agricultural product and as such, Alternative 1 would not result in conversion of farmland to nonagricultural uses nor conflict with existing zoning for agricultural use. The County has determined that cannabis cultivation is a compatible use on lands under Williamson Act contracts. There would be **no impact** on conversion of farmland to nonagricultural use, or conflict with zoning for agricultural use, or a Williamson Act contract under Alternative 1 or the project. Relative to the proposed ordinance, this impact would be of **similar** magnitude for Alternative 1.

Under Alternative 1 and the proposed ordinance, no new commercial cultivation sites would be allowed on lands zoned as Timber Production Zone (TPZ). For existing cultivation sites, timberland conversion may only occur in association with on-site remediation and reconfiguration activities, including reforestation, subject to performance standards. Therefore, cannabis cultivation and associated activities would not cause conflicts that could result in substantial conversion of forest land to a non-forest use or rezoning of TPZ lands. Under Alternative 1, this impact would be **less than significant** and of **similar** magnitude to the proposed ordinance.

Air Quality and Greenhouse Gas Emissions

Alternative 1 would result in operational PM₁₀ air quality impacts related to road dust emissions during harvest season from new cultivation operations. As identified in Impact 3.3-2, there are no feasible mitigation measures available to address this impact. Thus, this impact would be **significant and unavoidable**. Compared to the proposed ordinance, there would be a fewer commercial cannabis activities throughout the County and, consequently, less potential to generate road dust. Thus, relative to the proposed ordinance, PM₁₀ air quality impacts would be of **lesser** magnitude under Alternative 1.

Greenhouse gas (GHG) impacts would be **less than significant** as identified under Impact 3.3-3. Alternative 1 would have fewer GHG emissions because of less cannabis cultivation and non-cultivation operations county-wide as compared to the proposed ordinance. However, the proposed ordinance would require the use of renewable energy on existing and new mixed-light cultivation and non-cultivation operations that is not required under the CMMLUO. Therefore, on the balance, GHG impacts of Alternative 1 would be of **similar** magnitude to the proposed ordinance.

Objectionable odors could result from cannabis operations under Alternative 1 for the reasons described under Impact 3.3-4. Mitigation measures identified under Impact 3.3-4 would assist in addressing this impact, but the impact would remain **significant and unavoidable**. Alternative 1 would have a reduced extent of potential odor impacts because of the smaller number of outdoor and mixed-light cannabis cultivation

operations that are a source of objectionable odors as compared to the proposed ordinance. Thus, odor impacts would be of **lesser** magnitude under Alternative 1.

Biological Resources

Under Alternative 1, potential land use conversion would result in **potentially significant** impacts to habitat conditions, special-status plant and animal species, sensitive natural communities, and wildlife movement for reasons identified under Impacts 3.4-1 through 3.4-6. Mitigation measures provided in Section 3.4, “Biological Resources,” would reduce these impacts to a less-than-significant level. Compared to the proposed ordinance, the extent of significant of these impacts under Alternative 1 would be reduced. Alternative 1 would result in less cannabis cultivation and non-cultivation operations that would disturb less land area as compared to the proposed ordinance. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1.

Cultural Resources

Future commercial cannabis operations associated with Alternative 1 could be located on lands that contain, or are nearby historic resources or contain archaeological and tribal cultural resources. Impacts to historic and archaeological resources would be **potentially significant** for reasons identified in Impact 3.5-1 and 3.5-2. Mitigation measures provided in Section 3.5, “Cultural and Tribal Cultural Resources,” would reduce these impacts to less than significant. Impacts to tribal cultural resources would be **less than significant** for reasons identified under Impact 3.5-3. Cultural resource impacts under Alternative 1 would be potentially less than those that would occur for the proposed ordinance because fewer cannabis cultivation and non-cultivation operations would likely disturb fewer resources. Thus, relative to the proposed ordinance, impacts would likely be of **lesser** magnitude under Alternative 1.

Geology and Soils

Implementation of Alternative 1 would result in the **less-than-significant** geologic and soil stability impacts because these impacts would be addressed through compliance with existing state and local standards as identified in impacts 3.6-1 through 3.6-4. Future development of commercial cannabis facilities under Alternative 1 could result in **potentially significant** impacts associated with the damage or destruction of undiscovered paleontological resources for the same as reasons identified under Impact 3.6-5. Mitigation identified under Impact 3.6-5 would reduce this impact to less than significant. Alternative 1’s geology and soils impacts would be of **lesser** magnitude than those that would occur for the proposed ordinance because there would be a reduced extent of development of commercial cannabis cultivation and non-cultivation operations that could disturb paleontological resources.

Hazards and Hazardous Materials

Alternative 1 would result in **less-than-significant** impacts associated with the use of hazardous materials, exposure to hazards from airport operations and wildfires, and conflicts with emergency response and evaluation plans for reasons identified under Impacts 3.7-1 and 3.7-3 through 3.7-7. This alternative could result in a **potentially significant** impact associated with the accidental release of unidentified contamination or hazardous waste during construction activities of new commercial cannabis operations for reasons identified under Impact 3.7-2. Mitigation measures identified under Impact 3.7-2 would reduce this impact to a less-than-significant level. Relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1 because there would be fewer new commercial cannabis cultivation and non-cultivation operations developed county-wide that could potentially disturb contaminated sites.

Hydrology and Water Quality

This alternative would have **potentially significant** operational water quality, drainage, and surface water impacts from new cultivation and non-cultivation operations for reasons identified under impacts 3.8-2, 3.8-4, and 3.8-5. Mitigation measures identified under Section 3.8, “Hydrology and Water Quality,” would reduce these impacts to a less-than-significant level. Alternative 1’s impact would be less than those that would occur under the proposed ordinance because of the fewer commercial cannabis cultivation operations that could

impact water resources. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1.

Alternative 1 would include the groundwater performance standards that are identified in the proposed ordinance. Localized groundwater impacts were identified as **potentially significant** for reasons identified under Impact 3.8-3. Mitigation for this impact was identified under Section 3.8, "Hydrology and Water Quality," which would reduce this impact to less than significant. Alternative 1's impact would be greater than those that would occur under the proposed ordinance because it would not require testing requirements for new wells and limitations in new well operations to protect local groundwater resources and wells. Thus, relative to the proposed ordinance, impacts would be of **greater** magnitude under Alternative 1.

Land Use and Planning

Alternative 1 would result in **less-than-significant** land use impacts associated with the physical division of established communities or conflicts with applicable land use policy provisions of the County **similar** in magnitude to the proposed ordinance for reasons identified under Impact 3.9-1 and 3.9-2.

Noise

Construction of new commercial cannabis operations in the County that may occur under Alternative 1 could result in **potentially significant** noise impacts for reasons identified under Impact 3.10-1. Mitigation measures identified under Impact 3.10-1 would reduce construction noise to a less-than-significant level. This alternative's construction noise impacts would be less than those that would occur for the proposed ordinance, because of the reduced extent of land area that would be disturbed from new cannabis cultivation and non-cultivation operations development that could generate construction noise. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1.

Alternative 1 would result in **less-than-significant** operational noise impacts or traffic noise impacts as further described under Impact 3.10-2 and 3.10-3. Alternative 1's impact would be less than those that would occur under the proposed ordinance because of the reduced extent of development of commercial cannabis operations that could generate noise. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1.

Public Services

Alternative 1 would result in **less-than-significant** impacts to fire protection services and law enforcement. As identified under Impact 3.11-1 and 3.11-2, cannabis operations would be required to comply with state and local regulations related to building, electrical, and fire regulations. This alternative's public service impacts would be less than those that would occur for the proposed ordinance because of the reduced extent cannabis cultivation and non-cultivation operations would generate lower public service demand. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1.

Transportation and Circulation

Under Alternative, 1 construction and operation of cannabis cultivation facilities would generate traffic on the County roadway system. These increases in traffic would not reduce level of service (LOS) operations on state highways below LOS "C." This would be a **less-than-significant** traffic impact for reasons further identified under Impact 3.12-1 and 3.12-2. This alternative's traffic impacts would be less than those that would occur for the proposed ordinance because of the fewer cannabis cultivation facilities that would generate lower traffic volumes. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1.

The CCMLUO under Alternative 1 does not include roadway standards for cannabis facilities, but would be subject to Chapter 10 – Fire Safe Regulations of the Humboldt County Code that require the provision of safe access for emergency wildland fire equipment and civilian evacuation concurrently. Compliance with these requirements would reduce potential impacts to emergency access to a **less-than-significant** level. This alternative's emergency access impacts would be less than those that would occur for the proposed ordinance

because fewer cannabis cultivation that would generate a lower potential for emergency access conflicts. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1.

Utilities and Service Systems

Alternative 1 could increase the demand for wastewater and water supply services within existing provider service boundaries from new commercial cannabis cultivation and non-cultivation operations. This impact would be **potentially significant** for reasons discussed under Impact 3.13-1 and 3.13-2. Mitigation measures identified in Section 3.13, "Utilities and Service Systems," would reduce this alternative's impact to less than significant for wastewater service, but not for public water supply which would remain significant and unavoidable. This alternative's utility service impacts would be less than those that would occur for the proposed ordinance because of the fewer cannabis cultivation and non-cultivation operations that would generate a lower demand for public wastewater and water service. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 1.

Energy

Alternative 1 would have a **less-than-significant** energy impact as it would not result in a wasteful, inefficient, or unnecessary consumption of energy by complying with 2016 Title 24 standards and the 100 percent renewable energy requirement for all indoor cultivation operations under the CMMLUO. This alternative would not implement the proposed ordinance's renewable energy efficiency requirements that apply to existing and new mixed-light cultivation, indoor cultivation, and other non-cultivation activities that provides for further energy efficiency (see Impact 3.14-1 and Table 6-1). Alternative 1 would increase the amount of cannabis cultivation and non-cultivation energy use as compared to the proposed ordinance because it would not offset the energy use of new commercial cannabis operations and reduce all existing outdoor and mixed-light cannabis cultivation operations by 80 percent as required under the proposed ordinance. Thus, this alternative's energy impacts would be of **greater** magnitude than the proposed ordinance.

This alternative would also result in a **less-than-significant** impact to electrical and natural gas infrastructure for reasons identified under Impact 3.14-2. Cannabis operations that are able to use the existing energy grid in the County would be supplied by PG&E, which is anticipated to maintain sufficient capacity. Thus, this alternative's energy infrastructure impacts would be of **similar** magnitude to the proposed ordinance.

6.3.2 Alternative 2: No Project, New Permits Issued

The CMMLUO would continue to regulate commercial medical cannabis operations in the County, but would not allow non-medical operations (e.g., microbusinesses). Section 55.4.17 (Sunset for Applications) would be eliminated. The County would accept applications for existing operations that intend to comply with the CMMLUO and applications for new commercial medical cannabis operations. New applications for cannabis operations would be accepted beyond those submitted before December 31, 2016. The potential extent of permitted commercial medical cannabis operations is assumed to be the same as the proposed ordinance (1,012 new commercial medical cannabis cultivation sites and 108 new commercial medical cannabis non-cultivation sites).

EVALUATION OF ENVIRONMENTAL EFFECTS

Aesthetics

Under Alternative 2, new commercial medical cannabis operations in the County could alter localized views of scenic vistas or resources. The limitations on size, coverage, and location of cannabis cultivations provided under the CMMLUO, in addition to existing county code and coastal zoning regulations, would limit the potential for cannabis-related uses to result in a substantial adverse visual impacts on scenic vistas or resources. This impact would be **less than significant** because cannabis operations would blend with existing rural and agricultural uses located in these scenic viewsheds for reasons identified Impact 3.1-1. Alternative 2 would have the same number of commercial cannabis activities that could occur throughout the County as

the proposed ordinance, consequently, a similar impact on scenic resources. Thus, Alternative 2 impacts on scenic vistas or resources would be of **similar** magnitude to the proposed ordinance.

Improvements to existing cannabis operations and new cannabis operations permitted under Alternative 2 would be visually consistent with the existing rural and agricultural character of the County. Cannabis operations are aesthetically not substantially different in appearance from other agricultural operations, and non-cultivation activities would appear as similar to other warehouse-based facilities. This impact would be **less than significant** for the reasons discussed under Impact 3.1-2. Compared to the proposed ordinance, Alternative 2 would have the same visual character impact because there would be the same extent of commercial cannabis activities that could occur throughout the County. Thus, Alternative 2 impacts on visual character would be of **similar** magnitude to the proposed ordinance.

Commercial cannabis operations permitted under Alternative 2 could involve the use of lighting, such as for the interior of hoop houses and other light fixtures used at night could create new light sources that are out of character with the area. Under Alternative 2, CMMLUO standards require that little to no light escapes from cultivation sites. The performance standards under the proposed ordinance include more restrictive standards that would expressly prohibit any light escaping from nurseries and mixed-light cannabis cultivation operations. Compared to the proposed ordinance, Alternative 2 would have greater potential for light and glare impacts from less restrictive lighting standards. Thus, impacts on light and glare under Alternative 2 would be of **greater** magnitude than the proposed ordinance.

Agriculture and Forest Resources

Cannabis is defined under the CMMLUO, and by the state as an agricultural product and as such, Alternative 2 would not result in conversion of farmland to nonagricultural uses nor conflict with existing zoning for agricultural use. The County has determined that cannabis cultivation is a compatible use on lands under Williamson Act contracts. There would be **no impact** on conversion of farmland to nonagricultural use, or conflict with zoning for agricultural use, or a Williamson Act contract under Alternative 2 or the project. Relative to the proposed ordinance, this impact would be of **similar** magnitude for Alternative 2.

Under Alternative 2 and the proposed ordinance, no new commercial cultivation sites would be allowed on lands zoned as TPZ. For existing cultivation sites, timberland conversion may only occur in association with on-site remediation and reconfiguration activities, including reforestation, subject to performance standards. Therefore, cannabis cultivation and associated activities would not cause conflicts that could result in substantial conversion of forest land to a non-forest use or rezoning of TPZ lands. Under Alternative 2, this impact would be **less than significant** and of **similar** magnitude to the proposed ordinance.

Air Quality and Greenhouse Gas Emissions

Alternative 2 would result in operational PM₁₀ air quality impacts related to road dust emissions during harvest season from new cultivation operations. As identified in Impact 3.3-2, there are no feasible mitigation measures available to address this impact. Thus, this impact would be **significant and unavoidable**. Compared to the proposed ordinance, Alternative 2 would have the same operational air quality impact because there would be the same extent of commercial cannabis activities that could occur throughout the County. Thus, Alternative 2 impacts on visual character would be of **similar** magnitude to the proposed ordinance.

Greenhouse gas impacts would be **less than significant** as identified under Impact 3.3-3. Alternative 2 would have similar mobile GHG emissions from vehicle miles traveled because of the same extent of cannabis cultivation and non-cultivation operations county-wide as compared to the proposed ordinance. However, the proposed ordinance would require the use of renewable energy on existing and new mixed-light cultivation and non-cultivation operations that would reduce GHG emissions. This renewable energy requirement is not required under the CMMLUO. Thus, GHG impacts would be of **greater** magnitude under Alternative 2.

Objectionable odors could result from cannabis operations under Alternative 2 for the reasons described under Impact 3.3-4. Mitigation measures identified under Impact 3.3-4 would assist in addressing this

impact, but the impact would remain **significant and unavoidable**. Alternative 2 would have a similar extent of potential odor impacts because of the same number of outdoor and mixed-light cannabis cultivation operations that are a source of objectionable odors as compared to the proposed ordinance. Thus, Alternative 2 odor impacts would be of **similar** magnitude to the proposed ordinance.

Biological Resources

Under Alternative 2, potential land use conversion would result in **potentially significant** impacts to habitat conditions, special-status plant and animal species, sensitive natural communities, and wildlife movement for reasons identified under Impacts 3.4-1 through 3.4-6. Mitigation measures provided in Section 3.4, "Biological Resources," would reduce these impacts to a less-than-significant level. Compared to the proposed ordinance, the extent of significant of these impacts under Alternative 2 would be the same because of the similar extent cannabis cultivation and non-cultivation operations. Thus, Alternative 2 biological resource impacts would be of **similar** magnitude to the proposed ordinance.

Cultural Resources

Future commercial cannabis operations associated with Alternative 2 could be located on lands that contain, or are nearby historic resources or contain archaeological and tribal cultural resources. Impacts to historic and archaeological resources would be **potentially significant** for reasons identified in Impact 3.5-1 and 3.5-2. Mitigation measures provided in Section 3.5, "Cultural and Tribal Cultural Resources," would reduce these impacts to less than significant. Impacts to tribal cultural resources would be **less than significant** for reasons identified under Impact 3.5-3. Cultural resource impacts under Alternative 2 would be the same those that would occur for the proposed ordinance because of the similar extent of development of cannabis cultivation and non-cultivation operations that could disturb resources. Thus, Alternative 2 historic and archaeological resource impacts would be of **similar** magnitude to the proposed ordinance.

Geology and Soils

Implementation of Alternative 2 would result in the **less-than-significant** geologic and soil stability impacts because these impacts would be addressed through compliance with existing state and local standards as identified in impacts 3.6-1 through 3.6-4. Future development of commercial cannabis facilities under Alternative 2 could result in **potentially significant** impacts associated with the damage or destruction of undiscovered paleontological resources for the same reasons as identified under Impact 3.6-5. Mitigation identified under Impact 3.6-5 would reduce this impact to less than significant. Alternative 2's geology and soils impacts would be of **similar** magnitude as those that would occur for the proposed ordinance because there would be the same extent of development of commercial cannabis cultivation and non-cultivation operations that could disturb paleontological resources.

Hazards and Hazardous Materials

Alternative 2 would result in **less-than-significant** impacts associated with the use of hazardous materials, exposure to hazards from airport operations and wildfires, and conflicts with emergency response and evaluation plans for reasons identified under Impacts 3.7-1 and 3.7-3 through 3.7-7. This alternative could result in a **potentially significant** impact associated with the accidental release of unidentified contamination or hazardous waste during construction activities of new commercial cannabis operations for reasons identified under Impact 3.7-2. Mitigation measures identified under Impact 3.7-2 would reduce this impact to a less-than-significant level. Relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 2 because there would be the same number of new commercial cannabis cultivation and non-cultivation operations developed county-wide that could potentially disturb contaminated sites.

Hydrology and Water Quality

This alternative would have **potentially significant** operational water quality, drainage, and surface water impacts from new cultivation and non-cultivation operations for reasons identified under impacts 3.8-2, 3.8-4, and 3.8-5. Mitigation measures identified under Section 3.8, "Hydrology and Water Quality," would reduce these impacts to a less-than-significant level. Alternative 2's impact would be the same as the proposed ordinance because of the similar extent of development of commercial cannabis cultivation operations that

could impact water resources. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 2.

Alternative 2 would not include the groundwater performance standards that are identified in the proposed ordinance. Localized groundwater impacts were identified as **potentially significant** for reasons identified under Impact 3.8-3. Mitigation for this impact was identified under Section 3.8, "Hydrology and Water Quality," which would reduce this impact to less than significant. Alternative 2's impact would be greater than what would occur under the proposed ordinance because the CCMLUO contains no performance standards to protect local groundwater resources and wells from the development of new wells from commercial cannabis cultivation operations. Thus, relative to the proposed ordinance, impacts would be of **greater** magnitude under Alternative 2.

Land Use and Planning

Alternative 2 would result in **less-than-significant** land use impacts associated with the physical division of established communities or conflicts with applicable land use policy provisions of the County **similar** in magnitude to the proposed ordinance for reasons identified under Impact 3.9-1 and 3.9-2.

Noise

Construction of new commercial cannabis operations in the County that may occur under Alternative 2 could result in **potentially significant** noise impacts for reasons identified under Impact 3.10-1. Mitigation measures identified under Impact 3.10-1 would reduce construction noise to a less-than-significant level. This alternative's construction noise impacts would be the same as the proposed ordinance because of the similar extent of land area that would be disturbed from new cannabis cultivation and non-cultivation operations development that could generate construction noise. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 2.

Alternative 2 would result in **less-than-significant** operational noise impacts or traffic noise impact for reasons identified under Impact 3.10-2 and 3.10-3. However, the CCMLUO noise provisions for generators would not be as protective of existing ambient noise conditions as the proposed ordinance. Thus, relative to the proposed ordinance, impacts would be of **greater** magnitude under Alternative 2.

Public Services

Alternative 2 would result in **less than significant** impacts to fire protection services and law enforcement. As identified under Impact 3.11-1 and 3.11-2, cannabis operations would be required to comply with state and local regulations related to building, electrical, and fire regulations. This alternative's public service impacts would be the same as the proposed ordinance because of the similar extent cannabis cultivation and non-cultivation operations would generate the same public service demand. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 2.

Transportation and Circulation

Under Alternative, 2 construction and operation of new commercial medical cannabis facilities would generate traffic on the County roadway system. These increases in traffic would not reduce level of service (LOS) operations on state highways below LOS "C." This would be a **less-than-significant** traffic impact for reasons further identified under Impact 3.12-1 and 3.12-2. This alternative's traffic impacts would be the same as the proposed ordinance because of the similar extent cannabis cultivation and traffic generation. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 2.

The CCMLUO under Alternative 2 does not include roadway standards for cannabis facilities, but would be subject to Chapter 10 – Fire Safe Regulations of the Humboldt County Code that require the provision of safe access for emergency wildland fire equipment and civilian evacuation concurrently. Compliance with these requirements would reduce potential impacts to emergency access to a **less-than-significant** level. This alternative's emergency access impacts would be greater than those that would occur for the proposed ordinance because the CCMLUO does not include the County's Category 4 road standards. The County has determined that the Category 4 road standard is adequate to accommodate commercial cannabis operation

traffic volumes and vehicle types (e.g., passenger vehicles, small trucks, large service trucks). Thus, relative to the proposed ordinance, impacts would be of **greater** magnitude under Alternative 2.

Utilities and Service Systems

Alternative 2 could increase the demand for wastewater and water supply services within existing provider service boundaries from new commercial cannabis cultivation and non-cultivation operations. This impact would be **potentially significant** for reasons discussed under Impact 3.13-1 and 3.13-2. Mitigation measures identified in Section 3.13, "Utilities and Service Systems," would reduce this alternative's impact to less than significant for wastewater service, but not for public water supply, which would remain significant and unavoidable. This alternative's utility service impacts would be the same as the proposed ordinance because of the same extent of cannabis cultivation and non-cultivation operations development that would generate similar service demands. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 2.

Energy

Alternative 2 would have a **less-than-significant** energy impact as it would not result in a wasteful, inefficient, or unnecessary consumption of energy by complying with 2016 Title 24 standards and the 100 percent renewable energy requirement for all indoor cultivation operations under the CMMLUO (see Impact 3.14-1). This alternative would not implement the proposed ordinance's renewable energy efficiency requirements that apply to existing and new mixed-light cultivation, indoor cultivation, and other non-cultivation activities that provides for further energy efficiency (see Table 6-1). Thus, this alternative's energy impacts would be of **greater** magnitude than the proposed ordinance.

This alternative would also result in a **less-than-significant** impact to electrical and natural gas infrastructure for reasons identified under Impact 3.14-2. Cannabis operations that are able to use the existing energy grid in the County would be supplied by PG&E, which is anticipated to maintain sufficient capacity. Thus, this alternative's energy infrastructure impacts would be of **similar** magnitude to the proposed ordinance.

6.3.3 Alternative 3: Prohibition of New Outdoor and Mixed-Light Cultivation Operations in City Spheres of Influence and Community Plan Areas

This alternative would consist of the proposed ordinance, but would prohibit new outdoor and mixed-light commercial cannabis operations within the spheres of influence of the incorporated cities and the community plan area boundaries. Commercial cannabis indoor cultivation and non-cultivation operations would still be allowed in these areas. All other requirements and performance standards in the proposed ordinance would remain the same as the project. The potential extent of permitted commercial cannabis operations would be the same as the project (1,012 new commercial cannabis cultivation sites and 108 new commercial cannabis non-cultivation sites).

This alternative is intended to address environmental impacts associated with objectionable odors from cannabis cultivation, water supply impacts to service providers, and potential conflict with local groundwater sources and existing wells.

EVALUATION OF ENVIRONMENTAL EFFECTS

Aesthetics

Under Alternative 3, new commercial cannabis operations in the County could alter localized views of scenic vistas or resources. The limitations on size, coverage, and location of cannabis cultivations provided under the proposed ordinance, in addition to existing county code and coastal zoning regulations, would limit the potential for cannabis-related uses to result in substantial adverse visual impacts on scenic vistas or resources. This impact would be **less than significant** because cannabis operations would blend with existing

rural and agricultural uses located in these scenic viewsheds for reasons identified Impact 3.1-1. Alternative 3 would have the same number of commercial cannabis activities that could occur throughout the County as the proposed ordinance, consequently, a similar impact on scenic resources. Thus, Alternative 3 impacts on scenic vistas or resources would be of **similar** magnitude to the proposed ordinance.

Improvements to existing cannabis operations and new cannabis operations permitted under Alternative 3 would be visually consistent with the existing rural and agricultural character of the County. Cannabis operations are not substantially different in appearance from other agricultural operations, and non-cultivation activities would appear as similar to other warehouse-based facilities. This impact would be **less than significant** for the reasons discussed under Impact 3.1-2. Compared to the proposed ordinance, Alternative 3 would have the same visual character impact, because there would be the same extent of commercial cannabis activities that could occur throughout the County. Thus, Alternative 3 impacts on visual character would be of **similar** magnitude to the proposed ordinance. Alternative 3 would avoid the placement of new outdoor and mixed-light cultivation facilities near concentrated development areas where residents may view cannabis cultivation negatively.

Commercial cannabis operations permitted under Alternative 3 could involve the use of lighting, such as for the interior of hoop houses and other light fixtures used at night could create new light sources that are out of character with the area. This alternative would be subject to the performance standards under the proposed ordinance that expressly prohibit any light escaping from nurseries and mixed-light cannabis cultivation operations. This impact would be **less than significant** for reasons identified under Impact 3.1-3. Relative to the proposed ordinance, light and glare impacts would be of **similar** magnitude under Alternative 3 as it would utilize the same lighting standards.

Agriculture and Forest Resources

Cannabis is defined under the proposed ordinance and by the state as an agricultural product and as such, Alternative 3 would not result in conversion of farmland to nonagricultural uses nor conflict with existing zoning for agricultural use. The County has determined that cannabis cultivation is a compatible use on lands under Williamson Act contracts. There would be **no impact** on conversion of farmland to nonagricultural use, or conflict with zoning for agricultural use, or a Williamson Act contract under Alternative 3 or the project. Relative to the proposed ordinance, this impact would be of **similar** magnitude for Alternative 3.

Under Alternative 3 and the proposed ordinance, no new commercial cultivation sites would be allowed on lands zoned as TPZ. For existing cultivation sites, timberland conversion may only occur in association with on-site remediation and reconfiguration activities, including reforestation, subject to performance standards. Therefore, cannabis cultivation and associated activities would not cause conflicts that could result in substantial conversion of forest land to a non-forest use or rezoning of TPZ lands. Under Alternative 3, this impact would be **less than significant** and of **similar** magnitude to the proposed ordinance.

Air Quality and Greenhouse Gas Emissions

Alternative 3 would result in operational PM₁₀ air quality impacts related to road dust emissions during harvest season from new cultivation operations. As identified in Impact 3.3-2, are no feasible mitigation measures available to address this impact. Thus, this impact would be **significant and unavoidable**. Compared to the proposed ordinance, Alternative 3 would have greater operational air quality impacts because new outdoor and mixed-light cultivation operations would be located in the rural and agricultural areas of the County, which would increase the extent of vehicle miles traveled on unpaved private roads. Thus, Alternative 3 impacts on visual character would be of **greater** magnitude to the proposed ordinance.

Greenhouse gas impacts would be **less than significant** as identified under Impact 3.3-3. Alternative 3 would have greater GHG emissions because new outdoor and mixed-light cultivation operations would be located in the rural and agricultural areas of the County that would increase the extent GHG mobile emissions from vehicle miles traveled on unpaved private roads. Thus, GHG impacts would be of **greater** magnitude under Alternative 3.

Objectionable odors could result from cannabis operations under Alternative 3 for the reasons described under Impact 3.3-4. Mitigation measures identified under Impact 3.3-4 would assist in addressing this impact, but the impact would remain **significant and unavoidable**. Alternative 3 would reduce extent of potential odor impacts because it would prohibit new outdoor and mixed-light cannabis cultivation within the cities' spheres of influence and County community plan areas where there is a concentration of sensitive receptors. Thus, Alternative 3 odor impacts would be of **lesser** magnitude than the proposed ordinance.

Biological Resources

Under Alternative 3, potential land use conversion would result in **potentially significant** impacts to habitat conditions, special-status plant and animal species, sensitive natural communities, and wildlife movement for reasons identified under Impacts 3.4-1 through 3.4-6. Mitigation measures provided in Section 3.4, "Biological Resources," would reduce these impacts to a less-than-significant level. Compared to the proposed ordinance, the extent of significant of these impacts under Alternative 3 would be the same because of the similar extent cannabis cultivation and non-cultivation operations that could impact biological resources county-wide. Thus, Alternative 3 biological resource impacts would be of **similar** magnitude to the proposed ordinance.

Cultural Resources

Future commercial cannabis operations associated with Alternative 3 could be located on lands that contain, or are nearby historic resources or contain archaeological and tribal cultural resources. Impacts to historic and archaeological resources would be **potentially significant** for reasons identified in Impact 3.5-1 and 3.5-2. Mitigation measures provided in Section 3.5, "Cultural and Tribal Cultural Resources," would reduce these impacts to less than significant. Impacts to tribal cultural resources would be **less than significant** for reasons identified under Impact 3.5-3. Cultural resource impacts under Alternative 3 would be the same those that would occur for the proposed ordinance because fewer cannabis cultivation and non-cultivation operations would likely disturb fewer resources county-wide. Thus, Alternative 3 historic and archaeological resource impacts would be of **similar** magnitude to the proposed ordinance.

Geology and Soils

Implementation of Alternative 3 would result in the **less-than-significant** geologic and soil stability impacts because these impacts would be addressed through compliance with existing state and local standards as identified in impacts 3.6-1 through 3.6-4. Future development of commercial cannabis facilities under Alternative 3 could result in **potentially significant** impacts associated with the damage or destruction of undiscovered paleontological resources for the same reasons as identified under Impact 3.6-5. Mitigation identified under Impact 3.6-5 would reduce this impact to less than significant. Alternative 3's geology and soils impacts would be of **similar** magnitude as those that would occur for the proposed ordinance because there would be the same extent of development of commercial cannabis cultivation and non-cultivation operations that could disturb paleontological resources county-wide.

Hazards and Hazardous Materials

Alternative 3 would result in **less-than-significant** impacts associated with the use of hazardous materials, exposure to hazards from airport operations and wildfires, and conflicts with emergency response and evaluation plans for reasons identified under Impacts 3.7-1 and 3.7-3 through 3.7-7. This alternative could result in a **potentially significant** impact associated with the accidental release of unidentified contamination or hazardous waste during construction activities of new commercial cannabis operations for reasons identified under Impact 3.7-2. Mitigation measures identified under Impact 3.7-2 would reduce this impact to a less-than-significant level. Relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 3 because there would be the same number of new commercial cannabis cultivation and non-cultivation operations developed county-wide that could potentially disturb contaminated sites.

Hydrology and Water Quality

This alternative would have **potentially significant** operational water quality, drainage, and surface water impacts from new cultivation and non-cultivation operations for reasons identified under impacts 3.8-2, 3.8-4,

and 3.8-5. Mitigation measures identified under Section 3.8, “Hydrology and Water Quality,” would reduce these impacts to a less-than-significant level. Alternative 3’s impact would be the same as the proposed ordinance, because of the similar extent of development of commercial cannabis cultivation operations that could impact water resources. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 3.

Alternative 3 would have the same groundwater performance standards that are identified in the proposed ordinance. Localized groundwater impacts were identified as **potentially significant** for reasons identified under Impact 3.8-3. Mitigation for this impact was identified under Section 3.8, “Hydrology and Water Quality,” which would reduce this impact to less than significant. Alternative 3’s impact would be less than what would occur under the proposed ordinance because of the prohibition of new outdoor and mixed-light cannabis cultivation within the cities’ spheres of influence and County community plan areas where conflicts with multiple domestic wells may occur. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 3.

Land Use and Planning

Alternative 3 would result in **less-than-significant** land use impacts associated with the physical division of established communities or conflicts with applicable land use policy provisions of the County, **similar** in magnitude to the proposed ordinance for reasons identified under Impact 3.9-1 and 3.9-2.

Noise

Construction of new commercial cannabis operations in the County that may occur under Alternative 3 could result in **potentially significant** noise impacts for reasons identified under Impact 3.10-1. Mitigation measures identified under Impact 3.10-1 would reduce construction noise to a less-than-significant level. This alternative’s construction noise impacts would be less than what would occur under the proposed ordinance because it would prohibit new outdoor and mixed-light cannabis cultivation within the cities’ spheres of influence and County community plan areas where there is a concentration of noise-sensitive receptors. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 3.

Alternative 3 would result in **less-than-significant** operational noise impacts or traffic noise impact as further described under Impact 3.10-2 and 3.10-3. This alternative’s operational noise impacts related to generators would be less than what would occur under the proposed ordinance because it would prohibit new outdoor and mixed-light cannabis cultivation within the cities’ spheres of influence and County community plan areas where there is a concentration of noise-sensitive receptors. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 3.

Public Services

Alternative 3 would result in **less-than-significant** impacts to fire protection services and law enforcement. As identified under Impact 3.11-1 and 3.11-2, cannabis operations would be required to comply with state and local regulations related to building, electrical, and fire regulations. This alternative’s public service impacts would be the same as the proposed ordinance because of the similar extent cannabis cultivation and non-cultivation operations would generate the same public service demand. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 3.

Transportation and Circulation

Under Alternative 3, construction and operation of new commercial cannabis facilities would generate traffic on the County roadway system. These increases in traffic would not reduce level of service (LOS) operations on state highways below LOS “C.” This would be a **less-than-significant** traffic impact for reasons further identified under Impact 3.12-1 and 3.12-2. This alternative’s traffic impacts would be the same as the proposed ordinance because of the similar extent cannabis cultivation development, which would generate similar traffic volumes. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 3.

Alternative 3 would include the proposed ordinance's roadway standards for cannabis facilities and would also be subject to Chapter 10 – Fire Safe Regulations of the Humboldt County Code that require the provision of safe access for emergency wildland fire equipment and civilian evacuation concurrently. Compliance with these requirements would reduce potential impacts to emergency access to a **less-than-significant** level. This alternative's emergency access impacts would be the same as the proposed ordinance because of the similar extent cannabis cultivation development that would generate the same potential for emergency access conflicts. Thus, relative to the proposed ordinance, impacts would be of **similar** magnitude under Alternative 3.

Utilities and Service Systems

Alternative 3 could increase the demand for wastewater and water supply services within existing provider service boundaries from new commercial cannabis cultivation and non-cultivation operations. This impact would be **potentially significant** for reasons discussed under Impact 3.13-1 and 3.13-2. Mitigation measures identified in Section 3.13, "Utilities and Service Systems," would reduce this alternative's impact to less than significant for wastewater service, but not for public water supply which would remain significant and unavoidable. This alternative's utility service impacts would be less than what would occur under the proposed ordinance because it would prohibit new outdoor and mixed-use cannabis cultivation within the cities' spheres of influence and County community plan areas where public wastewater and water services are provided. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 3.

Energy

Alternative 3 would have a **less-than-significant** energy impact as it would not result in a wasteful, inefficient, or unnecessary consumption of energy by complying with 2016 Title 24 standards and the renewable energy requirements under the proposed ordinance for renewable energy for existing and new mixed-light cultivation, indoor cultivation, and other non-cultivation activities (see Impact 3.14-1). Alternative 3 would have greater mobile energy use because new outdoor and mixed-light cultivation operations would be located in the rural and agricultural areas of the County, which would increase the extent of vehicle miles traveled on unpaved private roads. Thus, energy efficiency impacts would be of **greater** magnitude under Alternative 3.

This alternative would also result in a **less-than-significant** impact to electrical and natural gas infrastructure for reasons identified under Impact 3.14-2. Cannabis operations that are able to use the existing energy grid in the County would be supplied by PG&E, which is anticipated to maintain sufficient capacity. Thus, this alternative's energy infrastructure impacts would be of **similar** magnitude to the proposed ordinance.

6.3.4 Alternative 4: Prohibition of New Outdoor and Mixed-Light Cultivation Operations

This alternative would cap the extent of new commercial cannabis outdoor and mixed-light cultivation allowed under the proposed ordinance to applications received on or before December 31, 2016 under the CMMLOU. Commercial cannabis indoor operations and non-cultivation operations would not be subject to this prohibition. All other requirements and performance standards in the proposed ordinance would remain the same as the project. The potential extent of new commercial cannabis outdoor and mixed-light cultivation would be limited to 863 new applications for 260.85 acres of cultivation area (based on application data provided in Table 2-2).

This alternative addresses overall environmental impacts associated with new outdoor and mixed-light cultivation activities that include objectionable odors from cannabis cultivation, biological resources, water quality and drainage, water supply impacts, and operational air quality impacts related to particulate matter.

EVALUATION OF ENVIRONMENTAL EFFECTS

Aesthetics

Under Alternative 4, new commercial cannabis operations in the County could alter localized views of scenic vistas or resources. The limitations on size, coverage, and location of cannabis cultivations provided under the proposed ordinance, in addition to existing county code and coastal zoning regulations, would limit the potential for cannabis-related uses to have a substantial adverse visual impact on scenic vistas or resources. This impact would be **less than significant** because cannabis operations would blend with existing rural and agricultural uses located in these scenic viewsheds for reasons identified Impact 3.1-1. Compared to the proposed ordinance, there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential for adverse effects on scenic resources. Thus, relative to the proposed ordinance, impacts on scenic vistas or resources would be of **lesser** magnitude under Alternative 4.

Improvements to existing cannabis operations and new cannabis operations permitted under Alternative 4 would be visually consistent with the existing rural and agricultural character of the County. Cannabis operations are not substantially different in appearance from other agricultural operations, and non-cultivation activities would appear as similar to other warehouse-based facilities. This impact would be **less than significant** for the reasons discussed under Impact 3.1-2. Compared to the proposed ordinance, there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential for adverse effects on visual character. Thus, relative to the proposed ordinance, impacts on visual character to quality would be of **lesser** magnitude under Alternative 4.

Commercial cannabis operations permitted under Alternative 4 could involve the use of lighting, such as for the interior of hoop houses and other light fixtures used at night could create new light sources that are out of character with the area. This alternative would be subject to the performance standards under the proposed ordinance that expressly prohibit any light escaping from nurseries and mixed-light cannabis cultivation operations. This impact would be **less than significant** for reasons identified under Impact 3.1-3. Relative to the proposed ordinance, light and glare impacts would be of **similar** magnitude under Alternative 4 as it would utilize the same lighting standards.

Agriculture and Forest Resources

Cannabis is defined under the proposed ordinance and by the state as an agricultural product and as such, Alternative 4 would not result in conversion of farmland to nonagricultural uses nor conflict with existing zoning for agricultural use. The County has determined that cannabis cultivation is a compatible use on lands under Williamson Act contracts. There would be **no impact** on conversion of farmland to nonagricultural use, or conflict with zoning for agricultural use, or a Williamson Act contract under Alternative 4 or the project. Relative to the proposed ordinance, this impact would be of **similar** magnitude for Alternative 4.

Under Alternative 4 and the project, no new commercial cultivation sites would be allowed on lands zoned as TPZ. For existing cultivation sites, timberland conversion may only occur in association with on-site remediation and reconfiguration activities, including reforestation, subject to performance standards. Therefore, cannabis cultivation and associated activities would not cause conflicts that could result in substantial conversion of forest land to a non-forest use or rezoning of TPZ lands. Under Alternative 4, this impact would be **less than significant** and of **similar** magnitude to the proposed ordinance.

Air Quality and Greenhouse Gas Emissions

Alternative 4 would result in operational PM₁₀ air quality impacts related to road dust emissions during harvest season from new cultivation operations. As identified in Impact 3.3-2, are no feasible mitigation measures available to address this impact. Thus, this impact would be **significant and unavoidable**. Compared to the proposed ordinance, there would be fewer commercial cannabis activities throughout the

County and, consequently, less potential to generate road dust. Thus, relative to the proposed ordinance, PM₁₀ air quality impacts would be of **lesser** magnitude under Alternative 4.

Greenhouse gas impacts would be **less than significant** as identified under Impact 3.3-3. Alternative 4 would have fewer GHG emissions, because there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential to generate GHG emission. Thus, GHG impacts would be of **lesser** magnitude under Alternative 4.

Objectionable odors could result from cannabis operations under Alternative 4 for the reasons described under Impact 3.3-4. Mitigation measures identified under Impact 3.3-4 would assist in addressing this impact, but the impact would remain **significant and unavoidable**. Alternative 4 would have a reduced extent of potential odor impacts because of the smaller number of new outdoor and mixed-light cannabis cultivation operations that are a source of objectionable odors as compared to the proposed ordinance. Thus, odor impacts would be of **lesser** magnitude under Alternative 4.

Biological Resources

Under Alternative 4, potential land use conversion would result in **potentially significant** impacts to habitat conditions, special-status plant and animal species, sensitive natural communities, and wildlife movement for reasons identified under Impacts 3.4-1 through 3.4-6. Mitigation measures provided in Section 3.4, "Biological Resources," would reduce these impacts to a less-than-significant level. Compared to the proposed ordinance, the extent of significant of these impacts under Alternative 4 would be reduced. Alternative 4 would result in less cannabis cultivation and non-cultivation operations, which would disturb less land area as compared to the proposed ordinance. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Cultural Resources

Future commercial cannabis operations associated with Alternative 4 could be located on lands that contain, or are nearby historic resources or contain archaeological and tribal cultural resources. Impacts to historic and archaeological resources would be **potentially significant** for reasons identified in Impact 3.5-1 and 3.5-2. Mitigation measures provided in Section 3.5, "Cultural and Tribal Cultural Resources," would reduce these impacts to less than significant. Impacts to tribal cultural resources would be **less than significant** for reasons identified under Impact 3.5-3. Cultural resource impacts under Alternative 4 would be less than those that would occur for the proposed ordinance because of a smaller extent of development of cannabis cultivation and non-cultivation operations that could disturb resources. Thus, relative to the proposed ordinance, impacts would likely be of **lesser** magnitude under Alternative 4.

Geology and Soils

Implementation of Alternative 4 would result in the **less-than-significant** geologic and soil stability impacts, because these impacts would be addressed through compliance with existing state and local standards as identified impacts 3.6-1 through 3.6-4. Future development of commercial cannabis facilities under Alternative 4 could result in **potentially significant** impacts associated with the damage or destruction of undiscovered paleontological resources for reasons identified under Impact 3.6-5. Mitigation identified under Impact 3.6-5 would reduce this impact to less than significant. Alternative 4's geology and soils impacts would be of **lesser** magnitude than those that would occur for the proposed ordinance because there would be a reduced extent development of commercial cannabis cultivation and non-cultivation operations that could disturb paleontological resources.

Hazards and Hazardous Materials

Alternative 4 would result in **less-than-significant** impacts associated with the use of hazardous materials, exposure to hazards from airport operations and wildfires, and conflicts with emergency response and evaluation plans for reasons identified under Impacts 3.7-1 and 3.7-3 through 3.7-7. This alternative could result in a **potentially significant** impact associated with the accidental release of unidentified contamination or hazardous waste during construction activities of new commercial cannabis operations for reasons

identified under Impact 3.7-2. Mitigation measures identified under Impact 3.7-2 would reduce this impact to a less-than-significant level. Relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4 because there would be fewer new commercial cannabis cultivation and non-cultivation operations developed county-wide that could potentially disturb contaminated sites.

Hydrology and Water Quality

This alternative would have **potentially significant** operational water quality, drainage, and surface water impacts from new cultivation and non-cultivation operations for reasons identified under impacts 3.8-2, 3.8-4, and 3.8-5. Mitigation measures identified under Section 3.8, "Hydrology and Water Quality," would reduce these impacts to a less-than-significant level. Alternative 4's impact would be less than those that would occur under the proposed ordinance, because fewer commercial cannabis cultivation operations. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Alternative 4 would have the same groundwater performance standards that are identified in the proposed ordinance. Localized groundwater impacts were identified as **potentially significant** for reasons identified under Impact 3.8-3. Mitigation for this impact was identified under Section 3.8, "Hydrology and Water Quality," that would reduce this impact to less than significant. Alternative 4's impact would be less than what would occur under the proposed ordinance because of the smaller extent of development of commercial cannabis cultivation operations that could impact local groundwater resources and wells. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Land Use and Planning

Alternative 4 would result in **less-than-significant** land use impacts associated with the physical division of established communities or conflicts with applicable land use policy provisions of the County, **similar** in magnitude to the proposed ordinance for reasons identified under Impact 3.9-1 and 3.9-2.

Noise

Construction of new commercial cannabis operations in the County that may occur under Alternative 4 could result in **potentially significant** noise impacts for reasons identified under Impact 3.10-1. Mitigation measures identified under Impact 3.10-1 would reduce construction noise to a less-than-significant level. This alternative's construction noise impacts would be less than what would occur under the proposed ordinance because of the smaller extent of development of commercial cannabis cultivation operations that could impact adjacent noise-sensitive receptors. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Alternative 4 would result in **less-than-significant** operational noise impacts or traffic noise impact as further described under Impact 3.10-2 and 3.10-3. This alternative's operational noise impacts related to generators would be less than what would occur under the proposed ordinance because of the smaller extent of development of commercial cannabis cultivation and non-cultivation operations that could impact adjacent noise-sensitive receptors. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Public Services

Alternative 4 would result in **less-than-significant** impacts to fire protection services and law enforcement. As identified under Impact 3.11-1 and 3.11-2, cannabis operations would be required to comply with state and local regulations related to building, electrical, and fire regulations. This alternative's public service impacts would be less than those that would occur for the proposed ordinance because of fewer cannabis cultivation and non-cultivation operations would generate lower public service demand. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Transportation and Circulation

Under Alternative 4, construction and operation of new commercial cannabis cultivation facilities would generate traffic on the County roadway system. These increases in traffic would not reduce level of service

(LOS) operations on state highways below LOS “C.” This would be a **less-than-significant** traffic impact for reasons further identified under Impact 3.12-1 and 3.12-2. This alternative’s traffic impacts would be less than those that would occur for the proposed ordinance because fewer cannabis cultivation facilities would generate lower traffic volumes. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Alternative 4 would include the proposed ordinance’s roadway standards for cannabis facilities and would also be subject to Chapter 10 – Fire Safe Regulations of the Humboldt County Code that require the provision of safe access for emergency wildland fire equipment and civilian evacuation concurrently. Compliance with these requirements would reduce potential impacts to emergency access to a **less-than-significant** level. This alternative’s emergency access impacts would be less than those that would occur for the proposed ordinance because of the reduced extent cannabis cultivation that would create a lower potential for emergency access conflicts. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Utilities and Service Systems

Alternative 4 could increase the demand for wastewater and water supply services within existing service provider service boundaries from new commercial cannabis cultivation and non-cultivation operations. This impact would be **potentially significant** for reasons discussed under Impact 3.13-1 and 3.13-2. Mitigation measures identified in Section 3.13, “Utilities and Service Systems,” would reduce this alternative’s impact to less than significant for wastewater service, but not for public water supply which would remain significant and unavoidable. This alternative’s utility service impacts would be less than those that would occur for the proposed ordinance because fewer cannabis cultivation and non-cultivation operations would generate lower demand for public wastewater and water service. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 4.

Energy

Alternative 4 would have a **less-than-significant** energy impact as it would not result in a wasteful, inefficient, or unnecessary consumption of energy by complying with 2016 Title 24 standards and the renewable energy requirements under the proposed ordinance for renewable energy for existing and new mixed-light cultivation, indoor cultivation, and other non-cultivation activities (see Impact 3.14-1). Alternative 4 would reduce the amount of cannabis cultivation and non-cultivation energy use as compared to the proposed ordinance because no additional cannabis operations would be allowed beyond those applications submitted on or before December 31, 2016. Thus, this alternative’s energy impacts would be of **lesser** magnitude to the proposed ordinance.

This alternative would also result in a **less-than-significant** impact to electrical and natural gas infrastructure for reasons identified under Impact 3.14-2. Cannabis operations that are able to use the existing energy grid in the County would be supplied by PG&E, which is anticipated to maintain sufficient capacity. Thus, this alternative’s energy infrastructure impacts would be of **similar** magnitude to the proposed ordinance.

6.3.5 Alternative 5: Reduction of New Commercial Cannabis Operations

This alternative is based in part on the Friends of the Eel River Notice of Preparation comments that suggested a “Watershed and Wildlife Protection Alternative.” This suggested alternative consists of prohibition of new commercial cultivation operations in subwatersheds that are designated as critical habitat for species listed under the federal Endangered Species Act. As shown in Exhibit 3.4-5, all watersheds in the County include critical habitat for chinook salmon, steelhead, marbled murrelet, and/or northern spotted owl. Thus, this suggested alternative would be a county-wide prohibition of new commercial outdoor and mixed-light cannabis operations.

Alternative 5 would prohibit all new commercial cannabis outdoor and mixed-light cultivation that did not exist on or before December 31, 2015 except under the RRR program, and would not allow any new permits

for pre-existing cultivation in areas zoned Timber Production Zone (TPZ). New commercial cannabis indoor cultivation and non-cultivation operations would only be allowed within community plan boundaries. All other requirements and performance standards in the proposed ordinance would remain the same as the project.

This alternative addresses overall environmental impacts associated with new outdoor and mixed-light cultivation activities that include objectionable odors from cannabis cultivation, biological resources, water quality and drainage, water supply impacts, and operational air quality impacts related to particulate matter.

EVALUATION OF ENVIRONMENTAL EFFECTS

Aesthetics

Under Alternative 5, modifications to existing commercial cannabis cultivation operations and new indoor cultivation and non-cultivation cannabis operations in the County could alter localized views of scenic vistas or resources. The limitations on size, coverage, and location of cannabis cultivations provided under the proposed ordinance, in addition to existing county code and coastal zoning regulations, would limit the potential for cannabis-related uses to have a substantial adverse visual impact on scenic vistas or resources. This impact would be **less than significant**, because cannabis operations would blend with existing rural and agricultural uses located in these scenic viewsheds for reasons identified Impact 3.1-1. Compared to the proposed ordinance, there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential for adverse effects on scenic resources. Thus, relative to the proposed ordinance, impacts on scenic vistas or resources would be of **lesser** magnitude under Alternative 5.

Improvements to existing cannabis operations and new indoor cultivation and non-cultivation cannabis operations permitted under Alternative 5 would be visually consistent with the existing rural and agricultural character of the County. Cannabis operations are aesthetically not substantially different in appearance from other agricultural operations, and non-cultivation activities would appear as similar to other warehouse-based facilities. This impact would be **less than significant** for the reasons discussed under Impact 3.1-2. Compared to the proposed ordinance, there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential for adverse effects on visual character. Thus, relative to the proposed ordinance, impacts on visual character to quality would be of **lesser** magnitude under Alternative 5.

Commercial cannabis operations permitted under Alternative 5 could involve the use of lighting, such as for indoor cultivation and other light fixtures used at night could create new light sources that are out of character with the area. This alternative would be subject to the performance standards under the proposed ordinance that expressly prohibit any light escape from nurseries and existing mixed-light cannabis cultivation operations. This impact would be **less than significant** for reasons identified under Impact 3.1-3. Relative to the proposed ordinance, light and glare impacts would be of **lesser** magnitude under Alternative 5 as there would be a smaller number of commercial cannabis activities that could be a source of lighting and glare.

Agriculture and Forest Resources

Cannabis is defined under the proposed ordinance and by the state as an agricultural product and as such, Alternative 5 would not result in conversion of farmland to nonagricultural uses nor conflict with existing zoning for agricultural use. The County has determined that cannabis cultivation is a compatible use on lands under Williamson Act contracts. There would be **no impact** on conversion of farmland to nonagricultural use, or conflict with zoning for agricultural use, or a Williamson Act contract under Alternative 5 or the project. Relative to the proposed ordinance, this impact would be of **similar** magnitude for Alternative 5.

Under Alternative 5 and the project, no new commercial cultivation sites would be allowed on lands zoned as TPZ. For existing cultivation sites, timberland conversion may only occur in association with on-site

remediation and reconfiguration activities, including reforestation, subject to performance standards. Therefore, cannabis cultivation and associated activities would not cause conflicts that could result in substantial conversion of forest land to a non-forest use or rezoning of TPZ lands. Under Alternative 5, this impact would be **less than significant** and of **similar** magnitude to the proposed ordinance.

Air Quality and Greenhouse Gas Emissions

Alternative 5 would result in operational PM₁₀ air quality impacts related to road dust emissions during harvest season from cultivation operations. As identified in Impact 3.3-2, are no feasible mitigation measures available to address this impact. Thus, this impact would be **significant and unavoidable**. Compared to the proposed ordinance, there would be a smaller number of commercial cannabis activities that could occur throughout the County and, consequently, less potential to generate road dust. Thus, relative to the proposed ordinance, PM₁₀ air quality impacts would be of **lesser** magnitude under Alternative 5.

Greenhouse gas impacts would be **less than significant** as identified under Impact 3.3-3. Alternative 5 would have fewer GHG emissions, because there would be fewer commercial cannabis activities throughout the County and, consequently, less potential to generate GHG emission. Thus, GHG impacts would be of **lesser** magnitude under Alternative 5.

Objectionable odors could result from cannabis operations under Alternative 5 for the reasons described under Impact 3.3-4. Mitigation measures identified under Impact 3.3-4 would assist in addressing this impact, but the impact would remain **significant and unavoidable**. Alternative 5 would have a reduced extent of potential odor impacts because of the prohibition of new outdoor and mixed-light cannabis cultivation that are a source of objectionable odors as compared to the proposed ordinance. Thus, odor impacts would be of **lesser** magnitude under Alternative 5.

Biological Resources

Under Alternative 5, potential land use conversion would result in **potentially significant** impacts to habitat conditions, special-status plant and animal species, sensitive natural communities, and wildlife movement for reasons identified under Impacts 3.4-1 through 3.4-6. Mitigation measures provided in Section 3.4, "Biological Resources," would reduce these impacts to a less-than-significant level. Compared to the proposed ordinance, the extent of significant of these impacts under Alternative 5 would be reduced. This alternative would prohibit new outdoor and mixed-light commercial cannabis cultivation operations that could disturb habitat areas and the County's watersheds where special-status wildlife species occur. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Cultural Resources

Future commercial cannabis operations associated with Alternative 5 could be located on lands that contain, or are nearby historic resources or contain archaeological and tribal cultural resources. Impacts to historic and archaeological resources would be **potentially significant** for reasons identified in Impact 3.5-1 and 3.5-2. Mitigation measures provided in Section 3.5, "Cultural and Tribal Cultural Resources," would reduce these impacts to less than significant. Impacts to tribal cultural resources would be **less than significant** for reasons identified under Impact 3.5-3. Cultural resource impacts under Alternative 5 would be less than those that would occur for the proposed ordinance because fewer new commercial cannabis operations would likely disturb fewer resources. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Geology and Soils

Implementation of Alternative 5 would result in the **less-than-significant** geologic and soil stability impacts because these impacts would be addressed through compliance with existing state and local standards as identified impacts 3.6-1 through 3.6-4. Future development of commercial cannabis facilities under Alternative 5 could result in **potentially significant** impacts associated with the damage or destruction of undiscovered paleontological resources for reasons identified under Impact 3.6-5. Mitigation identified under Impact 3.6-5

would reduce this impact to less than significant. Alternative 5's geology and soils impacts would be of **lesser** magnitude than those that would occur for the proposed ordinance because there would be a reduced extent development of new commercial cannabis operations that could disturb paleontological resources.

Hazards and Hazardous Materials

Alternative 5 would result in **less-than-significant** impacts associated with the use of hazardous materials, exposure to hazards from airport operations and wildfires, and conflicts with emergency response and evaluation plans for reasons identified under Impacts 3.7-1 and 3.7-3 through 3.7-7. This alternative could result in a **potentially significant** impact associated with the accidental release of unidentified contamination or hazardous waste during construction activities of new commercial cannabis operations for reasons identified under Impact 3.7-2. Mitigation measures identified under Impact 3.7-2 would reduce this impact to a less-than-significant level. Relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5 because there would be fewer new commercial cannabis operations developed county-wide that could potentially disturb contaminated sites.

Hydrology and Water Quality

This alternative would have **potentially significant** operational water quality, drainage, and surface water impacts from new cultivation and non-cultivation operations for reasons identified under impacts 3.8-2, 3.8-4, and 3.8-5. Mitigation measures identified under Section 3.8, "Hydrology and Water Quality," would reduce these impacts to a less-than-significant level. Alternative 5's impact would be less than those that would occur under the proposed ordinance because of the prohibition of new outdoor and mixed-light commercial cannabis cultivation operations that could impact water resources and the County's watersheds. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Alternative 5 would have the same groundwater performance standards that are identified in the proposed ordinance. Localized groundwater impacts were identified as **potentially significant** for reasons identified under Impact 3.8-3. Mitigation for this impact was identified under Section 3.8, "Hydrology and Water Quality," that would reduce this impact to less than significant. Alternative 5's impact would be less than what would occur under the proposed ordinance because of the prohibition of new outdoor and mixed-light commercial cannabis cultivation operations that could impact local groundwater resources and wells. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Land Use and Planning

Alternative 5 would result in **less-than-significant** land use impacts associated with the physical division of established communities or conflicts with applicable land use policy provisions of the County, **similar** in magnitude to the proposed ordinance for reasons identified under Impact 3.9-1 and 3.9-2.

Noise

Construction of new commercial cannabis operations in the County that may occur under Alternative 5 could result in **potentially significant** noise impacts for reasons identified under Impact 3.10-1. Mitigation measures identified under Impact 3.10-1 would reduce construction noise to a less-than-significant level. This alternative's construction noise impacts would be less than what would occur under the proposed ordinance because of the prohibition of new outdoor and mixed-light commercial cannabis cultivation operations that would reduce the extent of construction noise impacts in the County. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Alternative 5 would result in **less-than-significant** operational noise impacts or traffic noise impact as further described under Impact 3.10-2 and 3.10-3. This alternative's operational noise impacts related to generators would be less than what would occur under the proposed ordinance because of the smaller extent of development of new commercial cannabis operations that could impact adjacent noise-sensitive receptors. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Public Services

Alternative 5 would result in **less-than-significant** impacts to fire protection services and law enforcement. As identified under Impact 3.11-1 and 3.11-2, cannabis operations would be required to comply with state and local regulations related to building, electrical, and fire regulations. This alternative's public service impacts would be less than those that would occur for the proposed ordinance, because of fewer new commercial cannabis operations would generate lower public service demand. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Transportation and Circulation

Under Alternative 5, construction and operation of new commercial cannabis cultivation facilities would generate traffic on the County roadway system. These increases in traffic would not reduce level of service (LOS) operations on state highways below LOS "C." This would be a **less-than-significant** traffic impact for reasons further identified under Impact 3.12-1 and 3.12-2. This alternative's traffic impacts would be less than those that would occur for the proposed ordinance because of the prohibition of new outdoor and mixed-light commercial cannabis cultivation operations would generate lower traffic volumes. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Alternative 5 would include the proposed ordinance's roadway standards for cannabis facilities and would also be subject to Chapter 10 – Fire Safe Regulations of the Humboldt County Code that require the provision of safe access for emergency wildland fire equipment and civilian evacuation concurrently. Compliance with these requirements would reduce potential impacts to emergency access to a **less-than-significant** level. This alternative's emergency access impacts would be less than those that would occur for the proposed ordinance because of the reduced extent new cannabis cultivation operations that would generate a lower potential for emergency access conflicts. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Utilities and Service Systems

Alternative 5 could increase the demand for wastewater and water supply services within existing provider service boundaries from new commercial cannabis cultivation and non-cultivation operations. This impact would be **potentially significant** for reasons discussed under Impact 3.13-1 and 3.13-2. Mitigation measures identified in Section 3.13, "Utilities and Service Systems," would reduce this alternative's impact to less than significant for wastewater service, but not for public water supply, which would remain significant and unavoidable. This alternative's utility service impacts would be less than those that would occur for the proposed ordinance because fewer new commercial cannabis operations that would generate a lower demand for public wastewater and water service. Thus, relative to the proposed ordinance, impacts would be of **lesser** magnitude under Alternative 5.

Energy

Alternative 5 would have a **less-than-significant** energy impact as it would not result in a wasteful, inefficient, or unnecessary consumption of energy by complying with 2016 Title 24 standards and the renewable energy requirements under the proposed ordinance for renewable energy for existing mixed-light cultivation, indoor cultivation, and other non-cultivation activities (see Impact 3.14-1). Alternative 5 would reduce the amount of cannabis cultivation and non-cultivation energy use as compared to the proposed ordinance because of the prohibition of new outdoor or mixed-light commercial cannabis cultivation operations. Thus, this alternative's energy impacts would be of **lesser** magnitude to the proposed ordinance.

This alternative would also result in a **less-than-significant** impact to electrical and natural gas infrastructure for reasons identified under Impact 3.14-2. Cannabis operations that are able to use the existing energy grid in the County would be supplied by PG&E, which is anticipated to maintain sufficient capacity. Thus, this alternative's energy infrastructure impacts would be of **similar** magnitude to the proposed ordinance.

6.4 COMPARISON OF ALTERNATIVES

Table 6-2 summarizes the environmental analyses provided above for the project alternatives.

Environmental Topic	Proposed Project	Alternative 1 – No Project, No Additional Permits Issued	Alternative 2 – No Project, New Permits Issued	Alternative 3 – Prohibition of New Outdoor and Mixed-Light Cannabis Operations in City Spheres of Influence and Community Plan Areas	Alternative 4 – Prohibition of New Outdoor and Mixed-Light Cultivation Operations	Alternative 5 – Reduction of New Commercial Operations
Aesthetics	Less Than Significant	Less	Similar (scenic resources and visual character) Greater (light and glare)	Similar	Less (scenic resources and visual character) Similar (light and glare)	Less
Agriculture and Forest Resources	Less Than Significant	Similar	Similar	Similar	Similar	Similar
Air Quality and Greenhouse Gas Emissions	Significant and Unavoidable	Less (PM ₁₀ emissions and odors) Similar (GHG emissions)	Similar (PM ₁₀ emissions and odors) Greater (GHG emissions)	Greater (PM ₁₀ emissions and GHG emissions) Less (odors)	Less	Less
Biological Resources	Less Than Significant (With Mitigation)	Less	Similar	Similar	Less	Less
Cultural Resources	Less Than Significant (With Mitigation)	Less	Similar	Similar	Less	Less
Geology and Soils	Less Than Significant (With Mitigation)	Less	Similar	Similar	Less	Less
Hazards and Hazardous Materials	Less Than Significant (With Mitigation)	Less	Similar	Similar	Less	Less
Hydrology and Water Quality	Less Than Significant (With Mitigation)	Less (water quality, drainage, surface water) Greater (groundwater)	Similar (water quality, drainage, surface water) Greater (groundwater)	Similar (water quality, drainage, surface water) Less (groundwater)	Less	Less
Land Use and Planning	Less Than Significant	Similar	Similar	Similar	Similar	Similar

Table 6-2 Comparison of the Environmental Impacts of the Alternatives in Relation to the Project

Environmental Topic	Proposed Project	Alternative 1 – No Project, No Additional Permits Issued	Alternative 2 – No Project, New Permits Issued	Alternative 3 – Prohibition of New Outdoor and Mixed-Light Cannabis Operations in City Spheres of Influence and Community Plan Areas	Alternative 4 – Prohibition of New Outdoor and Mixed-Light Cultivation Operations	Alternative 5 – Reduction of New Commercial Operations
Noise	Less Than Significant (With Mitigation)	Less	Similar (construction noise) Greater (generator noise)	Less	Less	Less
Public Services	Less Than Significant	Less	Similar	Similar	Less	Less
Transportation and Circulation	Less Than Significant	Less	Similar (traffic operations) Greater (transportation safety)	Similar	Less	Less
Utilities and Service Systems	Significant and Unavoidable	Less	Similar	Less	Less	Less
Energy	Less Than Significant	Greater (energy efficiency) Similar (energy infrastructure)	Greater (energy efficiency) Similar (energy infrastructure)	Greater (energy efficiency) Similar (energy infrastructure)	Less	Less

Source: Compiled by Ascent Environmental in 2017

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CCR Section 15126.6 suggests that an EIR should identify the “environmentally superior” alternative. “If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.”

With Alternative 5, impacts to aesthetics, air quality and greenhouse gases, biological resources, cultural resources, geology and soils, hydrology and water quality, noise, public services, traffic, utilities, and energy would be reduced, when compared to the project. Because it would result in less overall environmental impact than the project, Alternative 5 would be considered environmentally superior. This alternative would meet the basic project objectives.

7 LIST OF PREPARERS

LEAD AGENCY

Humboldt County

John Ford Planning Director
Michael Richardson Supervising Planner, Advance Planning Division
Steve Werner Supervising Planner, Current Planning Division
Joseph Ellinwood Deputy County Counsel
Steve Lazar Senior Planner

PREPARERS OF THE ENVIRONMENTAL DOCUMENT

Ascent Environmental

Gary Jakobs, AICP Principal
Patrick Angell Project Manager
Marianne Lowenthal Assistant Project Manager, Hydrology and Water Quality, Utilities, and Service Systems
Kirsten Burrowes Aesthetics, Public Services
Jessica Mitchell Agriculture and Forest Resources, Geology and Soils
Hannah Kornfield Air Quality and Greenhouse Gas Emissions, Energy
Dimitri Antoniou Air Quality and Greenhouse Gas Emissions, Energy
Honey Walters Senior Reviewer: Air Quality and Greenhouse Gas Emissions, Energy
Austin Kerr Senior Reviewer: Noise
Allison Fuller Biological Resources
Linda Leeman Senior Reviewer: Biological Resources
Alta Cunningham Cultural Resources
Jessica Babcock Hazards and Hazardous Materials
Sarah Henningsen Land Use and Planning
Zach Miller Transportation and Circulation, Noise
Lisa Merry GIS Specialist
Phi Ngo GIS Specialist
Gayiety Lane Production Specialist
Michele Mattei Production Specialist

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Chapter 6, Alternatives

none

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Appendix A

NOP and Comments Received



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792
<http://www.co.humboldt.ca.us/planning/>

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Date: April 4, 2017

To: Interested Parties
All Recipients on the Distribution List

Lead Agency: County of Humboldt Planning & Building Department

Contact: Steven Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

Project Title: Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

NOTICE IS HEREBY GIVEN THAT the County of Humboldt (County), as Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR) for proposed amendments to the Humboldt County Code regulating cannabis activities authorized under state law (Project). The NOP includes a project background, description, maps, and an overview of the potential impacts that will be addressed in the EIR. This NOP was prepared in accordance with Section 15082 of the CEQA Guidelines.

THE PURPOSE OF THIS NOTICE IS: (1) to serve as the NOP to provide interested parties, including members the public, potential Responsible Agencies, agencies involved in funding or approving the Project, and Trustee Agencies responsible for natural resources affected by the Project, with sufficient information to provide meaningful responses as to the scope and content of the EIR; and (2) to advise and solicit comments and suggestions regarding the preparation of the EIR, environmental issues and alternatives to be addressed in the EIR, and any related issues, from interested parties.

A 30-DAY NOP REVIEW PERIOD: The NOP will be circulated for a 30-day review period from April 6, 2017 to May 9, 2017. The County of Humboldt Planning and Building Department welcomes responsible and trustee agency input during this review.

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Written comments should be submitted or postmarked no later than **5:00 p.m. on Monday, May 9, 2017**. Please indicate a contact person in your response and send your comments to:

slazar@co.humboldt.ca.us

or

Steve Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

Scoping Session: The County will hold one or more scoping sessions at date(s), time(s), and place(s) to be announced to 1) inform the public and interested agencies about the proposed Project; and 2) solicit public comment on environmental issues and alternatives to the Project to be considered in the EIR.

DOCUMENTS AVAILABLE FOR PUBLIC REVIEW: The NOP and related Project documents are available for public review at the following location:

County of Humboldt Planning & Building Department
3015 H Street
Eureka, CA 95501

The NOP and related Project documents are also available for public review online at:

<https://humboldt.gov.org/2308/Cannabis-EIR>

PROJECT LOCATION AND SETTING:

The project location, hereafter referred to as the planning area, is identified as the unincorporated areas of Humboldt County. With 3,570 square miles (nearly 2.3 million acres) of land, Humboldt County is the fourteenth largest county in California as well as one of the more rural counties.

The County is located in the northern coastal region of California between Del Norte County to the north, Mendocino County to the south, Trinity and Siskiyou Counties to the east, and the Pacific Ocean to the west. Humboldt and bordering counties Trinity and Mendocino are often referred to as “The Emerald Triangle”. With a reputation for marijuana cultivation spanning nearly half a century, this region is believed by many to be the largest producer of cannabis in the country, and possibly the world.

There are seven incorporated cities in the County (Trinidad, Eureka, Arcata, Blue Lake, Fortuna, Ferndale, and Rio Dell) occupying 24,040 acres, or just about one percent of the total land area. Approximately 30 percent of the County is either in public ownership or tribal lands. The National Forests, National Parks, and public land controlled by the Bureau of Land Management

NOTICE OF PREPARATION

Amendments to Humboldt County Code regulating Commercial Cannabis Activities

totals 110,000 acres, the State Parks System includes 76,500 acres, and other state lands comprise approximately 8,500. Tribal lands total approximately 127,500 acres (including reservations, Rancherias, and other trust lands), or 5.7 percent of the total land area in the county. 2016 data shows a county-wide population of 135,116. Slightly more than half (71,830 persons) of these residents live within unincorporated areas of the county, which are comprised of a diverse range of settings, including small rural communities, urbanized areas, as well as agricultural areas characterized primarily by dairies, cultivation of row crops, greenhouse crops, and orchards and ranch operations. Agriculture, timber, tourism, and education/government are strong industries in the County.

Humboldt County includes significant portions of the Klamath River, Trinity River, Mad River, Van Duzen River, Mattole River, Eel River, Bear River, and Redwood Creek watersheds, and their tributaries. Historically, these rivers provided spawning grounds for salmon and steelhead runs that were central to the culture of local California Native American Tribes, and once supported a thriving commercial fishing industry along the northern California coast, now in serious decline.

Approximately seventy-five percent of the county's 2.3 million acres are forested coastal mountains. About fifty percent of this acreage is held as private commercial timberland. The timber industry economic activity peaked in the 50s and 60s, but is still a significant contributor to the local economy. In the period 2000-2012 Humboldt County ranked first or second in timber harvest among all California counties, with 16-20% of the total. Though forests are a defining feature, agriculture is a key part of the landscape and remains an important base industry. Approximately twenty percent of Humboldt County (460,000 acres) is host to conventional agricultural uses, with livestock and dairy operations predominating.

The Project involves proposed adoption of countywide regulations and policies to govern commercial cannabis activities, as defined and authorized under state law concerning medical cannabis or adult use of marijuana. This includes: cultivation, processing, distribution, manufacturing, testing, transportation, and retail sales within select zoning districts. The new regulations may include a licensing ordinance and zoning ordinance amendments as well as amendments to other areas of county code. Amendments to the Local Coastal Program (LCP) may also be required for activities to occur in the Coastal Zone. The new regulations may supersede, augment, or substitute for existing provisions in County Code regulating these activities, including but not limited to sections 313 and 314-55 of the code which regulate commercial activities involving the cultivation, manufacturing, and distribution of cannabis for medical use, as well as the indoor and outdoor cultivation of medical cannabis for personal use by qualified patients.

The description in the EIR of the existing conditions of cannabis cultivation in the County, called the "baseline", has been informed by the County's recent registration and time-limited permit application process that closed December 31, 2016, which resulted in over 2,300 initial applications. Approximately 75% of these applicants claim to have historically cultivated cannabis and are seeking a permit for continued cannabis operations. In some cases, applicants are choosing to retire and remediate existing cultivation sites, and are requesting to relocate to

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Amendments to Humboldt County Code regulating Commercial Cannabis Activities

new properties which qualify to receive them, with the benefit of allowing for up to a quadrupling of total cultivation area, or 20,000 square feet of cultivation, whichever is less. A smaller percentage of the total applications received are linked to projects proposing to establish new cultivation sites, primarily in agricultural areas determined to be most suitable for cultivation with the least adverse attendant environmental impacts. The smallest percentage of applications received involves proposals for indoor cultivation, or the development of manufacturing operations or wholesale distribution facilities. Additionally, the baseline also includes existing commercial cannabis operations for which no permit applications have been submitted. The EIR will assume that some portion of this population will seek to participate in the legal, regulated marketplace, and others will choose to remain in the black market.

A study of 2012 satellite imagery conducted by Butsic and Brenner¹, revealed the presence of 4,428 outdoor cultivation sites within 60 of the 112 subwatersheds (Hydrologic Unit Code 12) visible in Humboldt County. In 2015, during a presentation before the Humboldt County Board Supervisors, Mr. Butsic confirmed that the 60 watersheds were chosen as part of a random sample and that it was therefore reasonable to extrapolate almost double that number existed within Humboldt County in 2012². Anecdotal information received from observations by local regulatory and enforcement agencies suggests a pattern of near-exponential growth in the industry during the past decade, with some estimates of as many as 10,000 – 15,000 cultivation operations currently in existence.

PROJECT BACKGROUND:

Notable Local and State Legislative History

In November 1996, California voters approved Proposition 215, the Compassionate Use Act, providing a limited defense against prosecution for possession and use of marijuana where medical use has been recommended by physician.

In September 2003, the state legislature adopted SB 420 (Vasconcellos) establishing the medical marijuana program for authorized patients and collectives and cooperatives to cultivate, possess and use medical marijuana under limitations protected from prosecution.

In August 2004, the Humboldt County Board of Supervisors adopted Ordinance No. 2328 to provide for local implementation of Proposition 215 and SB 420.

In December 2011, the Humboldt County Board of Supervisors adopted Ordinance No. 2468, providing limitations for the indoor cultivation of medical marijuana for personal use (Phase I), and Ordinance No. 2469, establishing a moratorium for processing and acceptance of applications for medical marijuana dispensaries. The moratorium was subsequently extended and the permitting of dispensaries prohibited by Ordinance No. 2511 in December 2013.

¹ Butsic, Van and Jacob C. Brenner. "Cannabis (Cannabis sativa or C. indica) Agriculture and the Environment: A Systematic, Spatially-Explicit Survey and Potential Impacts." *Environmental Research Letters*, 2016; 11 (4): 044023 DOI:10.1088/1748-9326/11/4/044023.

² Mintz, Daniel. "Researcher: 8,400 Grow Sites in County." *Mad River Union*, January 27, 2016, <http://www.madriverunion.com/researcher-8400-grow-sites-in-county-2/>.

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In October 2014, the Humboldt County Board of Supervisors adopted Ordinance No. 2523 providing limitations for the outdoor cultivation of medical marijuana for personal use on parcels 5 acres or less (Phase II).

In August 2015, the Humboldt County Board of Supervisors adopted Ordinance No. 2534 establishing regulations for permitting dispensaries (Phase III), but which did not go into effect until July 2016 pending a separate ordinance to rescind Ordinance No. 2511.

In 2015, the California Legislature passed the Medical Cannabis Regulation and Safety Act (MCRSA), enabling licensing for commercial medical cannabis activities at the state level (subject to local approval). The law went into effect on January 1, 2016; however, the state licensing program will not begin until January 2018. In the interim, local governments may adopt ordinances to permit or license local cannabis cultivation and other commercial enterprises in preparation for state licensing, or prohibit such operations.

In January 2016, Humboldt County was the first local government in the state to adopt a comprehensive local regulatory program for commercial medical cannabis. The law known as the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Ordinance No. 2544 (Phase IV) took effect on February 26, 2016, and included a limited time period for application submission that ended on December 31, 2016.

In July 2016, the Humboldt County Board of Supervisors adopted Ordinance No. 2554, rescinding Ordinance No. 2511 and amending Ordinance No. 2534 (Phase III Dispensary Regulations) and allowing for commercial medical cannabis dispensaries in the County.

In September 2016, the Humboldt County Board of Supervisors adopted Ordinance No. 2559 making clarifying and corrective amendments to the CMMLUO Ordinance No. 2544 (Phase IV).

The state legislature adopted a number of amendments to MCRSA, including SB 837, AB 2679, and AB 2516 with a range of new regulatory requirements.

On November 8, 2016, California Voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA), authorizing a state licensing program for commercial marijuana activities similar to MCRSA, but not limited to medical cannabis. AUMA allows local governments to enact ordinances to prohibit or regulate such activities, with certain limitations.

The proposed amendments to the Humboldt County Code will both extend the application period for commercial medical cannabis activities, and will broaden the regulations to include activities authorized by AUMA.

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PROJECT DESCRIPTION:

The proposed amendments to the Humboldt County Code including provisions previously established by Ordinance Nos. 2554 and 2559 are intended to achieve the following regulatory objectives:

- Repeal the deadline for applications, and continue to accept applications under Ordinance No. 2559 for medical cannabis without significant changes.
- Expand the scope of the Ordinance Nos. 2554 and 2559 to include commercial marijuana operations for adult recreational use now authorized by AUMA, under the same general regulations as medical cannabis.
- Expand the areas where new cultivation or expansion of existing cultivation sites will be permitted to locations with or without prime agricultural soils that are planned and zoned for agricultural use, meeting specific criteria to be established:
 - natural slopes 15 percent or less
 - in lower portions of principal watersheds where established riparian water rights exist
 - with viable local on-site water source, including:
 - rainwater capture and storage
 - surface water diversion and storage under standard forbearance period or refined or dynamic period set by flow data or localized water management plan
 - groundwater, where known to be non-hydrologically connected
 - located on or within 1 mile of county-maintained roads
 - or located on private road systems meeting the category 4 road standard
 - with on-grid power or alternative energy source (solar, wind, or micro-hydro)
- Restrict or prohibit generator use
- Limit new cultivation or expansion to areas not requiring conversion of timberland
- Provide for micro-business license type under AUMA within 2 miles of state highways
- Apply special requirements/limitations for projects located within spheres of influence or community areas
- Provide consistency with state law amendments to medical cannabis regulations (MCRSA)
- Provide consistency with state agency regulations to implement MCRSA and AUMA by Departments of Consumer Affairs, Food & Agriculture and Public Health, or other agencies
- Provide consistency with forthcoming interim principles and guidelines for diversion and use of water for cannabis cultivation to be prepared by the State Water Resources Control Board in consultation with the Department of Fish & Wildlife
- Provide for additional amendments to existing ordinance provisions including: application requirements, performance standards, general provisions, and permit types
- Amendments to other relevant provisions of Humboldt County Code including but not limited to:
 - County Code Enforcement provisions
 - Humboldt County Streamside Management Area Ordinance
 - County Business License provisions

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SUMMARY OF KEY ENVIRONMENTAL ISSUES TO BE ADDRESSED IN EIR

Pursuant to Section 15064 of the CEQA Guidelines, the discussion of potential project effects on the environment in the EIR will concentrate on those impacts that the County has determined may be potentially significant. The most detailed analysis will evaluate the project, however project alternatives will also be evaluated. The EIR will evaluate the cumulative impacts of the project when considered in conjunction with other related past, present, and reasonably foreseeable future projects.

The County has determined that the proposed Project could potentially result in environmental impacts in the following topic areas:

- Aesthetics and Visual Resources
- Hazards and Hazardous Materials
- Agricultural and Forestry Resources
- Hydrology and Water Quality
- Geology and Soils
- Land Use and Planning
- Public Services
- Cultural Resources
- Tribal Cultural Resources
- Air Quality
- Energy Use and Conservation
- Greenhouse Gas Emissions & Climate Change
- Biological Resources
- Utilities and Service Systems

These topic areas will be evaluated in the EIR, and feasible and practicable mitigation measures will be recommended to reduce any potentially significant impacts. Brief descriptions of proposed analyses follow:

Aesthetics: Humboldt County is renowned for the scenic quality of its varied topography which includes: coastline, forests, rivers, and agricultural areas. Due to its remote setting, the county has been host to a robust and varied landscape of agricultural uses since nearly its inception. Many of these areas remain actively in agricultural production today as row crops, vineyards, and indoor flower greenhouses. Grazing lands comprise the largest percentage of the county's agricultural landscape. There are no officially designated state scenic highways in Humboldt County, although Highways 101, 36, 299, and 96 are eligible for designation. This EIR section will qualitatively describe the County's current visual resources, consistent with the County General Plan and General Plan Update setting information. The EIR analysis will describe how project implementation could generally change aesthetics within the County, especially from important vantage points and within potential cultural landscapes. Changes may include fencing and other visual screens that block views of grow operations, new or additional facilities related to processing and transportation, as well as additional or expanded outdoor cultivation activities. Siting requirements (i.e., required distances between project-related uses and "sensitive uses," setback specifications from public or private use types, and retention of CMMLUO Section 55.4.11 regarding lighting standards) that are established within the project will be reflected in the EIR's analysis. The analysis will also include a discussion of light- and glare-related impacts and a discussion of potential impacts to the existing viewshed. Consultation with the Coastal Commission staff may reveal the need for a varied approach to the protection of scenic resources within the Coastal Zone.

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Agriculture and Forestry Resources. The EIR will evaluate the effects of continuing to accept permit applications by existing operators engaged in cannabis cultivation on lands planned and zoned for agricultural and timber land use activities. The majority of lands in the county are host to forest resources meeting the definition of ‘timberland’ found under section 4526 of the Public Resources Code (Forest Practices Act). To help arrest the pattern of private non-industrial timberland conversion which accompanied the growth of the cannabis industry during recent years, Ordinance Nos. 2544 and 2559 prohibited new or expanded cannabis cultivation on lands zoned ‘TPZ’ and limited permits to the area of existing cultivation as of January 1, 2016. New or expanded cultivation activities were confined to agriculturally zoned lands over 5 acres in size that are host to prime soils and slopes of 15 percent or less. The EIR will analyze the effects of removing the ‘prime soils’ requirement for new or expanded cultivation proposals, relieving pressure on these limited agricultural resources, while helping align with common local cultivation practices which rely upon the import of soil to the cultivation site. The Department of Conservation has affirmed cannabis’ status as an agricultural product as declared under MCRSA, and clarified that the cultivation of cannabis on lands enrolled in the Williamson Act program is not prohibited.³ In December 2015, during their review of the CMMLUO, the Humboldt County Williamson Act Advisory Committee found cannabis cultivation to be a compatible use on lands subject to Williamson Act contracts.

Air Quality/Greenhouse Gas (GHGs). The project is located within the jurisdiction of the North Coast Unified Air Quality Management District (NCUAQMD). The EIR will evaluate the potential criteria pollutant operational emissions of the project. The air quality analysis will document existing conditions and local, state and federal regulatory standards and thresholds, and describe attainment/non-attainment pollutants for the North Coast Air Basin. The estimated emissions will be compared against the district-accepted thresholds for reactive organic gases, nitrogen oxides, and particulate matter. Humboldt County is in attainment of all federal and state criteria air pollutant standards, except for annual emissions of particulate matter larger than 2.5 microns but smaller than 10 microns (PM₁₀), for which the entire North Coast Air Basin, including Humboldt County, is currently designated as a non-attainment area. The 2015 Estimated Annual Emissions from Almanac Emission Projection Data maintained by the California Air Resources Board reveals that fugitive dust from unpaved roads comprises 58.2% of annual PM₁₀ emissions in Humboldt County.

The EIR will qualitatively evaluate potential odor impacts associated with the project. Cannabis cultivation and processing operations have odors associated with them, especially during the final parts of the cultivation cycle (typically beginning in August and continuing until harvest in October or November). Generally, the larger the size of cultivation and processing activities, the greater the potential for odor to be evident. In addition, the establishment of micro-businesses in the County could become focused sources of odors from cannabis cultivation/processing and on-site consumption.

³ Department of Conservation, Division of Land Resource Protection. “Cultivation of Medical Marijuana and the Williamson Act.” July 2016, http://www.conservation.ca.gov/dlrp/lca/Documents/WA%20Medical%20Marijuana_7.15.2016.pdf.

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The analysis of GHGs will include a brief discussion on the current state of the science (e.g., Intergovernmental Panel on Climate Change's [IPCC] Fourth Assessment Report), current General Plan Update and Climate Action Plan development by the County, along with applicable regulatory framework and relevant guidance (e.g., AB 32 and SB 32). The analysis will evaluate the project in terms of its consistency with California's GHG reduction goals, recommendations contained in the AB 32 Scoping Plan, and other recent guidance documents for determining whether project-generated GHG emissions would be a cumulatively considerable contribution to the global impact of climate change. The EIR will include analysis of changes in carbon sequestration potential resulting from conversion and substitution of existing vegetation and/or agricultural activities occurring in tandem with the establishment or enlargement of outdoor and mixed light cultivation areas. Analysis will also review and consider benefits from project-driven reforestation performed during the retirement and remediation of existing cultivation sites in accordance with regulatory incentives provided under the CMMLUO. The EIR will evaluate Vehicle Miles Traveled (VMT) linked to management of cannabis cultivation sites within the county, in association with an analysis of attendant GHG emissions. The EIR will also evaluate potential GHG emissions from portable generators which may be associated with cannabis cultivation sites not located on the electrical grid, and from grid connected indoor and mixed light cultivation sites. An analysis of energy consumption associated with commercial cannabis activities will be performed in accordance with Appendix F of the CEQA Guidelines. This will include development of potential conservation measures.

Biological Resources. The EIR will evaluate potential direct and indirect biological impacts of the proposed ordinance amendments. Impacts may include direct loss of vegetation and habitats primarily due to grading and vegetation removal performed in association with the development of new cultivation sites or expansion of existing cannabis cultivation sites and associated infrastructure. This includes roads, accessory structures used for on-site processing or storage, installation and maintenance of irrigation systems including alterations to stream morphology associated with in-channel disturbances, above and below ground storage of water used for irrigation, as well as installation of security fencing. Other project features with potential impacts to wildlife include: improper use of rodenticide and pesticides, loss or reduction of riparian habitat, noise resulting from increased human activity in remote areas as well as noise from generator use, installation of fencing which interferes with or obstructs movement of terrestrial species, increased use of night-lighting associated with security measures as well as light spillage from mixed-light cultivation. Indirect impacts of chief concern surround those with the potential to affect in-stream habitat including: discharge of sediment and nutrient-rich runoff from cultivation sites to nearby watercourses, summertime dewatering of streams where local cannabis irrigation demands involve use of surface water diversions and hydrologically connected wells⁴, reduced input of large woody debris within lower portions of the watershed, and increases in overall water temperature and loss of cold water refugia linked to low streamflows and reductions in riparian vegetation and associated shading.

⁴ Scott Bauer, et. al.. "Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds." PLoS ONE 10(3): e0120016, March 18, 2015, <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0120016>.

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Cultural Resources and Tribal Cultural Resources. Development and management of cannabis cultivation sites, including support structures and infrastructure, has the potential to impact cultural resources. The EIR will evaluate the potential for impacts on unknown subsurface cultural resources, including the disturbance of human remains and impacts to known historic resources. Though the majority of potential historical resources in the County remain largely unsurveyed and undocumented at this time, a review of listed historical structures and sites will be included, as well as a discussion of potential cultural landscapes within areas of permit activity. An overview of local history, before settlement (pre-1850) and afterward (1850 to present) will be provided as well as a brief discussion of applicable federal, state, and local policies and regulations, including methods used to identify and evaluate cultural resources and criteria for determining significance, identification of impacts, and development of mitigation measures.

The County contains many archaeological, paleontological, and Native American cultural sites and historic resources, including numerous unrecorded archaeological sites and historic resources. Potential impacts to Tribal Cultural Resources will be evaluated in coordination with opportunities for tribal consultation initiated pursuant to Section 21080.3.1 of the Public Resources Code. Information concerning sites, features, practices, cultural landscapes, sacred places, or objects with cultural value to a California tribe will be incorporated into the EIR's analysis. This includes important locations, routes, and riverscapes utilized for resource gathering and ceremony, such as tan oak and oak woodland, fishing locations, and grasses used in basketry, as well as the role of prescribed fire.

Hazards and Hazardous Materials. Storage and use of hazardous materials at locations host to cultivation activities is not uncommon. Additionally, certain manufacturing processes include the use of volatile solvents in association with extraction of cannabis oils. If improperly stored or utilized, all of these materials can result in potentially significant environmental effects. Additionally, nearly 9 out of 10 existing cultivation sites occur in remote areas of the county characterized by high or very high fire hazard severity zones. The EIR will assess hazards and hazardous materials impacts from cultivation and manufacturing sites by considering storage, handling, and application practices of hazardous materials, as well as review hazards related to permitting new and ongoing commercial cultivation activities within areas of wildland fire risk.

Hydrology and Water Quality. The existing CMMLUO includes several provisions aimed at protecting water quality, including that all cultivation sites comply with the 12 Standard Conditions outlined under the North Coast Regional Water Quality Control Board Waiver of Waste Discharge requirements (Order No. 2015-0023), administered as part of the Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP). As the agency with the greatest regulatory authority and oversight over water quality matters, the work of the North Coast RWQCB and the CCWDRP represents the most authoritative evaluation and treatment of cannabis cultivation water quality considerations to date. The program “does not cover or authorize development of new cannabis cultivation sites”, but instead applies to *Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects*, including associated actions involving remediation, cleanup, and restoration of existing sites compelled by the order. The EIR will primarily focus on analysis of water quality impacts associated with

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installation of new cultivation sites and associated infrastructure, including changes in run-off volumes and drainage patterns, pollutant discharges to surface and ground waters, and potential flooding hazards and downstream flooding impacts. Using information derived from recent permit applications being sought by operators of existing cultivation sites, the EIR will include a review of common water sources, as well as water storage and use broken down by types of cultivation and methods of irrigation. An analysis will also be performed of changes in current water use resulting from potential crop substitution or conversion to accommodate cannabis, as well as changes in the use of existing commercial buildings to accommodate indoor cannabis cultivation or manufacturing activities.

Geology and Soils. The EIR will evaluate seismic issues as well as any risks of soil instability and other geotechnical hazards that could impact existing and future cultivation sites and associated structures and infrastructure. The majority of existing cultivation sites are located within interior portions of the county characterized by steep topography, increased erosion risk, and evidence of historic landslide activity. Existing sites typically feature unpermitted grading and volumes of ground disturbance exceeding local grading permit thresholds (50 cubic yards), with measures for erosion control either absent or inadequate. Improper site development or maintenance can result in erosion and transportable sediment and create or exacerbate unstable features. Water resource protection or cleanup plans prepared in association with enrollment under the CCWDRP contain requirements for implementation of appropriate Best Management Practices (BMP's) to prevent and minimize wind and water erosion of soils, including: installation of adequate road ditch relief drains or rolling dips where necessary, usage of sediment control devices such as check dams or sand bag barriers when necessary to disperse ditch water, and compaction and contouring of stored soil spoil piles to mimic the natural slope contours. Proper implementation of BMP's at existing sites significantly reduces the potential for substantial soil erosion or the loss of topsoil. The EIR will primarily focus on analysis of direct, indirect, and cumulative geologic hazards and impacts posed by new or expanded cannabis operations, including grading for terracing and access roads which may have the potential to increase erosion, landslides, unstable slopes, sedimentation, and seismic hazards. Analysis will also consider beneficial effects from ongoing implementation of the regulatory program, and eliminating or limiting illegal grading and ground disturbance in sensitive areas.

Land Use and Planning. The EIR will evaluate the proposed amendments for consistency with existing local land use policies and regulations, including applicable habitat conservation plans, local coastal plans, and airport land use plans. Intensified commercial agricultural operations have the potential for conflicts with nearby residential uses related to noise, odors, dust, security, and traffic associated with development and operation of cannabis cultivation and other commercial activities. In addition, the proximity of some cultivation operations to existing residential uses can result in conflicts between County policies which promote agricultural uses and those designed to protect the quality of life and neighborhood character within rural lands. The Land Use and Planning analysis in the EIR will address commercial cannabis activities in each zoning district where they are allowed and consider effects related to conversion or displacement of existing land uses. Analysis of policy consistency will include: use of space within existing industrial and commercial areas, resource preservation and protection, localized traffic concerns and parking demand, compatibility within discrete community planning areas and spheres of influence, and other land use issues of possible community concern while acknowledging the priority placed on conventional commercial

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agricultural uses and timber production in certain zone districts. The EIR will qualitatively describe existing land use within the County and evaluate any potential for division of existing communities.

Public Services. The EIR will evaluate whether the proposed amendments could result in impacts on public services including fire protection, police protection, schools, and other public facilities. Most of the County is designated as a High or Very High Fire hazard area by the California Department of Forestry and Fire Protection (CalFire). In the event of fire, emergency access to cannabis cultivation and manufacturing sites is critical to ensure adequate and timely response. The County is served by a number of fire districts and by CalFire.

Local law enforcement is provided primarily through stations operated by the Humboldt County Sheriff's Office and coordination with City Police Departments, as well as the California Highway Patrol. Development permitted under the proposed amendments may incrementally increase demand for public services, particularly fire protection. Incremental increases in demand for law enforcement along with other services, such as road maintenance, may also occur. The EIR would provide an overview of public service issues and focus on services that could be adversely affected. The EIR would assess fire protection issues and potential increases in demand for other public services associated with existing and new cannabis cultivation sites, such as access, response time, and defensible space while accounting for existing regulations and development standards.

Utilities & Service Systems. The EIR will evaluate direct and indirect effects on utilities serving new and existing cannabis cultivation sites as well as commercial and industrially zoned areas where manufacturing, processing, and distribution facilities may be developed. The Pacific Gas and Electric Company (PG&E) is the principal provider of electricity and natural gas to the majority of the County. The proposed amendments may result in an increase in demand for water and power to support commercial cannabis activities and may generate solid waste and wastewater requiring treatment. There are 12 municipal wastewater service providers and 24 municipal water service providers currently operating within the unincorporated areas of the county. Nearly all of the County's municipal water providers rely upon local surface (streams and reservoirs) and groundwater sources, which are fed entirely by precipitation and do not receive any imported water. While most outdoor and mixed light cultivation sites are located in rural areas served by private wells, surface water diversions, and septic systems, other commercial activities (manufacturing, processing, and distribution) are likely to place new demands on municipal water sources and utilize existing infrastructure. The EIR will identify and analyze impacts of cannabis cultivation sites on existing utility systems and services, including increases in generation of cultivation-related waste such as the disposal of spent bulk soil imported to cultivation sites.

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Cumulative Impacts. Potential cumulative impacts of the Project will be addressed within the EIR consistent with CEQA Guidelines Section 15130.

Other CEQA Issues. The EIR will provide a brief discussion of less than significant and insignificant issues, which at this time are expected to include transportation/traffic, recreation, mineral resources, and population and housing. CEQA allows a lead agency to limit the detail of discussion of the environmental effects that are not considered potentially significant. (PRC Section 21100, 14 CCR Sections 15126.2[a] and 15128.)

Alternatives. In accordance with the State CEQA Guidelines (14 CCR Section 15126.6), the EIR will describe a range of reasonable alternatives to the proposed project that are capable of meeting most of the Project's objectives, and would avoid or substantially lessen any potential significant effects that may be identified. The EIR will provide an analysis of the No-Project Alternative and will also identify the environmentally superior alternative. The alternatives will include analysis of a reduced alternative that is more permissive than the Project, and also a more restrictive alternative to ensure the County has a range of scenarios to consider during future discretionary proceedings. The EIR will also identify any alternatives that were considered but rejected by the lead agency as infeasible and briefly explain the reasons why.

May 9, 2017

Steven Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

RE: Notice of Preparation of an Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Dear Mr. Lazar:

Thank you for the opportunity to respond to the Notice of Preparation for the Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities. The City and County share a common jurisdictional boundary, and as a result, the County's codes allowing cannabis activities within the boundary area have a heavy influence on City residents and City infrastructure. In addition, Fortuna has adopted a City-wide comprehensive prohibition on marijuana activities, banning all activities except for those uses that are specifically allowed by AUMA, and the County's codes and activities are in conflict with the City's codes. Due to the project's proximity to the City, it is anticipated that traffic, noise, odors, and a host of other issues will affect City residents. The City would like to request that the following items be addressed in the EIR.

Land Use

Fortuna has adopted a City-wide prohibition on all marijuana activities, except for those that are preempted by State law. The County's existing ordinance and proposed amendments are in conflict with and inconsistent with the City's ordinance. The County's ordinance affects all of the City residents along the City/County jurisdictional border, and it affects all of the County residents within the City's Sphere of Influence that may be considered for annexation in the future. The County's ordinance also affects the City's residents where cannabis is allowed on adjoining roadways (in particular, Rohnerville Road, Drake Hill Road, and Loop Road), and they will experience visual impacts on a daily basis.

The County's cannabis ordinance and proposed expansion are proposed within the City's Sphere of Influence, which is considered a potential annexation area. Fortuna has completed three annexations under the Fortuna General Plan 2010-2030, and it is likely that additional areas will be annexed in the future. The County's cannabis ordinance impairs the City's ability to expand into the sphere of influence and limits the City's ability to grow over time in accordance with the General Plan as those properties will be permanently committed to commercial agricultural activity. Based on an estimated number of 10,000-15,000 cultivation sites County-wide, and the

City Hall
(707) 725-7600
Fax (707) 725-7610
621 11th Street

Police Department
(707) 725-7550
Fax (707) 725-7574
621 11th Street

Parks and Recreation
(707) 725-7620
Fax (707) 725-7576
5 Park Street

Public Works
(707) 725-7650
Fax (707) 725-7651
180 Dinsmore Drive

agricultural land uses surrounding the City, expanding the permits could result in a significant number of sites around the City that could be placed in cultivation. Without a limit to the number of permits, it could result in nearly all of the vacant land around the City being converted, changing the landscape, reducing development potential, and converting prime agricultural land to developed greenhouses and commercial processing buildings. With the increase in commercial cultivation sites, there will be conflicts between the City's land use designation and the commercial development allowed by the commercial cannabis permits. This will result in unsuccessful annexation attempts, or commercial cannabis developments having to be removed upon annexation.

While the County maintains land use authority over the sphere, the City is sensitive to the fact that the sphere is part of the City's General Plan planning area. The City provides many public services to it, and the Sphere has ties to the City on social and economic levels. The NOP project description includes a statement that the County is considering, among other things, "special requirements/limitations for projects located within spheres of influence or community areas". The City is pleased to see that the urban areas most affected by the County's activities are being considered with regards to impacts. The draft EIR should consider land use impacts to the City's Sphere of Influence. In addition, Fortuna requests that a complete marijuana prohibition be adopted within Fortuna's Sphere of Influence, and that the County cease issuance of any pending County cultivation permits.

It is difficult to estimate the long-term impacts of allowing cannabis cultivation and processing at thousands of locations throughout the county. Inevitably, not all the impacts will be able to be predicted. The City of Fortuna would suggest that the County limit the permits to the existing applications and assess the impacts from those permits that have already been initiated prior to accepting new permit applications. If the County decides it must allow new permit applications the City would urge the county to limit new applications to set number every year and to limit the huge change to the landscape that appears to be happening, as it is causing conflicts between residential development and commercial cannabis cultivation. During the development of the County's Draft General Plan, many members of the public indicated their desire for more parcels rural residential or traditional residential agricultural types of development. The competition from commercial cannabis development on agricultural, timber and residential agriculture parcels will result in fewer parcels being available to those who wish to live in a country environment and practice traditional types of agriculture. It is also increasing property values for rural properties suitable for cannabis cultivation. Such pricing does not allow many people who currently live in Humboldt County to be able to afford to purchase land, and also results in an influx of developers from across the country buying land in Humboldt County.

Aesthetics

The proposed expansion of the number of permits will result in visual blight by increasing the construction of greenhouses and other buildings on agricultural land that has historically been used for open space and pastureland. Where development has previously been limited to agricultural accessory structures limited in size, under the County's proposed cannabis expansion without limit to the number of permits, development will involve an increase in building coverage. For example,

several of the sites with submitted permit applications in the City's sphere propose up to 50,000 square feet in new greenhouses.

The County should consider the visual impacts of this intensification of building development. In addition, nuisances will include interior greenhouse lighting leaking into the night sky, outdoor/security lighting, fencing, and razor wire as visual blight. Because of the visibility of the cultivation sites directly from adjacent City residences, the aesthetic impacts are significant and cannot be fully mitigated, through typical means such as screening, fencing, etc. For this reason, the aesthetic impact cannot be mitigated relative to the residents of Fortuna, and the City requests that it be banned along the City's borders and that the County adopt a prohibition throughout the Sphere of Influence.

The glow from nighttime lighting will potentially impact the view of the eastern sky in the greater Fortuna area. The County's existing cannabis performance standards do not contain a measurable or enforceable standard for light emissions, but leaves the determination to subjective interpretation. The City would like to see a greater measure of guarantee that no lighting will not emanate from the greenhouses.

Air Quality/Odor

The odor from large-scale cultivation and processing will have an ongoing, daily negative impact on the quality of life of the nearby residents. The draft EIR should analyze the impacts and unequivocally demonstrate that all structures containing cannabis, for both cultivation and processing, will have odor-reduction equipment installed that prevent the release of any odor emissions to neighboring residents.

Public Safety

It has been demonstrated that cultivation, processing, and dispensary activities attract crime to the sites through an increase in burglary, robberies, and possession of weapons. Home invasion robberies have become more prevalent and violent crime including homicide are reaching an all-time high in Humboldt County. City of Fortuna police are called out to assist County law enforcement on these crime incidents, impacting public safety resources within the City of Fortuna and delaying response times within the City.

Although it is now legal in the State of California, marijuana is still a Schedule 1 drug with the potential for abuse and as such it can attract crime, and the residents of Fortuna have expressed objection to it being in their backyards and in the immediate vicinity of their families and children. Transient populations have increased in the urban areas nearest to the outlying cultivations sites, bringing crime and social instability, affecting the housing shortage, and increasing rents, land costs, and demand on services.

The City is requesting that the EIR investigate and identify the potential increase in crime rates, safety impacts to neighborhoods, and financial impacts to the City's law enforcement resources.

Watersheds

The County proposes to focus cultivation “to areas with slopes less than 15% and to the lower portions of the County’s watersheds will concentrate cannabis activities into developed areas of the County”. Currently the outskirts of the incorporated areas, such as around Fortuna, Eureka, Arcata and other urban areas, fit this description and therefore commercial cannabis growing and impacts will be intensified in those areas, and will increase the potential for commercial cultivation in those areas. This will lead to cumulative impacts within the lower areas around Fortuna and Fortuna will be unfairly burdened with cumulative impacts. These impacts should be addressed in the draft EIR.

The location of cannabis grows throughout the watersheds of Humboldt County will continue to have significant impacts. It will be difficult or near impossible to monitor the water usage of grows that are dependent on forbearance or rainwater collection as there will never be enough code enforcement to do regular inspections. In the event of a system failure and loss of stored water, growers will be forced to find water in other ways, most likely illegal surface water diversions or trucking water from far away. When water is pumped from surface creeks it has a direct impact to salmon, steelhead and other aquatic species and has the potential to harm the recreational and commercial fisheries of Humboldt County. Similarly, trucking water in will result in increased greenhouse gas and traffic impacts on small rural roads, thereby diminishing the quality of life for those in the outlying areas.

Storm Water

Because of local topography, cultivation sites in the vicinity of Fortuna will result in stormwater runoff being directed into the City’s watersheds. Development of cultivation sites will increase the impervious surface on each site which will result in increased off-site flows to City drainage facilities if not fully mitigated.

City of Fortuna policies include protections from increased runoff, including that all new development complies, to the extent reasonably possible, with the recommendations of the 2005 Storm Drain Master Plan (SDMP). The City requests that all cannabis permit requests be accompanied by drainage reports and/or calculations that specifically include consideration of the recommendations within the SDMP. Specific provisions that should be incorporated into any development design, and/or addressed within the SDMP include, but are not necessarily limited to: 1) Incorporation of onsite and regional storm drainage detention; and 2) New development shall not increase the estimated existing 25-year peak runoff volume from the site. Any increase beyond the peak 25-year event resulting from new development shall be retained or detained at the expense of the developer/owner.

The City of Fortuna requests that drainage reports for each cannabis site be completed and identify stormwater volumes and recommend improvements to mitigate any off-site impacts to City drainage facilities. The City of Fortuna would like to review and approve each report for projects within the sphere of influence prior to approval of the proposed project and request that the County require the recommended drainage improvements presented in the final drainage report.

Groundwater

One of the most critical deficiencies of the County's Initial Study/Mitigated Negative Declaration for the existing ordinance is the failure to project a water demand for the intense use of water that is involved with marijuana cultivation. Cultivation may have a significant effect on the water supply of existing development, with any new development having the potential to significantly increase demands from a diminishing resource. A thorough and detailed water demand analysis must be provided by the EIR as well as alternatives that could use less water.

The County should analyze the cumulative effects of both groundwater consumption and its impact on surface water. The County should review the groundwater basin management plan to determine if the project will have impacts on the ability to maintain sustainable levels.

Local Roads

The NOP states that a proposed objective is to limit cultivation sites to within 1 mile of county-maintained roads, or on category 4 private roads. This standard will concentrate development in existing urban areas where such roads already exist, including the City of Fortuna. For example, City residents are being exposed to a cultivation site of 50,000 square feet of greenhouses located on Nelson Drive, a substandard road that is maintained by local residents. This standard will also encourage construction of new roads, and resulting sediment load being placed in creeks within the lower watersheds. The EIR should analyze the water quality requirement for road building and maintenance, and should consider limitation of the number of permits issued as an EIR alternative.

Traffic

The increase in the number of cannabis permits issued will result in an increase in traffic volumes on all roads in the surrounding area, thereby impacting City roadways. There two primary highway access points to the areas east of Fortuna (where we are seeing increased cannabis development) including at Kenmar Road and 12th Street. Currently there are intersections at both interchanges that are either operating at, or below an acceptable level of service, or are expected to with the planned growth of the City. The increased development caused by the proposed project will contribute to the traffic at key intersections within the City and will result in more traffic on narrow, substandard, or partially developed residential roads. The Fortuna General Plan identifies intersections impacted by future growth. The City would like to see a requirement for a traffic study on all projects greater than 10,000 square feet so that site-specific impacts may be identified and local roadway impacts can be mitigated.

Fortuna Municipal Code Chapter 17.05 and the City's General Plan require that "5. A traffic study shall be prepared by a qualified professional and submitted to the public works department for new residential development with more than 30 dwelling units, or commercial, office, or industrial uses with more than 10,000 square feet of floor area.". Therefore, the City requests that the County require that cannabis permit applicants complete a traffic study for each development project and submit for review and approval by the City of Fortuna and that the County include any proposed improvements recommended in the traffic study as conditions to be completed by each project applicant.

Each traffic study shall be prepared using the Caltrans Traffic Impact Analysis methodology when evaluating the City and/or City/County intersections. The study shall also address the cumulative impacts generated by cannabis developments and include the level of service analysis for affected intersections. If traffic signals or other mitigation measures are warranted at affected intersections, the developer shall mitigate or determine their proportionate share of mitigation costs and submit this information to the City of Fortuna public Works Department for review and approval.

On-grid power or alternative energy

The use of generators is not an appropriate method of providing energy to the cannabis sites, and the City urges adoption of stricter standards. Accidental fuel spills will affect water quality and fisheries. As City of Fortuna land is located downstream from the County's jurisdiction on the north, east, and south sides of the City, city streams will be directly impacted by the use of generators. In addition, impacts that should be analyzed include impacts of noise and odors on adjacent residential uses.

Impacts from all proposed alternative energy sources should be considered in the analysis. It is questionable that there would not be significant impacts from the use of alternative energy at the estimated approximately 10-15,000 cultivation sites. Cumulative impacts should be studied. Due to potential impacts from alternative energy sources (loss of farmland from use of solar panels, impacts to biological resources, and aesthetics from the use of wind turbines), cannabis sites should be required to operate on the grid.

Enforcement

The county estimates that there may be over 14,000 commercial grows within Humboldt County. Currently the County is understaffed with regard to code enforcement. As a part of the analysis of the EIR the county should anticipate code enforcement staffing levels and provide estimates of how many full time staff will be required in order to regulate commercial cannabis activity throughout the county. Some aspects of enforcement will be difficult, if not impossible and could lead to unavoidable impacts. For example, if water tanks are accidentally left opened at a location where rainwater collection or forbearance is the primary source of water, cannabis operators could be left with a decision to illegally divert water from nearby streams or lose their financial investment. Inevitably, this will lead to surface water diversions and impacts to aquatic resources. Therefore, the County should not consider allowing rainwater collection or forbearance as an acceptable water source, and acknowledge that no level of code enforcement will be sufficient to avoid impacts.

Summary

The project description states that changes to the existing ordinance may occur; we propose such changes, establishing a substantial and effective buffer between the City limits and the area in the County where cannabis activities may be allowed. The City has concerns with the County's consideration of repealing the permit deadline and expanding cultivation areas. Many of the criteria for expanded cultivation areas will focus development and impacts in developed areas, including the City of Fortuna.

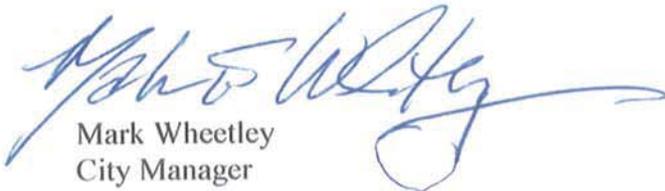
The City requests the establishment of a more significant buffer that would protect all of the City's residents. Such a buffer would need to encompass the entire City Sphere of Influence in order to create an appropriate buffer given the irregular City/County jurisdictional boundary. The City objects to the approval of any marijuana activities within the Sphere of Influence. Adoption of performance standards will not mitigate the aesthetic or safety impacts to City residents. The cumulative effects of the County's ordinance in the immediate vicinity will have a negative impact on local residents.

Fortuna has adopted a City-wide prohibition on all marijuana activities, except for those regulations that are preempted by State law. The County's existing ordinance and proposed amendments expanding the number of permits without limit are inconsistent with the City's ordinance. City residents bordering cultivation sites will be subject to increased noise, odors, dust, traffic, crime, and groundwater depletion, and the City will be affected by stormwater and water quality issues as well as housing impacts and land use conflicts. The issues listed in this letter should be analyzed and addressed in the draft environmental impact report t.

In our opinion, the County's adopted program failed to meet the intent and requirements of the California Environmental Quality Act (CEQA) regarding the range of cultivation activities, in scope and standards. We anticipate that the review being undertaken through the EIR process will address these impacts and will result in the inclusion of a buffer that is contiguous with the Sphere of Influence boundary, or that the County considers other buffer alternatives with an equal measure of protection. The City would like to work with the County to develop appropriate measures to mitigate these and other potential impacts.

The City of Fortuna appreciates your consideration of these comments and would like to receive a copy of the Draft EIR. We would be happy to meet with you to discuss these matters.

Sincerely,



Mark Wheatley
City Manager

To Steve Lazar

Please consider lifting the Prime Ag designation for new cultivation sites. I have lived in Humboldt County for 40 years and have been in the cannabis industry in some form or another for over 25 years. I purchased a new piece of land last year that had never grown cannabis on and would like to set up a tasteful, small (10,000sq ft) commercial cannabis grow. It's on AG exclusive land. I want to become compliant but the last ordinance was too limiting for me to do so. Please also consider not being able to sub-divide large parcels for cultivation.

Thank you

A.L.





DEAR MR. LAZAR:

I AM A 33-YEAR RESIDENT OF PETROLIA IN THE MATTOLE VALLEY AND WRITING TO YOU WITH MY CONCERNS ABOUT THE INDUSTRIALIZATION OF THE "CANNABIS" INDUSTRY IN OUR VALLEY. THE LAST FEW YEARS HAVE SEEN BIG CHANGES WITH A LARGE INFUX OF PROFITEERS LOOKING TO MAKE A QUICK BUCK HERE. ROADS HAVE DETERIORATED, BIG TRUCKS DRIVING TOO FAST PAST SCHOOL PEDESTRIANS, AND LIGHT AND SOUND POLLUTION ARE NEW CONCERNS HERE. I WOULD URGE YOU TO DO WHATEVER YOU CAN IN THE REGULATION PROCESS TO ADDRESS THESE ISSUES, WE SHOULD KEEP HEAVY INDUSTRY OUT OF THE HILLS, & POSSIBLY PUT IT IN INDUSTRIAL ZONES WHERE IT DOESN'T NEGATIVELY IMPACT FAMILIES SEEKING RURAL PEACE & QUIET. THANK YOU,

Tony Anderson
P.O. Box 44
PETROLIA, CA 95558



To Steve Lazar,

I live in an amazing, fertile, community oriented valley in Southern Humboldt, a place where I hope to forever call home and a place where I grow cannabis for a living. The past few years we have seen our valley over taken by large-scale industrial cannabis grows and every spring they invade our town and every winter they leave. Some of these growers are a part of our dynamic community and others I only recognize seasonally by their trucks. Turns out these large growers are getting even larger this spring and some of them by the graces of the county in the last round of commercial cannabis ordinance. I appreciate the effort to regulate the out of control industry but it seems as if you are supporting the men and women who are in it for resource extraction and greed. The last round of ordinances is quickly changing our valley- people who have been here for a long time are leaving- for different reasons; inflated land prices, disgust with the scale of the industry, etc. and the people who came later to exploit the valley- they're being rewarded for their outlandish greedy behavior- it just doesn't make sense to me but, I want to stay here and I want to keep growing pot.

I imagine a valley like the hills of Italy: verdant with vegetative plants in the summer and turning fall colors as the season progresses but in reality the current cannabis industry looks like a myriad of plastics, imported soils, exhaust fans, generators- Industrial scale. In my perfect world, everyone grows small (<10,000 square feet- which is still more pot than I've ever grown by far) and everyone is full season. That is how we can capture the true terroir of the region. The best wine you drink in Italy is from small crafted vineyards. There's a scale that cannot produce quality product. Humboldt County is famous for it's cannabis for a variety of reasons but I think most likely it's the many small farmers who love the land and grow high quality cannabis. It's been used to support a lifestyle- one of the back to the land movement, homesteading and living in beautiful rural places not to be a lifestyle- one of resource extraction, lifted trucks and greed.

What I didn't like about the last ordinance was that 1) it was open to non Humboldt county residences 2) it rewarded large grows by allowing growers to grow as much cannabis as they have been and even allowed them to grow larger (through the RRR) instead of supporting small scale farms 3) the limitation of new grows on prime Ag soils, which basically is all the land of the central area of our small town. Below are some of my comments for the proposed new EIR.

Aesthetics: When I drive through southern Oregon I can spot a pot grow from a mile away because they have fences on all sides with cameras. I'd rather see plants than a random fence in a field. Also, greenhouses are hideous to look at- it's not agriculture it's industry and it's mostly been used as a way to hide the plant. I grow on the coast and we only use a greenhouse as a nursery in the early spring. It's too much plastic and unnecessary in the southern county. Do everything you can to support and promote small organic farmers.

Air Quality/GHG's: The largest contributor to GHG emissions in the industry is from large scale grows who truck in soil from Canada and use plastics for greenhouses. The more you can support and encourage small scale gardens the less resources and thus emissions. Do limit generator use but don't discourage off grid users- it would be unfair to make generators illegal for the handful of hours that a small off grid farmer uses it for drying especially when you are allowing so much energy usage with supplemental light and indoor grows. There should be a MegaWatt limitation and definitely sound proof generator usage. If you were truly concerned with GHG emissions then you should make indoor and supplemental light illegal- it is not necessary to grow good marijuana it's solely a product of greed. Do everything you can to support and promote small organic farmers.

Biological Resources: there needs to be NO light pollution visible from supplemental light- all grows need to abide by the international dark sky law. In general disincentives supplemental light (higher taxes?). To be honest, I've rarely met a clone I've liked and in general if you're growing at the scale where you need supplemental light you're more likely to get diseases like powdery mildew and mites which leads to pesticide use and an inferior product. It's disgusting- grow it outside the plants like the sun and air. Would you drink wine that was grown indoors? Would you ever eat vegetables grown under artificial lights? Massive carbon footprint. Do everything you can to support and promote small organic farmers.

Hazard and Hazardous materials: Make it illegal to use pesticides. We all know they do more harm than good and we already live in a fragile ecosystem-let's not try to mess it up anymore than we have. Do everything you can to support and promote small organic farmers.

Land use and Planning: I think the RRR has spawned a nightmare situation. On the valley floor -where the majority of our residences live there is now a 7 acre grow, a 3 acre grow, and an acre grow that I can see just by driving to the 101. Disaster- get rid of the RRR we do not need larger grows; we do not need to concentrate the wealth of cannabis into a few hands. This ordinance is changing our community structure- people are leaving because their once rural view is now 3 acres of greenhouses (fences don't make that better). We are a rural community not an industrial waste zone. Lift the prime Ag designation- it's the part of the ordinance that made me not eligible for becoming compliant. Don't be so scared of farming in the hills- there are a lot of advantages: less neighbors to complain, it's good to be isolated from diseases, the air flow is better and drier- the river bottoms are too humid and prone to powdery mildew. I think a way to be more inclusive is to allow Humboldt county residences (lived here at least 2 years) to be able to have a new grow site as long as it's under 10,000 sq. ft. I know it's almost impossible to include everyone but because of complicated land partnerships I couldn't comply with the last round on the property where I live but I do own another piece of property that has never had marijuana grown on it- I'm hoping to be able to grow there legally.

Hopefully this next round will be more inclusive. With that being said, do everything you can to support and promote small organic farmers.

Another consideration with lifting the prime ag designation is to write the ordinance in a way that prohibits sub-division.

All I see is the big grows getting bigger- I think you should incentivize small (10,000sq. feet not 7 acres) environmentally friendly operations by streamlining the permitting process and restrict new grows to Humboldt county locals.

Imagine, again, instead of greenhouses and fans, plots of small- scale outdoor plants scattering the hillsides and people coming from all over the world to smoke that delicious fruity plant- only found in Humboldt county. Indoor and to a lesser extent supplemental light cannabis (those especially grown in bagged soil) can be grown anywhere. Let's cultivate terroir in Humboldt county. And if we can't do it at the county level I am interested to know how we as an unincorporated community could implement such requirements in our valley.

Thank you for your efforts and I hope we can work together for a peaceful, successful, and sustainable industry.



4/20/17

Dear Steve,

Thank you for respecting the rights of neighborhoods within city limits that lie on a border shared with the county line.

Pot can be safely grown in many other places in the county that aren't next door to people's homes.

Sincerely,

Joan & Randy
Bennett

475 Nob Hill Road
Fortuna

4/20/17

To Steve Lazar and everyone who can improve cannabis growing regulations,

Cannabis growers have rights but so do citizens who rent or own homes in Humboldt County.

We have lived in our house on Nob Hill Road in Fortuna for almost 45 years. It is a safe and peaceful place with friends and neighbors we have known for decades. Like us, many people on this hill border sections of land that are in the county but not the city. If a cannabis grow is suddenly 40 feet from our property line, the smell will ruin the quality of life in our houses and yards. Grows should be at least 300 feet from a neighbor's house and at least 200 feet from property lines. That would at least lessen the skunky smell.

No visible lights and no audible sounds (not just from generators but from any noise connected to the grow) are also essential.

Excessive use and contamination of water are also concerns. In many places on our hill, water flows downhill from one person's property across another's. If the water is contaminated, this should not be allowed.

Increased traffic would also be an issue in our area which is accessible only by Home Avenue, a collector road.

There are many instances where grows have brought in people who ruin the security of an area. That is a concern in a neighborhood with many families nearby, such as in our area.

There are many places in Humboldt County where cannabis can more easily be grown at least 300 feet from neighbor's homes and at least 200 feet from property lines. Cannabis growers have rights but so do their neighbors. These setbacks are essential. We are counting on you not to just think of the cannabis business but also the rights of the neighbors impacted by your decisions.

Sincerely,

Joan and Randy Bennett

475 Nob Hill Road
Fortuna, Ca

From: Joan Bennett
To: [Lazar, Steve](#)
Subject: Cannabis
Date: Wednesday, April 19, 2017 3:01:29 PM

To Steve Lazar and everyone who can improve cannabis growing regulations: Cannabis growers have rights but so do citizens who rent or own homes in Humboldt County. We have lived in our house on Nob Hill Road in Fortuna for almost 45 years. It is a safe and peaceful place with friends and neighbors we have known for decades. Like us, many people on this hill border sections of land that are in the county but not the city. If a cannabis grow is suddenly 40 feet from our property line the smell will ruin the quality of life in our homes and yards. Grows should be at least 300 feet from a neighbor's house and at least 200 feet from property lines. That would at least lessen the skunk smell and air quality. No visible lights and no audible sounds (not just from generators but from any noise connected to the grow) are also essential. Excessive use and contamination of water are also concerns. In many places on our hill, water flows downhill from one person's property across another's. If the water is contaminated, this should not be allowed. Increased traffic would also be an issue in our area which is accessible only by Home Avenue, a collector road. There are many instances where grows have brought in people who ruin the security of an area. That is a concern in a neighborhood with many families nearby, such as here. There are many places in Humboldt County where cannabis can more easily be grown at least 300 feet from neighbors' homes and at least 200 feet from property lines. Cannabis growers have rights but so do their neighbors. These setbacks are essential. We are counting on you not to just think of the cannabis business but also the rights of the neighbors impacted by your decisions. Sincerely, Joan and Randy Bennett, 475 Nob Hill Road, Fortuna, Ca.

To: Steve Lazar

From: Bonnie Blackberry
Civil Liberties Monitoring Project Rep
PO Box 544 Redway, CA 95560.

Date: May 9, 2017

RE: Input regarding Humboldt County Scoping Meeting for Cannabis Environmental Impact Report

The current policies and provisions are converting our outlying rural neighborhoods into industrial grow zones. Permitting and encouraging large grows and generator powered "mixed-light" operations is drastically impacting, our neighborhoods, the environment and our community character.

The size and location of grow operations allowed, combined with the lack of meaningful enforcement has created an atmosphere of a go for it free for all. Existing grows are expanding, including people who are getting permits. And new grows are increasing as well.

There is a huge increase in well drilling, earth moving and digging machinery, glowing green houses lighting up the night, along with the increased generator noise and pollution, noise from fans and pumps and other equipment, loud music, vehicle noise with much more traffic with large and small trucks and vehicles transporting people (workers), fuel, machinery, grow supplies...

ACCESS AND PRIVATE ROAD SYSTEMS; Most, if not all of the private roads in outlying subdivisions were not built for year round industrial type activity. The increased traffic, associated with the large grows and multiple crops, creates greater risks of accidents and fire, greater need and expense for maintenance, and more and more clouds of dust going everywhere.

The bigger the operation, the more traffic, the more traffic means more wear and tear on the roads, greater risk of accidents and an unbelievable amount of dust. All property owners with shared easements/access are responsible for maintenance and safety of the roadways. The current process, which needs to change, leaves it up to the neighbors and easement owners to figure out a way to deal with the impacts and costs.

GENERATOR GROWS: The County agreed that indoor generator grows were not appropriate and then allowed generator grows in greenhouses. Both require electrical power for lights, fans, etc. Both are able to produce up to 4 crops and harvests per year. Mixed light is not outdoor and should not be allowed in our outlying rural areas.

I just learned that "supplemental light" is considered outdoor. Supplemental light requires the use of artificial light, where as actual outdoor only requires sunlight. Supplemental light may include use of generators. When does supplemental become mixed light and how is it possible to have effective compliance and enforcement?

Putting limits on mixed or supplemental light such as covering at night, limiting noise and what type and length of light use, may look good on paper, but relying on neighbors to do the monitoring and expecting people to turn in their neighbors isn't working very well, as most people are not willing to take on the enforcement duty and become a snitch and/or risk possible retribution.

NOISE POLLUTION:

Noise can travel long distances in these mountainous watersheds. The generator noise is most detectable at night when things are generally quiet with no wind blowing through the trees or birds chirping. Is the County prepared to make night calls to verify that the noise can be heard by a nearby or a far away residence? Requiring that no noise is heard from 5 ft away from the generator would be better than setting a decibel level that allows the sound to carry to other residences. And WHAT ABOUT THE WILD LIFE?

LIGHT POLLUTION; Looking out at night and seeing numerous glowing green houses is a bummer, for multiple reasons from the visual impacts to the effects on human, plants, and other creatures. Current enforcement methods do not appear to be effective.

NOTIFICATION and INFORMATION; The lack of notification and consideration of neighbors and landowners with shared roadways, and shared maintenance responsibility needs to be addressed. What about the increased risk of accidents with the increase in all this traffic? The County says OK, and then the landowners are expected to work out dealing with all of the impacts.

The current permitting process has put the burden of identifying and reporting operations which are out of compliance. If an operation is under 5,000 square feet, there is no requirement for the County to notify the neighbors or mutual access easement owners, so that they would have the information about the operation plan and what is actually being considered BEFORE APPROVAL, with the opportunity for input, as well as what is later approved.

SCENIC VISTAS AND VISUAL QUALITY There is an increasing negative impact to the scenic vistas and visual quality in the outlying rural areas with the day time glare from green houses with water bladders covering the meadows, and ever increasing number of green houses glowing in the night.

WATER BLADDERS: Also consideration must be given to water bladders, visual impacts as well as the square footage covered by water bladders should be included in overall square footage of

the grow. Is the foot print, square footage of water bladders taken into consideration when determining grow operation size? If not, they most definitely should.

SIZE/FOOTPRINT OF OPERATIONS IN RESIDENTIAL AREAS, including outlying subdivisions where the primary use has been residential: The size of the grow operation has a direct correlation with the increased traffic, environmental foot print and impact, noise, lights, visual impacts and the general character of the area.

ENFORCEMENT: Standards and Regulations are only as good as meaningful monitoring and enforcement which appears to be sadly lacking.

Respectfully submitted,

Bonnie Blackberry
CLMP Rep

From: Dawn Boechler
To: [Lazar, Steve](#)
Subject: Comment on EIR/NOP
Date: Tuesday, May 2, 2017 8:11:18 AM

Dear Mr. Lazar,

I am a resident of Fortuna and live in the Home Ave/Nob Hill Rd/Garland Ave neighborhood. I am writing because I am very concerned about the NOP Review/Environmental impact report and the potential for negative impacts on the integrity, safety and quality of life in our neighborhood.

I believe most of my concerns have already been addressed by my neighbor, Tim Meade, in his letter to you, sent on 4/16/17. Mr. Meade has done an excellent job in summarizing the concerns of our neighborhood and his suggestions for mitigation of impact are well researched and should set the benchmark for these unique parcels that exist within the county sphere of influence.

I would like to state plainly to you that I believe that commercial marijuana grows do not belong in residential areas, and most certainly not adjacent to residential single family zoning.

Thank you for reading this email and for all of your efforts in this matter.

Dawn Boechler
535 Garland Ave
707-725-1686

Sent from my iPhone

From: chantal campbell
To: [Lazar, Steve](#)
Subject: proposed amendments to cannabis ordinance
Date: Wednesday, May 3, 2017 10:05:22 AM

To whom it may concern,

I think that expanding areas where growing is allowed is a bad idea. Are you figuring out that most of the applicants are growing in areas that aren't conducive to agricultural production? Then they should not be growing there. The only reason these guys are out in the hills is to hide, weed legal? Move into agricultural areas. All the agricultural areas are already in operational farming, move to a different county simple as that. We are not giving up our natural resources so the county can make a buck. I feel like you are re-opening and expanding the areas allowed to grow because the county isn't making any money on the permits because these people shouldn't be farming on the parcels they are applying for. This shouldn't be about money. It should be about practicing sustainable agriculture and saving our natural resources including our rivers.

How about you up the tax on square footage, the current rates are a joke

--

Chantal Campbell
120 Jaymar Lane
Carlotta, CA 95528

Blue Lake Rancheria ENVIRONMENTAL PROGRAMS

P.O. Box 428
Blue Lake, CA

Office: (707) 668-5101
Fax: (707) 668-4272

[www.bluelakerancheria-nsn.gov/
govLawEnviroPro.html](http://www.bluelakerancheria-nsn.gov/govLawEnviroPro.html)



May 9, 2017

County of Humboldt Planning & Building Department
3015 H Street
Eureka, CA 95501

Re: Notice of Preparation- Cannabis EIR

Dear Mr. Lazar:

The Blue Lake Rancheria Tribe has concerns about cannabis cultivation activities in the ancestral Wiyot territory, and specifically in the Mad River watershed. We urge the County to be diligent in their Environmental Impact Report (EIR) especially with respect to hydrology and water quality, aesthetics and visual resources, tribal cultural resources, and biological resources.

The Mad River is our source for drinking water, and is home to many culturally-important (and threatened or endangered) species. It is listed (Clean Water Act section 303(d)) as impaired for sediment/turbidity and temperature. Impacts from cannabis cultivation have been felt in the lack of cool tributary water as water is siphoned off for grows, in sediment delivery to the river from grading and other ground-disturbing activities, and in the change of aesthetics of the watershed as we see it become over-run with cannabis cultivation. We have concerns about the disturbance of cultural resources from this activity, in the past and ongoing.

The impacts from cannabis cultivation need to be seriously considered and mitigated for individually, and the EIR needs to include a thorough analysis of cumulative impacts. We have been experiencing impacts from increased cannabis cultivation for several years, and can see that in addition to the permit process there will need to be increased enforcement. We urge the County to include more enforcement for the Mad River watershed as a priority.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Fuller".

Michelle Fuller
Environmental Director



May 9, 2017

Steven Lazar
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Subject: Amendments to Humboldt County Code Regulating Commercial Cannabis Activities, Humboldt County, California

Dear Mr. Lazar:

The California Department of Fish and Wildlife (Department) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR). The Department received the NOP for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities from the County of Humboldt Planning and Building Department (HPBD) on April 10, 2017. The Department last provided comments on the Medical Marijuana Land Use Ordinance – Phase IV in October 2015.

The Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants and their habitat. As a Responsible and Trustee Agency, the Department administers the Lake or Streambed Alteration Program (LSAA), California Endangered Species Act (CESA), and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department provides the following comments and recommendations on the proposed Project in our role as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code [PRC] § 21000 et seq.).

The Department strongly supports efforts to regulate cannabis cultivation and to address the numerous and substantial environmental impacts. The Department believes that greater regulatory oversight and enforcement by local Lead Agencies can help minimize the environmental impacts of cannabis cultivation. The Department's recommended level of oversight and enforcement is in contrast to the stance taken by Humboldt County (County) on land use development activities that have occurred specific to cannabis cultivation prior to this land use code.

The County has allowed cannabis cultivation and rural land use development to proliferate with minimum enforcement. Due to HPBD's lack of oversight and enforcement, the Department has been forced to act as a law enforcement deterrent to address the rampant violations of County Code, Fish and Game Code, and Water Quality Code that have occurred and continue to occur in response to the County's open door policy on cannabis cultivation. The Humboldt County Initial Study on Cannabis Cultivation described the environmental setting which estimated 8,000 to 10,000 cultivation sites in the County as of 2014, with an anecdotal rapid expansion

Conserving California's Wildlife Since 1870

observed in the last several years¹. Cultivation densities are estimated as high as 27 sites per square mile in the Initial Study. The current land use ordinance proposes no limits on density or watershed carrying capacity of cultivation sites. The Department recommends assessing the carrying capacity of watersheds to support cannabis cultivation (**Recommendation #1**).

While it is proposed to regulate legal and legitimate cannabis cultivation through a local land use ordinance, the HPBD does not have the means to enforce the mitigations proposed within the current ordinance. Failure to enforce the rules associated with the existing and proposed land use ordinance greatly weakens any mitigation and therefore fails to protect the environment from further degradation.

The Department spends a considerable amount of staff time and resources investigating and documenting the environmental impacts resulting from cannabis cultivation. Department staff has conducted inspections on hundreds of cannabis cultivation sites throughout the County. The Department has documented substantial adverse impacts of cannabis cultivation on forest lands, including impacts from water diversions and stream dewatering, forest clearing and conversion, pollution, and sediment discharges.

These investigations have led to the issuance of several hundred Notices of Violation (NOV's) and filing of cases with the County's District Attorney's office. More recently the Department has also filed civilly through administrative hearings to recover costs and enforce remediation requirements. The sheer scope of cannabis cultivation in the County is overwhelming to local and state agencies, and efforts to further increase cannabis cultivation in the County should not be permitted without first evaluating and enforcing regulations on the thousands of active sites that continue to operate in violation of local, State and federal law.

Environmental Impacts

Documented environmental impacts of cannabis cultivation include habitat fragmentation, habitat loss through land clearing and conversion, reduction in instream flow, and delivery of sediment, nutrients, petroleum products, and pesticides to streams (Carah et al. 2015). Unpermitted land use development is a major concern to the Department and includes road building, grading, pond construction, stream crossing construction, and hydrologic modification including rerouting of streams and interception of groundwater through poorly constructed road systems.

Additional impacts Department staff have documented include degraded water quality; degraded habitat due to inappropriate location of development; development within riparian buffers; loss and degradation of wetland habitat; wildlife entanglement and

¹ See <https://Humboldt.org/DocumentCenter/View/56447>.

mortality due to on site hazards (ex. plastic mesh); wildlife entrapment; fish passage barriers due to improperly designed water diversions; altered natural photoperiods from light pollution; and introduction of nonnative species (fish and plants) resulting in predation of native species degraded habitat quality.

Many of these effects are unique to cannabis cultivation; strategies to minimize and mitigate potentially significant environmental impacts should be fully considered and incorporated when developing a new regulatory program. As a Lead Agency pursuant to CEQA, the HPBD has the primary responsibility for minimizing significant environmental impacts associated with land use zoning through implementation of its' land use code and zoning ordinances.

Enforcement

Although the Department is supportive of efforts to regulate cannabis cultivation, issuance of permits will not ensure compliance, particularly without consistent monitoring, enforcement, and substantial penalties for violations. The Department has observed minimal enforcement of cannabis cultivation sites in the past several years by the County, with the exception of eradication efforts conducted by the Sherriff's office supported primarily by grant funding. Eradication does little to mitigate environmental impacts over time, as these efforts have not been conducted in cooperation with environmental investigation. Sites that operate in violation of environmental regulations should be shut down until compliance with local and state laws is demonstrated. The HPBD should ensure that adequate funding and personnel are available, and meaningful enforcement is implemented concurrently for permitted cultivation operations, as well as those not in compliance with County Code. The HPBD should partner with, but not rely on, State agencies for enforcement.

Without meaningful enforcement and penalties for non-compliance, the number of unpermitted and noncompliant cultivation sites with their associated environmental impacts will continue to increase. The Department recommends the amended County Code include specific penalties or remedies for permit non-compliance and post-permit environmental remediation, and provide adequate staffing to conduct enforcement efforts and compliance review (**Recommendation #2**).

Water Use and Availability

California has a Mediterranean climate, where most of the state's precipitation falls from October to May (CDFG 2003), not during the primary cannabis summer growing season. Due to the lack of summer rainfall and the absence of snow, rivers and streams have receding flow from May until September. Water use peaks in the heat of the summer at the same time instream flow is at its lowest, creating a conflict between water demand and water availability for fish and wildlife resources. The Department is concerned that there is not adequate flow in most streams to meet the water demand

for cannabis cultivation at its current levels, as well as the domestic water use for dwellings and other residential and commercial uses developed to facilitate cannabis cultivation and processing. Based on numerous field observations and ongoing research, the Department believes that the overuse of surface water diversions for cannabis cultivation has and will continue to have a significant impact on aquatic resources.

As the NOP states, “Nearly all of the HPBD’s municipal water providers rely upon local surface (streams and reservoirs) and groundwater sources, which are fed entirely by precipitation...” and “most outdoor and mixed light cultivation sites are located in rural areas served by private wells, [and] surface water diversions.” The potentially significant impacts from a substantial increase in water demand on streams and rivers must be disclosed and analyzed in the DEIR (**Recommendation #3**).

In addition, the Department has observed that construction and use of large ponds (sometimes 500,000 gallons or more) as a water storage method has increased dramatically in the County. In the past, the HPBD has allowed the construction of new ponds, which often involve substantial grading and fill, under a ministerial grading permit with no environmental review. These ponds may pose risks to water quality and sensitive habitats if they are designed and constructed without proper engineering. The Department has observed many ponds built in inappropriate locations, and failed ponds that have delivered sediment to nearby streams. In addition, these ponds often provide breeding habitat for non-native, invasive species such as American bullfrog (*Lithobates catesbianus*), a species that preys upon native frogs such as the northern red-legged frog (*Rana aurora*) and foothill yellow-legged frog (*Rana boylei*), both California Species of Special Concern. The County should provide a mechanism to regulate the development of ponds as part of cannabis cultivation permitting, including a requirement for engineered designs, and invasive species management plans for all ponds. Ponds are Department jurisdiction if they are filled from, or outlet to a stream or wetland. The Department recommends the HPBD should ensure that, as a condition of approval for cannabis cultivation permits, required approvals from the Department and any other applicable regulatory agency is obtained prior to pond development (**Recommendation #4**).

Direct impacts to streams, riparian areas, wetlands

The Department has observed that many cannabis cultivation applications do not accurately characterize on-site streams or wetlands, nor propose adequate buffers for aquatic resources. The Department recommends that if surface waters (streams and wetlands) are present on a parcel, the County requires a qualified professional delineate these waters (**Recommendation #5**). Delineated waters should then have minimum buffers applied (no less than 50 feet for intermittent streams, 100 feet for perennial streams, and 150 feet for major or regionally important streams and rivers) as measured from top of bank or outer edge of riparian, whichever is greater.

Many areas where cannabis cultivation may be permitted include agricultural and other areas within the 100-year floodplain. The Department has commented on cannabis cultivation project proposals for greenhouses within 100 year floodplains. These greenhouses require grading, fill, and often have concrete floors. These structures create a permanent development footprint that cannot be easily converted back to floodplain in the same way that other agricultural uses (grazing, planting and harvesting of some crops) can.

Floodplains are an important physical and biological component of riverine ecosystems. All rivers flood, and flooding is an expected and recurring event in natural river systems. Development in flood-prone areas disconnects rivers from their natural floodplains and displaces, fragments, and degrades important riparian habitat. Development in floodplains often eliminates benefits of natural flooding regimes such as deposition of river silt on valley floor soils and recharging of wetlands. In addition, braided channel structure, off-channel fish habitat, and backwaters are eliminated, resulting in higher velocity flows. These changes lower habitat suitability for salmonids, which need low-flow refugia to escape flood flows. Structures in flood plains are vulnerable to erosion and flood damage. Once structures are built and threatened by river flooding, property owners often seek to armor river banks or build or raise levees to prevent future property damage. Thus, not only does development displace riparian and floodplain habitat when it is built, it often results in further habitat and floodplain loss through additional development to protect structures.

Development and habitat conversion in floodplains results in degradation of riverine and riparian habitats, and negatively impacts the fish and wildlife species that depend on them. The Department recommends that the cannabis cultivation permitting prohibit placement of permanent structures within the 100-year floodplain of any stream or river (**Recommendation #6**).

Impacts of Night Lighting on Wildlife

Cannabis cultivation increasingly uses artificial lighting in greenhouses, and so-called "mixed-light" techniques to increase yields. The adverse ecological effects of artificial night lighting on terrestrial, aquatic, and marine resources such as fish, birds, mammals, and plants are well documented (Johnson and Klemens 2005, Longcore and Rich 2016, Rich and Longcore 2006). Some of these effects include altered migration patterns and reproductive and development rates, changes in singing behavior in bird species (Miller 2006), changes in foraging behavior and predator-prey interactions, altered natural community assemblages, phototaxis (attraction and movement towards light), disorientation, entrapment, and temporary blindness (Longcore and Rich 2004, Longcore and Rich 2016).

The Department has determined that light pollution disrupts the abilities of night-foraging birds (CDFG 2007). Artificial lighting impacts bat roosts, and Johnston et al.

(2004) recommend that artificial lighting be directed away from bat roosts or possibly shaded by trees. Research on the effects of artificial lighting on salmonid populations indicate that increased light intensity appears to slow or stop out-migrating juvenile salmon and affects feeding patterns. Juvenile salmonids in the presence of increased artificial night lighting may be more vulnerable to predation (McDonald 1960, Patten 1971, Ginetz and Larkin 1976, Tabor et al. 2004). Because cannabis cultivation sites are commonly located in remote forested areas that would otherwise not be affected by night light pollution, and because these forested areas contain habitat for many organisms that are negatively impacted by light pollution, cultivation using artificial light on a landscape scale could have a significant impact on wildlife.

The Department is opposed to outdoor cannabis cultivation using lights, and the resulting night light pollution. The Department recommends that if lighting is used for cultivation within structures, light should not be visible from outside the structure. The HPBD should not allow the use of lights at night for cannabis cultivation in greenhouses due to the difficulty in fully blocking light escapement, and should ensure that these prohibitions are enforceable, and actively monitored for compliance (**Recommendation #7**).

Impacts of Noise on Wildlife

Diesel and gasoline-powered electric generators is a common fixture of indoor and outdoor cannabis cultivation sites. Electric generators can produce considerable air and noise pollution. The effects of noise pollution on wildlife include disrupting communication between individuals, affecting predator-prey relationships and foraging efficiency, and habitat selection and bird nesting density (Barber et al. 2009; Francis and Barber 2013).

On a watershed scale, the chronic noise pollution from numerous cannabis cultivation site generators has the potential to result in substantial habitat loss or degradation to a number of wildlife species. Generator-produced noise pollution can be especially harmful to night-foraging animals such as owls and bats, which hunt for prey primarily through hearing. The State- and federally-threatened northern spotted owl (*Strix occidentalis*), for instance, occurs in forested coastal Humboldt County and is vulnerable to nighttime generator noise impacts.

Impacts to bats from noise are another specific concern. Populations of many bat species across North America and globally are declining. Approximately fifteen percent of the global bat fauna are listed as threatened by the International Union for Conservation of Nature (IUCN). However, a greater number of species (about 18%) are listed by the IUCN as "data deficient," meaning there is a lack of studies that can be used to support assessments of conservation status (Voigt and Kingston 2016). This decline has numerous causes, but habitat loss and degradation are principal contributors.

According to the California Natural Diversity Database (CNDDDB), 12 of California's 25 bat species are designated as California Species of Special Concern, USDA Forest Service Sensitive, or federally Endangered. The County has ten species of bats either documented or highly likely to occur, three of which, the pallid bat (*Antrozous pallidus*), Townsends's big-eared bat (*Corynorhinus townsendii*), and western red bat (*Lasiurus blossevillii*), are California Species of Special Concern. Bats have been shown to avoid areas with chronic noise (Schaub et al.2008) and the foraging success of certain bat species is reduced by chronic noise (Siemers and Schuab 2011).

In conjunction with the other habitat fragmentation, degradation, and disturbance-related impacts of outdoor cannabis cultivation already mentioned, both night light pollution and chronic generator-induced noise impacts may contribute to landscape-scale wildlife habitat declines.

Based upon the information above, the Department recommends the DEIR include an analysis of potential night light pollution and chronic noise exposure impacts to wildlife, and effective avoidance, minimization and/or mitigation strategies (**Recommendation #8**).

Impacts to Listed Species

Humboldt County is known to support several species listed or candidate under the California Endangered Species Act (CESA, Fish and Game Code § 2050 et seq.). Specifically, Coho Salmon (*Oncorhynchus kisutch*) and Northern Spotted Owl (*Strix occidentalis caurina*) are present in areas where cannabis cultivation occurs. Cannabis cultivation activities detailed above have the potential to cause "take" of and impacts to these listed species. Take of species of plants or animals listed as endangered or threatened under the California Endangered Species Act (CESA) is unlawful unless authorized by the Department with an Incidental Take Permit. The DEIR must state whether the Project could result in any incidental take of any CESA-listed species. The HPBD should adequately analyze potential impacts and include avoidance, minimization and mitigation measures to avoid or mitigate impacts in the DEIR (**Recommendation #9**). For Coho Salmon, cumulative impacts from surface water diversion are a particular concern.

Notice of Preparation

The Department provides the following comments specific to the NOP, using the general organization and section titles in the document.

Project Description

In part, this section includes a list of criteria for areas where expansion or new cultivation would be allowed.

Water Source

The Department recommends that the DEIR a) define criteria of a “viable” water source; b) provide standards and requirements for a “localized water management plan”; and c) define the criteria for determining whether groundwater is “non-hydrologically connected” (**Recommendation #10**).

Roads

The Department is concerned about extensive new road construction, and use of existing unpermitted seasonal roads and/or skid trails, associated with cannabis cultivation. In many locations, roads would not have been constructed or reopened if not to provide access to a cultivation site. These roads are often inappropriately located; are not properly surfaced for wet season use; poorly constructed and maintained; frequently include unpermitted, undersized and/or poorly installed stream crossings; are hydrologically connected to streams (creating a risk of sediment delivery); and contain steep grades that are nearly impassible under saturated conditions.

The Department is further concerned with access roads that connect paved roads to cannabis sites. Many access roads traverse unimproved private lands and road segments where environmental impacts and potential Fish and Game Code violations are substantial (e.g. failed road crossings, stream fords). Existing County Code does not provide a mechanism to address the proposed increase in traffic on existing, unpermitted access roads. In some cases, impacts such as sediment delivery and erosion cannot be corrected while allowing the road to remain. In such cases, road decommissioning and restoration may be the only feasible option to rectify existing conditions and prevent future impacts.

As described, the Project would allow expansion or new cultivation in areas “located on or within 1 mile of county-maintained roads, or *located on private road systems meeting the category 4 road standard*” (*emphasis added*). The Department is concerned that this provision will encourage additional road construction, and will allow the continued use of problematic roads constructed without the benefit of permits or the use of best management practices.

The Department recommends the County DEIR provide adequate avoidance, minimization and/or mitigation measures (including decommissioning and restoration where appropriate) that address the environmental impacts of past and future

cultivation-related road construction, including habitat fragmentation and impacts to sensitive aquatic habitats and species (**Recommendation #11**).

Limit Cultivation to Areas Not Requiring Timberland Conversion

The DEIR should provide detail regarding enforcement of this provision. The Department recommends that the County demonstrate that there will be a mechanism to determine whether illegal timberland conversion was conducted to facilitate cannabis cultivation, and to deny permit applications based on that determination.

Agriculture and Forestry Resources

The Department is not clear from reviewing this section whether new or expanded cultivation in Timber Production Zone (TPZ) would be prohibited in the new Project. The Department is opposed to commercial cultivation of cannabis on forested parcels, including lands zoned TPZ and areas defined as timberland pursuant to PRC section 4526. The deleterious effects of habitat conversion, fragmentation, and parcelization of forestlands on wildlife and fisheries are well documented in the scientific literature. The Department recommends that the amended County Code not allow new or expanded cultivation on forested parcels (**Recommendation #12**).

Biological Resources

The Department's concerns regarding impacts to Biological Resources, Hydrology and Water Quality are addressed in detail above.

Public Services

The NOP notes that "Most of the County is designated as a High or Very High Fire hazard area by the California Department of Forestry and Fire Protection." The DEIR should address the potential environmental impacts of compliance with "Fire Safe" vegetation clearing to create defensible space pursuant to PRC section 4291. Many unpermitted dwellings and outbuildings have been constructed adjacent to and within streamside management areas in Humboldt County. Constructing fuel breaks around structures require the removal of trees and understory vegetation, and thus would impact sensitive riparian forest habitat along streams.

Cumulative Impacts

As stated in the NOP, cumulative impacts must be addressed pursuant to CEQA section 15130. The Department is concerned about cumulative impacts not only as they relate to cannabis cultivation, but also rural residential development and other types of development that have similar impacts. The Department recommends that the

county establish maximum limits of allowable cultivation as a proportion of watershed size (e.g., HUC 12 size) to minimize cumulative impacts (**Recommendation #13**).

General Comments

CEQA Review for Individual Cultivation Sites

Without robust environmental protection and a provision for individual project review, permitting cannabis cultivation on the scale that Humboldt County intends to allow is likely to cause significant environmental impacts. CEQA section 15378 defines “project” to include “the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” Without a cap on the number or acreage of cultivation sites, a defined time horizon, or any other defined limit, the HPBD’s CEQA review must consider the potential that all parcels that meet the HPBD’s zoning criteria could be developed for cannabis cultivation. Without site-specific review and approval for each site, it is not clear how impacts of this County-wide project could be mitigated to a less than significant level.

The Department recommends that the DEIR define and disclose criteria that the HPBD will use to determine whether any cultivation project requires site-specific CEQA review (**Recommendation #14**).

Effectiveness of Mitigation Measures

Humboldt County’s Medical Marijuana Land Use Ordinance has been in effect since February 2016. The Department is concerned that the County’s existing regulatory framework has not been effective in avoiding, minimizing and/or mitigating the environmental impacts of cannabis cultivation. Pursuant to CEQA section 15002, the DEIR must disclose and evaluate all of the project’s potentially significant impacts; identify ways to avoid or significantly reduce environmental damage; propose, as appropriate, feasible and effective mitigations for those impacts; and disclose reasons for approving the proposed project if significant environmental impacts will occur. In addition, pursuant to CEQA section 15126.4(a)(2), mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.

The DEIR should include an analysis of the effectiveness of mitigation measures under the current program in avoiding, minimizing or reducing the environmental impacts of cannabis cultivation sites, particularly if the same or similar mitigation measures are proposed for use in the amended County Code (**Recommendation #15**).

Fish and Game Code

Several Fish and Game Code sections apply to activities that the HPBD would permit under the amended Code. Fish and Game Code section 1602 et seq.² requires notification for diversions of water from a surface water source, or of water hydrologically connected to a surface water source (e.g. offset wells), as well as for physical changes to the bed, channel or bank of any river, stream, or lake.

In the experience of the Department staff, nearly all cannabis cultivation sites require a LSAA frequently for water diversion and/or stream crossings (including culverts). The Department recommends that all cannabis cultivators submit notification to the Department (**Recommendation #16**). If the Department determines an LSAA is not necessary, it will provide written verification to that effect. State licensing through the California Department of Food and Agriculture will require that all cultivators obtain either an LSAA or a letter from the Department stating that an LSAA is not required³.

Department staff has also documented increased observations of unpermitted non-native aquatic species introductions to ponds used for water storage and water diversion associated with cannabis cultivation. Fish and Game Code section 6400 requires first submitting for inspection and securing a stocking permit from the Department before planting fish. The Department recommends that the Project prohibit non-native species introduction to new ponds and that county address the potential environmental impacts from existing introduced species in the DEIR (**Recommendation #17**).

HPBD staff and/or applicants should consult with the Department to ensure compliance with all FGC sections. Examples of other applicable FGC sections include but are not limited to section 2050 et seq. CESA section 5650 (prohibits water pollution), section 5652 (prohibits refuse disposal in or near streams), and section 5937 (requires sufficient water bypass and fish passage, relating to dams).

Summary of Recommendations

In summary, the Department provides the following recommendations for the HPBD to address in the amended County Code and DEIR:

1. The current land use ordinance proposes no limits on density or watershed carrying capacity of cultivation sites. The DEIR should assess the carrying capacity of watersheds to support cannabis cultivation.

² Fish and Game Code section 1602 states, in part, that an entity “may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake” without written notification to the Department.

³ <https://static.cdfa.ca.gov/MCCP/document/MCCP%20Factsheet%20Summary-%20California.pdf>

2. The DEIR should address amended County Code to include specific penalties or remedies for permit non-compliance and post-permit environmental remediation, and provide adequate staffing to conduct enforcement efforts and compliance review.
3. The DEIR should disclose and analyze the potentially significant impacts from a substantial increase in water demand on streams and rivers.
4. The HPBD should ensure that, as a condition of approval for cannabis cultivation permits, required approvals from the Department and any other applicable regulatory agency is obtained prior to pond development.
5. The HPBD should require a qualified professional delineate streams and wetlands if surface waters are present on a parcel.
6. The HPBD's Cannabis cultivation permitting should prohibit placement of permanent structures within the 100-year floodplain of any stream or river.
7. If lighting is used for cultivation within structures, light should not be visible from outside the structure. The HPBD should not allow the use of lights at night for cannabis cultivation in greenhouses due to the difficulty in fully blocking light escapement, and should ensure that these prohibitions are enforceable, and actively monitored for compliance.
8. The DEIR should include an analysis of potential night light pollution and chronic noise exposure impacts to wildlife, and effective avoidance, minimization and/or mitigation strategies.
9. The DEIR should include detailed analysis of 'take' and potential impacts to CESA-listed species, and require avoidance, minimization and mitigation measures to avoid take or mitigate impacts. In particular, impacts to Coho Salmon related to cumulative impacts from surface water diversion should be included.
10. The DEIR should a) define criteria of a "viable" water source; b) provide standards and requirements for a "localized water management plan"; and c) define the criteria for determining whether groundwater is "non-hydrologically connected."
11. The HPBD DEIR should provide adequate avoidance, minimization and/or mitigation measures (including decommissioning and restoration where appropriate) that address the environmental impacts of past and future cultivation-related road construction, including habitat fragmentation and impacts to sensitive aquatic habitats and species.

12. The amended County Code should not allow new or expanded cultivation on forested parcels.
13. The HPBD should establish maximum limits of allowable cultivation as a proportion of watershed size (e.g., HUC 12 size) to minimize cumulative impacts.
14. The DEIR should define and disclose criteria that the HPBD will use to determine whether any cultivation project requires site-specific CEQA review.
15. The DEIR should include an analysis of the effectiveness of mitigation measures under the current program in avoiding, minimizing or reducing the environmental impacts of cannabis cultivation sites, particularly if the same or similar mitigation measures are proposed for use in the amended County Code.
16. All cannabis cultivators that substantially modify or divert water from a stream are required to submit notification to the Department to obtain a Lake or Streambed Alteration Agreement.
17. The Project should prohibit non-native species introduction to new ponds and that county address the potential environmental impacts from existing introduced species in the DEIR.

We appreciate the opportunity to comment on the Project and look forward to working with the HPBD to effectively regulate commercial cannabis cultivation while addressing its documented environmental impacts. If you have any questions please contact Senior Environmental Scientist (Specialist) Angela Liebenberg at (707) 964-4830 or by e-mail at Angela.Liebenberg@wildlife.ca.gov or Senior Environmental Scientist (Supervisor) Scott Bauer at (707) 441-2011 or by e-mail at Scott.Bauer@wildlife.ca.gov.

Sincerely,



Curt Babcock
Environmental Program Manager

Steven Lazar
Humboldt County Planning and Building Department
May 9, 2017
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ec: Kurt McCray
California Department of Forestry and Fire Protection
Kurt.McCray@fire.ca.gov

Stormer Feiler, Diana Henriouille,
Joshua Curtis, Adona White
North Coast Regional Water Quality Control Board
Stormer.Feiler@waterboards.ca.gov; Diana.Henriouille@waterboards.ca.gov,
Joshua.Curtis@waterboards.ca.gov; Adona.White@waterboards.ca.gov

Curt Babcock, Scott Bauer, Angela Liebenberg,
David Manthorne, Ryan Bourque, Kalyn Bocast,
Steve White, Gordon Leppig, Laurie Harnsberger,
Jane Arnold, Jon Hendrix, Donna Cobb, Corinne Gray
California Department of Fish and Wildlife
Curt.Babcock@wildlife.ca.gov, Scott.Bauer@wildlife.ca.gov,
Angela.Liebenberg@wildlife.ca.gov, David.Manthorne@wildlife.ca.gov,
Ryan.Bourque@wildlife.ca.gov, Kalyn.Bocast@wildlife.ca.gov,
Steve.White@wildlife.ca.gov, Gordon.Leppig@wildlife.ca.gov,
Laurie.Harnsberger@wildlife.ca.gov, Jane.Arnold@wildlife.ca.gov,
Jon.Hendrix@wildlife.ca.gov, Donna.Cobb@wildlife.ca.gov,
Corinne.Gray@wildlife.ca.gov

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From: Rebecca Manion
To: [Lazar, Steve](#)
Subject: Scoping Meeting Comment Proposed Amendments to Humboldt County Code Regulating Commercial Cannabis Activities
Date: Tuesday, May 16, 2017 11:37:20 AM

Hi Steve Lazar,

I attended and spoke at the Scoping Meeting to comment about the Humboldt County code regulating cannabis activities. I did not submit a comment sheet so I am doing that now through email...

Name: Rebecca Manion
Organization: California Native Plant Society North Coast Chapter
Mailing Address: California Native Plant Society
North Coast Chapter
P.O. Box 1067
Arcata CA 95521
Email: northcoast_cnps_business@yahoo.com

My name is Rebecca Manion and I sit on the steering committee of the California Native Plant Society's North Coast Chapter.

The primary mission of CNPS is to conserve California native plants and their natural habitats. Our chapter encourages the county to carefully consider the effects of cannabis cultivation on Humboldt County's unique ecosystems. It is important that project occurring in habitats that could support rare plant species or natural communities receive proper botanical screening and field surveys by qualified botanists. The CNPS inventory of rare and endangered plants lists 180 species in Humboldt County, many of which meet the definition of Rare or Endangered under CEQA Guidelines sections 15125 and 15380. Additionally, Humboldt County contains several rare natural communities, such as California oat grass prairies and Oregon white oak woodlands, that must be considered under CEQA checklist IV-B.

Please make sure that all project that have the potential to impact native plants and their natural habitats receive the proper screening and that impacts are disclosed and fully mitigated. Additionally, it is important that the county consider the effects of cumulative impacts of cannabis projects.

If you would like to further discuss our concerns, the Steering Committee would be happy to schedule a meeting with you.

Thank you,

Rebecca Manion
Membership Chair

California Native Plant Society
North Coast Chapter
P.O. Box 1067

Arcata CA 95521

From: Marion Collamer
To: [Lazar, Steve](#)
Cc: [Marion Collamer](#)
Subject: Comments on NOP amendments to Humboldt County Code regulating Commercial Cannabis Activity
Date: Thursday, May 4, 2017 1:57:39 PM
Attachments: [Dual logo.jpg](#)

Dear Mr. Lazar,

I am a rural farmer from Panther Gap , on the Mattole Road near Honeydew. We have made our home and farm here for 17 years and love living on our land. I dream of continuing to live and farm there and passing the ranch on to our children, though I don't know if it's possible. When my husband and I first came to this amazing area this is the only land we could afford, but considered ourselves blessed beyond measure although it is on a private road without access to municipal water or power and on a grade. Many times we tried to afford land in the Valley and although we had many connections, this fertile Prime Ag land was only for the wealthy or those who inherited it.

Currently there is an over production in cannabis which has made the price plummet in recent years. In order to entice workers to live all the way out on our farm we have had to continue to pay a living wage. Opening the application process to more cultivations would put small rural farmer like us at a severe disadvantage. We have always tried to run our business in symbiosis with the beautiful environment that it is in. We put in a well years ago to serve our ag needs without disturbing the wildlife. We implemented a costly solar system that provides most but not all of our electrical needs. Our 3 acre conversion is a tiny portion of the 100 acres on 2 parcels. We are good stewards of the land.

The NOP that would allow for new cultivation and limit expansion on parcels like ours that are off grid, on a private road would severely affect us. We considered RRRing our home but the thought of farming somewhere other than our homestead breaks my heart and we couldn't afford it anyway. It would break up our family to have to work in another location. We have invested so much money and time into the deadlines set forth by the county, and are striving in every way to meet the requirements. We have had to pay many different lawyers, foresters and consultants in an effort to maintain our farm and livelihood . It has actually been a interesting and worthwhile process and we are learning even more about our farm. But I cannot afford to maintain these changes if taxes and overproduction burden our farm to the point that it is no longer viable. We will have to sell and be sharecroppers on someone else's fertile river valley land. Please keep in mind that TPZ or U zoned land can still be a working cannabis farm that preserves the environment while providing a living for a middle income family. Our land is on a moderate grade but was logged extensively before we purchased it. We have been much more gentle and loving to our land than the extraction industries that occupied it previously. I beg you to reconsider opening up more cannabis grows, particularly when rural middle income property holders such as myself are at such a disadvantage. We took the county's previous deadlines seriously and are attempting to be thorough and forthright.

Limiting generator use would be another new proposal that would impact us negatively to the point of being inoperable. While we maintain an costly solar system it falls short of the voltage that is required in an ag setting and we are forced to run small generators occasionally. We service them responsibly and are respectful of the neighborhood and wildlife even though BLM is on one side and the other closest farm is more than 6 miles away. Please don't punish us for using what limited resources we had to create a home and life for ourselves in southern Humboldt. We support the schools and local community and try to integrate the way we live with how we farm. There was a tradition in southern Humboldt of self reliance, living with was well as on the land, and relishing the wild beauty that locals are blessed to call home. I

saw it in the loggers, the ranchers and yes even in the growers. If more cannabis grows are allowed to open and the historic farms are severely limited from expanding, farmers like myself will be without a home or a living, my dream shattered by our inability to compete with the fortunate few who can afford valley land with access to electricity. This will be only after I have exhausted my savings trying to save my farm. In this mountainous county there are more famers in my situation than the those on Prime Ag. Think of the small rural communities that would suffer when the cannabis money usually flowing in these areas is redirected to town, where there are more services but it is less needed. Thank you for your time, I hope the county and the farmers can come up with a compromise that is good for everyone.

Marion Collamer

marion@truehumboldt.com

Founding Farmer

True Humboldt and Humboldt Sun Grower's Guild

truehumboldt.com

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July 18, 2017

Re: Humboldt's Proposed Commercial Cannabis Land Use Ordinance Changes

Esteemed Humboldt County Supervisors & Planning Department Leadership,

At Compliant Farms Certified, we support approximately 80 cannabis farms in coming into full compliance with county and state environmental regulations. Additionally, we provide numerous others with consulting as needed and otherwise make ourselves available to educate and engage in dialogue with our community.

We take the initiative to study and participate in the public process for policy development related to regulations of the environmental impacts of cannabis cultivation. Our experiences integrating on-the-farm realities with environmental regulations provides us with insight few have.

We have combed over the Proposed Ordinance Policy Areas and Discussion Items presented in Appendix A of supporting materials dated June 7, 2017 for Agenda Item F-2 of the June 13, 2017 Board of Supervisor's meeting (attached here as Appendix A). Following are our informed opinions regarding the proposed changes. Generally, our concerns relate to the development of common sense regulations that protect the environment while providing a viable pathway to success for the small farmers of our county.

Analysis of Currently Permitted Cultivation

New/Existing & Outdoor/Mixed/Indoor

A primary concern is that permitting of "new" cultivation has enormously outpaced permitting of "existing" cultivation. In our opinion, it does not make sense from environmental, social or economic perspectives to expand cultivation areas within Humboldt County without first securing existing operations. As of June 6, 2017, only 11% of the total permitted cultivation area was associated with existing operations.

A trend of permitting large new cultivation farms over smaller existing farms is being established, and this will hinder the ability of small existing farmers to establish the boutique market necessary to stabilize Humboldt County's sustainable cannabis economy.

Without our existing farmers having a secure toehold in the regulated market, the economy of Humboldt County will destabilize as generated revenue leaves the area. Furthermore, a transition away from Humboldt County's existing farming culture will erode the values of community and environment that are at the heart of what makes Humboldt County a special

P.O. Box 5306, Arcata CA 95518 | 707-502-4870 | CompliantFarms@gmail.com

place to live. Figures 1- 4 and Table 1 below presents the permitted cultivation area for new and existing grows by cultivation type (outdoor, mixed light, indoor).

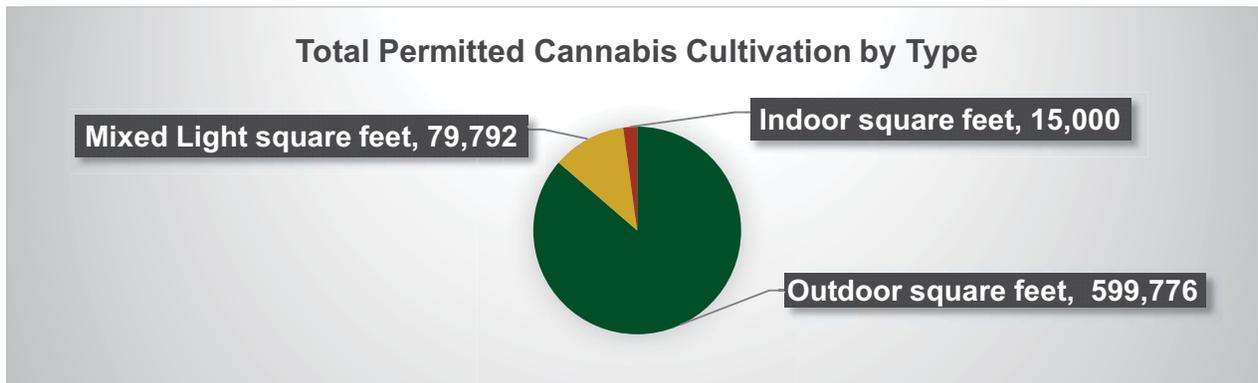


Figure 1. This comparison of the total permitted cultivation area in Humboldt County shows that Outdoor cultivation area has been permitted at a greater square footage than Mixed Light or Indoor cultivation.

Beneficial management practices (BMPs) associated with Outdoor cultivation can provide the foundation for a sustainable community via low cost of inputs, reduced energy consumption, holistic land management, and the potential to regenerate the environment. Therefore, the trend of permitting more Outdoor cultivation as compared to Mixed Light or Indoor cultivation types makes environmental and social sense.

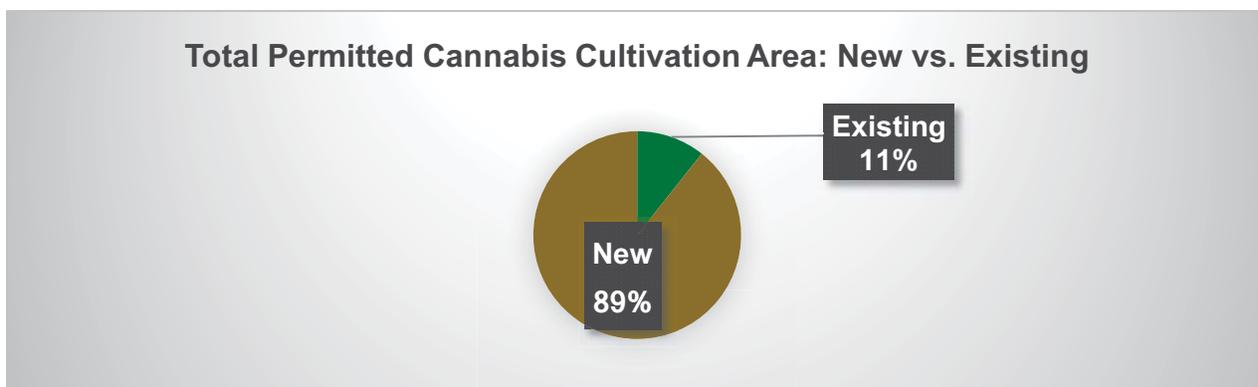


Figure 2. This comparison of the total permitted cultivation area in Humboldt County shows that permitting of New cultivation has vastly exceeded permitting of Existing cultivation.

New cultivation requires disturbance of resources not yet developed for cannabis activities. Creating more disturbance before the potential negative impacts associated with Existing cultivation are remedied compounds the resource use associated with cannabis cultivation and does not provide a pathway to a sustainable economy. A preferred trend is to preferentially permit Existing cultivation prior to permitting New cultivation unless the New cultivation is affiliated with relocation of Existing operations.

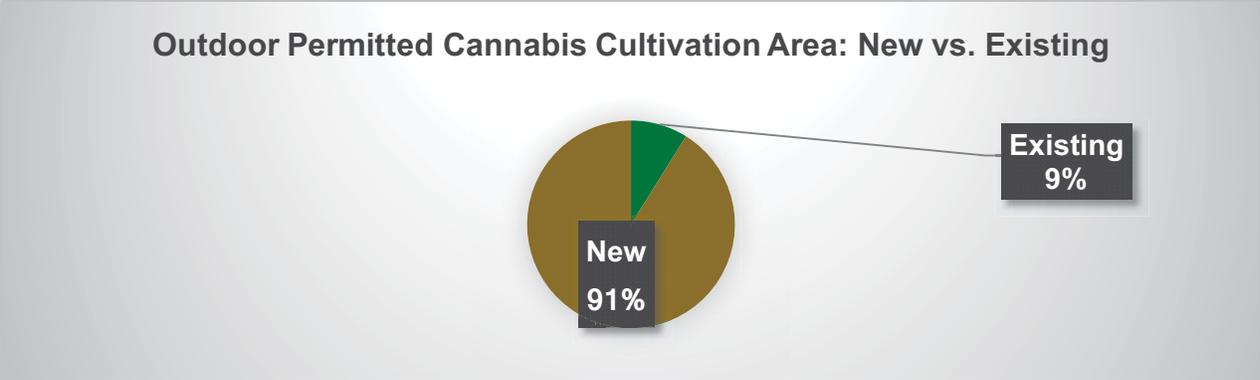


Figure 3. This comparison of the total permitted Existing Outdoor cultivation area vs. New Outdoor cultivation area shows that permitting of New Outdoor cultivation vastly exceeds Existing Outdoor cultivation. Again, the creation of new disturbance prior to remediation of existing disturbance associated with cultivation does not provide a pathway to sustainability.



Figure 4. This comparison of the total permitted Existing Mixed Light cultivation area vs. New Mixed Light cultivation shows that only New Mixed Light cultivation has been permitted.

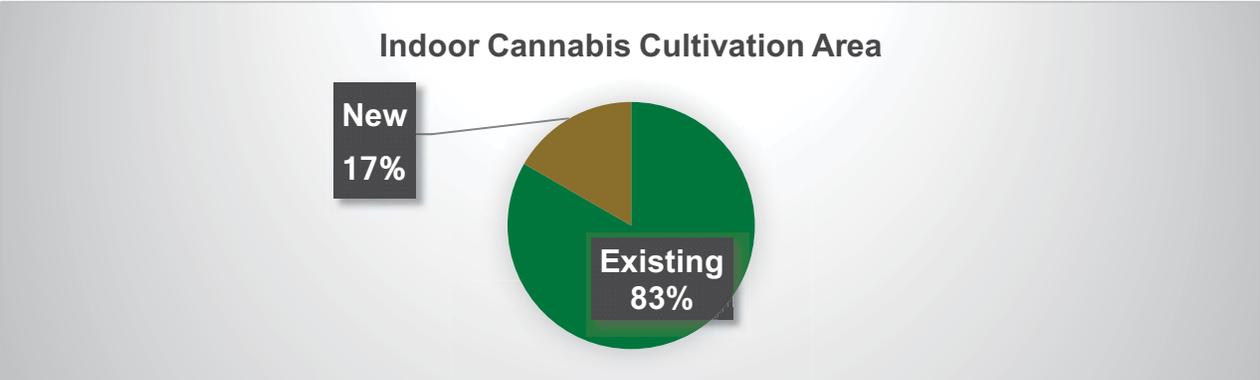


Figure 5. This comparison of the total permitted Indoor cultivation area vs. New Indoor cultivation area shows that Existing Indoor cultivation has been preferentially permitted. Indoor cultivation requires a vastly greater resource use than other cultivation types, thus permitting of New Indoor cultivation ought not be prioritized.

Table 1. Humboldt county permitted cultivation area by type as of June 6, 2017

Apps #	Cultivation Activity	Existing Square Footage	New Square Footage
10259	Outdoor	25,720	7,840
10261	Outdoor	0	43,560
10262	Outdoor	0	43,560
10263	Outdoor	0	43,560
10373	Outdoor	17,680	5,950
10374	Outdoor	0	43,560
10375	Outdoor	0	43,560
10456	Outdoor	0	10,000
10406	Outdoor	0	304,920
10251	Outdoor	9,896	0
Total Outdoor Cultivation Area		53,296	546,480
10487	Mixed Light	0	9,792
10342	Mixed Light	0	10,000
10260	Mixed Light	0	10,000
11606	Mixed Light	0	10,000
10566	Mixed Light	0	10,000
11428	Mixed Light	0	10,000
11447	Mixed Light	0	10,000
10369	Mixed Light	0	10,000
Total Mixed Light Cultivation Area		0	79,792
10258	Indoor	2,500	2,500
10237	Indoor	5,000	0
10568	Indoor	5,000	0
Total Indoor Cultivation Area		12,500	2,500
Total Cultivation Area (all types)		75,156	628,802

Comments by Section on the Proposed Ordinance Policy Areas and Discussion Items

Outdoor/Mixed Light Cultivation

1. Outdoor and Mixed Light Cultivation differ in the quantity of energy needed to support cannabis cultivation. Reduced energy use results in less road travel, less infrastructure needs, and a lighter impact on natural resources in general. Thus, Outdoor cultivation permits ought to be more easily obtained than Mixed Light cultivation permits.
2. No sunset date ought to be set for permit applications associated with existing sites. Doing so will result in continued environmental degradation as un-permittable 'existing' sites become abandoned without needed restoration due to the lack of value for the land resource.
3. Permitting of 'new' cultivation not associated with RRR ought to be a secondary priority to permitting of 'existing' cultivation.

Industrial Areas

1. U with existing commercial use ought to be permissible for processing, manufacturing, retail, and distribution activities.

Slope

1. When graded flats on existing sites meet Humboldt County grading permit standards and a grading permit is obtained, no discretionary permit ought to be required. The Humboldt County grading ordinance is rigorous enough to assure slope integrity of graded flats on slopes greater the 15%. Discretionary permit requirements are punitive to existing cultivators and will hinder the feasibility of compliance.
2. When environmental conditions can be improved by on-site remediation and reconfiguration of existing cultivation areas, doing so ought to be permissible. Furthermore, remediation and reconfiguration ought not to require costly bond fees or trigger additional permitting requirements. Rather a remediation and reconfiguration plan ought to be submitted with the application to be reviewed for approval.

Timberland Conversion

1. Most existing timberland conversions lack proper forest management since the conversion took place. Bringing all existing parcels with conversions into compliance with Performance Standards should also be addressed. This should include the management of forest margins relative to the conversion site, fuel load reduction of over stock, and active slope revegetation and maintenance.

Energy Use- The Ancillary Nursery Activities (Propagation) or Mixed Light Cultivation

1. Approved off-site location for storage of ancillary mother plants ought to allow for co-mingling of mothers from multiple license holders to allow for ease of access for rural farms.
2. Ancillary Nursery activities ought to allow for co-mingling of ancillary nursery stock from multiple license holders to allow for ease of access for rural farms.
3. All energy requirements should have a completed energy audit to determine the total energy use and thus what amount 80% renewable would be. The 20% supplied by non-renewable should include onsite carbon sequestration to offset the production of greenhouse gas emissions. This can include fuel load reduction, forest management and habitat restoration. Alternative could be purchasing local carbon credits in the form of funding local nonprofits in their efforts to preserve and restore habitats.

Application Deadline for “Existing” Sites

1. The 6-month sunset date for permitting of “existing” sites ought to be removed. Removing the ongoing opportunity for permitting of “existing” sites will allow for ongoing environmental degradation and promote illicit activities. Additionally, the removal will decrease land values long into the future for lands with abandoned existing activities.
2. The RRR program ought to be amended so that the \$50,000.00 bond requirement is removed. Current banking limitations for cannabis related businesses makes obtaining a bond extremely difficult. Additionally, entering into the RRR program ought not trigger a permitting requirement for non-cultivation related activities on the property such as residences.

Water Source

1. Expand the forbearance requirement to include spring diversions.
2. Dry farming activities ought to meet the same forbearance periods and permitting requirements as associated with all other farming activities. If a cultivator is truly dry farming the quantity of water needed during the forbearance period will be greatly reduced requiring less storage. Additionally, excluding dry farming activities from the forbearance period is punitive to non-dry farming activities that use very little water, and may promote an extended use of ancillary propagation and nursery areas.
3. We support the forbearance requirement for wells. Unregulated groundwater extraction has long term negative effects on environments.

Water Storage

1. Ponds provide a valuable water resource to wildlife. Egress structures should be implemented to protect wildlife. Exclusionary fencing is dangerous to wildlife and interrupts corridors.
2. Ponds should have active revegetation protocols on the southern aspect to provide shade and thus reduce evaporative rates.

3. New ponds should be designed to be filled exclusively with rainwater including conveyance from nearby structures.
4. Bladders should only be a short-term water storage solution and new bladders should not be allowed. Existing bladders should be phased out at a certain percentage of volume each year until all water storage is via tanks or pond. Creating a basin/berm for bladders is an unnecessary disturbance that can be minimized by creating areas for rigid storage.

Processing Facilities (Appurtenant/On-Site)

1. Rather than limit the on-site sewage disposal system to septic systems, other fully contained sewage disposal systems ought to be allowed. Examples of alternative sewage disposal systems that ought to be allowed are approved pit privy and composting toilets. Properly designed and installed pit privy or composting toilet systems do not threaten human or environmental health.

Toilet Facilities

1. Rather than limit the on-site sewage disposal system to septic systems, other fully contained sewage disposal systems ought to be allowed. Examples of alternative sewage disposal systems that ought to be allowed are approved pit privy (DEH has allowances for them) and composting toilets (Sonoma County is in the planning phases for permitting their use). Properly designed and installed pit privy or composting toilet systems do not threaten human or environmental health.

Site Reconfiguration Criteria Existing Sites

1. These proposed changes make sense and we support them. They will easily improve environmental conditions while maintaining commercial use of properties.

Existing Operators - Specialty Cottage Provision

1. The meaning of the statement “parcels must be planned/zoned where existing sites are principally or conditionally permitted” is unclear.
2. Encouragement and feasibility of permitting of existing small cultivation sites is of utmost importance.

Retirement, Remediation, and Relocation

1. The RRR program ought to be amended so that the \$50,000.00 bond requirement is removed. Current banking limitations for cannabis related businesses makes obtaining a bond extremely difficult. Additionally, entering into the RRR program ought not trigger a permitting requirement for non-cultivation related activities on the property such as residences.

Indoor Cultivation

1. No expansion of allowable zones for Indoor cultivation ought to occur. The resource use associated with indoor commercial cultivation does not align with community values of securing and promoting traditional sun grown farming practices.

Nurseries & Community Propagation Centers

1. Where limited eligible parcels exist within a limited geographic area the zoning requirements for Community Propagation Centers ought to be expanded to allow for ease of access and overall feasibility.

Canna-tourism

1. Tours and visits by the public ought to be allowable for any permitted commercial cannabis business.
2. Remove the requirement for access to be provided exclusively by publicly maintained roads. All roads leading to permitted commercial cannabis businesses are required to be brought to high standards that often exceed the quality of county roads. The standardization set forth in the ordinance is sufficient to provide safe access to the public and emergency vehicles, therefore the requirement of access via publicly maintained roads is punitive.

Microbusinesses

1. Remove the requirement for access to be provided exclusively by publicly maintained roads. All roads leading to permitted commercial cannabis businesses are required to be brought to high standards that often exceed the quality of county roads. The standardization set forth in the ordinance is sufficient to provide safe access to the public and emergency vehicles, therefore the requirement of access via publicly maintained roads is punitive.
2. Reduce required proportion of renewable energy sources from 100% to 80%.

We are confident that with careful consideration and thoughtful dialogue common sense regulations for the commercial cultivation of cannabis can be achieved. Common sense regulations will be financially and temporally achievable by most existing farms and promote environmentally regenerative farming practices.

Please do not hesitate to reach out to us for further discussion of the proposed changes to Humboldt County's Commercial Cannabis Land Use Ordinance.

With our best regards and greatest hopes for a sustainable future,

Hollie Hall, PhD
Soil and Water Scientist
Owner, Compliant Farms Certified

Dan Mar, CPD
Permaculture Systems Designer
Owner, Compliant Farms Certified

Appendix A: Proposed Ordinance Policy Areas and Discussion Items



AGENDA ITEM NO.
F-2

COUNTY OF HUMBOLDT

For the meeting of: June 13, 2017

Date: June 7, 2017
To: Board of Supervisors
From: John Ford, Director of Planning and Building Department *[Signature]*
Subject: Commercial Cannabis Land Use Ordinance – Options Review

RECOMMENDATION(S):

That the Board of Supervisors:

1. Request that staff present the project.
2. Invite public comment on the approach to the Commercial Cannabis Land Use Ordinance (CCLUO); and.
3. Provide comments on the update of the CCLUO options presented in the staff report [Attachment 1].

SOURCE OF FUNDING:

Budget: Planning & Building Department – Cannabis Services Division (1100-268). Funding for this work (\$239,937) is included in the FY 2016-17 and proposed FY 2017-2018 budgets for the Planning & Building Department – Cannabis Services Division.

Prepared by *Michael Richardson*
Michael Richardson, Supervising Planner

CAO Approval *E. Ashcraft*

REVIEW:	Auditor _____	County Counsel <u><i>NAP FOR JWE</i></u>	Human Resources _____	Other _____
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Seconded by Supervisor

- Ayes
- Nays
- Abstain
- Absent

SEE ACTION SUMMARY

PREVIOUS ACTION/REFERRAL:
Board Order No. I-1
Meeting of: April 11, 2017

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____
By: _____
Kathy Hayes, Clerk of the Board

DISCUSSION:

The purpose of this item is to review concepts to be implemented in the proposed Commercial Cannabis Land Use Ordinance (CCLUO). These concepts will be evaluated in an environmental impact report (EIR). The county is now under contract with Ascent Environmental to assist with preparation of the EIR for these zoning ordinance amendments. These concepts are an expansion of the one-page list of ordinance objectives reviewed by the Board on April 11, 2017. They are given more definition and substance in Attachment 1 and in this staff report. The concepts are specific enough to assess environmental impacts in the EIR, but are not in final ordinance form.

The proposed ordinance amendments include the following features:

- Expand the scope of the Ordinance Nos. 2554 and 2559 to include commercial marijuana operations for adult recreational use now authorized by Proposition 64, the Adult Use of Marijuana Act (AUMA),
- Expand the areas where new cultivation or expansion of existing cultivation sites will be permitted to locations with or without prime agricultural soils,
- Restrict or prohibit generator use,
- Apply special requirements/limitations for projects located within spheres of influence or community areas

The Planning Commission reviewed these concepts on June 1, 2017. Staff will present their comments to the Board at the meeting on June 13, 2017. The ordinance options and comments from the Planning Commission and Board of Supervisors will then be used in preparation of the new ordinance.

The Notice of Preparation for the EIR was recently released, and the Department held a scoping meeting on May 12, 2017 to receive public agency and public comments on the scope and content of the EIR. The comments from the scoping meeting and the written comments received in response to the Notice of Preparation have informed the direction of the ordinance options presented in this staff report. The Department expects to present the full draft ordinance amendments to the Planning Commission and Board of Supervisors in October / November of this year.

FINANCIAL IMPACT:

The contractual and salary funding for this work is included in budget unit 1100-268 in fiscal year 2016-17, in the amount of \$292,000. The proposed 2017-18 budget includes \$324,000, in budget unit 1100-282.

This item supports the Board's 2017 Strategic Framework by pro-actively evaluating the environmental effects of amendments to the County Code designed to refine and implement ongoing efforts to daylight the local cannabis industry. Success in this endeavor will include support for business, workforce development and creation of private-sector jobs, streamlining of the permit processes, and advancing local interests concerning natural resources while engaging in ongoing discussions of our regional economic future, as well as statewide concern.

OTHER AGENCY INVOLVEMENT:

The EIR and associated amendments to County Code are a continuation of the county's prior efforts to regulate land use activities involving cannabis. During development of the most recent phase of regulations addressing commercial activities, other agency consultation included: North Coast Regional Water Quality Control Board, California Department of Fish & Wildlife, Local Humboldt County Native American Tribes, California Department of Forestry and Fire Protection, Humboldt County Health & Human Services - Environmental Health Division, and Humboldt County Public Works – Land Use Division. Additionally, it is expected that the following agencies will be consulted during the environmental review and legislative process: Bureau of Medical Cannabis Regulation, Department of Consumer Affairs, Department of Food and Agriculture, Department of Pesticide Regulation, State Water Resource Control Board – Division of Water Rights, North Coast Unified Air Quality Management District, Board of Equalization, Franchise Tax Board, Department of Justice, Department of Public Health, Industrial Welfare Commission, California Coastal Commission, State Board of Forestry, Division of Occupational Safety and Health, California Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, and the California Agricultural Labor Relations Board.

Additionally, the Department has been in communication with County Counsel and the County Administrative Office on the transmittal of this draft document.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose to direct additions, modifications, or deletions to the concepts being presented for preparation of the draft ordinance.

ATTACHMENTS:

Attachment 1: Proposed Ordinance Policy Areas and Discussion Items

ATTACHMENT 1

PROPOSED ORDINANCE POLICY AREAS AND DISCUSSION ITEMS

1) OUTDOOR/MIXED LIGHT CULTIVATION

DEFINITIONS

“New” Cultivation: Permits proposing commercial cultivation of cannabis on a parcel where no cultivation was ever conducted prior to January 1, 2016.

new cultivation sites no longer must be located on or within parcels with prime soils

“Existing” Cultivation: Permits for commercial cultivation of cannabis on a parcel where cultivation was conducted prior to January 1, 2016.

Changes from existing ordinance and rationale for proposed changes: Continuing to differentiate between new cultivation proposals and existing cultivation sites allows the County to set a new sunset date for permit applications associated with existing sites, which will not apply to new cultivation applications. Eliminating the prime agricultural soils requirement will reduce the demand for sites with prime agricultural soils.

ELIGIBILITY CRITERIA (all applications must meet or exceed criteria in each below category as applicable)

ZONING/LAND USE

RESOURCE PRODUCTION AND RURAL RESIDENTIAL AREAS

new & existing sites

- Cultiv. Area must be located within portion of project parcel planned and zoned for Agricultural Uses
 - Zonings – Resource: AE, AG, FR – principally permitted
 - U (accompanied by agricultural land use designation) – principally permitted (unless AR)
 - TPZ (existing sites only / discretionary permit req’d)
 - RA (with discretionary permit)
 - Land Use - Resource Production: AE, AG, AL
 - AR (discretionary permit req’d)
 - T (existing sites only / discretionary permit req’d)

Changes from existing ordinance and rationale for proposed changes: Requiring a discretionary permit in areas planned AR will help address concerns with cultivation near residential areas.

INDUSTRIAL AREAS

new sites

- parcels planned or zoned for industrial uses or;

- parcels zoned unclassified and developed with an existing industrial use
- Zonings – C-3, ML, MH, U (where developed with an existing industrial use)
- Land Use – IG, CG
 - Up to 1 acre of cultivation may be principally permitted (Outdoor, Indoor, Mixed Light, or a combination of any or each not exceeding a total of 1 acre)
 - Must comply with Specialized Performance Standards for adaptive reuse and management where new cultivation activities proposed on parcels currently host to buildings and other infrastructure developed in association with past or ongoing Industrial Use(s).
 - Additional permits for cultivation in excess of 1-acre may be allowed with a Conditional Use Permit.
 - Properties may also host new Outdoor and Mixed Light Cultivation relocation by sites participating in the RRR program, as a principally permitted use.

Changes from existing ordinance and rationale for proposed changes: Adaptive reuse standards would protect existing industrial infrastructure for future industrial uses.

SLOPE

new sites only

- slope within proposed cultivation area must not exceed 15%
- Slope means “natural grade” (the surface of the ground prior to grading for development)

existing sites

- discretionary permit required if one or more existing cultivation sites are located within areas exceeding 15% slopes. On-site remediation and reconfiguration to areas of 15% or less slopes subject to Performance Standards for Site Reconfiguration.

Changes from existing ordinance and rationale for proposed changes: On-site remediation and reconfiguration reduces environmental impacts of existing cultivation sites.

TIMBERLAND CONVERSION

new sites

- no new conversions of timberland authorized.
- “new” conversion means a conversion performed with or without the approval of Cal-FIRE, which occurred after 12/31/15

existing sites

- timberland conversion may only occur in association with on-site remediation and reconfiguration activities, subject to Performance Standards for Site Reconfiguration.
 - must comply with reconfiguration performance standards
- No expansion of the total area of conversion for cannabis cultivation (existing on or before 12/31/15) may result. A discretionary permit is required.

Changes from existing ordinance and rationale for proposed changes: No significant changes proposed.

PARCEL SIZE / CULTIVATION AREA LIMITS

existing sites

- 2,500 ft.² of Cultivation permitted on AE zoned parcels less than 1-acre in size with a CUP (per CMMLUO)
- All other eligible zones require 1 acre or larger parcel (discretionary permit required if less than 5 acres in size)
- 5,000 ft.² of cultivation principally permitted on parcels between 5 acres and 10 acres in size

new & existing sites

- 5-acre minimum (discretionary permit required if less than 10 acres in size)

Parcels 10 acres or larger

- 10,000 ft.² of cultivation (outdoor, mixed light, or combination of both not exceeding 10,000 ft.²) principally permitted on parcels 10-acres or larger in size
- CUP required for greater than 10,000 ft.² of cultivation. Must meet or exceed all other eligibility criteria categories (Zoning/Land Use, Slope, Timberland, Setbacks, Road Standard, Energy) Maximum of 1-acre and or 4 permits, whichever is less. Cultivation Area identified in permits for “Mixed Light” must not exceed state licensing restrictions.
- Parcels over 320 acres qualify for 1-acre per 100-acre with CUP (must also meet slope criteria) as outlined in CMMLUO.

Changes from existing ordinance and rationale for proposed changes: Increasing the minimum parcel size from 5 to 10 acres (for principally permitted cultivation sites) will help reduce potential conflicts between cultivation sites and neighboring residential areas.

SETBACKS (for Cultivation Areas & On-site Processing)

new and existing sites

- 30 foot setback from all property lines
- 300 foot setback from residences on neighboring properties (300 setback does not apply to properties where a permit has been issued or is being sought for commercial cultivation)
- A discretionary permit is required if cultivation is located or proposed within the Sphere of Influence of an incorporated City or within 1000 feet of City Limits.
- eliminate current setback from School Bus Stops
- 600 foot setback from any School, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resources
- A setback of less than 300 or 600 feet (but greater than or equal to 30 feet) may occur, with the express consent of all affected land owners, representatives, or occupants. A discretionary permit is required.

Changes from existing ordinance and rationale for proposed changes: Establishing a 300 foot setback from residences reduces noise and light impacts from new cultivation. Discretionary permit requirements in areas adjacent to cities will help reduce conflicts between new cultivation and neighboring residential areas and/or cities that may not allow cultivation.

ENERGY USE – Ancillary Nursery Activities (Propagation) or Mixed Light Cultivation

new and existing sites

- Projects served exclusively by grid power or 100% on-site renewable principally permitted
- ### existing sites
- where grid power is not available, projects utilizing a renewable energy system (solar, wind, micro-hydro with battery storage) providing 80% or more of the annual cannabis-related energy demand (nursery and/or mixed light cultivation activities) shall be principally permitted.
 - an energy budget must be included with the permit application detailing all monthly cultivation-related energy use as well as on-site renewable energy generation and storage capacity.
 - Ancillary Nurseries and/or Mixed Light Cultivation served by less than 80% renewable energy (i.e. generators) subject to discretionary permit.
 - Ancillary mother plants must be kept at an off-site approved location (utilizing grid power and/or renewable intertie) during off-season required.
 - Mixed Light and/or Nursery activities restricted to March thru August (deprivation season and end of season restocking post-harvest)

Changes from existing ordinance and rationale for proposed changes: Requiring use of renewable energy sources will reduce potential noise, fire hazard, and greenhouse gas emission impacts from generators.

APPLICATION DEADLINE FOR “EXISTING” SITES

- Permits for existing sites (which do not meet all eligibility criteria) for new cultivation will not be accepted following the passage of 6 months from the effective date of the regulations.
- Permit resumed or continued operation of eligible “existing” sites, if application is filed within 3 months of the effective date of the regulations. Provide opportunity for “provisional” permitting, subject to a compliance agreement.
- Require that all operations be suspended if 3 month deadline not met.
- Provision for Board modification of deadlines through resolution and accompanying ordinance amendments.
- Applications will continue to be accepted for proposals involving remediation and relocation pursuant to RRR program.

Changes from existing ordinance and rationale for proposed changes: A 3 and 6 month deadline will incentivize submittal of applications from those with existing cultivation sites, while providing for continued operation in limited circumstances.

ROAD STANDARD new & existing sites three-part test

PART 1 – Functional Capacity

- access to the subject property must be available via publicly maintained roadways or private road systems meeting Category 4 road standard (or same practical effect).
- if access to the project parcel provided exclusively via publicly maintained roadways, no further analysis required / principally permitted.
- “publicly maintained roadways” shall be all road systems that are available for year round travel by the general public, which are maintained by the County of Humboldt, or State or Federal Agencies
- If access to the subject property partly provided via a private road system, an analysis of the functional capacity of all private road systems utilized must be included with any permit application.
- The analysis must be prepared by a licensed engineer or similarly qualified professional.

PART 2 – Road Design and Maintenance – Water Quality Protections

- if access to the project parcel provided exclusively via publicly maintained roadways, no further analysis of road design required / principally permitted.
- If access to the subject property partly provided via a private road system, an analysis of the design and maintenance of all private road systems utilized must be included with any permit application.
- The analysis must be prepared by a licensed engineer or similarly qualified professional. Analysis performed in association with preparation of a Water Resource Protection Plan (WRPP) performed in association with enrollment under the Regional Water Quality Control Board’s Waiver of Waste Discharge (Order # 2015-0023) may be provided if covering all relevant private road systems.
- The principal objective of the roadway design and maintenance analysis is to identify road characteristics and maintenance concerns which conflict with common best management practices for prevention of point-source and non-point source discharges of sediment or other pollutants which constitute a potential threat to water quality.
- Best Management practices (BMPs) shall include, but are not limited to:
 - Standard Conditions 1 & 2 (Site maintenance, erosion control, and drainage features and Stream Crossing Maintenance) and associated BMPs described under the Regional Water Quality Control Board’s Waiver of Waste Discharge Requirements (Order # 15-0023)
 - Relevant Road maintenance and Design Best Practices identified in the latest edition of the 5 Counties Roads Salmon Conservation Program Roads Manual.
 - Relevant Road maintenance and Design Best Practices identified in the latest edition of the “Handbook for Forest, Ranch and Rural roads” prepared for the Mendocino County Resource Conservation District.
- Where three or more permit applications have been filed for commercial cultivation (new or existing), on parcels that are served by a shared private road system, the owner of each

property must consent to join or establish a relevant Road Maintenance Association prior to operation (for new permits) or non-provisional approval (existing). This requirement shall also apply to existing permittees seeking to renew their permit.

PART 3 – Dead End Road Length

- Projects that are located more than 2-miles (measured in driving distance) from the nearest intersection with a publicly maintained road or private road that is part of a system providing viable secondary access by emergency vehicles and personnel, including wildland fire equipment, shall be subject to a discretionary permit
 - with the exception of eligible existing operators seeking a permit pursuant to the Specialty Cottage provisions (2,500 ft.² of mixed light cultivation or 25 or less plants grown outdoors)

Private Road System Evaluations

- All observations and recommendations shall be summarized in a written report describing and documenting existing road conditions and capacity, and road design and maintenance characteristics.
- Same practical effect means an exception or alternative with the capability of providing equivalent access characteristics, including but not limited to: accommodating safe two-way travel and traffic by regular users in passenger vehicles, and access by emergency wildland fire equipment and simultaneous safe civilian evacuation in the event of a wildland fire.
- The principal purpose of the roadway evaluation is to document compliance with functional capacity and relevant water quality protections of the road standard, and identify all road segments that do not comply with the standard or same practical effect. Where the private roads systems contains segments which do not meet these standards for capacity and water quality protections, the report must identify and prescribe specific road system improvements that will promote compliance, to the greatest extent practicable, or as determined sufficient by the Department of Public Works, Land Use Division.
- Projects located on private road systems not meeting the functional capacity and road design standards shall be subject to a discretionary permit, with the requirement that private road segments be brought up to minimum standards.
- with the exception of eligible existing operators seeking a permit pursuant to the Specialty Cottage provisions (2,500 ft.² of mixed light cultivation or 25 or less plants grown outdoors)

Changes from existing ordinance and rationale for proposed changes: Establishing road standards will improve traffic safety, reduce sediment delivery into streams and reduce risks associated with wildland fire hazards.

PERFORMANCE STANDARDS (all approved permits must meet or exceed standards in each below category as applicable)

GENERATORS – Noise Standards

- Generators must be inaudible within 30 feet of generator location.

Changes from existing ordinance and rationale for proposed changes: Limiting generator noise reduces noise impacts on wildlife and surrounding properties.

WATER SOURCE

- Forbearance (or modified forbearance with consent of CDFW) still required for all cultivation reliant on in-stream diversions. Forbearance also required for wells.
- Dry farming shall be authorized without requiring forbearance and storage, provided irrigation is limited to ancillary propagation and nursery areas ahead of in-ground planting.
- Dry farming shall include but is not limited to: cultivation within floodplains and alluvial terraces adjacent to major watercourses, where plants are placed in native soil and are able to receive water via subsurface hydrological connectivity.

Changes from existing ordinance and rationale for proposed changes: Establishing water use standards will protect biological resources associated with streams and rivers during the dry periods of the year, while recognizing and rewarding the reduced environmental impacts associated with dry farming techniques.

WATER STORAGE

All water storage

- Grading permits for construction of ponds, above-ground storage tanks, or bladders intended to be used for future or existing on-site cannabis irrigation shall not be issued ahead of the Cannabis permit review process.

Ponds

- Except in limited circumstances, ponds shall be located “off-channel” from nearby watercourses and adequately setback from nearby streams, springs, and other hydrologic features.
- To prevent occupancy by and survival of non-native bullfrog species, ponds shall be designed to allow for them to be drained, which shall occur on an annual basis.
- Where an existing or proposed pond is filled from, or outlets to a nearby stream or wetland, permits and review from the Department of Fish & Wildlife shall be required prior to project approval.
 - Introduction of non-native species is prohibited.
- Ponds shall be adequately fenced to prevent them from attracting and endangering wildlife
- Ponds shall be designed with pathways enabling escape by local wildlife. These may include rock-lined portions of the perimeter or similar features providing equivalent means of egress.

Bladders

- Must include secondary containment.

- At minimum, secondary containment shall include a contiguous earthen berm perimeter.
- The berm must be at least one foot taller than the height of the enclosed bladder(s) when full, to provide for sufficient freeboard in the event of a failure.
- A grading permit shall be required
- Bladders proposed to be located within areas subject to localized flooding must include provisions for anchoring.

Changes from existing ordinance and rationale for proposed changes: Establishing standards for water storage will reduce impacts to wildlife and improves safety for humans.

PROCESSING FACILITIES (APPURTENANT / ON-SITE)

- Must have grid power or 80% on-site renewables
- Must be served by publicly maintained road or private road system meeting road standards
- Must have an approved on-site sewage disposal system (septic)

Changes from existing ordinance and rationale for proposed changes: Requiring use of renewable energy sources will reduce potential noise, fire hazard and greenhouse gas emission impacts from generators. Establishing road standards will improve traffic safety, reduce sediment delivery into streams and reduce risks associated with wildland fire hazards. Setting septic system requirements will prevent water quality impacts and reduce potential impacts from human and wildlife exposure to sewage.

TOILET FACILITIES

- Application must specify means of sewage disposal
 - On-site waste treatment system (septic)
 - Portable toilet(s)
 - Use of seasonal RV with closed system or septic hookup

Changes from existing ordinance and rationale for proposed changes: Sewage disposal system requirements will reduce potential impacts from human and wildlife exposure to sewage.

PRIME SOILS (new or existing cultivation)

- If cultivation located on prime soils, total cultivation area restricted to 20% of area of prime soils
 - 20% limitation not applicable to cultivation within non-prime areas meeting slope criteria.

Changes from existing ordinance and rationale for proposed changes: Continuing to limit use of prime soils while allowing new cultivation on non-prime lands will help reduce demand on sites with prime agricultural soils, while providing opportunities for new cultivation activities in appropriate settings.

ADAPTIVE REUSE OF DEVELOPED INDUSTRIAL PROPERTIES

- Development of additional buildings or infrastructure only allowed once existing infrastructure has been fully occupied, pursuant to the principles of adaptive reuse.
 - Interior changes or additions to facilities must not prevent future re-occupancy by new uses which are compatible with the base zoning district or consistent with historic prior operations.
 - all newly constructed facilities must comply with all development standards of the zone
 - Development of additional buildings or infrastructure only allowed once existing infrastructure has been fully occupied.
 - all newly constructed facilities must comply with all development standards of the zone

Changes from existing ordinance and rationale for proposed changes: Adaptive reuse standards will protect existing industrial infrastructure for future industrial uses.

LIGHTING PERFORMANCE STANDARDS new & existing sites

- Carry forward existing provisions of the CMMLUO:
 - Lighting used between sunset and sunrise must be shielded so that little to no light escapes
 - Compliance with International Dark Sky Association standards

Changes from existing ordinance and rationale for proposed changes: No significant changes are proposed.

SITE RECONFIGURATION CRITERIA existing sites

- Where an existing site does not conform to one or more performance standards or certain eligibility criteria, or cannot comply with local, state, or federal regulatory requirements, reconfiguration of the cultivation site and associated infrastructure may be permitted.
 - Where one or more lawfully separate parcels are contiguous or accessed by a shared private road system, and are owned or managed by a single applicant, consolidation and reconfiguration utilizing multiple parcels may be permitted.
 - Reconfiguration between one or more separate applicants under similar conditions may also occur, provided:
 - The application must include a binding agreement signed by all owners, applicants, and relevant parties
 - Permit applications may be filed jointly or separately
 - permits shall be concurrently processed and scheduled for decision
- New areas of a project parcel targeted for development and overall site design must represent the best opportunity for compliance with all relevant regulatory requirements, including those of which the site currently conforms.
- Reconfiguration plans must be prepared by an engineer or similarly qualified professional familiar with local and state water quality protections and requirements.

- A Biological Resource Protection Plan must also be included. The plan shall be prepared by a qualified professional and evaluate whether prior unpermitted development or disturbance has occurred within a Streamside Management Area, Sensitive Plant Community, or area of similar biological sensitivity.
- All new timberland conversion proposed in association with cultivation site reconfiguration must not exceed the areas of existing conversion to be relocated.
 - existing cultivation areas to be relocated must be restored to pre-disturbance conditions and restocked and/or managed to promote recovery by native vegetation and tree species.
- existing interior driveways and road networks may be reconfigured to achieve better design and compliance with road standards and watercourse protections.
 - all relocated road segments must be fully decommissioned and restored to pre-disturbance conditions or mothballed and stabilized to insure that they are no longer a threat to water quality. Relocated road systems occupying the site of converted timberland shall be restocked and/or managed to promote recovery by native vegetation and tree species.

Changes from existing ordinance and rationale for proposed changes: Encouraging on-site remediation and reconfiguration reduces environmental impacts of existing cultivation sites.

EXCEPTIONS TO PERFORMANCE STANDARDS

EXISTING OPERATORS - SPECIALTY COTTAGE PROVISION

- Parcels must be planned/zoned where existing sites are principally or conditionally permitted
- Parcel must be host to an “existing” residential structure (permitted or otherwise)
 - “existing” shall mean an occupied residential structure located on the parcel as of 12/31/2016
 - If not already permitted, residence must become permitted via AOB / Safe Homes program
 - Only one specialty cottage permit per parcel
 - no non-resident staff for cultivation or on-site processing activities
- Limitation of no more than 2,500 ft.² mixed light cultivation or 25 plants (outdoor), per upcoming DFA license restrictions
- Must practice soil conservation
 - Pledge to reuse and amend soil already imported to site.
 - Minimize use of imported soil.
 - Bulk soil delivery prohibited.
- Mixed Light Cultivation must be supplied by grid power or 80% renewable.

Changes from existing ordinance and rationale for proposed changes: These standards encourage permitting of existing small cultivation sites associated with existing rural residential uses.

RETIREMENT, REMEDIATION, AND RELOCATION PROGRAM

- Continue to incentivize retirement and remediation of qualifying existing sites meeting current criteria from CMMLUO
 - site must meet definition for “existing” (pre 1/1/16)
 - must be located on lands zoned TC, FR, TPZ, U, RA, AG, or AE
 - must rely upon surface water diversion without water right or streambed alteration permit.
- Authorize relocation to sites meeting eligibility criteria for principally permitted new outdoor & mixed light cultivation, or parcels currently host to buildings and other infrastructure developed in association with past or ongoing Industrial Use(s). Prime Soils no longer required.
- relocation proposed to occur within prime soils on eligible parcels, subject to 20% limitation.
- No limit to the number of relocation sites on a parcel, if not located within prime soils. Must be sited within areas of 15% or less slopes.
 - Allow cultivation at relocation site to be up to quadruple the cultivation area of the existing site to be retired/remediated or 20,000 ft.², whichever is less.

Changes from existing ordinance and rationale for proposed changes: Continuing to limit use of prime soils while allowing relocation to non-prime lands will help reduce demand on sites with prime agricultural soils, and provide for a greater number of potential sites where relocation can occur.

2) INDOOR CULTIVATION

- Carry forward existing provisions from CMMLUO:
 - no consideration given for “existing” indoor sites
 - must comply with energy performance standards
- Agricultural Zones*
- Zonings - RA (on parcels 5 acres or larger), AG, and AE
 - Maximum of 5,000 square feet within existing non-residential structure
- Commercial, Industrial, and Unclassified Zones*
- Zonings - C-2, C-3, MB, ML, U (where developed with an existing Industrial or Commercial Use)
 - Add CH zone to list of eligible zonings.
 - Cultivation of up to 5,000 ft.² allowed with a Zoning Clearance Certificate
 - Cultivation of up to 10,000 ft.² allowed with a Conditional Use Permit

Changes from existing ordinance and rationale for proposed changes: Adding the CH zone will expand the potential sites for cannabis activities.

3) NURSERIES & COMMUNITY PROPAGATION CENTERS

- Wholesale Nurseries principally permitted use in select Commercial and Industrial Zoning Districts
 - Zonings: C-2, C-3, ML, MH, U (where developed with an existing industrial or commercial use)
 - Wholesale Nurseries allowed with a discretionary permit in CH and MB Zoning Districts
- Wholesale nurseries shall be a principally permitted use in
 - Zoning Districts: AE, AG, FR, and U (accompanied by agricultural land use designation)
 - must be located on a publicly maintained road
 - subject to compliance with standards for commercial parking and accessibility
- must comply with energy performance standards
- Community Propagation Centers may also be permitted wherever Nurseries are authorized
 - Propagation Centers allow cannabis farmers, operating within regional cultivation areas and communities without grid-supplied electricity, to maintain mother plants in a vegetative state at a nearby facility, during periods where these plants need not be located at the cultivation site.

Changes from existing ordinance and rationale for proposed changes: Community propagation centers allow cannabis farmers, operating within regional cultivation areas and communities without grid-supplied electricity, to maintain mother plants in a non-flowering condition during periods where plants need not be located at the cultivation site. In areas with no grid or renewable power source, they may help reduce the amount of generator use, number of generators, and potential noise impacts from generators, while also helping operators achieve compliance with state and local restrictions on cultivation-related generator use.

Energy Performance Standards for Indoor Cultivation, Nurseries & Community Propagation Centers

- Power for Cultivation and Propagation activities must be supplied through one of the following:
 - on-grid power from 100% renewable source
 - PG&E Solar Choice, RCEA Community Choice Aggregation, etc.
 - on-grid power with purchase of carbon offset from an accredited source
 - on-site zero net energy provided by a renewable source

Changes from existing ordinance and rationale for proposed changes: Continuing to require that Indoor cultivation utilize energy from renewable sources or purchase carbon offsets for non-renewable energy use is consistent with existing regulations. Applying these performance standards to nursery and community propagation areas is a logical next step, and aligns with restrictions on non-renewable energy use emerging at the state level.

4) CANNATOURISM

- Allow tours and visits by the general public as a principally permitted use at all locations zoned for Commercial or Industrial uses;
- In agricultural and resource production zoning districts, only permit if access to site is exclusively provided by publicly maintained roads
- Cannabis farmstays shall be permitted within existing residences with a discretionary permit
- All Cannatourism subject to performance standards to insure harmony with neighboring land uses
- Allow tour operators, with a business license, and commitment to only travel to sites permitted to host visits by from the general public.

Changes from existing ordinance and rationale for proposed changes: Adding standards for the cannatourism industry will encourage development of that industry in a way that minimizes adverse impacts on humans and the environment.

5) MICROBUSINESSES

- Add definition of cannabis “microbusiness”, which includes an allowance for cultivation, manufacturing, wholesale distribution, and sales at the same establishment, consistent with state licensing provisions.
- Allow with a Special permit in CH, C-2, C-3, MB, ML, U (where planned for commercial, industrial or mixed industrial/commercial/residential use), as well as Agricultural and Resource Production Zoning Districts
 - access to site must be provided exclusively by paved, publicly maintained roads.
 - if access to site requires use of private road(s), a Conditional Use Permit is required.
- All Microbusiness sites subject to the following performance standards:
 - Grid power or 100% on-site renewable
 - 600 foot setback required from sensitive receptors: residences, churches, schools
 - Setback of not less than 300 feet with a Conditional Use Permit
 - Sites must have adequate parking , comply with accessibility requirements (ADA)
 - Hours of Operation 8am - 6pm
 - On-site parking requirements for employees and guests:
 - 1 parking space per 200 sq. ft. of public accessible areas; and
 - 1 parking space for every 2 employees
- Allow on-site consumption, subject to conformance with operational measures and performance standards to insure consumers are not a threat to themselves or others, including but not limited operation of a motor vehicle while impaired.

Changes from existing ordinance and rationale for proposed changes: Adding standards for microbusinesses will encourage development of this new type of license offered by the state in a way that minimizes adverse impacts on humans and the environment.

6) PERMITTING PENALTIES FOR VIOLATIONS

- Initiation or expansion of cannabis activities prior to permit issuance shall be grounds for disqualification of the application with no refund of submitted fees.

Changes from existing ordinance and rationale for proposed changes: Identifying the penalties for non-compliance may help achieve higher rates of compliance with the ordinance.

From: lauracooskey@frontiernet.net
To: [Lazar, Steve](#)
Subject: Comments on Draft EIR re: Cannabis Cultivation
Date: Tuesday, May 9, 2017 4:44:42 PM

Dear Mr. Steven Lazar,

I am writing with input regarding the proposed “Amendments to Humboldt County Code Regulating Commercial Cannabis Activities.”

As a private citizen owning and residing on land zoned Agricultural along the Mattole River between Honeydew and Petrolia, I have strong feelings about the proliferation of industrial-style, large-scale cannabis growing operations in rural Southern Humboldt. Whatever worries about impacts on wildlife and ecosystems might be addressed in an Environmental Impact Report also includes questions about effects on the social animal—us humans; therefore I will characterize my comments as concerns about both environmental and social issues.

Please let me first briefly list my grievances; I am sure you have heard these concerns before, so I will not delve too deeply into why they are important:

- * Water use and overuse, taxing the rivers, creeks, fish populations, wildlife in general, and also stressing neighborhood residents’ domestic water supplies
- * The noise from greenhouse generators and fans, which are annoying, disruptive, and constant (around the calendar and the clock)
- * Light pollution and disruption of diurnal rhythms. Not only a problem for wildlife and for my personal enjoyment of dark, quiet country nights, but a blight on the illusion of wilderness and pristine beauty that has drawn many tourists and comfortable retirees here (read: an important and enduring part of Humboldt County’s economy)
- * Pollution from runoff of heavy fertilizers, from diesel-powered generators, and from excessive vehicles involved in the industry; trash piles from the all-too-common tons of plastic which are rarely recycled
- * Increase in human population as Green Rushers hurry to take advantage of this grey area in legality and enforcement, and between state legality and national unlawfulness. The additional people bring with them more motor vehicles, which make the roads in rural Humboldt County more dangerous, and also cause unforeseen damage to both County- and privately-maintained roads, a result particularly of huge trailer trucks loaded with bagged soil and other pot-growing supplies. This new population of growers brings with it many other threats to quiet, peaceful enjoyment of the country life, particularly irresponsible dog ownership and a plethora of feral pit bulls throughout Southern Humboldt
- * Because of the aforementioned grey areas in legality and enforcement, weed is still worth a lot of money—if not so much here, definitely if smuggled into states where it is still illegal. Therefore, large growing operations are magnets for crime; crime makes for paranoia, and the proliferation of guns, unskilled security forces, mean dogs, etc., hired to protect the crops is almost as frightening as the chance that strangers will randomly break into any resident’s home or outbuildings, believing we are all rich

players in the cannabis game.

As language in the Notice of Preparation for the EIR mentions this land use as “agricultural,” and as I have no problem with agriculture on lands zoned as such, I want to point out that the problem with the type of growing going on here is hardly what can be described as “agriculture.” Perhaps we need a new definition of “agricultural” and of “industrial,” because each designation suggests a certain kind of enterprise with its own set of circumstances needing regulation.

If we were to amend the definitions of these terms so that any endeavor requiring machinery (fans and generators), causing light and noise disruption, and done inside a plastic greenhouse with controlled lighting and trucked-in soil became known as “industrial use,” and was assigned to (usually urban) areas zoned for factories, warehouses, and other heavy-duty, noisy, dangerous industries, I would have little problem with large-scale greenhouse cannabis growing. I think the point of zoning is to place like with like; big trucks full of manufactured growing mediums, carting plastic bags in to huge indoor expanses of automated growing scenes, dependent upon fossil-fuel-powered generators and air-replacement systems, and using quantities of water that should be metered and charged for... this is something to be placed in an industrial zone, NOT in the rural, backwoods areas of Humboldt County, a place where many people choose to live for its natural peace and quiet.

Should anyone want to grow cannabis like any other agricultural product in the hills of Humboldt, that would be much more appropriate. Green plants growing in the natural earth, fed by natural sunshine, and maturing by cues from natural length of day, would indeed look and sound like “agriculture” to me—quiet, green, and in a locally-sustained cycle of fertilization, growth, and composting. Even large grows expanding over hillsides, replacing native vegetation, would not bother me the way this non-agricultural manufacture does. Part of country living is farming!

There would still be concerns about crime, water use, increased human populations, etc., but given the fact that the reduced yields from natural farming would prevent the rudely ambitious from even trying—they would go to the industrial production zones for concentrated harvests—I do not think those effects would be anywhere near as destructive as what is already going on here in the hills now, and what is being contemplated as an even more expanded “diversity of areas” for such intensive manufacture.

Meantime, I look back with nostalgia to the days when families grew literally a handful of plants in little clearings in the forest. People claim they couldn’t get by on the tiny economic benefit that would bring them today... and I wish them luck in the urban factories of high and constant production, where the zoning of “Industrial” fits their activities.

Thank you for your time.

Sincerely,

Laura Cooskey Walker

lauracooskey@frontiernet.net

707-601-7300

544 Green Fir Rd., Petrolia, CA, 95558

From: jim cotton
To: [Lazar, Steve](#)
Subject: EIR comments on cannabis
Date: Monday, May 8, 2017 5:21:04 PM

Dear Sir,

My concern with the new cannabis regulations is that the issue of smell is not properly addressed along with the strain on groundwater supply.

I have been a property owner in Humboldt for almost 30 years and recently have had to sell our tree farm because my wife and I could not stand the cannabis smell coming from our neighbors parcel. The cannabis grow consisted of four large greenhouses and during the period when the plants were maturing the smell was disabling for my wife who has chronic allergies. We were force to sell our parcel as the smell was unrelenting and pervasive at a distance of 200 yards.

We relocated just outside of Arcata, two parcel from Sun Valley Floral Farms who have recently applied for a commercial cannabis permit of four contiguous parcels totaling 160 acres. These parcels are 245 feet from our property line and I fear a grow of this size will undoubtedly have strong smells associated. We grow most of our food using our well as a water source and I fear the impact on ground water this scale of cannabis growing will have, the groundwater level currently drops around 8 feet during the irrigation season.

There are numerous counties in Washington, Colorado and Oregon where the smell is one of the leading complaints. Please address these issues as we really don't want to have to move for the second time because of smell.

Sincerely
James Cotton
1971 27th St.
Arcata



DEPARTMENT OF PARKS AND RECREATION
PO Box 2006
Eureka, CA 95502-2006

Lisa Ann L. Mangat, *Director*

May 9, 2017

Steve Lazar
Humboldt County
3015 H Street
Eureka, CA 95501

Subject: Notice of Preparation (NOP) for the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities draft Environmental Impact Report (EIR), **SCH # 2017042022**

Dear Mr. Lazar,

Thank you for the opportunity to review this NOP and provide suggestions on the content of the forthcoming EIR (SCH # 2017042022) that will propose amendments to Humboldt County Code regulating commercial cannabis activities, simply referred to herein as the Project.

California State Park's North Coast Redwoods District (NCRD) is responsible for the management of 76,700 acres of land within the boundaries of Humboldt County that include 15 of the District's 23 park units. Among them are Prairie Creek Redwoods State Park, a designated World Heritage Site and International Biosphere Preserve, and Humboldt Redwoods State Park, home to the largest contiguous old growth coast redwood forest in the world. When reviewing projects that may affect state park resources we base our review on the Department's Mission Statement, which states:

"The mission of the California Department of Parks and Recreation is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation."

The main concern for NCRD regarding the proposed amendment changes will be the proximity of permitted cannabis activities to park boundaries because of possible impacts on resources and management activities. Impacts from the Project may include impaired aesthetics and biological resources, degraded water quality and quantity, exotic invasive species introduction, slope instability, erosion and sediment transport, and demand on fuel and/or hazard tree management.

To reduce some of these potential impacts, NCRD would like to recommend inclusion of a Special Treatment Area (STA), similar to those required for Timber Harvest Plans under the Forest Practice Rules, where additional protection measures may be warranted for permitted activities at locations adjacent to state park boundaries. A minimum buffer distance of 200 feet, up to 300 feet where old growth is present, where vegetation clearance is prohibited or reduced could mitigate several possible impacts

including aesthetics, wind thrown trees, and affects to the microclimate of the park. Similarly, no structures should be permitted within 300 feet of a park boundary to eliminate the threat from hazard trees in the park that could fall on infrastructure of an adjacent parcel. If a fire fuel management zone is needed, it should be considered outside the STA buffer. The STA should also prohibit the use of pesticides, rodenticides, and fertilizers within 100 feet of park boundaries. Presumably, there would be similar restrictions elsewhere to protect water quality by prohibiting the use of these chemicals near streams and waterways. NCRD would also like to recommend conditions placed on soil quality and amendment application rates within a STA to reduce the potential to import exotic invasive species and help preserve water quality.

The NOP states that new cultivation or expansion of existing cultivation sites will be permitted to locations meeting specific criteria including among them having natural slopes at 15 percent or less. NCRD agrees in most cases a gentle slope will reduce the risk of erosion and sediment transport, however it is possible that a gentle slope could be the surface unit of a landslide, which could be exacerbated by the conversion of cover type. In addition to the 15 percent or less slope criteria, qualified professionals should evaluate cultivation sites pending permit to identify and characterize possible landslides and determine if conversion is appropriate. This process would reduce the negative impacts from slope failure within watersheds adjacent to and/or upstream from park units.

The NOP also states that Ordinance Nos. 2544 and 2559 prohibit new or expanded cannabis cultivation on lands zoned timberland (TPZ) and limits permits to the area of existing cultivation as of January 1, 2016. If an existing cultivation site zoned TPZ has already been converted, NCRD suggests a process for retrospective review of the environmental conditions prior to issuance of a grandfathered permit. If there are existing impacts from past or ongoing cannabis cultivation sites, adjacent park resources should be considered in consultation with NCRD before issuing such a permit.

We appreciate the opportunity to provide recommendations on the Project prior to and/or during your preparation of an EIR. NCRD is dedicated to working with Humboldt County and other Responsible agencies throughout the environmental review process to ensure the protection of our extraordinary public resources. Please contact the District Environmental Coordinator, Shannon Dempsey, at 707-445-5344, if you have any questions.

Sincerely,



Victor Bjelajac
District Superintendent
North Coast Redwoods District

ec: Steve Lazar
Humboldt County
slazar@co.humboldt.ca.us

State Clearinghouse
Governor's Office of Planning and Research
state.clearinghouse@opr.ca.gov

Shannon Dempsey, District Environmental Coordinator
North Coast Redwoods District
Shannon.dempsey@parks.ca.gov

Marisa St John
22522 State Hwy 299
Blue Lake, CA 95525
May 9, 2017

Mr. Steven Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
slazar@co.humboldt.ca.us

RE: Notice of Preparation of a Draft Environmental Impact Report (EIR) for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Dear Mr. Lazar.

Here are my suggestions and comments regarding the preparation of a draft Commercial Cannabis EIR

1. "Vineyard model" is not enough – vineyards neither stink, nor have crops that are intoxicants while on the vine, nor generally negatively impact nearby vineyards. Marijuana production should not be allowed near any vineyards or other agricultural production where the smell from marijuana cultivation and production could waft over other parcels and potentially taint the non-marijuana products (commercial and non-commercial).
2. Notices of Nuisance should be abated prior to the approval of any commercial marijuana cultivation or production. The County has a long-term reputation of not abating problems (after formal complaints and personal observations). There is a high probability that this has caused the extraordinary increase of illegal marijuana growth and production, grading, building, etc. over the last 15 years. Not matter how many policies, procedures, standards, and that the County currently has in place or plans to implement, they do not mitigate any issues if the County fails to follow them and abate problems. The 2016 Loma Fire in Santa Clara, California is an example of where a county didn't abate a problem and thousands of acres of forest and multiple houses were destroyed.
3. Commercial Marijuana growth and production should not be extended to non-prime agriculture land use / zoning, high fire, or anywhere that takes Federal, State, and County services more than 15 minutes to respond to. Humboldt County has many prairies and oak woodlands that are already endangered and have been / will be destroyed. The Draft GPU EIR says that land use changes will increase prime agricultural acreage. There are some problems that can no longer be seen (like water take from Redwood Creek or dumping into Redwood Creek) due to the time that it takes to get there.
4. Grows should require light-blocking covers for lighted greenhouses to prevent light pollution and its negative effects on wildlife and other peoples' ability to enjoy their properties.
5. According the to the GPU Draft EIR "traffic on unpaved roads is estimated to contribute as much as 60% of Humboldt County's PM10, the only criteria air pollutant for which the County exceeds established standards. (See Section 3.12 Air Quality)" Areas, such as Titlow Hill where most properties are under cultivation / production, would be severely impacted by the increased traffic (even more so since the Land Use is changing and already illegally subdivided parcels could be subdivided again).

6. Dogs that are not in their owners' control chase cars and bicycles, trespass, harass/maim/kill livestock and wildlife. Dogs and cats are also not licensed, spayed/neutered and frequently abandoned when the cultivation season ends. It is not always possible to identify who the owners are, so it is also not possible to have the problems abated.

The County should make sure that non-marijuana cultivators' / producers' properties rights are upheld and do not put the burden (time and money) on them to seek compliance (especially those that live here year-round).

Sincerely,
Marisa St John

Steve Lazar
Humboldt County
Planning and Building Dept.
3015 H Street
Eureka, CA95501



Dear Mr. Lazar,

This letter regards the revision of the code sections that refer to the permitting process for marijuana cultivation and processing.

The codes should require that residents of properties that will be affected by the presence of a processing facility or "grow" be notified **in writing** about the proposed business and they should be able to influence the decisions that are made by the county.

There should be public meetings/hearings to address issues and concerns about such businesses. Additionally, cities should be notified about permits that will affect their border areas or "spheres of influence" before any permits are issued.

These types of facilities should not be near schools or residential areas or within smelling distance of them.

There should be attention to the impact these facilities would have on air quality, traffic, water quality and water use and if there is a negative impact, they should not be permitted.

Additionally, the county should, retroactively, follow these same requirements for the permits that have already been granted.

It is obvious that in the rush to issue permits to growers, the rights and concerns for the rest of the community of this county have been overlooked.

A handwritten signature in cursive script that reads "Laurel Farnham".

Laurel Farnham
3576 Nelson Lane
Fortuna, CA 95540

Re: the Humboldt County "Cannabis" Code Sections
and Revisions

May 5, 2017



Mr Lazar,

My objections to the Code sections include:

- 1) The overall sense of the Code sections that everyone in this County enthusiastically supports this local legalization of a controversial industry. There are many dangerous side effects to this policy that the County is fully aware of and many of these are not addressed in these Code sections.
- 2) The fact that applications for industrial size projects **within** the spheres of influence of incorporated cities were accepted without input from the cities effected. Supposedly, these applications met the criteria of the Cannabis Code sections. If they did, then the Code as written shows a callus and perhaps illegal disregard for the rights of Cities in the State of California. If this consequence was unintended, then this is a serious oversight by the County that should be corrected immediately. If these infringements on the rights of cities were intentional, then the County has violated the cooperative relationship that should exist between county and city governments.
- 3) The fact that the County's own general plan designates some of these adjacent county administered properties as zoned Residential (as shown by the Nelson Lane area in Fortuna). The County has been granting subdivisions in that area for years with the obvious intent to develop the area with Residential uses in mind. City services are already provided and annexation is just a matter of time. This area does not seem to fit the concept of rural, agricultural property, with no close neighbors, that the Code sections envision. Yet it technically fit the administrative definitions of acceptable property for a 50,000 ft² commercial marijuana growing and processing plant right in the middle of an existing residential area.
- 4) The city of Fortuna, with its ordinances prohibiting these cannabis operations, should be respected.

When the Code is amended:

It should include language giving the incorporated cities of the County the right to deny permitted projects that they object to that are within their Spheres of Influence.

Residential areas of the County should not be forced to have neighboring industrial marijuana operations that will obviously decrease their property values and deteriorate their quality of life.

A handwritten signature in black ink that reads "Paul Farnham".

PAUL FARNHAM
3576 NELSON LANE
FORTUNA, CA 95540

Betsy Filippini

496-0110

Victoria Ranch Estates
Hydesville CA



May 9, 2017

Board of Supervisors
Humboldt County Courthouse
825 5th St.
Eureka CA, 95501

RE: Proposed changes to the Humboldt County Cannabis Regulations and EIR Scoping Process

Dear Members of the Board,

Thank you for providing the members of the Victoria Ranch Estates HOA the opportunity to comment on the scope and content of the Environmental Impact Report (EIR) and the proposed amendments to the Humboldt County Cannabis Regulations. It is our understanding that as a part of this revision, the Board will consider "special requirements/limitations for projects located within spheres of influence or community areas". The Victoria Ranch Estates HOA is requesting that the Board consider designating this subdivision as a "Q" zone that would prohibit the commercial cultivation of cannabis due to the severe restriction of water in our area and the inadequacy of our private rural road system (that currently does not meet the qualifications of the state and county fire safe standards for second residences).

Development of a "Q" zone option for the commercial cultivation of cannabis for neighborhoods with underlying environmental restrictions that cannot be mitigated

When the Victoria Ranch subdivision was approved in 1993, water availability was a concern for the future development of all 17 parcels contained within the subdivision. Because of this, Covenants, Conditions and Restrictions (CC&Rs) and a Declaration of Water System Rights were developed to address and limit the use of water. In particular, the CC&Rs and Water System Rights do not allow for use of water for commercial or industrial agriculture, only for normal household use and vegetable gardens (see attached CC&Rs and Declaration of Water System Rights, Page 2). At the time of the subdivision, it was estimated that normal household use of water would top out at 500 gallons a day (this was the guiding allotment contained in the Declaration of Water System Rights). If you account for full buildout of the subdivision utilizing this usage, normal water withdrawals would be around 8500 gallons per day. Currently three properties in this subdivision are in the process of obtaining commercial grow permits (two have applied; and one is currently operating without a permit. The HOA has retained legal counsel and is proceeding with civil action for compliance with the CC&Rs). If these grows were allowed, the use of water would triple to over 26,000 gallons of water per day (assuming a 9 square foot plant area and 4-5 gallons per plant water usage for the proposed size of these grows).

This area cannot sustain this type of water usage! We have very limited water during the summer months. Since 2000, at least 8 landowners in the subdivision have experienced system failure and have abandoned wells and drilled new ones. Other than watering livestock, there is no other agricultural use demanding water resources in our neighborhood. Many residents actually store water for their

vegetable gardens and no one waters their lawn in the summer. Even with all these precautions, we still run out of water in years of low precipitation.

Although this subdivision is within the Hydesville Community Services District boundary, we are not served by the district and do not see this changing in the foreseeable future. The District has informed our membership that it would be cost prohibitive to extend services to our area, and frankly, they also do not have water for additional users.

The impact to our **private road** is also of great concern. As you know, commercial cannabis grows greatly increase the traffic and use of road systems, hauling soil and other materials in and then product out. The cannabis grows currently operating here illegally usually have 5-6 vehicles in and out of the subdivision daily. Our road system currently does not meet fire safe standards for second residences (parcel sizes here range from 5- 35 acres). A guest house requires obtaining a Conditional Use Permit with an environmental review! A road system that cannot support second residences or guest houses because it does not meet state and county fire safe standards surely cannot meet the increased traffic caused by the commercial cultivation of cannabis.

Finally, our subdivision borders Wolverton Gulch, a coho/steelhead bearing stream that surely has direct hydrological connections to the local groundwater system. Additional users in this area would negatively impact aquatic resources if not conditioned appropriately. Under the scoping requirements for the Draft EIR, it would behoove the County to determine areas that are not suitable for the commercial cultivation of cannabis because of neighborhood water limitations. It should not be permitted to have an intensive commercial agriculture operation move into this residential neighborhood and jeopardize the water resources of existing homes and negatively impact the local fisheries. That is why we believe it is appropriate to allow the Victoria Ranch Estates Subdivision the ability to opt out as a cannabis cultivation zone either through a "Q" Zone or a similar zoning mechanism, until adequate water is available.

We commend and thank you and County staff on the work done so far on the Marijuana Ordinance. It is a difficult regulatory issue to undertake as this land use has for many years been conducted in the shadows, without any legal sideboards to guide or regulate it. As you know, however, not all neighborhoods are suitable for this type of use and so we therefore request to be removed from the permissible areas through the development of a "Q" zone option because all impacts cannot be mitigated.

Sincerely,

David and Elizabeth Filippini
3324 Quiggle Ct.
Hydesville, CA 95547

David and Debbe Fonsen
2900 Rockspring Rd.
Hydesville, CA 95547

Dennis and Tami Fitze
PO Box 699
Hydesville, CA 95547

Robert and Sarah Frawley
PO Box 1032
Fortuna, CA 95540

Martha Spencer and Eric Nelson
3115 Rockspring Road
Hydesville CA 95547

Leon and Glenda Noel
3070 Quiggle Ct.
Hydesville CA 95547

Morris and Nikki Moxon
2790 Rock Spring Road
Hydesville CA 95547

Brad and Kristy Seher
3375 Rockspring Road
Hydesville CA 95547

Robin Poffenberger and Rob Ridenour
3005 Rock Spring Road
Hydesville CA 95547

Carl and Renee Schoenhofer
2915 Rockspring Road
Hydesville, CA 95547

Conformed Copy
RECORDED - OFFICIAL RECORDS
HUMBOLDT COUNTY, CALIFORNIA
CAROLYN CRNICH, RECORDER
Conformed Copy

Recorded by Humboldt Land Title Company

RECORDED AT THE REQUEST
OF AND WHEN RECORDED
MAIL TO:

VICTORIA RANCH ESTATES
c/o Coldwell Banker, Cutten Realty
Mock Wahlund
2120 Campton Rd., Suite C
Eureka, CA 95501

Rec Fee 29.00

77972-PN

Clerk: VS Total: 29.00
May 25, 1993 at 10:00

DECLARATION OF WATER SYSTEM RIGHTS

This Declaration of Water System Rights is made this 3rd day of December, 1992, by RONNIE N. CLIFFORD, BARBARA J. CLIFFORD, STEPHEN D. QUIGGLE, ALICE C. QUIGGLE, JOHN C. GOBLE, ROBIN R. GOBLE and ROBERT F. KELLY, hereinafter referred to as "Declarants."

WHEREAS, Declarants are the owners of the Victoria Ranch Estates Subdivision consisting of a certain tract of land in the unincorporated area of the County of Humboldt, State of California, as depicted in the Map recorded in Book 20, Pages 82 through 86, inclusive, Humboldt County Records; and

WHEREAS, Declarants intend to sell the seventeen (17) lots which comprise the above-described property and said seventeen (17) lots will share five (5) wells for domestic water.

NOW, THEREFORE, Declarants set forth hereinafter the rights and responsibilities of each and every person or entity who now or in the future owns any of the lots with respect to the use, enjoyment and maintenance of the subdivision's water system.

1. Well Allocation. The five (5) wells in the subdivision shall be shared as follows:

- a) Well Number 1 (located on or near Lot 2)--
Lots 1, 2, 3 and 5;
- b) Well Number 2 (located on or near Lot 7)--
Lots 4, 7, 8 and 16;
- c) Well Number 3 (located on or near Lot 10)--
Lots 6, 9 and 10;
- d) Well Number 4 (located on or near Lot 13)--
Lots 11, 12, 13 and 14; and
- e) Well Number 5 (located on or near Lot 17)--
Lots 15 and 17.

ability to authorize all necessary repairs and maintenance to promote and insure the proper use and condition of the system. For the purposes of electing a trustee or trustees, expending funds in excess of One Hundred Dollars (\$100.00), or altering the system, a meeting of the affected lot owners shall first be held. A majority of the users (one user per lot) of a well shall constitute a quorum.

4. **Individual Maintenance.** All home service lines or residence supply lines (running from the well or from any common storage tank or facility) together with all pumps, electricity, meters, valves and other accessories necessary to furnish and measure the amount of water used by each individual user shall be furnished and maintained at the sole expense of each individual user.

5. **Access Rights.** All lot owners, their successors in interest and their authorized agents shall have the right to reasonable access over necessary portions of the other lots sharing a well for the purpose of installing, repairing, replacing and maintaining the water system, the well and related items.

6. **Transferability.** No interest in the water system is transferable or alienable by lot owners or users except as incident to the sale of a lot utilizing the water.

7. **Emergencies.** In the event of emergency, common water pipes between systems may be installed and used for the duration of the emergency, but not to exceed thirty (30) days without just cause. The cost of installation of said common water pipes shall be borne by the lot owners or users requiring emergency water services.

8. **Subject to Valid Laws.** This Declaration of Water System Rights is subject at all times to any and all valid laws, ordinances, and governmental regulations whether federal, state or county. If any part or provision of this Declaration shall be determined to be invalid under the federal, state or county laws, the remaining part of this Declaration that can be separated from the invalid, unenforceable provisions shall continue in full force and effect.

9. **Mutual Benefit.** The various restrictive measures and provisions set forth herein are declared to constitute mutual equitable covenants and servitudes for the protection and benefit of each lot in the subdivision. The failure by the Declarants, or any other person or persons entitled to do so, to enforce any measure or the provisions hereof shall not prevent enforcement thereafter, or be deemed a waiver or relinquishment of the right to do so.

10. **Purchasers Bound.** Each grantee of a deed, or other conveyance, or purchaser under a contract or agreement of purchase, accepts the same subject to all the covenants, restrictions, rights of access and agreements set forth herein and agrees to be bound by the same.

11. **Damages.** Damages for breach of the covenants, restrictions and conditions stated herein, or any of them, are hereby declared to not be

STATE OF CALIFORNIA)

COUNTY OF Butte) ss.

On this 9 day of December, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared **STEPHEN D. QUIGGLE**,

personally known to me OR

proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to this instrument (Declaration of Water System Rights) and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.



Stephen D. Quiggle
Notary Public
Commission Expires: 4/19/93

STATE OF CALIFORNIA)

COUNTY OF Sacramento) ss.

On this 10th day of December, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared **ALICE C. QUIGGLE**,

personally known to me OR

proved to me on the basis of satisfactory evidence

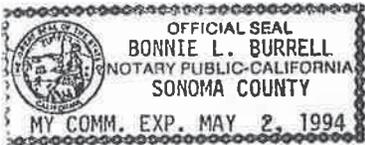
to be the person whose name is subscribed to this instrument (Declaration of Water System Rights) and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.



Vicki B. Rudi
Notary Public
Commission Expires: April 27, 1996

STATE OF CALIFORNIA
COUNTY OF Sonoma

On Oct. 29, 1993 before me Bonnie Burrell,
personally appeared John C. Goble, personally
known to me (or proved on the basis of satisfactory evidence) to be the per-
son(s) whose name(s) is/are subscribed in the within instrument and
acknowledged to me that he/she/they executed the same in (his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.



WITNESS my hand and official seal.

Bonnie L. Burrell
Notary public in and for said State.

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either express or implied, as to the legal validity of any provision or the suitability of these forms in any specific transaction. Cowdery's Form No. 10G — ACKNOWLEDGMENT — General (Civil Code 1189(a)) (Revised 1/93)

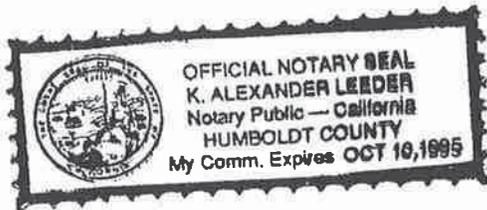
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of CALIFORNIA
County of HUMBOLDT

On 10-25-93 before me, K. ALEXANDER LEEDER
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"
personally appeared JOHN M. WAHLUND
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) is/are
subscribed to the within instrument and ac-
knowledged to me that he/she/they executed
the same in his/her/their authorized
capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s),
or the entity upon behalf of which the
person(s) acted, executed the instrument.



WITNESS my hand and official seal.

K. Alexander Leeder
SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- INDIVIDUAL
- CORPORATE OFFICER(S)
- TITLE(S) _____
- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
RONNIE N. CLIFFORD
BARBARA J. CLIFFORD

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

TITLE OR TYPE OF DOCUMENT AMENDMENT TO CC+RS
NUMBER OF PAGES 3 DATE OF DOCUMENT 10-25-93
SIGNER(S) OTHER THAN NAMED ABOVE VRE GENERAL PARTNERS

Though the data requested here is not required by law, could prevent fraudulent reattachment of this form.

1993-32172-6

©1992 NATIONAL NOTARY ASSOCIATION • 8236 Remmet Ave., P.O. Box 7184 • Canoga Park, CA 91309-7184

Hydesville County Water District

P.O. Box 561
Hydesville, California 95547
707-768-3000

May 5, 2017

Mr. David Fonsen

2900 Rocksprings Road.

Hydesville, CA 95547

Dear Mr. Fonsen,

Thank you for inquiring about the possibility of receiving HCWD water service at your home site (address shown above). Since your home is located in the Victoria Estates subdivision HCWD water service is not available. The infrastructure for water delivery to you is inadequate and the deed to your property clearly states that HCWD is not available.

Sincerely

David Rodrigues

A handwritten signature in blue ink that reads "David Rodrigues". The signature is written in a cursive style.

HCWD Manager

1993-13929-8

Conformed Copy
RECORDED - OFFICIAL RECORDS
HUMBOLDT COUNTY, CALIFORNIA
CAROLYN CRNICH, RECORDER

Conformed Copy
Recorded by Humboldt Land Title Company

Rec Fee 26.00

RECORDING REQUESTED BY:
HUMBOLDT LAND TITLE COMPANY

WHEN RECORDED MAIL TO:
COLDWELL BANKER CUTTEN REALTY
2120 Campton Road, Suite C
Eureka, CA 95501
(707) 445-8811

Clerk: VS Total: 26.00
May 25, 1993 at 10:00

77972-PN

COVENANTS, CONDITIONS AND RESTRICTIONS

All Owners of Record, Victoria Ranch Estates Subdivision, RONNIE N. CLIFFORD, BARBARA J. CLIFFORD, STEPHEN D. QUIGGLE, ALICE C. QUIGGLE, JOHN C. GOBLE, ROBIN R. GOBLE, and ROBERT F. KELLY (hereinafter referred to collectively as the "Declarants") are the owners of a certain tract of land located near the town of Hydesville in the County of Humboldt, State of California, described as follows:

Lots 1 through 17, inclusive, of Tract No. 383, as per Map recorded in Book 20 of Maps, Pages 82 through 86, inclusive, Humboldt County Records.

The Declarants hereby certify and declare that they have established, and do hereby establish the following covenants, conditions and restrictions (the "CC&Rs"), subject to which all lots and portions of the Subdivision and of each and every lot and portion thereof. The CC&Rs, and each of them, are for the benefit of the Subdivision and of each and every lot and portion thereof. The CC&Rs are established for the purpose of enhancing and protecting the value, desirability and attractiveness of the Subdivision and of each and every lot and portion thereof. The CC&Rs, and each of them shall run with the real property located within the Subdivision, and shall be binding upon and inure to the benefit of each owner of such real property, or any part thereof, and each successor in interest of such owner.

no storage of junk or second hand dismantled goods or automobiles or machinery of any kind outside of a building.

(d) No signs whatsoever, except reasonable signs as per California Civil Code Sections 712 and 713, including but without limitation commercial, political and similar signs, visible from any other lot in the Subdivision or from the Adjacent Property shall be erected or maintained upon any lot, except (1) residential identification signs of a combined total face area of three square feet or less, (2) during the time of construction of any improvement on such lot, job identification signs with a maximum face area of six square feet per sign and of the type usually employed by contractors, and (3) no more than one "for sale" sign having a maximum face area of three square feet.

(e) No house or trailer or similar vehicle, and no tent, shack, garage, barn or other outbuilding shall be used at any time as a residence. This paragraph shall not apply to the existing trailer house on Lot 17.

(f) Construction of improvements on the lot shall be subject to such erosion measures as may be required by the County of Humboldt, as a condition of County approval of the Development Plan of the Subdivision.

IV. PURCHASERS BOUND

Each grantee of a conveyance or purchaser under a contract or agreement of purchase, accepts the same subject to all the covenants, restrictions, easements and agreements set forth herein and agrees to be bound by the same.

V. DAMAGES

Damages for breach of the CC&Rs stated herein, or any of them, are hereby declared not to be adequate compensation, but such breach and/or the continuation thereof may be enjoined or abated by appropriate proceedings by the Declarants, or any and all owner(s) of any and all other lot(s) in the Subdivision. The prevailing party in any proceeding to enforce these CC&Rs shall be entitled to recover the costs of enforcement, including reasonable attorney's fees.

VI. AMENDMENTS

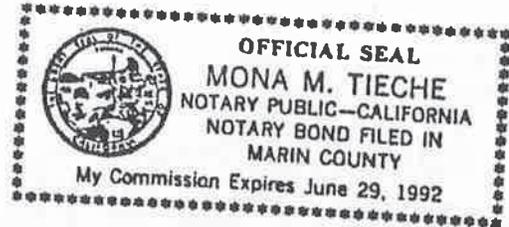
These covenants, restrictions, easements and agreements may be amended by a two-thirds (2/3) majority vote of all parcels affected hereby. For purposes of voting, each parcel has one (1) vote. If an amendment is proposed, all owners of record of all parcels shall be notified in writing of the proposed amendment. Said notice shall be at least one (1)

STATE OF CALIFORNIA)
COUNTY OF HUMBOLDT) ^{SS.} SAN FRANCISCO

On April 28, 1992 before me, Mona M. Tieche, personally appeared STEPHEN D. QUIBBLE personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Mona M. Tieche
Notary Public

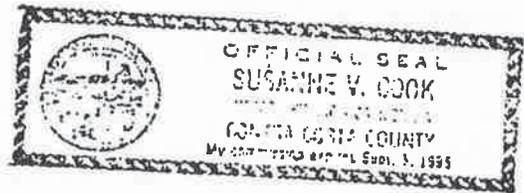


STATE OF CALIFORNIA)
COUNTY OF HUMBOLDT) ^{SS.}

On April 29, 1992 before me, Susanne V. Cook, personally appeared Alice C. Bingham personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Susanne V. Cook
Notary Public

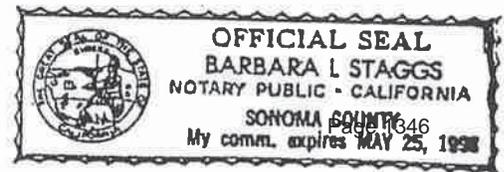


STATE OF CALIFORNIA)
COUNTY OF ~~HUMBOLDT~~ ^{Sonoma} ^{SS.}

On May 4, 1992 before me, Barbara L. Staggs, personally appeared John Clyde Goble personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara L. Staggs
Notary Public



SPACE BELOW FOR RECORDER'S USE ONLY

RECORDING REQUESTED BY:

1993-32172-6

VICTORIA RANCH ESTATES SUBDIVISION
Owners of Record

RECORDED - OFFICIAL RECORDS
HUMBOLDT COUNTY, CALIFORNIA
CAROLYN CRNICH, RECORDER
Recorded by Humboldt Land Title Company

WHEN RECORDED, MAIL TO:

Rec Fee 20.00

COLDWELL BANKER CUTTEN REALTY
2120 Campton Road, Suite C
Campton Plaza
Eureka, CA 95503
(707) 445-8811

Clerk: VS Total: 20.00
Nov 12, 1993 at 14:12

AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS

All Owners of Record, Victoria Ranch Estates
Subdivision, RONNIE N. CLIFFORD, BARBARA J. CLIFFORD, STEPHEN
D. QUIGGLE, ALICE C. QUIGGLE, JOHN C. GOBLE, ROBIN R. GOBLE,
and ROBERT F. KELLY (hereinafter referred to collectively as
the "Declarants") are the owners of a certain tract of land
located near the town of Hydesville in the County of
Humboldt, State of California, described as follows:

Lots 1 through 17, inclusive, of Tract No. 383,
as per Map recorded in Book 20 of Maps, Pages 82
through 86, inclusive, Humboldt County Records.

The Declarants hereby certify and declare that they have
established, and do hereby establish the following covenants,
conditions and restrictions (the "CC&Rs"), subject to which
all lots and portions of the Subdivision and of each and
every lot and portion thereof. The CC&Rs, and each of them,
are for the benefit of the Subdivision and of each and every

VIII. OTHER CONDITIONS

As part of these covenants, conditions and restrictions, recorded May 25, 1993 as Instrument No. 1993-13929-8 of Official Records of Humboldt County, Declarants do hereby grant to the Owner of Lot 15, commonly known as 3320 Rock Spring Road, Hydesville/AP: 204-141-27 Humboldt County, permission to maintain a private entrance and gate, located at the northeast corner (point) of Parcel "E" at its juncture with the cul-de-sac at Rock Spring Road.

IN WITNESS WHEREOF, the Declarants have subscribed their hands and seal to include Section VIII on this 25th day of October, 1993.

Ronnie N. Clifford
RONNIE N. CLIFFORD

BY: John M. Wahlund
JOHN M. WAHLUND,
His Attorney-In-Fact

Barbara J. Clifford
BARBARA J. CLIFFORD

BY: John M. Wahlund
JOHN M. WAHLUND,
Her Attorney-In-Fact

John C. Goble
JOHN C. GOBLE

Robin R. Goble
ROBIN R. GOBLE

Robert F. Kelly
ROBERT F. KELLY

Stephen D. Quiggle
STEPHEN D. QUIGGLE

Alice C. Quiggle
ALICE C. QUIGGLE

:v62

1993-32172-6

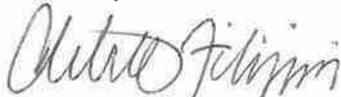
**Elizabeth Filippini
3324 Quiggle Court
Hydesville, CA 95547**

To the Humboldt County Planning Department and the Humboldt County Board of Supervisors:

The corner of Rockspring Road and Quiggle Court in Hydesville has historically been a bus stop for Hydesville Elementary School. In three years, we will have a new kindergartner in our neighborhood utilizing the Rockspring/Quiggle bus stop. The principal of Hydesville Elementary School, Lisa Jager, has confirmed that the bus will come to the Rockspring/Quiggle stop as needed.

Thank you for your attention to this matter.

Sincerely,


Elizabeth Filippini

Debbe Fonsen
2900 Rockspring Road
Hydesville, CA 95547
May 5, 2017

To Whom It May Concern:

I am the primary caregiver for my three-year old grandson. In September of 2019, he will be a new kindergartner at Hydesville Elementary School. He will regularly be riding the school bus using the Rockspring Road and Quiggle Court bus stop.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Debbe Fonsen". The signature is written in a cursive style with a large, prominent 'D' and 'F'.

Debbe Fonsen

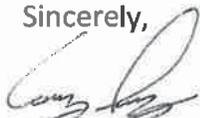
**Corey Fitze
10 Kelly Lane
Ferndale, CA 95536**

To Whom It May Concern:

I grew up on Quiggle Ct. in Hydesville. From September 1996 until June 2005, I rode the school bus regularly to and from Hydesville Elementary School. The school bus stop was always the corner of Rockspring Road and Quiggle Court. Several of my friends and my brother rode the bus also. This included Callie and Joe Forrest, Jake and Cole Moxon, and my brother Adam Fitze.

Thank you for your attention to this matter.

Sincerely,



Corey Fitze



FRIENDS OF THE EEL RIVER

Working for the recovery of our Wild & Scenic River, its fisheries and communities.

Tuesday, May 9, 2017

Humboldt County Planning & Building Department
Attn: Steve Lazar, Senior Planner
3015 H Street
Eureka, CA 95501-4484

via email to slazar@co.humboldt.ca.us

Re: Scoping Comments – Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Dear Mr. Lazar,

The following comments are offered on behalf of the board, staff, and supporters of Friends of the Eel River. FOER advocates for the protection and restoration of our Wild and Scenic Eel River, with a focus on the fisheries that are the keystone of ecosystem health in our watershed. FOER has been working for years to identify effective solutions to the environmental impacts resulting from the ongoing explosion in commercial marijuana cultivation, until now nominally for medicinal purposes, in the Eel River watershed.

The South Fork Eel River has been the focus of decades of restoration work undertaken at significant public expense. Though already listed under §303(d) of the Clean Water Act for both high temperatures and excess sediment, tributaries of the South Fork Eel River vital to the recovery of coho have been subject to significant diversions even in historic drought, and to unplanned development that often results in significant and continuing increases in fish-killing sediment loads throughout the watershed.

As a consequence, key South Fork tributaries have suffered the loss of several year-classes of coho salmon in tributaries critical to the hope of population recovery as diversions to marijuana gardens continued despite severe drought.¹ Because Eel River coho and steelhead, as well as chinook salmon, are listed under the federal Endangered Species Act as a Threatened species, not only does each fish killed by dewatered or dirt-filled streams, and every instance in which salmon and steelhead reproduction is impaired, amount to a 'take' under the Endangered Species Act, these losses threaten to so severely undermine

¹ See, e.g., *State Water Board Comments on Sproul Creek Inspection at* <http://www.willitsnews.com/article/NR/20150220/NEWS/150229984>

ARCATA OFFICE

Scott Greacen, Executive Director • scott@eelriver.org
PO Box 4945, Arcata, CA 95518 • 707.822.3342

PETALUMA OFFICE

David Keller, Bay Area Director • dkeller@eelriver.org
1327 I Street, Petaluma, CA 94952 • 707.763.9336

the viability of coho in the region as to constitute 'jeopardy' – the highest level of threat under the ESA. It is long past time that the County initiated consultation with the National Marine Fisheries Service (NMFS) to insure that jeopardy will be avoided and take limited to the extent possible by Humboldt County's commercial cannabis industry.

We have repeatedly written to the County on these matters, expressing variations on a theme we have repeated many times in our public statements: the existing marijuana industry in Humboldt County is causing significant, often effectively irreversible, impacts to key public trust resources in the Eel River watershed, especially to the fisheries of coho salmon and steelhead. The rapid rate of increase in the number of new growing operations, and their average size and concomitant impacts, generally shorthanded as the Green Rush, is making these problems worse, and more intractable, every year.

While we strongly support legalization and regulation as the best hope of addressing these impacts, we must continue to insist that regulation which fails to effectively address the overwhelmingly larger black market industry must fail to protect the public trust resources, including clean water and functional fish habitat, for which the county and the state are jointly responsible.

We outlined the nature of the impacts that most concern us in our comments to the Planning Commission in November of 2015:

There can be no question that substantial evidence exists of the significant environmental harms which have accompanied the dramatic expansion of commercial marijuana cultivation, for allegedly medical purposes, in Humboldt County since Proposition 215 provided a defense to growers charged under state law.

These harms include a dramatic increase in sediment loads in creeks which had previously been laboriously restored after decades of abusive industrial logging; streams diminished, and even entirely dewatered, by unpermitted water diversions; and by loss of their habitat, runs of native fish lost to extinction, with potentially catastrophic implications for the recovery of coho salmon and steelhead in the Eel River watershed, among others. Poorly designed and maintained roads, stream crossings, grading sites, and ponds have, are now, and will continue to discharge sediment into tributaries of the Eel River, all of which are already listed by the State Water Board under §303(d) of the Clean Water Act as "impaired" by both sediment and high water temperature.

As well, there is substantial evidence that the use of pesticides and fungicides by commercial marijuana growers has led to the release into the ecosystem of highly toxic substances, including poisons deadly to fish at very low levels, as well as bioaccumulating rodenticides that are causing predator mortality to increase rapidly, and that workers and consumers are being exposed to potentially harmful levels of quite dangerous materials. (Note, for example, that the EPA is now moving to ban the

use of chlorpyrifos, a neurotoxin used to kill mites.² Chlorpyrifos is one many pesticides and fungicides recently detected in tests of concentrated cannabis product sold in Oregon.³) Even the unregulated use of less toxic materials, such as fertilizers, has led to aquatic impacts that could readily prove cumulatively significant under close scrutiny.

These harms rise in some instances to violations not only of the county's existing ordinances, but of state and federal law, including the Clean Water Act, the Porter-Cologne Water Quality Control Act and the associated Basin Plan; the California Fish and Game Code; and the California and federal Endangered Species Act. Such impacts are without question potentially significant under the California Environmental Quality Act (CEQA).

Unfortunately, the County has responded to our concerns with a combination of empty assurances that state agencies will surely get right on dealing with those issues and its own "regulatory framework," which appears devised more to insure that the County collects revenue and growers who want to be legal get a permit than to actually limit the watershed impacts of Humboldt's incredibly lucrative pot industry.

Our fundamental problem appears to be that the County has no guiding vision, no articulable principles which control the construction of our new legal weed industry – other than the industry's familiar maxim: whatever you can get away with. The question is, does this mean we are looking to state agencies to set the limits? To what the land, and the rivers, and the fish, can bear? Or to the limits of the law? One fact seems indisputable: the black market industry is driving a real estate boom, which is making many of the county's elected leaders and their supporters quite happy.

The County seems more than reluctant to take any steps that will deter the golden goose from laying all she wants. But the golden goose is crapping in the creek. The real estate boom is just another face of the cumulative effects which are now, today, killing Humboldt's real treasure – its watersheds, fisheries, wildlife and wild lands.

Thus far, the County's strategy for dealing with the black market industry has been almost entirely carrots – attempts to guide behavior by incentives and rewards – combined with only a few flimsy enforcement sticks, whose lack of use only reinforces their impotence. We deserve better leadership than this. The basic questions about Humboldt's commercial cannabis industry are land use issues. It is the County's responsibility to regulate land use, even if some of its officials would prefer not to.

In our November 2015 comments to the Humboldt County Planning Commission, we noted that:

² See *EPA Proposes to Revoke Chlorpyrifos Food Residue Tolerances* at <http://www2.epa.gov/pesticides/epa-proposes-revoke-chlorpyrifos-food-residue-tolerances>

³ See *A tainted high - Lax state rules, inconsistent lab practices and inaccurate test results put pesticide-laced pot on dispensary shelves* at <http://www.oregonlive.com/marijuana-legalization/pesticides/>

*The county must provide clear means to distinguish the minority of such operations which may be permitted under an effective system of regulation from the majority which should never have been established. **Given the county's long history of feckless land-use regulation, it is particularly important that the county establish straightforward enforcement mechanisms, including the use of common-law nuisance, that can and will be used to shut down thousands of large, damaging operations which cannot be, should not be, or simply are not properly permitted.***

(emphasis added)

The County has not only failed to establish such mechanisms; it has continued to tolerate (and even to create incentives which invite) the establishment of additional new, large, commercial marijuana growing operations across the county, leading inevitably to new and increased environmental impacts.

Optimally, the county would systematically use the contemplated ordinance to shut down and force remediation of the vast majority of the class of large operations that generate disproportionate harms. Such enforcement would itself constitute perhaps the most effective potential mitigation of the environmental impacts generated by the commercial marijuana industry.

But there can be no question that significant environmental harms could – and should – have been prevented if only the county had seen fit to enforce its existing regulations as the Green Rush swept over the Humboldt hills.

In our comments to the Board in December of 2015, we wrote that:

That those operations decline to obtain permits does not allow the County to ignore their impacts in order to determine that operations it does permit will incur no significant watershed impacts. We note here that the County's practice of ignoring violations of its grading ordinance may have some relationship to the significant sediment inputs that are causing continuing harms to the Eel River and its fisheries.

The environmental and social consequences of a legal pot industry operating at a given scale in Humboldt cannot be meaningfully evaluated in isolation from the key questions about the (still booming, bigger this year than ever) illegal industry, which operates on the same landscape, takes water from the same sources, and puts the same dirt in the same fish habitat as the legal industry – except all at a much larger scale.

Thresholds matter. If the impacts of the illegal industry can be, and are, sharply reduced – as a whole, or at least at a watershed scale, not merely on the level of this or that specific operation – then there may be ‘room’ for the impacts of an enlarged legal industry. But if the illegal industry remains unrestrained, its impacts remain unbearably large, and the addition of even limited impacts, however legal they may be on a per-operation basis, must be considered at least potentially intolerable for watersheds already over thresholds.

For the purposes of CEQA analysis, the county has claimed the benefit of moving operations into legal status, claiming that results in net lower impacts. But if the whole industry is

actually evaluated as it actually exists, it is far from clear that the effect of the County's strategy is actually net lower impacts on the watersheds and fisheries which are the ultimate object of FOER's concerns. **By bringing many of the lower impact operations into legal status, but failing to effectively restrain the still-growing black market sector, which almost certainly generate higher impacts both on average and by their much greater number, we may not have actually reduced the amount of dirt reaching spawning grounds, or increased the number and improved the condition of the young fish that make it out of our watersheds every year.** Those are the numbers that matter to us – not how many permits the County has issued, or the fees it has collected.

Evidence of ongoing harms is abundant and readily available to the County.

The most important index of cumulative effects – the increase in the number and size of commercial cannabis operations -- is plainly visible over time on Google Earth and other remote sensing data, now widely available. The Department of Fish and Wildlife, FOER and our partners, the Regional Board, and even the Lost Coast Outpost have all conducted similar evaluations of Google Earth and other remote sensing data and reached broadly congruent conclusions about the scale and rate of growth of the marijuana industry in the county.

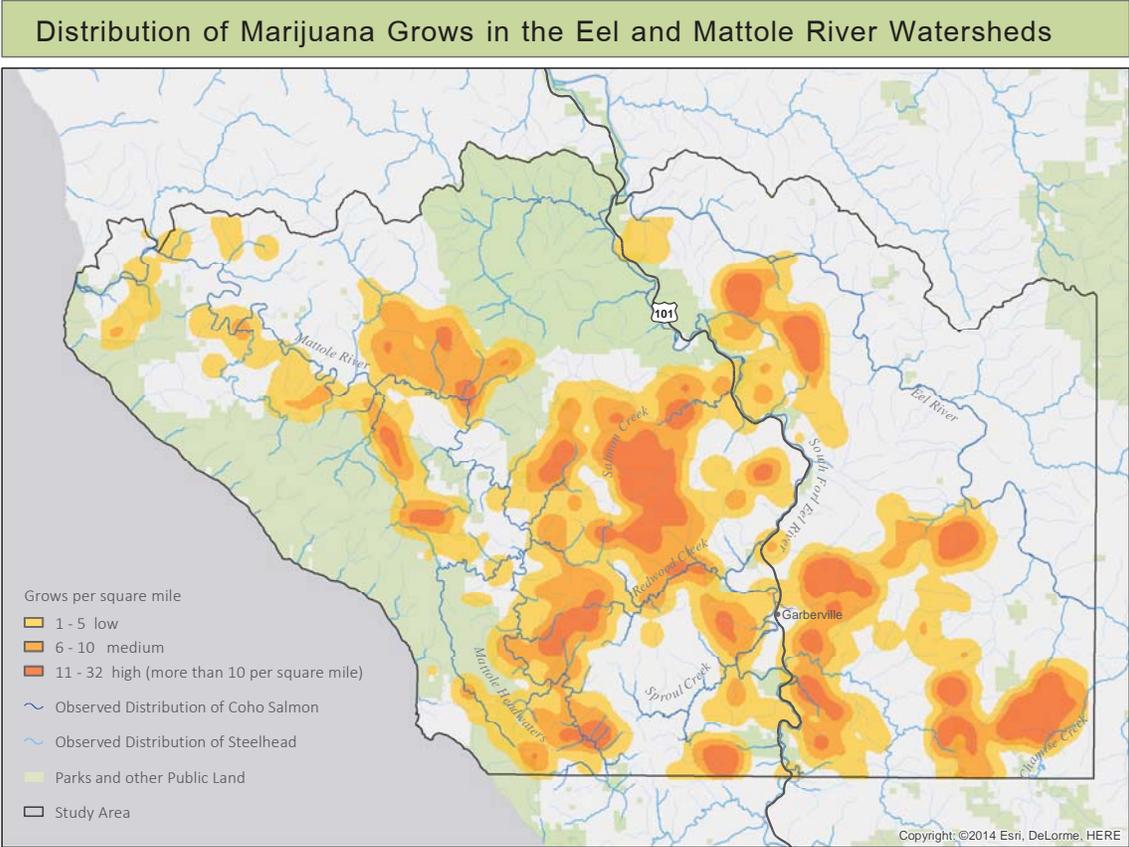
We must note that all these studies show the Butsic study dramatically underestimates the number of operations in the county. This is because that study chose to randomly sample watersheds to examine. Such a technique is useful and appropriate where impacts can be assumed to be evenly distributed. However, it is very clear that the marijuana industry is not randomly distributed in Humboldt County. Two of the watersheds Butsic et al did not examine – Redwood Creek and Salmon Creek – have long had some of the highest concentrations of operations found in the county. (See Fig 1 below.)

Thus, Butsic's estimates are not likely to prove useful guides for policy makers. The county should assemble all of the information and analysis available and reach its own conclusions. We note that the Assessor's office has had remarkable success in identifying structures on Humboldt County parcels when other parts of the county have been unable to do so. Maybe they can help.

In addition, the County should be considering what part Humboldt will play in California's legal marketplace. The California Growers Association has estimated that the state will need 1100 acres of legal pot production to meet the new recreational demand.⁴ Assume they're off by a lot, and that 2000 acres will actually be needed. How many acres has Humboldt County already got in the permitting pipeline? 500? Can Humboldt reasonably expect to have fully a quarter of the whole state's production in the future? Or are we planning to permit most of the estimated 15,000 outdoor operations in the County? To what market will they be selling? How are they going to compete with places that don't need to truck in their soil?

⁴ "Allen said the industry estimates 1,100 acres of marijuana farms will be needed to meet the state demand." See *The push to legalize pot for all has deeply divided the medical marijuana community*, <http://www.latimes.com/politics/la-pol-ca-proposition-64-recreational-pot-opponents-20161004-snap-story.html>

Figure 1. Concentrations of cultivation sites in Eel and Mattole Watersheds in Coho Critical Habitat. 2014 data.



We have repeatedly noted the critical importance of understanding, and addressing, the impacts of the commercial cannabis industry as cumulative impacts. From our November 2015 comments to the Planning Commission:

*However, while controls must be implemented at the level of the individual operation, **it is not sufficient merely to insure that no single operation has significant impacts.** To insure the cumulative impacts of all permitted operations do not rise to the level of significant impacts, the county must consider how the impacts of similarly situated permitted operations will affect the environmental values at risk, at the scales appropriate to the resources at risk (e.g. at the subwatershed level for imperiled fish runs), given the number and scale of operations contemplated for permitting, and given proposed restrictions to the extent they are certain of enforcement.*

All of these different kinds of growers are selling primarily to the black market, and the black market remains the critical driver of land and water abuse by the commercial marijuana industry. While Humboldt County cannot by itself do away with the black

market, it can and should build regulations that recognize the threat that continued black market operations pose to its environment, public health, and safety. A regulatory scheme that would allow most current large-scale grows to continue under a pretense of permitting will only fail to protect public health, safety, and the environment less catastrophically than today's entire absence of regulation.

Under these circumstances, where the County is aware of the significant impacts of the illegal industry, and declines to take even modest steps to prevent those impacts, but instead sets up a parallel, regulated legal industry – but neither accounts for nor attempts to regulate those who don't choose to seek permits – a strong argument could be made that the County must not only analyze and disclose the cumulative impacts of the industry as a whole under CEQA, but must also consult with the National Marine Fisheries Service pursuant to the requirements of the federal Endangered Species Act, and seek incidental take coverage for the entire commercial cannabis industry that is normally required where listed species will be subject to harms that cannot be prevented.

In its EIR, the County must disclose and analyze not only the current condition of Humboldt's watersheds, fisheries, and related public trust resources, but the trends in each of the relevant metrics, and what must be done to achieve thresholds necessary for watershed and fishery recovery, at a subwatershed level.

We have emphasized the need for an enforcement program with the scope, authority, and resources necessary to rein in the Green Rush activities which are driving increased and more severe watershed impacts.

The ... MND fails to adequately assess not only the current level of impacts, but even more critically the devastating trend line of increasing impacts. If the status quo of rapid growth continues, significant impacts to watershed and fisheries are certain to continue as well. The continuing, rapid expansion in the number and size of pot farms, and the geographic expansion of high-intensity cultivation areas, are at this point clear trends.

If adequate regulations controlling the activities generating these impacts are not established and effectively implemented, these serious, significant, and cumulative harms are certain to continue, and likely to worsen. Put another way, if the county adopts a regulatory scheme that allows the continued expansion of both individual operations and the industry overall, and/or fails to effectively enforce the rules once adopted, these significant environmental harms will continue, and will likely continue to get worse. Both clear, adequate rules and effective enforcement are necessary to prevent significant impacts in the near future.

Unfortunately, we have seen neither clear, adequate rules, nor effective enforcement. It is thus unsurprising that we are continuing to see significant impacts from the ongoing increase in the number and size of commercial-scale marijuana growing operations across the County. In the pending EIR, the County should outline the scope and scale of enforcement measures reasonably necessary to reduce the watershed impacts of the

marijuana industry to a less than significant level. It should outline at least some ways in which such measures could be made relatively certain of accomplishment. It must provide at least some estimates of the cost, and probable benefits, of such enforcement measures. The County should be able to describe in at least outline form the resources necessary to, for example:

- a) provide enough code enforcement officers to inspect every permitted operation at least once a year;
- b) serve nuisance notices on a substantial fraction (say a quarter) of the existing non-permitted operations every year;
- c) enforce Humboldt County's grading ordinance.

Unless and until it does so, we will continue to assume that the County's representations regarding effective enforcement are just hollow talk.

We have outlined in some detail tools available to the County which might prove more effective in addressing unpermitted/ illegal/ black market weed operations. The County conspicuously failed even to address these suggestions, which we reiterate:

Consequences of Violations

Ineligibility

Persons found to have violated the county's ordinance should not be eligible for a permit for a period of at least five years. Similarly, parcels where violations of the county's ordinance have occurred should not be eligible for future permits for a period of at least five years.

Fines

The county has the ordinary power to punish violations of its ordinance by fines. Given that the county needs to secure funding to support a dramatically increased oversight and enforcement program, and that deterring abusive operations will both support the establishment of a high standard for Humboldt County's products and significantly reduce environmental impacts, FOER encourages the county to consider a schedule of fines that would support the proposed regulatory framework. We would respectfully suggest that the county consider establishing fines for unpermitted cultivation that reflect the scale of the operation in question. Fines should, of course, run against the parcel where the violation took place.

Operations of less than 2000 ft² which do not involve other violations of law or environmental harm should be subject to a fine of up to \$10,000 for failing to obtain a county permit. Operations from 2000-5000 ft² should be subject, however, to fines of up to \$250,000; those smaller than 10,000 ft² should be subject to fines of \$500,000; and larger operations should be subject to fines of at least \$1 million. Such fines would provide the county a powerful incentive to stay on top of the large, unpermitted operations that need the most attention, and would give growers who are not

interested in following the county's requirements an immediate incentive to relocate their operations outside the county's borders.

One permit per natural person per parcel.

The county should issue permits to cultivate marijuana only to natural persons who are residents of Humboldt County – not to corporations or other entities. Permits should be limited to one per person, and to one per parcel. The permittee should generally be expected to be present at the permitted operation.

Disincentive for land splits.

If a parcel with a permitted operation is divided, by any legal means, the resulting parcels should only be eligible for permits that are less than or equal to the amount of production that would have been allowed on the original parcel under its permit, for a period of at least five years.

Continued compliance with all other permit terms to maintain county permits.

We assume the intent of the ordinance is to require not just compliance at permitting, but continued compliance over time, with all requirements that may be imposed by any state agency with appropriate jurisdiction. The ordinance should explicitly condition permits on such continued compliance with all legal requirements.

County may reduce sizes for any reason, may also increase if watershed conditions improve, continue on trend toward recovery

It is difficult to overemphasize the importance of the Department of Fish and Wildlife's suggestion that many watersheds, particularly in the South Fork Eel River basin, are already subject to greater impacts than their biological systems can sustain without suffering the loss of critical functions, degrading public trust values, and even losing imperiled species like coho salmon. It is particularly in these watersheds that key impacts must be reduced as quickly as possible, and effective mitigations undertaken. FOER is gravely concerned that a regulatory framework that proposes to issue permits to the vast majority of currently existing operations will necessarily be incapable of accomplishing such a reduction in impacts.

FOER strongly supports, and greatly appreciates, the county explicitly stating what must be true under California law: that it retains the power to reduce the size of cultivation permits where the impacts on watersheds require a reduction in impacts. It would be even better for the county to make it clear that cultivation permits issued under the contemplated ordinance do not constitute any form of property right or entitlement, and are subject to reduction if the people, through their county government, decide that's warranted.

Association with Trespass Grows and other heinous activities should be a permit violation.

Permits should be made subject to revocation if, in the judgment of inspecting staff, it is clear that a permitted operation is linked to a trespass grow, to production of methamphetamine, or to trafficking in Schedule 1 narcotics other than marijuana.

We would further suggest that the EIR consider additional regulatory improvements, including:

- a) Unannounced inspections for all commercial permit holders;
- b) Emphasizing enforcement measures to shut down unpermitted operations which frustrate the purpose of existing regulations and impair watersheds:
 - a. large operations;
 - b. key fish watersheds;
 - c. multiple operations associated with same persons;
 - d. absentee landowners.

In our December 2015 comments to the Board of Supervisors on the drastically altered draft ordinance submitted by the Planning Commission, we noted three areas where, in FOER's view, the Board needed most to revise the draft. Unfortunately, the Board chose to ignore our advice here as well. We urge the County to reconsider, to adopt reasonable limits, and to construct effective enforcement mechanisms in its revision of its regulations.

We sought, and still seek:

- ***(a) Meaningful cap on overall number of permits.*** *FOER has proposed a limit of 1500 permits for the first few years, pending completion of full environmental review. Effectively administering a program of that scale should present more than sufficient challenge as the county begins to regulate its cannabis industry.*

The Board flatly refused to consider capping the number of permits, and instead has announced its intention to offer an apparently unlimited number of additional permits before we even know how it will regulate the estimated 2700 permit applications now before the county in some form. We at FOER still think 2700 is probably too much, but let's at least stop there until the County figures out what industry we actually want to have in 5-10 years.

- ***Reasonable scales.*** *We thought the staff draft made a lot of sense. The 3000 square foot grows advocated by HUMMAP seem workable with proper oversight as an appropriate scale for ordinary commercial cultivation. 10,000 square foot megagrows and even larger operations should be very limited in number, subject to exacting review, and restricted to sites most appropriate for large commercial operations.*

Needless to say, the County listened to the big growers, who wanted big grows. And now that's the standard. Bigger grows are providing bigger incentives to establish more black market operations. That's leading to more impacts.

• **Real enforcement tools and resources.** *FOER has proposed that the County adopt a schedule of meaningful fines for operators who choose to continue to grow large amounts of cannabis without a permit. We have also proposed that the county provide that significant violations of permit terms will result not only in the loss of the permit, but in both the permittee and the property becoming ineligible for a future permit.*

As noted above, we still think the County should seriously consider such disincentives and related policies that might be effective in limiting the watershed harms created by the Green Rush.

In our comments to the Board in December of 2015, we noted that “the County’s continuing failure to address its black market cannabis industry may result in additional liability for the environmental harms caused by its cannabis industry.” That none of us has solutions certain to work does not relieve us of the responsibility to face the problems squarely.

Because the County has failed to date to prioritize its responsibilities to effectively regulate the industry and protect public trust resources, FOER respectfully requests the County prepare an Alternative in the pending EIR which focuses on the prevention of unnecessary watershed, fisheries, and other wildlife-related and environmental impacts. We propose the County denote this Alternative the “**Watershed and Wildlife Protection Alternative.**”

This alternative should focus on reducing, and where possible, eliminating, the excessive watershed impacts of the existing marijuana industry and preventing additional or future impacts. Its central consideration should be to provide for the attainment of watershed conditions conducive to the survival and recovery of native, imperiled fisheries, as well as the management systems and enforcement tools necessary to ensure continued attainment of such conditions.

Under this Alternative, the County should not issue additional permits for commercial cannabis cultivation in subwatersheds which are designated as critical habitat for one or more species listed under the federal Endangered Species Act (ESA), if fisheries in that subwatershed are not showing a trend toward recovery, and if sediment and temperature levels in that subwatershed continue to be above the thresholds designated by the EPA and Regional Board for, e.g., sediment and temperature. The County should maintain a moratorium on the issuance of additional permits for commercial cannabis cultivation in such watersheds until there are no unpermitted commercial operations in the watershed, and pollutant levels are below thresholds, and fisheries are not declining.

Please note that there are a number of other environmental issues, and many social and cultural issues, on which we are not providing detailed comments. That doesn't mean they're not a problem, or that the EIR need not consider these issues. The use of pesticides remains a critical issue for workers, consumers, and others who may be exposed to these

chemicals, as well as for the harms they do to wildlife and fisheries. We strongly urge the County to take the strongest possible measures to restrict and deter the use of pesticides in cannabis cultivation beyond those outlined by the Regional Board.

The use of artificial lights is disrupting wildlife. They should be banned as a public nuisance. And despite the profitability of indoor marijuana production, there is no way to justify the carbon impacts of energy-hungry intensive lights when we are finally legalizing outdoor production. As we noted in our Planning Commission comments on *Indoor Grows and 'Mixed Light' Operations*:

The most credible study of indoor marijuana cultivation in California to date concluded that the amount of electricity then being used to grow indoor pot in the state was approximately equal to the total reductions in energy use achieved in the state's attempt to reduce its carbon footprint.⁵ Given these impacts alone, it is impossible to conceive of an environmental justification for growing marijuana to harvest under artificial lights. The county should not permit indoor operations except, as noted, for closely regulated nursery operations. Those should be restricted to industrial sites serviced by the electrical grid, and required to fully offset their carbon footprints. Similarly, the county should not permit 'mixed light' operations.

If Humboldt took its rhetoric about branding and environmental consciousness even half-seriously we'd ban indoor growing altogether, and reclaim a lot of desperately needed housing in the process. Because the climate impacts of indoor cultivation are so substantial, the County must consider a **"No Indoor Cultivation, No Artificial Lights"** alternative, particularly in its greenhouse gas analysis.

Conclusion

The County should consider at least two additional Alternatives as outlined above.

Thank you for your patient attention to these comments, and for your diligent efforts toward the creation of a truly sustainable cannabis industry in Humboldt County.

Sincerely yours,



Scott Greacen
executive director

⁵ See Evan Mills, Ph.D., *ENERGY UP IN SMOKE: THE CARBON FOOTPRINT OF INDOOR CANNABIS PRODUCTION*, Lawrence Livermore Labs April 2011

May 4, 2017

Steven Lazar
Humboldt County Building and Planning Dept.
3015 H Street
Eureka, CA 95501

Dear Mr. Lazar,

Thank you for the opportunity to respond to this NOP for a draft Cannabis EIR regarding the County's response to changes in cannabis industry. Please consider my comments that follow.

1. Protection of families is lacking. People, and families should be a top priority of an environmental impact study such as this.
2. Protection of children is lacking. In particular....those in the formative years of 6 to mid teens. These citizens are extremely important to our future viability, and quality of life.
3. I request a distance of at least two miles between city perimeter boundaries and cannabis production facilities, cropland, greenhouses. Why? To effectively limit the availability and visibility of these facilities from family residences, neighborhoods, schools, and park areas that are part of childrens' daily life and experience. What a child sees and experiences on a daily basis tends to gain in unquestioned acceptability as the norm.
4. In the unincorporated areas, please observe a minimum 1 mile distance between a home, school, church, community park, and a cannabis grow or production facility. The exception to this would be if the resident is a cannabis grower, residing in the County.
5. Cannabis facilities require heightened security. These include flood lights, security alarms (motion sensed), guard dogs, etc that are incompatible with neighborhoods and children. This is Humboldt County, not Los Angeles, where higher noise levels, security dogs, fences and light pollution are commonplace.
6. Cannabis facilities attract criminal activity, and will introduce more crime in our neighborhoods if placed adjacent to our homes, schools, and parks.

For example, bars, and adult bookstores/theaters are not located in neighborhoods, or next door to schools, parks, or homes. Even larger spheres of influence are needed for cannabis facilities because of the physical size of their operations.

Cannabis is unlike alcohol. The two substances should not be confused with respect to establishing acceptability. Food crops and vineyards (winegrapes) are not associated with the same cult-like culture that cannabis has had for the past half century. This sociological characteristic of cannabis sets it apart from alcohol or food crops. Because of this, cannabis is unique, as a crop, and should be treated as a special case, not just 'any crop'.

Thank you for considering my comments here, and I hope the committee finds them helpful as they prepare the EIR.

Sincerely,

Alan Fox
549 Maya Lane
Fortuna, CA 95540

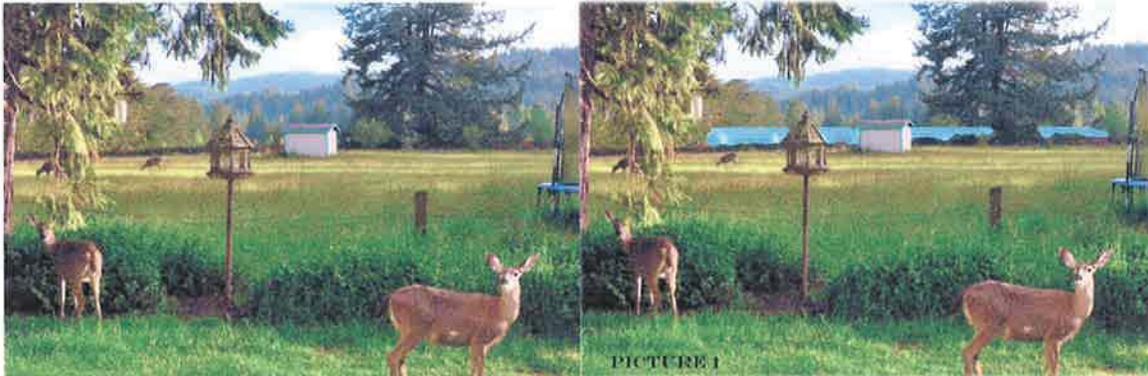
Tuesday, May 02, 2017

Donald V. Fregeau Jr. DDS
3653 Loop Road
Fortuna, CA 95540
707-725-4176, -4419 , cell 707-498-7871 fax 707-725-3233
donaldivf@yahoo.com

This document refers to a proposed grow on Pampas Lane in Fortuna California, Humboldt County owned by Josh Clark. I understand you may not be seeking comments on specific grows, but it is the only way I know to illustrate points addressed for consideration in the general plan. Thank you for your indulgence.

In the Notice of Preparation under **PROJECT DESCRIPTION** there is the following point: "Apply special requirements/limitations for projects located within spheres of influence or community areas." Pg 6 Spheres of influence are specifically areas closely associated with cities and adjacent communities. In my opinion it seems that the area Josh has chosen fits the description of a "Community Area". The western property line is Fortuna city limits and just over the fence is a residential community of single family dwellings at the end of Gulliksen Drive. Additionally the community of homes served by Pampas Lane (where the grow is proposed) abides by a set of Covenants, Conditions & Restrictions (CC&Rs) which was designed to allow the group of owners who share the same road and property lines and to somewhat control the use, appearance and resources of the group of homes served by Pampas Lane. *Somewhat conveniently, the owner of the proposed grow says the title company never alerted him to the existence of CC&R's which may affect his plans.* I heard Mr. Clark tell the group of homeowners that if he had been alerted to the existence of a CC&R and had he seen the CC&R's he "would not have purchased the property" for his grow. He claims his attorney is looking into whether or not he will pursue a legal case against the title company. He appears to have some legal recourse available to him. We do not.

There are some issues regarding "**Aesthetics and Visual Resources**". I prepared a visual idea of what a grow operation would look like looking northward from my site. (Picture 1) I call it '**what his million dollar grow will do to my million dollar view.**' His plans call for greenhouses 24 feet tall. I doubt this would concern most, that is, unless it was their property and their view. My children and grandchildren play on the trampoline to the right of the picture. Pg. 7



'**Air Quality**' is a definite concern for me as the winds often come from the direction of the grow (northeast). Josh admitted that the crop can be very stinky with some varieties being more obnoxious than others. He also offered he might be able to mitigate some of the odor with activated charcoal filters. If he proceeds, I hope there is some mitigation of this problem. Pg 7, 8

As it relates to "**Biological Resources**", 'installation of fencing which interferes with or obstructs movement of terrestrial species,' I am not sure if there is any concern about the deer which inhabit the hilltop. I doubt they will be able or allowed to negotiate the tall fencing which has been proposed. They have historically traveled all over the hill and beyond. Probably not much of an environmental concern up here, but their movement will be affected by the 8-10 foot fences he has begun placing. Additionally, his proposal suggests he will need around 400,000 gallons of water for each grow. My well exists a mere 200 feet from his primary well. No body up here uses 400,000 gallons. If his use depletes my water resource what am I to do? When we originally purchased the adjoining property in 1981, the seller who lived next door requested to retain riparian rights to the water resources on our property because their water well was unpredictable. We demurred and after getting an attorney involved, they relented. Don Watson of Watson Well is of the opinion that the well should be ok but Don has only lived in Humboldt County about 10 years. I am not sure his opinion is based on sound and lengthy experience. He is a good well guy so I may be wrong. Pg 9

Under **Land Use and Planning** ' Intensified commercial agricultural operations have the potential for conflicts with nearby residential uses related to noise, odors, dust, security, and traffic associated with development and operation of cannabis cultivation and other commercial activities. In addition, the proximity of some cultivation operations to existing residential uses can result in conflicts between County policies which promote agricultural uses and those designed to protect the quality of life and neighborhood character within rural lands.' Noise, odors and security are big issues for me. Commercial growing has the ability to bring large numbers of people into a small residential area. Traffic for Pampas Lane will definitely be affected and Loop Road is poor at best with several one lane areas. I am concerned about noise, odors and lights which may be proposed and the "alert dogs" Mr. Clark has alluded to.. pg 11

I am also concerned about security. There is a history of security issues surrounding and affecting grows away from inhabited areas. I believe they will only increase as growing operations move closer to inhabited areas. We live on the edge of Fortuna City Limits.

The proposed grow and my property shares a Fortuna City property line. When I need police help I have been directed to call the county Sheriff and have had to wait for them to make an appearance. Sometimes they respond in a reasonable amount of time. Other times I have had them come from Garberville. My road and access to my home passes within 30 feet of the proposed grow and I am concerned bad guys will use my road to scope out the operation. Very concerned! Picture 2 is from my car on my road.



I imagine it will be on me to make sure we are protected. This has always been a quiet residential area. I fear it will change for the worse. With all the possible areas available to grow successfully, why allow a grow to exist in the middle of established residential areas? It makes no sense.

I have lived on this quiet hill for 36 years, raised a family and now have grandchildren who spend time with us and like to play around our property. I know things change but not all change is good. I told Josh how disappointed I was that he was proposing a grow in our beautiful neighborhood. When I mentioned I might need to sell, he said, "You can double the price on your property now." This is not what I want after raising my family and now grandchildren on our property. It is not about money but about the quality of life we want to continue to enjoy.

Thank you for your time and consideration.

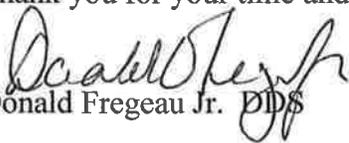

Donald Fregeau Jr. DDS





FIGURE 2

From: Dr. Donald Fregeau
To: [Lazar, Steve](#)
Subject: Cannabis EIR
Date: Thursday, May 4, 2017 1:23:54 PM
Attachments: [Picture2.jpg](#)
[Picture1.jpg](#)

Tuesday, May 02, 2017

Donald V. Fregeau Jr. DDS
3653 Loop Road
Fortuna, CA 95540
707-725-4176, -4419 , cell 707-498-7871 fax 707-725-3233
donaldvf@yahoo.com

This document refers to a proposed grow on Pampas Lane in Fortuna California, Humboldt County owned by Josh Clark. I understand you may not be seeking comments on specific grows, but it is the only way I know to illustrate points addressed for consideration in the general plan. Thank you for your indulgence.

In the Notice of Preparation under **PROJECT DESCRIPTION** there is the following point: "Apply special requirements/limitations for projects located within spheres of influence or community areas." Pg 6 Spheres of influence are specifically areas closely associated with cities and adjacent communities. In my opinion it seems that the area Josh has chosen fits the description of a "Community Area". The western property line is Fortuna city limits and just over the fence is a residential community of single family dwellings at the end of Gulliksen Drive. Additionally the community of homes served by Pampas Lane (where the grow is proposed) abides by a set of Covenants, Conditions & Restrictions (CC&Rs) which was designed to allow the group of owners who share the same road and property lines and to somewhat control the use, appearance and resources of the group of homes served by Pampas Lane. *Somewhat conveniently, the owner of the proposed grow says the title company never alerted him to the existence of CC&R's which may affect his plans.* I heard Mr. Clark tell the group of homeowners that if he had been alerted to the existence of a CC&R and had he seen the CC&R's he "would not have purchased the property" for his grow. He claims his attorney is looking into whether or not he will pursue a legal case against the title company. He appears to have some legal recourse available to him. We do not.

<!--[if !supportLineBreakNewLine]-->

<!--[endif]-->

There are some issues regarding "**Aesthetics and Visual Resources**". I prepared a visual idea of what a grow operation would look like looking northward from my site. (Picture 1) I call it '**what his million dollar grow will do to my million dollar view.**' His plans call for greenhouses 24 feet tall. I doubt this would concern most, that is, unless it was their property and their view. My children and grandchildren play on the trampoline to the right of the picture. Pg. 7

<!--[if !vml]--><!--[endif]-->

'Air Quality' is a definite concern for me as the winds often come from the direction of the grow (northeast). Josh admitted that the crop can be very stinky with some varieties being more obnoxious than others. He also offered he might be able to mitigate some of the odor with activated charcoal filters. If he proceeds, I hope there is some mitigation of this problem. Pg 7, 8

As it relates to "**Biological Resources**", 'installation of fencing which interferes with or obstructs movement of terrestrial species,' I am not sure if there is any concern about the deer which inhabit the hilltop. I doubt they will be able or allowed to negotiate the tall fencing which has been proposed. They have historically traveled all over the hill and

beyond. Probably not much of an environmental concern up here, but their movement will be affected by the 8-10 foot fences he has begun placing. Additionally, his proposal suggests he will need around 400,000 gallons of water for each grow. My well exists a mere 200 feet from his primary well. No body up here uses 400,000 gallons. If his use depletes my water resource what am I to do? When we originally purchased the adjoining property in 1981, the seller who lived next door requested to retain riparian rights to the water resources on our property because their water well was unpredictable. We demurred and after getting an attorney involved, they relented. Don Watson of Watson Well is of the opinion that the well should be ok but Don has only lived in Humboldt County about 10 years. I am not sure his opinion is based on sound and lengthy experience. He is a good well guy so I may be wrong. Pg 9

Under **Land Use and Planning** ' Intensified commercial agricultural operations have the potential for conflicts with nearby residential uses related to noise, odors, dust, security, and traffic associated with development and operation of cannabis cultivation and other commercial activities. In addition, the proximity of some cultivation operations to existing residential uses can result in conflicts between County policies which promote agricultural uses and those designed to protect the quality of life and neighborhood character within rural lands.' Noise, odors and security are big issues for me. Commercial growing has the ability to bring large numbers of people into a small residential area. Traffic for Pampas Lane will definitely be affected and Loop Road is poor at best with several one lane areas. I am concerned about noise, odors and lights which may be proposed and the "alert dogs" Mr. Clark has alluded to.. pg 11

I am also concerned about security. There is a history of security issues surrounding and affecting grows away from inhabited areas. I believe they will only increase as growing operations move closer to inhabited areas. We live on the edge of Fortuna City Limits. The proposed grow and my property shares a Fortuna City property line. When I need police help I have been directed to call the county Sheriff and have had to wait for them to make an appearance. Sometimes they respond in a reasonable amount of time. Other times I have had them come from Garberville. My road and access to my home passes within 30 feet of the proposed grow and I am concerned bad guys will use my road to scope out the operation. Very concerned! Picture 2 is from my car on my road. <!--[if !vml]--><!-- [endif]-->I imagine it will be on me to make sure we are protected. This has always been a quiet residential area. I fear it will change for the worse. With all the possible areas available to grow successfully, why allow a grow to exist in the middle of established residential areas? It makes no sense.

I have lived on this quiet hill for 36 years, raised a family and now have grandchildren who spend time with us and like to play around our property. I know things change but not all change is good. I told Josh how disappointed I was that he was proposing a grow in our beautiful neighborhood. When I mentioned I might need to sell, he said, "You can double the price on your property now." This is not what I want after raising my family and now grandchildren on our property. It is not about money but about the quality of life we want to continue to enjoy.

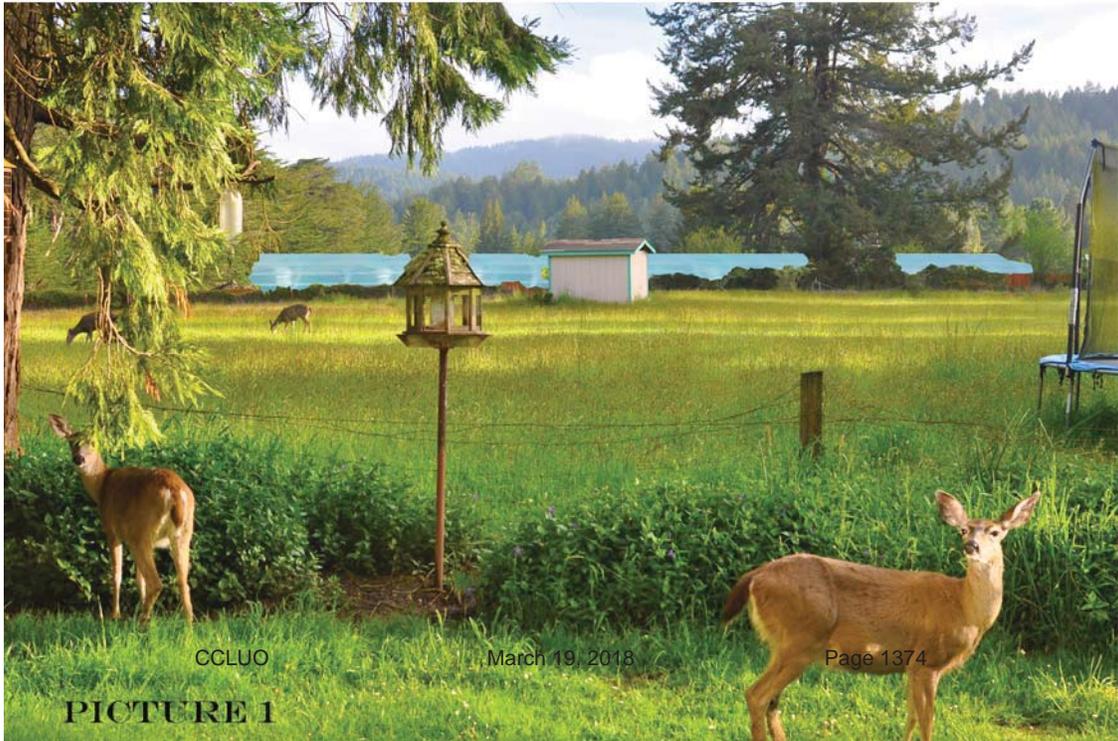
Thank you for your time and consideration.

Donald Fregeau Jr. DDS



18600 RE 2

Page 1373



CCLUO

March 19, 2018

Page 1374

PICTURE 1

May 5, 2017

Steven Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email: slazar@co.humboldt.ca.us

RE: Cannabis EIR: Proposed Amendments to the Humboldt County Code Regulating Cannabis Activities

Dear Mr. Lazar,

The Humboldt Bay Municipal Water District (HBMWD) appreciates the opportunity to provide input regarding environmental issues to be addressed in the EIR. We are deeply concerned about the adverse effects of cannabis cultivation in the Mad River watershed. Our interests and concerns in preparing the EIR for cannabis permits are *water quality and quantity, ensuring cumulative impacts are analyzed* and reiterating the need for *more enforcement in protecting the Mad River*.

- 1) Water quality for our public drinking water system which serves 88,000 people (two-thirds of Humboldt County's population).
- 2) Water quantity especially during the low-flow season.
- 3) Lawful water diversions that do not injure other water right holders, conducted pursuant to the approval and reporting process established by the State Water Resources Control Board.
- 4) Protection of important habitat resources in the main-stem Mad River and also the tributaries. HBMWD is the only water district in the state with an approved aquatic species Habitat Conservation Plan. Our water supply system enhances aquatic habitat in the main-stem Mad River which supports salmonids reaching important spawning habitat in the tributaries. Water quality, quantity and the general health of the watershed are critically important for the listed salmonids.

The County has already determined many potential environmental impacts that would impact HBMWD: hydrology and water quality, public services, biological resources, and utilities and service systems. We have been experiencing these impacts for years and developing the legal requirements for growing cannabis is not going to mitigate or rectify the damage that has occurred and will continue. We need more law enforcement to reduce and eliminate the ongoing environmental impacts of cannabis cultivations within the Mad River watershed. This mitigation measure should be strongly recommended in the EIR.

Since we have not yet seen the "forthcoming interim principles and guidelines for diversion and use of water for cannabis cultivation" from SWRCB, it is difficult to provide substantive comments for impacts to our water system and supply. We can only comment that we look forward to reviewing the full EIR in conjunction with the SWRCB guidelines. The tendency to separate regulations, guidelines, and jurisdictions needs to be balanced with a thorough analysis of the cumulative impacts of cannabis cultivation activity.

Any revenues generated from the changes to the County's Code regulating commercial cannabis activities should be utilized to fund regulating those activities and ensuring compliance prior to re-directing any such funds to other County programs or budget areas.

The Mad River is a crucial resource for so many Humboldt County residents, it should be a priority for enforcement to protect our water quality, quantity, and safety and health of the environment.

Respectfully,

John Friedenbach
General Manager

Humboldt Community Services District

Post Office Box 158

Cutten, Ca 95534

(707) 443-4558

Fax (707) 443-0818

May 2, 2017

Steve Lazar
Humboldt County Building and Planning Department
3015 H Street
Eureka, CA 95501



RE: Comments on NOP regarding Cannabis EIR

Dear Mr. Lazar,

Thank you for the opportunity to comment on the Notice of Preparation for the commercial cannabis EIR. The following provides comments and concerns that the Humboldt Community Services District (District) would like to have addressed in that EIR.

As background, the District was created in 1952 to provide water and sewer service to the unincorporated areas of Eureka and today, maintains more than 160 miles of water and sewer pipelines, 10 water storage tanks and more than 40 sewer and water pumping stations over a 15 square-mile area and serving more than 22,000 Humboldt County residents.

Decades of unregulated and unenforced illegal cannabis cultivation within District boundaries have created problems with our operations. Because of this history and the proximity of the District's service area to the City of Eureka, we feel that there is a high probability there will be requests for water and/or sewer service in support of County-sanctioned indoor or outdoor cannabis grows within our District. It is our hope that the problems encountered in the past will be corrected through the mitigation measures developed as a part of this EIR process.

In general, any upgrade to the public water distribution system or sewage collection system required for any development are typically paid for by the applicant. As an example, water system facilities may need to be upsized depending on water flow demands from large cannabis grows to ensure proper flows and pressures can be provided for existing customers, future planned development per the Humboldt County General Plan, and fire protection needs of the community.

Depending on a cannabis grow site's water needs, water main upgrades or extensions may be required to ensure adequate water flows. Water booster stations or pressure reducing stations may be required or upsized to control water system pressures and to ensure that adequate pressures are continually provided. It is also possible that a public water tank upsize may be required.

Dedicated to providing high quality, cost effective water and sewer service for our customers

The District also operates public water wells in the Humboldt Hill area. The District is concerned that if a cannabis grow site proposes to drill a water well to support their grow within the same aquifer as the District's wells, their water draw could have a negative effect on the water table and the District's ability to continue to provide the needed water volume to serve the community as it is today as well as any future planned growth in the Humboldt Hill area per the Humboldt County General Plan.

In addition, ALL public water services needed for a cannabis grow will require a privately owned and maintained water backflow prevention device.

Regarding sewer services, the District has concerns about what a cannabis grow will discharge to the public sewer system. The District has experienced sewer main blockages due to illegal cannabis grows flushing green waste down the sewer system. Clearly a plan to properly remove and dispose of green waste should be addressed in advance.

Proper storage, use of, and disposal of needed fertilizers and growing nutrients/chemicals should be addressed. This is necessary because wastewater discharges shall not exceed the Specific Pollutant Limits of the District (or any wastewater treatment plant) as there are certain chemical levels that cannot be discharged to the public sewer system. This may lead to a privately owned and maintained sewage pretreatment facility to get the discharge under the Specific Pollutant Limits for a permitted discharge to the public sewer system.

Therefore, we request that the EIR include the following regarding impact on public utilities.

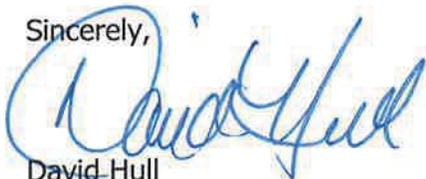
- To protect public water systems, the EIR should survey all public water suppliers in Humboldt County regarding a requirement that all cannabis grows provide a privately owned and maintained water backflow prevention device and require annual testing and compliance.
- In order to protect existing and planned public water system infrastructure, the EIR should analyze potential impacts to public water suppliers and supplies and develop a mitigation measure that requires the cannabis grower to perform a Water Supply Impact Study (WSIS) to be conducted by the public water supplier and paid for by the cannabis grower. This mitigation measure should specify the information to be provided in the WSIS and include, but not limited to, flow required, water system modeling, impacts on existing water system and infrastructure upgrades necessary to accommodate the cannabis business.
- In order to protect existing and planned public sewer collection and treatment system infrastructure, the EIR should analyze potential impacts to the public sewer collection and treatment plant and develop a mitigation measure that requires the cannabis grower to perform a Sewer Collection and Treatment System Impact Study (SCTSIS) to

be conducted by the sewer system/treatment plant owner and paid for by the cannabis grower. This mitigation measure should specify the information to be provided in the SCTSIS and include, but not limited to, discharge flow rate, sewer collection system capacity modeling, sewer treatment plant capacity modeling, impacts on existing sewer system and infrastructure upgrades necessary to accommodate the cannabis business.

- In order to protect public groundwater supplies, the EIR should provide information on all aquifers within Humboldt County and provide the rationale and scientific basis for establishing a formula that can be used to calculate the maximum amount of water that can be taken from each aquifer for cannabis cultivation without interfering with existing or future public water supplies.
- In order to protect the public water supplies, wastewater treatment plan processes and the receiving waters, the EIR should provide an analysis of commonly used fertilizers, pesticides, herbicides, as well as solid waste generated by indoor and outdoor grows. Chemical analysis should include time of applications, frequency of application, discharge rate and SDS sheet for commonly use chemicals. Analysis should also include typical waste stream analysis that includes not only a robust chemical analysis, but other water quality constituents such as BOD, suspended solids and pH.
- Provide an analysis of volumetric water use by existing individual indoor and outdoor grows and develop a scientifically-defensible and scalable model that can be used by public water suppliers to determine water supply requirements for the individual grow operation.

Thank you for considering these comments and concerns. If you have any questions, please do not hesitate to contact me.

Sincerely,



David Hull
General Manager

C: Board of Directors
District Counsel

Mr. Lazzar

April 17, 2017

Humboldt County Board of Supervisors

CC: John Ford, Humboldt County Director of Planning and Building

→ CC: Steve Lazzar, Planner

825 H Street

Eureka, CA 95501



Dear Supervisors:

I understand that the new cannabis ordinance permitting 10,000-square-foot green houses in ag zones does not require neighbor notification. I think this is a mistake. It offers no opportunity to resolve potential conflicts beforehand. Our property is an example.

The Fieldbrook Winery has been in business for 41 years. Our tasting room is located along a paved drive on the north of our 9-acre parcel. The tasting room is used for gatherings of all kinds – fund-raisers, Wine Club events, wine tasting for guests, winemaker dinners, etc.

It has come to our attention that our neighbor, Tom Christie, has pre-permitted a greenhouse in the back SE corner of his 8-acre property -- across the drive from our tasting room. (See attached.)

Logically, the greenhouse could be located along Anker Lane and not be in conflict with our wine-tasting operations. However, because of a bus stop at Anker and Fieldbrook and the county's 600-foot setback requirement, Christie's odd-shaped greenhouse is being proposed in extremely close proximity to our tasting room.

I am sure the noise and light impacts of the greenhouse operation could be mitigated so as not to conflict with our tasting room operation. However the odor that will be generated cannot co-exist with a tasting room operation.

We are not objecting to the greenhouse, just the location. How can we mitigate these impacts? Would the high school district consider moving the bus stop? We would be happy to host it along our property or perhaps the Fieldbrook School/church would be a potential location? Then Mr. Christie could locate the greenhouse on the north side of his property where an access road already exists.

Can someone respond to this correspondence? Thank you.

Judy Hodgson

4241 Fieldbrook Road

Fieldbrook, CA 95519

707-845-8129 (cell and text)

A handwritten signature in black ink that reads "Judy Hodgson".



Administrative Office

Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

May 2, 2017
Steven Lazar
Humboldt County Planning and Building Department
3015 H Street
Eureka CA, 95501



**RE: Notice of Preparation of a Draft Environmental Impact Report
Amendments to Humboldt County Code Regulating Commercial Cannabis Activities**

Ayukii Mr. Lazar,

Cannabis cultivation is a major political, social, economic and environmental issue in Karuk Aboriginal Territory which traverses Humboldt County. The Karuk Tribe retains sovereign authority over its Lands, Members, and Territory and is charged with protecting its eco-cultural resources. Within Karuk’s Aboriginal Territory, legal and illegal cannabis growing operations are dewatering many of the streams our fisheries depend on and associated herbicides, insecticides, and rodenticides are negatively affecting our water quality and killing wildlife. At this critical regulatory point, it is imperative that environmentally protective measures are established and enforced to safeguard Karuk Aboriginal Territory and associated Tribal Cultural Resources which are exposed to increased cannabis cultivation practices. The proposed amendments to the Humboldt County Code regulating commercial cannabis activities which will broaden the existing regulations to include those activities authorized by the California Proposition 64, the Adult Use of Marijuana Act. The Karuk Tribe, having traditional and cultural affiliation with the project area request consultation pursuant to California Public Resources Code Section 21080.3.1

We fully expect and encourage the County to begin meeting with our Tribal Government and relevant staff to comply with AB 52 and the California Environmental Quality Act at the earliest possible time. These meetings can yield positive results, in particular, consideration of Tribal Cultural Values in determination of project impacts and potential mitigation measures. We have not received any such request for consultation at this time. Again, we consider this correspondence as a formal request for government to government consultation. We strongly believe the County should honor its commitment to government to government consultation and hold meetings with the Karuk Tribe to discuss this matter in detail.

The Karuk Tribe’s consultation policy defines Consultation as *“the process of seeking, discussing, and seriously considering the views of the Karuk Tribe, and seeking agreement with the Karuk Tribe on the development of regulations, rules, policies, programs, projects, plans, property decisions, and activities that may affect Tribal Resources, historic properties,*

contemporary cultural practices, and those persons under Tribal jurisdiction. This requires true government-to-government contact between the agency, government, or department and the Tribe, where high level Agency representatives meet with Tribal leaders as well as staff.”

We appreciate the County Staffs’ hard work on this complex issue. We urge an abundance of caution as the county moves into uncharted territory. The Karuk Tribe recognizes the economic opportunities afforded by changes in state law regarding cannabis cultivation; however, we must act to ensure that our eco-cultural resources and other significant tribal interests are adequately protected at the same time. We also believe it is imperative that the County meet its statutory and moral obligations to consult with the Karuk Tribe to avoid negative implications to tribal members, territories, resources and cultural properties that traverse Humboldt County.

Yootva,



Leaf Hillman
Natural Resources Director

From: Denise Marshall
To: [Lazar, Steve](#)
Subject: cannabis EIR
Date: Monday, May 8, 2017 4:21:52 PM

Hello,

With the current issues facing Fortuna and cannabis grows, I hope that there will not be any kind of a repeal for the permit deadline. Especially in light of changes that need to occur to the current approved regulations that allows cultivation/growing near neighborhoods and community/youth space in the Eel River Valley on county lands that are too close to the people and children who do not need to be living or recreating near this kind of agriculture.

Cities with county property that is adjacent to above locations should have the ability to not allow close proximity cultivation. Restrictions should be created and these farms moved out into open spaces more conducive for agriculture.

Thank you.

Denise Marshall
Director
McLean Foundation
1336 Main St
Fortuna, Ca
707-725-1722
www.mcleanfoundation.org

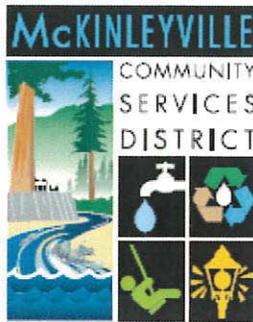
stewarding what we have been given...

PHYSICAL ADDRESS:

1656 SUTTER ROAD
McKINLEYVILLE, CA 95519

MAILING ADDRESS:

P.O. BOX 2037
McKINLEYVILLE, CA 95519



MAIN OFFICE:

PHONE: (707) 839-3251
FAX: (707) 839-8456

PARKS & RECREATION OFFICE:

PHONE: (707) 839-9003
FAX: (707) 839-5964

May 8, 2017

Steve Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

RE: MCSD Comments Regarding Amendments to Humboldt County Code Regulating Commercial Cannabis Activities, Draft Environmental Impact Report

Dear Mr. Lazar,

Thank you for including the McKinleyville Community Services District (MCSD) in the environmental review process. We have completed our review of the Draft EIR for the proposed amendments to the Humboldt County Code regulating commercial cannabis activities. This letter provides MCSD's comments and questions on the Draft EIR.

On April 26, 2017, a special meeting of the MCSD Board of Directors was convened at Azalea Hall to provide the community an opportunity to provide input as to how the updated code will pertain to MCSD, specifically the provision of Water, Wastewater, Parks and Recreation were discussed. The makeup of the audience consisted of community members, some of who are involved in the commercial cannabis industry.

During the meeting, our goal was to respond to the Notice of Preparation, in an effort to fulfill our obligation to protect the District. In discussion, staff identified a number of concerns/discussion points for the Board to consider:

- Nutrient over loads and disposal of cannabis industry related byproducts in MCSD wastewater systems
- Assessing the District's additional time/manpower/expenses
- Sewer use Ordinance, local limits, issuance of Industrial Discharge Permits and MCSD pretreatment program
- Domestic water supply cross contamination concerns
- Development of specific regulatory language for the District's protection from the above noted issues

MCSD is neither obstructionists nor proponents of cannabis activity but as a provider of state and federally regulated services, we want to protect our ability to continue to provide quality, cost effective and environmentally safe services to our rate payers in the community, while we honor both the county's policies and our obligation to State and Federal regulations. Our Board of Directors have a number of concerns and questions that we would like addressed in the Final EIR.

While MSCD will not directly regulate cannabis cultivation, we will regulate the effects of water usage in various structures and the effects on our wastewater system. As it is difficult to predict what problems may arise, MCSD recommends the county should have very clear language pertaining to special districts and/or other governmental agencies, stating that the county is not restricting their

individual authority and that all rights are reserved as necessary to regulate. If there is not specific wording to this effect, how will the county ensure that the District is protected within the proposed amendments?

The District's new treatment plant should be able to treat the higher load concentrations, resulting from commercial cannabis activities; however, those heavier discharges should be required to pay more for the treatment of the higher loads. Trying to assess changes in nutrient loads poses an interesting dilemma to the District's pretreatment standards and potential impact on facilities. What is the county going to do to require a section of the ordinance to read "must comply with District's pretreatment standards"? MCSD will not be able to find the source of heavy discharges without the county's assistance. How does the county propose assisting MCSD with identifying those dischargers, who may not necessarily be applying for permits but are still in compliance with state and county regulations?

MCSD believes that McKinleyville has the highest per capita of residential grow operations in the country. As a result, we also believe that regulating cannabis activities is essential. The District would like to know how the county will use the current ordinance to quantify the numerous personal grows that have the potential to impact our wastewater system as significantly as a limited number of commercial operations. During the Special Meeting held on April 26th, testimony was given stating that, "excess nutrients are being dumped down the drain or into back yards", how will the county utilize the new ordinance to curtail those activities? Will the county require recycling programs for waste products from all commercial and personal cannabis operations?

The industry perspective communicated during the meeting, regarding regulation, was clear and consistent. People want transparency and cooperation with local government and want a community based solution to help pollution. There will always be some sort of runoff and people are open to a plan for disposal. Perhaps a holding tank emptied at a certain time or transported to a facility. There is motivation for people with permits to do things safely and they are taking things very seriously. Costs should be balanced to reflect the true effects but still feasible for people within the industry.

What process will the county utilize to determine permitted commercial operations distances from parks and recreation facilities utilized by children?

Will the county earmark a certain percentage of revenue collected from cannabis industry to help cover District costs?

In closing MCSD reserves any and all, past, present or future rights, to protect the health, safety and welfare of District members and any valid legislative purpose. Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (707) 839-3251.

Sincerely,



Gregory Orsini
General Manager

cc: MCSD Board of Directors

From: Tims outlook desktop
To: [Lazar, Steve](#)
Cc: [Ford, John](#); [Fennell, Estelle](#); [Bohn, Rex](#); [Wilson, Mike](#); [Bass, Virginia](#); [Sundberg, Ryan](#); mwheetley@ci.fortuna.ca.us; ljensen@ci.fortuna.ca.us
Subject: NOP Comments
Date: Monday, April 17, 2017 9:15:36 AM

Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
ATTN: Steven Lazar

4-16-17

Steve: Some of these suggestions are rewrites from other ordinances and have been adopted as practical.

Ref: **NOP REVIEW**

The following suggestions are for the Notice of Preparation to the Environmental Impact Report scheduled to be implemented in 2017. The goal of these comments are to maintain or improve the character, appearance, and livability of established neighborhoods to include our surrounding environment. I'm asking that we protect this environment from incompatible uses, excessive noise, traffic, dust, light spillage, glare, odor, and similar significant nuisances that may be caused by cannabis cultivation.

By considering these recommendations we can ensure our environment is adequately protected both inside and outside any Sphere of Influence (SOI) within Humboldt County.

* **Residential setback**

On eligible parcels regardless of size, any commercial marijuana cultivation area must be setback at least a minimum of three hundred (300) feet from existing residences on adjoining parcels. This will provide a reasonable buffer zone to help eliminate nuisances.

* **Property Line Setback**

Any cannabis cultivation area must be setback a minimum of at least one hundred (100) feet from the property line.

* **Prime Ag Land**

As you had mentioned in your NOP; Expand the areas where new cultivation or expansion of existing cultivation sites will be permitted to locations with or without prime agricultural soils that are planned and zoned for agricultural use.

This would be extremely helpful where cultivators have prime soils close to adjacent neighbors but also have the opportunity to relocate. Gaining access to some of these prime ag locations may cause significant environmental harm.

* **Odor**

1. A greenhouse utilizing a mixed-light operation used for marijuana production or a building used for marijuana processing shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
6. The filtration system shall be designed by a mechanical engineer licensed in the State of California. The engineer shall stamp the design and certify that it complies with the amended Commercial Medical Marijuana Land Use Ordinance.
7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of California demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

*** Noise**

The applicant shall submit a noise study by an acoustic engineer licensed in the State of California. The study shall demonstrate that all mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A). Any type of disruptive mechanical noise should not be audible at adjacent residences. The use of generators within a SOI should be restricted.

*** Hydrology and Water Quality**

Many groundwater wells rely on a hydrologic connection between one another and to the rivers and streams of the valleys. By allowing irrigation wells in any area cultivating close to residential wells and surface water has the "potential for interference with each another". It is important to realize when high impact activities occur, such as marijuana cultivation off a groundwater well near residential wells or a stream, we are in "uncharted waters" so to speak. We must look for ways to protect our environment and become aware of the gift we often take for granted.

*** Security Cameras**

If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable. Cameras are not to be directed toward neighborhood residences or properties.

*** Security Lights**

If used, security lights shall not be directed toward any adjacent residences or in any manner disrupt any environmentally sensitive habitat areas.

*** Aesthetics and Property Values**

There should be a stronger emphases on aesthetics and the effect that cultivation has on adjacent property values.

Inside of all Spheres Of Influence earth tone fencing should be a requirement.

Chain link fencing shall be vinyl coated in earth tone colors to be compatible with the lot upon which it is to be built, in terms of topography, soil and existing vegetation. All chain link accessories, posts, gates and other fencing materials must be color coordinated in earth tones to match the vinyl coating.

The planting of a privacy vegetation screen is also highly recommended.

*** Neighbor Notification**

Any commercial marijuana cultivation, both inside and outside a SOI, should provide adjacent neighbors of the intent to grow as part of the application process. This will give that neighbor a chance to voice any type of concerns including right-of-way, safety, nuisance, or environmental obstacles.

Considering these proposed amendments is extremely important to the public safety, quality of life, property values of our citizens and the environment we all live in.

Tim Meade
400 Nob Hill
Fortuna, CA 95540
707-725-2011

From: vintage50s@suddenlink.net
To: [Lazar, Steve](#)
Subject: cannabis regulations
Date: Monday, May 8, 2017 3:33:25 PM

Hi Steve --

You may remember me from the Historical Society, but I am writing to you as a homeowner. My house (366 Garland Ave) and my neighbors on 3 sides are all within the city limits of Fortuna, but the property to the west of us is county land. The owner of this property -- 3rd generation on the land -- recently had a stroke and his children have the property on the market. It is the fear of this tight-knit neighborhood that someone will buy the land -- especially the 3.5 acre hay field, in many ways the heart and soul of the neighborhood -- and put a grow operation on it.

I know that you are reviewing the County code re: cannabis grow regulations. My neighbors are talking about 300-foot setbacks and odor-control along with collector road problems (Home Avenue). However, I would like to see a broader consideration given to the negative impact that grow operations have in neighborhoods like mine.

A grow operation in this neighborhood would destroy the neighborhood, reduce property values and bring increased traffic and other problems that we currently don't have. And, I know our neighborhood is not unique. I know people in Hydesville and other parts of Fortuna that have the same concerns; people with kids in 4-H or who enjoy the rural lifestyle that is the charm of Humboldt County.

In the petition that circulated through the neighborhood they were careful to point out that growers have rights. But what about the quality of life for us non-growers?

Thanks, Steve, for working on this.

Sincerely,

Deb Meador

From: Lindsay Merryman
To: [Lazar, Steve](#)
Subject: Marijuana regulations
Date: Tuesday, May 9, 2017 12:04:37 PM

Lindsay Merryman
P.O. Box 13
Petrolia, California 95558

Dear Mr. Lazar,

Thanks for allowing an additional day for comments. I will cut right to the chase.

I retired here with husband to enjoy the nature and solitude of this area. I have taught as a sub and part time teacher. The proposed regulations seem to have allowed limitless privileges to large scale grows---with little consideration for the effect on quality of life in a region that tourists still consider an area of great natural beauty. To enumerate a few problems:

Huge one and two trailer trucks are now with much increased frequency plying the potholed Wildcat and all the roads of the Mattole Valley, further tearing them up. As soon as HumCo fixes a pothole, these large speeding vehicles tear it up again. Plus, it is only so long before someone gets hit by them.

Unightly fences have proliferated, making our community look like a back alley just as the crop concealed becomes legal to grow. The amount grown poisons the air, literally to the point where mostly, it smells of skunk in That Season.

Nothing you can do about the type of people who have come to make money off this new legal crop--but in their greed they have erected white grow-houses visible for miles. Grown in grow-bags, the plants once harvested are removed and the bags, skids and associated chemicals are often left behind. Who polices these distant grows to ensure that their fertilizer bags and rodent killer doesn't end up in the river and its tribs? I am secretary of the Mattole Salmon Group and our salmon monitors have found dead otters obviously poisoned by rodenticide. These chemicals also seep into the river although they are extremely difficult to ID and are not helping our native and endangered coho, chinook and steelhead, despite the fact this is a no take river.

Anything you can do to protect the watershed and its creatures, slow the traffic, constrain the number of new acres under cultivation, provide banking services for the profits, cut down the light and generator noise pollution, reduce unseemly fences, and help us deal with this lopsided new economy is appreciated. Even our Mattole Valley Community Center has had to invest in PORTA POTTIES and pay for their cleaning as those whose workers use them don't.

This cloud has a lining of toxins.

Thank you for listening.

Best, Lindsay Merryman

Please excuse any grammatical or spelling errors as my spell checker doesn't always cooperate with what I am trying to say.

From: Thomas Mulder
To: [Lazar, Steve](#)
Subject: EIR
Date: Friday, May 12, 2017 12:26:37 PM

I can't make the meeting today at 2. It is challenging for farmers in the southern Humboldt area to make a meeting in the middle of the day in Eureka. I am hopeful that there will be another meeting in the southern part of the county.

Some of my concerns are if this an "agricultural product" why are TPZ parcels that meet the same road and sloping requirements not allowed any new square footage. If TPZ can be converted under a 3 acre conversion for any other agricultural use why not for cannabis. Some TPZ parcels could easily be converted to RA if the county would prefer that zoning change. I feel parcels out of heavily populated areas with proper roads should be allowed to expand instead of moving grows to lower lying areas close to cities or heavily populated areas. Also the higher elevation areas are preferred by many farmers for better quality. (Think of different grapes that have to be grown at different elevations for best flavor)

I believe as permits are issued there is also a follow up that these businesses are filling proper forms with the state like sales tax and such. I have many more concerns and I know this process is challenging for all. Thank you

Sent from my Verizon 4G LTE smartphone

Nelson-Hillside Association

501 Maya Ln. Fortuna, CA 95540
NHA@suddenlink.net / 707-496-4703

May 1, 2017

Steven Lazar
Humboldt County Planning
& Building Department
3015 H Street
Eureka, CA 95501

Sent by email: slazar@co.humboldt.ca.us

Re: Response to DIER NOP

Dear Steve:

The Nelson-Hillside Association (NHA) is an association of nearly 50 property owners that reside either adjacent to or within a few blocks of the Nelson Lane parcel (Fortuna) that contains 3 pending applications (HCCMM Land Use Ordinance and Applications: 12160, 12157, and 12158). The majority of our members reside within the City Limits of Fortuna, which is adjacent to the Nelson parcel on three sides; with about a dozen that reside on the 4th side that is within the County. The NHA is an interested party and wishes to remain active in the drafting and discussions concerning the amended Ordinance. The following issues are those that specifically affect this neighborhood and the City of Fortuna. The order of response follows the items in your Project Description of the NOP dated April 4, 2017 and is not listed in any priority.

Repeal the deadline for applications...

We believe the County should institute an immediate moratorium and freeze all decisions on existing applications until the amended ordinance has been accepted and enacted. We believe that all new applications, and those received prior to 12/31/16, should be subject to the revisions that will be contained in the amended ordinance. So we object to repealing the deadline to accept more applications "without significant change"

Expand the areas where new cultivation...

We do not agree that cultivation areas should be expanded into lower portions of principal watersheds. Protection of our watersheds, and the flora and fauna that depend of these should be protected against surface runoff associated with these sites and from excess irrigation. The use of amendments in this industry is well known, organic or not and will adversely affect algae growth and all downstream uses and users.

Surface water diversion, if allowed, should be highly controlled. This industry has a dismal track record of surface water diversions to the detriment of down stream flows and users. We know that the cumulative effect of surface water diversions has been detrimental to our major river systems, especially the Eel, Klamath and Mad Rivers.

Ground water must be carefully monitored as to not have adverse effects on nearby citizens who depend on existing wells for domestic water. Residents should not have to claim “competing water” in order to protect their wells. The amount of water pumped by a commercial cannabis operation is substantial, therefore, the burden of proof to show NO IMPACT on neighboring wells should be on the applicant, prior to cultivation, and not after the neighbors wells have been affected.

Private or privately maintained roads should be protected from the degradation resulting in high traffic and commercial vehicles that will result from these large commercial operations. It is already a travesty that the County will not maintain it’s road system, but to permit a use of the road that will deteriorate it further without planned and mandated maintenance by the new user only adds to the neighbors discomfort and financial burdens.

Apply special requirements/limitations for projects located within spheres of influence or community areas...

We object to the approach of “special requirements/limitations” and fervently believe a buffer zone, exclusion zone and a substantial set-back should be established around all City limits and all rural neighborhoods. Cities must be allowed to protect and have input as to developments being considered within their Sphere of Influence (SOI), especially when otherwise qualified sites exist immediately adjacent to City boundaries. Likewise, there are many areas, just outside of City boundaries where rural neighborhoods are developing and hope to someday be annexed into the City. In many cases the City is already supplying water, sewage and public protection to these areas. To allow a commercial operation of this nature adjacent to or within very close proximity to children, families and neighborhoods is wrong in every aspect of the action. The County must also look at its own General Plan to see that draft pre-zoning of these areas has already been established with more appropriate land use classifications, indicating that these areas are being recognized for what they are and are planned to be rezoned to Residential in varying sized parcels, usually 2.5-5. This zoning would immediately prohibit such commercial applications, yet because the County has taken years to approve its GP update, commercial applications are being accepted and approved in these areas, in spite of its own pre-zoning. Therefore the amended ordinance must establish a substantial buffer zone around any SOI or rural neighborhoods. Most City and County ordinances for retail sales, dispensaries and processing facilities have substantial set-back or exclusion zones ranging from 500’ to 1000’ from schools, churches, bus stops, playgrounds or anywhere children congregate. All of these cannabis related businesses are done inside and out of the public’s eye and still have protective set-backs. So simply apply the same principal for these outside, in “plain view” operations when being considered in and around family neighborhoods.

Provide for additional amendments to existing ordinance provisions including: application requirements, performance standards, general provisions, and permit types...

While the recent proposition to allow and expand the uses and cultivation of cannabis was approved by the voters, and will soon be codified in State Laws, these do not in any way eliminate the public’s right to comment and influence local ordinances, general provisions or permits dealing

with implementation at the local level. CEQA fundamentals should be embraced and followed in all instances, allowing for proper environmental review and providing the public with a forum on issues germane to them, their homes and communities. No aspect of the amended ordinance should be non-discretionary or ministerial. These are serious matters that impact the public's welfare, peace of mind, the welfare and impact on children and the communities where we live. The public has the right to be involved and comment on issues that will impact their lives and families.

We seem to be moving in a direction to make the cannabis industry transparent, supervised, regulated and taxed; **all good directions**. But this move should NOT bar the public from participating in these changes. Rendering the current ordinance primarily non-discretionary and ministerial bars the public from any form of comment, objections or participation. Again, the NHA calls for an immediate moratorium on all existing applications until the amended ordinance has been written, vetted and approved. Continuing to process applications, in view of the many failures and omissions that this amending process is trying to correct, is wrong and will have serious repercussions on the County if it continues on its present course.

We also ask to be notified and invited to any further meetings, discussions, workshops or scoping sessions that may be scheduled concerning the amended ordinance. We will be happy to send one or two representatives to participate. Direct all notices to:

NHA
501 Maya Lane
Fortuna, CA 95540
or by email to NHA@suddenlink.net

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bill Thorington". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Bill Thorington, Co-Chairman
Nelson-Hillside Association

From: Susan Nolan
To: [Lazar, Steve](#)
Subject: Amendments to County Code Regulating Cannabis Activities
Date: Sunday, April 9, 2017 6:21:19 PM

Dear Mr. Salazar,

It's very good to hear that County Planning and Building Department is preparing an Environmental Impact Report on accepting more cannabis cultivation permit applications and clarifying regulations.

The Notice lays out a thorough list of issues to be covered. I look forward to scoping. This is certainly needed. My only concern is for adequate funding to follow through on permit processing.

Thank you,
Susan Nolan.



Keeping Northwest California Wild Since 1977

Sent via email on date shown below

May 9, 2017

Steve Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka CA 95501

Dear Mr. Lazar,

Thank you for the opportunity to comment on the Notice of Preparation for the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities. Please accept these comments on behalf of the Environmental Protection Information Center (EPIC)

EPIC supported the development of the Humboldt County Medical Marijuana Land Use Ordinance because we felt that the best path forward for our county was a well regulated marketplace. We continue to believe that environmental destruction hides in the shadows and that we can best minimize and mitigate existing environmental issues associated with cannabis production by bringing operations into the regulatory “light.” Addressed by topic below are EPIC’s concerns with, and thoughts about, the proposed amendments.

Light and Noise Pollution

One of the most frequently mentioned issues with the existing cannabis “scene” is the amount of noise produced by generators and light pollution from grow lights. EPIC recommends completely banning the use of generators, as this is a cleaner and easier solution than setting hard to enforce decibel restrictions. Further, EPIC recommends strict light pollution standards be developed. To ensure the success of the program, we need to ensure that cannabis cultivators will be good neighbors. This is one important step towards that end.

Timberlands

EPIC commends the Board the proposed to prohibition of new or expanded cultivation that would require the conversion of timberlands. This solution is preferable to prohibiting new operations on TPZ—as it was constructed in the medical land use ordinance—as “timberlands,” per the state law definition, is a broader category of land. Fragmentation and conversion of our forests is one of the greatest environmental issues associated with the “green rush.”

Mandatory Water Storage

EPIC encourages the county to consider an alternative that mandates 100% water storage throughout the dry season. EPIC is concerned that allowing surface flow diversions, even those enforced by “flow data or localized water management plan[s],” will inadequately address cumulative affects. Our North Coast salmon are barely holding on; to ensure that future generations can know and appreciate our natural salmon fisheries, it is important that the county acts with an abundance of caution.

Grading Ordinance

Please incorporate, or if already incorporated, make clear that, compliance with the county’s grading ordinance is mandatory. Our poor rural road system is a systemic source of sediment and air pollution. Compliance with the county’s grading ordinance would ensure that major issues with roads and other large disturbances are minimized.

Enforcement

EPIC understands that enforcement of the code is a separate, albeit related, issue to the proposed amendments. That said, the issue is still related. In determining the number of permits and/or the fees associated with permits, ensure that county staff will be able to review sufficient numbers of properties to ensure compliance with the code and to act as a deterrence to scofflaws who may try to hide their bad behavior under the “green dot” of compliances. EPIC is concerned that the county is already beyond its capacity to enforce the medical marijuana ordinance.

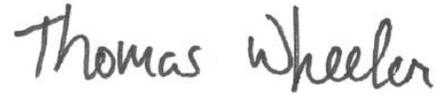
Further, EPIC recommends increasing penalties for violations of the ordinance, including potential liens on properties out of compliance. A successful ordinance requires both a carrot and a stick. Current penalties do not appear to be sufficient as the majority of cannabis farms did not appear to register for the medical land use ordinance.

Conclusion

In fin, EPIC remains committed to working with other stakeholders to develop an effective land use ordinance. EPIC thanks the county for its work thus far and for the opportunity to participate here.

Should you have any questions or need to reach me, my number is (707) 822-7711 or I can be reached at tom@wildcalifornia.org.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas Wheeler". The signature is written in a cursive, slightly slanted style.

Sincerely yours,
Thomas Wheeler
Executive Director
Environmental Protection Information Center



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Notice of Preparation

April 6, 2017



To: Reviewing Agencies

Re: Amendments to Humboldt County Code Regulating Commercial Cannabis Activities
SCH# 2017042022

Attached for your review and comment is the Notice of Preparation (NOP) for the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Steve Lazar
Humboldt County
3015 H Street
Eureka, CA 95501

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report State Clearinghouse Data Base

SCH# 2017042022
Project Title Amendments to Humboldt County Code Regulating Commercial Cannabis Activities
Lead Agency Humboldt County

Type NOP Notice of Preparation

Description The proposed amendments to the Humboldt County Code including provisions previously established by ordinance Nos. 2554 and 2559 are intended to achieve the following regulatory objectives:

- Repeal the deadline for applications, and continue to accept applications under Ordinance No. 2559 for medical cannabis without significant changes.
- Expand the scope of the Ordinance Nos. 2554 and 2559 to include commercial marijuana operations for adult recreational use now authorized by AUMA, under the same general regulations as medical cannabis.
- Expand the areas where new cultivation or expansion of existing cultivation sites will be permitted to locations with or without prime agricultural soils that are planned and zoned for agricultural use, meeting specific criteria to be established:
 - Natural slopes 15 % or less
 - In lower portions of principal watersheds where established riparian water rights exist
 - With viable local on-site water source, including:
 - o Rainwater capture and storage
 - o Surface water diversion and storage under standard forbearance period or refined or dynamic period set by flow data or localized water management plan
 - o Groundwater, where known to be non-hydrologically connected
 - Located on or within 1 mile of county-maintained roads
 - Or located on private road systems meeting the category 4 road standard
 - With on-grid power or alternative energy source (solar, wind, or micro-hydro)
 - Restrict or prohibit generator use
- Limit new cultivation or expansion to areas not requiring conversion of timberland
- Provide for micro-business license type under AUMA within 2 miles of state highways
- Apply special requirements/limitations for projects located within spheres of influence or community areas
- Provide consistency with state law amendments to medical cannabis regulations (MCRSA)
- Provide consistency with state agency regulations to implement MCRSA and AUMA by Departments of Consumer Affairs, Food & Agriculture and Public Health, or other agencies
- Provide consistency with forthcoming interim principles and guidelines for diversion and use of water for cannabis cultivation to be prepared by the State Water Resources Control Board in consultation with the Department of Fish and Wildlife
- Provide for additional amendments to existing ordinance provisions including: application requirements, performance standards, general provisions, and permit types
- Amendments to other relevant provisions of Humboldt County Code including but not limited to:
 - o County Code Enforcement provisions
 - o Humboldt County Streamside Management Area Ordinance
 - o County Business License provisions

Document Details Report
State Clearinghouse Data Base

Lead Agency Contact

Name Steve Lazar
Agency Humboldt County
Phone (707) 445-7541 **Fax**
email slazar@co.humboldt.ca.us
Address 3015 H Street

City Eureka **State** CA **Zip** 95501

Project Location

County Humboldt
City
Region
Cross Streets
Lat / Long
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways
Airports
Railways
Waterways Pacific Ocean, Klamath River, Trinity, River, Mad River, Van Duzen River, Mattole River, Eel Riv
Schools
Land Use County Wide

Project Issues Aesthetic/Visual; Toxic/Hazardous; Agricultural Land; Forest Land/Fire Hazard; Water Quality; Geologic/Seismic; Landuse; Public Services; Archaeologic-Historic; Air Quality; Biological Resources; Other Issues

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 1E; Native American Heritage Commission; State Lands Commission; Caltrans, District 1; State Water Resources Control Board; Regional Water Quality Control Board, Region 1; California Department of Justice, Attorney General's Office

Date Received 04/06/2017 **Start of Review** 04/06/2017 **End of Review** 05/05/2017

Regional Water Quality Control Board (RWQCB)

- Resources Agency Nedell Gayou
- Dept. of Boating & Waterways Denise Peterson
- California Coastal Commission Elizabeth A. Fuchs
- Colorado River Board Lisa Johansen
- Dept. of Conservation Critha Chan
- California Energy Commission Eric Knight
- Cal Fire Dan Foster
- Central Valley Flood Protection Board James Herola
- Office of Historic Preservation Ron Parsons
- Dept of Parks & Recreation Environmental Stewardship Section
- California Department of Resources, Recycling & Recovery Sue O'Leary
- S.F. Bay Conservation & Dev't. Comm. Steve Goldbeck
- Dept. of Water Resources Nadeil Gayou
- Fish and Game
- Dept. of Fish & Wildlife Scott Flint
- Environmental Services Division
- Fish & Wildlife Region 1 Curt Babcock
- Fish & Wildlife Region 1E Laurie Harnsberger
- Fish & Wildlife Region 2 Jeff Dronngesen
- Fish & Wildlife Region 3 Craig Weightman
- Fish & Wildlife Region 4 Julie Vance
- Fish & Wildlife Region 5 Leslie Newton-Reed
- Habitat Conservation Program
- Fish & Wildlife Region 6 Tiffany Ellis
- Habitat Conservation Program
- Fish & Wildlife Region 6 IM Heidi Calvert
- Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife M William Paznokas
- Marine Region
- Food & Agriculture Sandra Schubert
- Dept. of Food and Agriculture
- Dept. of General Services Cathy Buck
- Environmental Services Section
- Delta Stewardship Council Kevan Samsain
- Housing & Comm. Dev. CEQA Coordinator Housing Policy Division
- Independent Commissions, Boards
- Delta Protection Commission Erik Vink

- OES (Office of Emergency Services) Monique Wilber
- Native American Heritage Comm. Debbie Treadway
- Public Utilities Commission Supervisor
- Santa Monica Bay Restoration Guangyu Wang
- State Lands Commission Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA) Cherry Jacques
- Cal State Transportation Agency CalSTA
- Caltrans - Division of Aeronautics Philip Crimmins
- Caltrans - Planning HQ LD-IGR Christian Bushong
- California Highway Patrol Suzann Ikeuchi
- Office of Special Projects
- Dept. of Transportation
- Caltrans, District 1 Rex Jackman
- Caltrans, District 2 Marcelino Gonzalez
- Caltrans, District 3 Eric Federicks - South
- Susan Zanchi - North
- Caltrans, District 4 Patricia Maupice
- Caltrans, District 5 Larry Newland
- Caltrans, District 6 Michael Navarro
- Caltrans, District 7 Dianna Watson

- Caltrans, District 8 Mark Roberts
- Caltrans, District 9 Gayle Rosander
- Caltrans, District 10 Tom Dumas
- Caltrans, District 11 Jacob Armstrong
- Caltrans, District 12 Maureen El Harake
- Air Resources Board
- Airport & Freight Cathi Slaminski
- Transportation Projects Nesamani Kalandyur
- Industrial/Energy Projects Mike Tollstrup
- State Water Resources Control Board
- Regional Programs Unit Division of Financial Assistance
- State Water Resources Control Board
- Cindy Forbes - Asst Deputy Division of Drinking Water
- State Water Resources Control Board
- Div. Drinking Water #
- State Water Resources Control Board
- Student Intern, 401 Water Quality Certification Unit
- Division of Water Quality
- State Water Resources Control Board
- Phil Crader
- Division of Water Rights
- Dept. of Toxic Substances Control
- CEQA Tracking Center
- Department of Pesticide Regulation
- CEQA Coordinator

- Caltrans, District 8 RWQCB 8
- Santa Ana Region (8) RWQCB 8
- San Diego Region (9) RWQCB 9
- Other Anthony GEM
- Conservation

- Caltrans, District 8 RWQCB 8
- Santa Ana Region (8) RWQCB 8
- San Diego Region (9) RWQCB 9
- Other Anthony GEM
- Conservation

From Fortuna Residents
who use Home Avenue

To Steve Lazar

Everyone prefers
300 ft set back
CCLUO from residents that
are on adjacent properties or
across the street from a grow

and 200 feet from
any grow property.

The "abuse" letter from Tim Meade
was copied and handed to residents
who wanted more time to read it,

I will mail you one of the copies
March 19, 2018 it was already
mailed to you from Tim.

4/20/2017

To: Steve Lazar and everyone who can improve cannabis growing regulations.

Cannabis growers have rights but so do citizens who rent or own homes in Humboldt County. Many people in the Nob Hill area of Fortuna, CA border sections of land ~~of land that~~ that are in the county but not in the city. If a cannabis grow is suddenly 40 feet from our property line, the smell will no doubt ruin the quality of life in our houses and yards.

Grows should be at least 300 feet from a neighbors houses and at least 200 feet from property lines. This would at least lessen the "skunky" smell. No visible lights and no audible sounds (not just from generators, but from any noise connected to the grow) are also essential.

Excessive use and contamination of water are also concerns. In many places on our hill, water flows downhill from one person's property across another's. If the water is contaminated this should not be allowed.

Increased traffic would also be an issue in our area which is accessible by only Home Avenue, a collector road.

There are many instances where grows have brought in people who ruin the security of an area. That is a concern in a neighborhood with many families nearby, such as in our area.

Nearby cannabis grows can also lower property values of homeowners.

There are many places in Humboldt County where cannabis can more easily be grown at least 300 feet from neighbor's homes and at least 200 feet from property lines. Cannabis growers have rights but so do their neighbors. These setbacks are essential. We are counting on you not to just think of the cannabis business but the rights of the neighbors impacted by your decisions.

We also agree with everything in Tim Meade's attached letter concerning cannabis grows.

Print Name	Signature	Address
Heleen Wipfrey	<i>Heleen Wipfrey</i>	525 Garland Ave, Fortuna
Jeff Northern	<i>Jeff Northern</i>	372 Garland Ave. Fortuna
DEB DEARDOR	<i>Deborah Deardor</i>	3400 GARLAND AVE.
BOB DEES	<i>Bob Dees</i>	341 Garland Ave
Tim Ireland	<i>Tim Ireland</i>	357 Garland Ave
Katharine Ireland	<i>Katharine Ireland</i>	351 Garland Ave
Marilyn Lewis	<i>Marilyn Lewis</i>	300 Garland Ave, Fortuna
Dennis Lewis	<i>Dennis Lewis</i>	300 Garland Ave, Fortuna
DeAnn Willis-Sharkey	<i>DeAnn Willis-Sharkey</i>	402 Garland Ave. Fortuna
Dena Kovai	<i>Dena Kovai</i>	570 Garland Ave Fortuna
Kris Wolless	<i>Kris Wolless</i>	598 Garland Ave
Martin Abshire	<i>Martin Abshire</i>	817 Holman way
Elizabeth Abshire	<i>Elizabeth Abshire</i>	817 Holman Way Fortuna
Sharon Quinn	<i>Sharon Quinn</i>	833 Holman Way, Fortuna
Ann Benton	<i>Ann Benton</i>	840 Holman Way - Fortuna
Tom Meade	<i>Tom Meade</i>	425 Hill Hill - Fortuna
Dee Debat Harrow	<i>Dee Debat Harrow</i>	546 Garland Ave
Steve Harrow	<i>Steve Harrow</i>	546 Garland Ave
Benneth Patmore	<i>Benneth Patmore</i>	528 Garland Ave.
Linda S. Patmore	<i>Linda S. Patmore</i>	528 Garland Ave
Pamella Gorman	<i>Pamella Gorman</i>	361 Garland Ave
Douglas Pressler	<i>Douglas Pressler</i>	536 Garland Ave, Fortuna
Dawn Beechler	<i>Dawn Beechler</i>	535 Garland Ave Fortuna



Print Name

Signature

Address

Sheldon Boechler

Sheldon Boechler

535 Garland Ave Fortuna

4/20/2017

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We also agree with everything in Tim Meade's attached letter concerning cannabis grows.

Print Name	Signature	Address
Joan Bennett	Joan Bennett	475 Nob Hill Rd Fortuna, Ca
Virginia Meadors	Virginia Meadors	884 Baer Ct, Fortuna, CA
JERRY W MEADORS	Jerry W Meadors	884 Baer Ct, Fortuna, CA
Cynthia Cowell	Cynthia Cowell	548 Nob Hill Rd, Fortuna CA
JESSICA CROTTY	Jessica Crotty	545 Nob Hill Rd, Fortuna CA
Marilyn Moore	Marilyn Moore	540 Nob Hill Rd Fortuna CA
Jordcey Herrera	Jordcey Herrera	529 Nob Hill Rd Fortuna, CA
Gary X Gundlach	Gary X Gundlach	512 Nob Hill Rd Fortuna
Shawn Gundlach	Shawn Gundlach	512 Nob Hill Rd Fortuna CA
Kenneth Puster	Kenneth Puster	500 Nob Hill Rd Fortuna CA
KEP CAMPBELL	Ken Campbell	450 Nob Hill Rd Fortuna
Vickie Collins	Vickie Collins	400 Nob Hill Rd Fortuna CA
Rose Hoas	Rose Hoas	551 Nob Hill Rd Fortuna, Ca
Philip Johnson	Philip Johnson	830 Baer Ct. Fortuna, CA
Casen Emmons	Casen Emmons	802 Baer Ct. Fortuna, CA
Angela Johnson	Angela Johnson	830 Baer Ct. Fortuna, CA
Dale Cooper	Dale Cooper	2020 Home Ave
AARON STACY	Aaron Stacy	820 HOLMAN WY
Shannon Stacy	Shannon Stacy	820 Holman Way
Stacy Edgmm	Stacy Edgmm	1990 Home Ave, Fortuna, CA
Elizabeth Karden	Elizabeth Karden	1970 Home Ave, Fortuna, CA
FRED W. LONG	Fred W. Long	1970 Home Ave, Fortuna, CA
Reid Fisher	Reid Fisher	522 Nob Hill Fortuna, Ca

This is the letter that every person was shown and offered a copy of as the petition was signed. Please attach it to the petition if you want to.

Thanks for talking with me yesterday.

I will continue to tell people to trust that you will make changes to protect residences from grow issues

REC
MAY -
MAYOR
MAYOR

Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
ATTN: Steven Lazar

4-16-17



Steve: Some of these suggestions are rewrites from other ordinances and have been adopted as practical.

Ref: **NOP REVIEW**

The following suggestions are for the Notice of Preparation to the Environmental Impact Report scheduled to be implemented in 2017. The goal of these comments are to maintain or improve the character, appearance, and livability of established neighborhoods to include our surrounding environment. I'm asking that we protect this environment from incompatible uses, excessive noise, traffic, dust, light spillage, glare, odor, and similar significant nuisances that may be caused by cannabis cultivation.

By considering these recommendations we can ensure our environment is adequately protected both inside and outside any Sphere of Influence (SOI) within Humboldt County.

* **Residential setback**

On eligible parcels regardless of size, any commercial marijuana cultivation area must be setback at least a minimum of three hundred (300) feet from existing residences on adjoining parcels. This will provide a reasonable buffer zone to help eliminate nuisances.

* **Property Line Setback**

Any cannabis cultivation area must be setback a minimum of at least one hundred (100) feet from the property line.

* **Prime Ag Land**

As you had mentioned in your NOP; Expand the areas where new cultivation or expansion of existing cultivation sites will be permitted to locations with or without prime agricultural soils that are planned and zoned for agricultural use.

This would be extremely helpful where cultivators have prime soils close to adjacent neighbors but also have the opportunity to relocate. Gaining access to some of these prime ag locations may cause significant environmental harm.

* Odor

1. A greenhouse utilizing a mixed-light operation used for marijuana production or a building used for marijuana processing shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
6. The filtration system shall be designed by a mechanical engineer licensed in the State of California. The engineer shall stamp the design and certify that it complies with the amended Commercial Medical Marijuana Land Use Ordinance.
7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of California demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

* Noise

The applicant shall submit a noise study by an acoustic engineer licensed in the State of California. The study shall demonstrate that all mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A). Any type of disruptive mechanical noise should not be audible at adjacent residences. The use of generators within a SOI should be restricted.

* Hydrology and Water Quality

Many groundwater wells rely on a hydrologic connection between one another and to the rivers and streams of the valleys. By allowing irrigation wells in any area cultivating close to residential wells and surface water has the "potential for interference with each another". It is important to realize when high impact activities occur, such as marijuana cultivation off a groundwater well near residential wells or a stream, we are in "uncharted waters" so to speak. We must look for ways to protect our environment and become aware of the gift we often take for granted.

* **Security Cameras**

If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable. Cameras are not to be directed toward neighborhood residences or properties.

* **Security Lights**

If used, security lights shall not be directed toward any adjacent residences or in any manner disrupt any environmentally sensitive habitat areas.

* **Aesthetics and Property Values**

There should be a stronger emphases on aesthetics and the effect that cultivation has on adjacent property values.

Inside of all Spheres Of Influence earth tone fencing should be a requirement.

Chain link fencing shall be vinyl coated in earth tone colors to be compatible with the lot upon which it is to be built, in terms of topography, soil and existing vegetation. All chain link accessories, posts, gates and other fencing materials must be color coordinated in earth tones to match the vinyl coating.

The planting of a privacy vegetation screen is also highly recommended.

* **Neighbor Notification**

Any commercial marijuana cultivation, both inside and outside a SOI, should provide adjacent neighbors of the intent to grow as part of the application process. This will give that neighbor a chance to voice any type of concerns including right-of-way, safety, nuisance, or environmental obstacles.

Considering these proposed amendments is extremely important to the public safety, quality of life, property values of our citizens and the environment we all live in.

Tim Meade
400 Nob Hill
Fortuna, CA 95540
707-725-2011

From: Kim Puckett
To: [Lazar, Steve](#)
Subject: Cannabis EIR
Date: Monday, May 8, 2017 4:59:29 PM

I am writing this to express my concerns about cannabis permits being allowed in agricultural areas that border residential areas. We bought our home 13 years ago long before legalized pot could be considered an agricultural product and have poured our life savings into it only to find that 160 acres that basically border our home have possibly been issued permits for growing marijuana. This raises huge concerns for us about smells, sounds, lights, environmental degradation, pesticide use, and possible increases in crime due to large amounts of pot being grown near our home.

From: Nathan Queener
To: [Lazar, Steve](#)
Subject: Comments on NOP of Draft EIR for commercial cannabis
Date: Tuesday, May 9, 2017 1:30:35 AM

Dear Mr. Lazar:

In reading the Notice of Preparation for the EIR re: cannabis cultivation, I am struck by two ways in which a document prepared according to the NOP may drastically underestimate the actual environmental and socio-cultural impacts of the County's cannabis cultivation ordinances.

The first is the establishment of the "baseline" in the NOP as the end of 2016. As a resident of a rural area of the county for the last decade I concur with the account of "anecdotal information" describing a pattern of "near-exponential growth" in the cannabis industry during that time. That growth has seemed particularly rapid in the last two years, judging by the number of new people in town, the incredibly inflated land prices, the fences and greenhouses popping up on every vacant parcel, the now steady procession of big trucks full of soil and irrigation supplies, ... This incredible growth in new cultivation seems to have been driven in large part by three phenomena, all directly related to the county's laudable steps towards establishing a legal pathway for cultivation:

1 - Farmers who intend to comply with county regulations wanting to ensure they establish the maximum amount of cultivated area prior to enrolling in county compliance.

2 - those who **don't** intend to comply with county regs and are sure that this is "the last good year," and consequently they need to maximize profit this one, last time.

3 - Venture capitalists who may or may not be pursuing a legal pathway, many if not most from outside the county, with access to large sums of capital to pump into land and infrastructure, who see a prime investment opportunity in the current confused market and regulatory scheme

The county's recent actions have already inadvertently contributed, in part, to the huge increase in the amount of cultivation in the last two years. There seems to be widespread consensus that this level of cultivation is already having significant adverse impacts, so why consider the current situation the "baseline"?

The second major issue - most EIRs pre-suppose that government regulation can and will have an effective impact on the activities whose impacts are being analyzed. To date, I'd argue that the impact of county regulation on cannabis cultivation has been extremely limited and ineffectual. Analyzing the environmental impact of different county regulatory approaches if the county has no way to actually enforce those regulations is probably just a waste of time. I'd suggest that the EIR should explicitly consider the county's likely capacity to enforce regulations in analyzing environmental outcomes - if the status quo continues and enforcement is drastically over-whelmed by the scale of cultivation, it will not matter how permissive or restrictive the county's ordinance is.

In light of the limited enforcement resources available, it seems advisable to make sure that a final ordinance will greatly streamline paperwork for operations with limited capacity to cause

environmental harm beyond that likely to occur from any home- garden scale operation growing something other than cannabis, and allow for a focus on those operations with the greatest capacity for truly significant impacts.

Thank you for your time and your efforts.

Nathan Queener
PO Box 52
Petrolia CA 95558

From: dan rathbun
To: [Lazar, Steve](#)
Subject: cannabis in the mattole valley
Date: Monday, May 8, 2017 11:53:11 PM

Hi Steve.

My family moved to the Mattole valley in the 70's as part of the "back to the land movement" There was a lot of pot growing, but it was done largely in a spirit of idealism, environmentalism and utopianism.

Recently it has taken a turn toward pure capitalism. In this new "boom" economy nothing matters but money.

In my opinion the roll of the government should be to protect the rights of the residents just as they would be protected from chemical pollution by a big factory moving in.

water pollution and over use, light pollution and air/noise pollution by generators, reckless land clearing and road building leading to erosion. Huge amounts of plastic waste. Vastly increased traffic on our roads by people who appear not to value the lives of our children judging by their excessive speed.

For years our community functioned happily with next to no law enforcement but now i think we really need some. And the difference is that we now have people in our community who do not give a shit about our community. It is time for the law to step in and protect our society.

the list above are all items that need regulation and/or enforcement.

i also understand that the current tax system encourages growing in greenhouses rather than in open air. I think it goes without saying that the tax structure should encourage the most environmentally sound growing practices, not the other way round. but if you tax by the square foot you herd growers toward dense pack operations. we should be encouraging gardens in natural soil and natural light spaced according to the carrying capacity of the land.

Because i am not in the growing business i may be somewhat ignorant of the facts. my apologies if i have gotten some wrong.

thanks

little danny rathbun
thbun@mac.com
707 629 3283

From: Wieman, Dwight
To: [Lazar, Steve](#)
Cc: [Martel, Melissa](#); [Hawkins, Carolyn](#); [Hill, Harriet](#); [Wieman, Dwight](#)
Subject: RE: Cannabis Ordinance EIR prep - Comments from Environmental Health
Date: Monday, May 8, 2017 1:29:09 PM
Attachments: [image001.png](#)
[image004.jpg](#)

Good Afternoon Steve,

Below are our comments from Environmental Health for the NOP. If you have any questions, you can forward those to any of the contacts on the "CC" list above. Thank you for the opportunity to review and comment on the NOP.

From Harriet Hill:

The Notice of Preparation of a Draft Environmental Impact Report (EIR) for "Amendments to Humboldt County Code Regulating Commercial Cannabis Activities" contains only a brief reference to the impact of cannabis cultivation sites on existing solid waste facilities on page 12 under *Utilities and Service Systems*. It states "The EIR will identify and analyze impacts of cannabis cultivation sites on existing utility systems and services, including increases in generation of cultivation-related waste such as the disposal of spent bulk soil imported to cultivation sites."

We agree that the proper handling of spent bulk soil created by cannabis operations should be discussed in the EIR, including onsite alternatives to soil disposal, such as reconditioning and reusing it for cannabis or other cultivation. The EIR should give due consideration to the necessity of handling all forms of solid waste and recyclables potentially generated as a result of regulating commercial cannabis. In southern Humboldt County, the volume of disposed solid waste has been steadily accelerating as evidenced by a significant spike in tonnages received by the Redway Transfer Station over the last five years. According to facility operators, relatively little of this waste currently consists of spent soil. Note that Humboldt County Public Works was recently planning a replacement of this facility due to age, condition and an increase in waste volume but has stated that other projects have taken priority.

In short, the current recyclables handling capacity and solid waste handling capacity should both be well analyzed in the EIR.

Thank you,

DJ Wieman
Administrative Analyst
County of Humboldt, DHHS, PH
Division of Environmental Health
100 H Street, Suite 100
Eureka, CA 95501
(707) 268-2229
(707) 441-5699 (fax)

For more information about Humboldt County Environmental Health programs please go to:

[Humboldt County Environmental Health](#)



From: Hawkins, Carolyn

Sent: Friday, April 28, 2017 4:27 PM

To: Martel, Melissa <MMartel@co.humboldt.ca.us>; Lancaster, Larry <LLancaster@co.humboldt.ca.us>; Hill, Harriet <HHill@co.humboldt.ca.us>

Cc: Kalson, Mario <MKalson@co.humboldt.ca.us>; Wieman, Dwight <DWieman@co.humboldt.ca.us>

Subject: FW: Cannabis Ordinance EIR prep

Planning & Building issued the Notice of Preparation of their draft EIR for this project on April 8th. There is a 30 day comment period for the public and Responsible Agencies. Written comments need to be sent to Planning by May 9th—one week from Tuesday.

I placed a copy of the NOP at this link:

<\\Dhhs-file01\shares\ENVH\EH Resources\Marijuana Ordinance 2016\EIR\Notice of Preparation.pdf>

LEA needs to make sure they are covering the solid waste impacts of this ordinance. The NOP should provide an overview of the elements they will cover. I have not read it yet—I just ran across the NOP today.

Harriet, can you review the NOP and see if they include the obvious SW impacts –we are seeing them even now. If you are too swamped, let me know.

MM and LL, it is there for your reading as well.

CGH

From: Lazar, Steve
Sent: Friday, April 28, 2017 12:03 PM
To: Hawkins, Carolyn <CHawkins@co.humboldt.ca.us>
Subject: Re: Question on written comment deadline

Hi Carloyn-

The written comment deadline is in fact 5/9. Comments can be emailed directly to me if that helps.

-Steve

From: Hawkins, Carolyn
Sent: Friday, April 28, 2017 11:35:36 AM
To: Lazar, Steve
Cc: Martel, Melissa
Subject: Question on written comment deadline

Hi Steve,

I see scoping meeting set for May 12th, and that deadline for written comments is May 9th. I don't have much experience with CEQA, just wanted to make sure that the May 9th written comment deadline is correct.

Notice of Scoping Meeting for Cannabis Environmental Impact Report

DATE: May 12, 2017

TIME: 2:00pm to 5:00pm

LOCATION: Sequoia Conference Center

More information about the NOP and the EIR is available on the County's website at the following link:

<http://www.humboldt.gov/2308/Cannabis-EIR>

Local cities and counties, interested agencies, and the public are all invited to attend the scoping meeting and are encouraged to provide meaningful responses as to the scope and content of the EIR; as well as comments and suggestions regarding the preparation of the EIR, environmental issues and alternatives to be addressed in the EIR, and any other related issues.

Written comments should be submitted or postmarked no later than 5:00 p.m. on Monday, May 9, 2017.

Please indicate a contact person in your response and send your comments to:

slazar@co.humboldt.ca.us; or

Steve Lazar

Humboldt County Planning & Building Department

3015 H Street

Carolyn G. Hawkins, REHS
Supervisor - Land Use/Solid Waste LEA programs
[DHHS Public Health, Division of Environmental Health](#)
100 H St., Ste 100
Eureka CA 95501
707-268-2215 phone
707-441-5699 fax

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Thank you.

To: Steve Lazar
Humboldt County Planning and Building Department
Eureka, CA.



Mr. Lazar,

We have read the Notice of Preparation for the EIR report regarding commercial cannabis grows and would like to comment on some of the key environmental and social issues of the report.

We live within the city limits of Fortuna on Angel Heights Drive. The county line is approximately 100 ft. from our home. Some of our neighbors, on our dead end street, are in the county and not in the city limits. Sitting on the edge of the county line, our concern is that any one of the county dwelling neighbors could apply for a permit to establish a cannabis grow. We see this happening in other neighborhoods in Fortuna that are situated like ours and it is disturbing.

I walk on Newburg Road weekly and was shocked to see and learn that a permitted grow was being established where it is surrounded by houses that are within the city limits. Yes, the land is in the county but the neighborhood surrounding it is in the city. Do you see the possible problems that can arise from this?

Cannabis is a business and like any business it will bring an increase of traffic both cars and workers into a residential area. It will also create noise, smell, possible water contamination, and affect birds and mammals from exposure to hazardous materials. It is a big business and as such, it does not belong in or next to a residential area regardless of the county/city lines.

It is not a question of 'not in my backyard' it is a question of is it logical, environmentally sound and considerate of all parties involved. Are the possible effects to the future being considered?

Thank you,

Francene and Jim Rizza

Handwritten signatures in black ink. The top signature appears to be "Jim Rizza" and the bottom signature is "Francene Rizza".

1136 Angel Heights Dr.
Fortuna, CA 95540

From: Nancy Roberts
To: [Lazar, Steve](#)
Subject: Cannabis EIR and Code Amendments
Date: Wednesday, April 26, 2017 2:55:37 PM

Dear Mr Lazar,

I am a lifetime resident of Humboldt County. I am very concerned about the direction that the cannabis industry may be taking and the threat to the beauty and safety of our rural area.

First, let me say that I completely support the legalization of cannabis. It is time that this important product be made available to all who want or need it. I realize that there is a long way to go in the legalization process and how it is integrated into our communities.

I have specific concern for the cultivation of this crop within the county. It should not be allowed in areas where rural families are located or at least not in close proximity to existing homes. Adequate water should be available with protection of creeks and streams. Provision needs to be made for waste disposal. Near by residents should not be exposed to odors from grows, noise from generators and visual pollution of large poly tarp structures.

I hope that these issues will be addressed as the planning commission proceeds with the processing of permits, and writing of new regulations so that we can be in harmony with growers and Humboldt county residents can be protected.

Thank you,

Nancy Roberts
Ferndale

Steve Layan,



I am writing to you with my concerns of cannalis being grown on Nob Hill in Fortuna, or any other neighborhood for that matter. I have lived here for 45 yrs. in this peaceful and beautiful place. And now things are beginning to change. There is one large grow area in a field at the end of the road. It is set up and ready to start as soon as the go ahead is given. There is another grow in a house on the corner next to me, in which the smell at times is disturbing. At times, I hear the hum of increased electricity being used. It has been cured for the increase. We should not be subject to the offensive smell of cannalis in our neighborhoods.

Nob Hill Rd is a Collector Road, so added traffic to these already deteriorating roads would be disastrous for the city. The road in front of my house has a

Cumpp in it due to the city working on waterlines every 50 many feet. They have tried to fix this problem but it still exists. The city will be putting out more money for road repairs if grows are allowed in the open spaces on Nale Hill.

At this time, there are several large fields in the area, that if the price was right, the owners could surcome to the dollar and grows would be put in. Growers pay big bucks for property, as you know. There are many other places where growers could be, such as the cell river valley and the hills. They need ~~strict~~^{strict} regulation in these areas too.

There needs to be regulations and thought put into how many feet from already existing houses. We should not be subject to the smells of grows. Cannabis grows often attract crime and bring into

our neighborhoods those that could be problematic.

The pollution of water and the chemicals that are involved would be disastrous to our land and neighborhoods.

If the city allows these grows to come in to our neighborhoods, there will be increased crime for the police dept., polluted water for the city to deal with, increased road repairs for the city, constant complaints to deal with from those in the neighborhood that are used to living in a clean, friendly, and safe place. And last but not least there will be an increase in business by the Fortuna Mortuary. They probably won't mind, but families will!

Sincerely Concerned
Jose Hoacas

I am talking about increase of crime and fatalities that go along with it.

North Coast Regional Water Quality Control Board

May 10, 2017

Steven Lazar
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501
slazar@co.humboldt.ca.us

SUBJECT: Comments on Notice of Preparation for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Dear Mr. Lazar,

Thank you for the opportunity to comment on the Humboldt County Cannabis Environmental Impact Report (EIR) project (the Project). The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of beneficial uses of those waters. Enclosed are primary topics that the Regional Water Board offers for consideration in the development of the Project.

Water Boards Cannabis Cultivation Water Quality Regulatory Programs

On August 13, 2015, the Regional Water Board adopted a regulatory order to address waste discharges from cannabis and other similar operations: Order No. R1-2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification and Monitoring and Reporting Program for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (the Order). The Order establishes water resource protection requirements, provides a mechanism for water quality compliance, and enables the Regional Water Board to better focus its enforcement resources on environmentally damaging operations. The Order was the first of its kind in the State. Since then, cannabis-related regulatory requirements continue to evolve for state-wide application.

On June 27, 2016, Governor Edmund G. Brown Jr. signed Senate Bill (SB) 837, which requires the State Water Resources Control Board (State Water Board), in consultation with the California Department of Fish and Wildlife (CDFW), to adopt interim and long-term principles and guidelines (requirements) for the diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. Principles and guidelines will be incorporated into licenses issued by the California Department of Food and Agriculture under its CalCannabis Cultivation Licensing, and water right registrations will be issued under the State Water Board's Small Irrigation Use Registration Program, once available.

Presently, the State Water Board is developing a state-wide general order to regulate waste discharges from cannabis cultivation activities in a manner protective of water quality. Depending on the structure and requirements of that state-wide general order, the water quality regulatory requirements for cultivators in Humboldt County, and the rest of the north coast, may be modified compared to the Regional Water Board's Order R1-2015-0023. These changes may influence the Project as it develops and we encourage Humboldt County to stay apprised of the regulatory changes. The State Water Board cannabis cultivation regulatory programs webpage is:

http://www.waterboards.ca.gov/water_issues/programs/cannabis/index.shtml

Existing Cumulative Impacts

The documented impairment by sediment of the majority of the area of Humboldt County and the North Coast Region is evidence that the implementation of existing programs used for the control of anthropogenic sediment waste discharges has not been adequate to protect, remediate, restore, and enhance sediment-impaired water bodies and to control the cumulative impacts of sediment waste discharges on such watersheds.

Excess sediment is defined as soil, rock, and/or sediments (e.g., sand, silt, or clay) from human related activities that is discharged to waters of the state in an amount that could be deleterious to beneficial uses or cause a nuisance. Some of the most sensitive beneficial uses to high sediment loads are associated with the migration, spawning, reproduction, and early development of cold water fish such as coho salmon, Chinook salmon, and steelhead trout. Besides harming aquatic life, excess sediment can limit the use of water for domestic consumption, agriculture, industry, wildlife, fishing, and recreation, and can cause or contribute to flooding. Excess sediment can also result in the exceedance of water quality objectives for suspended material, settleable material, sediment, and turbidity.

Numerous waterbodies and their tributaries in Humboldt County are already cumulatively impacted by excessive sediment and are listed as impaired under Clean Water Act §303(d). A sediment impaired water body is one that does not meet sediment-related water quality objectives or does not support beneficial uses because of too much sediment.

The Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region (Resolution R1-2004-0087), (the Sediment TMDL Implementation Policy) recognizes the immediate need for the prevention and control of sediment waste discharges in 303(d) listed waterbodies in the north coast and, in part, directs Regional Water Board staff to work with local governments and non-profit organizations to develop sediment prevention, reduction, and mitigation strategies, including, but not limited to, grading ordinances and road management policies as well as enhance non-regulatory actions with organizations and individuals to encourage sediment waste discharge control, watershed restoration, and protection activities.

The strategy for implementing the intrastate and interstate water quality objectives for temperature in the North Coast Region is set forth in the Policy Statement for Implementation of the Water Quality Objective for Temperature in the North Coast Region. The Regional Water Board shall address sources of elevated water temperature region-wide but on a case-by-case basis in the context of a given permit or other action as appropriate and necessary to reduce impairments and prevent further impairment. The water quality objectives for temperature shall be implemented through a combination of riparian management and other temperature controls as appropriate in nonpoint source control programs; permits and waivers, grants and loans, and enforcement actions; support of restoration projects; and coordination with other agencies with jurisdiction over controllable factors that influence water temperature. Controllable water quality factors affecting water temperature include, but are not limited to, any anthropogenic activity which results in the removal of riparian vegetation that provides shade to a waterbody, sediment discharges, impoundments and other channel alterations, the reduction of instream summer flows, and the reduction of cold water sources.

Individual stream and wetland systems are part of complete aquatic ecosystems through interaction of surface and subsurface hydrologic connections, healthy systems perform functions that protect and enhance watershed-wide water quality. In addition, surface waters provide habitat that supports a variety of plant and animal life for rare and endemic species. Riparian areas between streams and wetlands and their adjoining environments play critical roles in protecting and enhancing water quality. The removal of vegetation that provides shade to a waterbody is a controllable water quality factor. An important tool for reducing and avoiding impacts to surface waters is the implementation of a buffer area of native and riparian vegetation between any construction activities or structures and surface waters.

We strongly encourage Humboldt County, and/or any local regulatory body responsible for developing and/or implementing land use ordinances associated with cannabis cultivation to include provisions to identify, assess, and mitigate cumulative adverse environmental impacts associated with existing cultivation activities and to ensure that ongoing and/or future cultivation activities do not exceed watershed carrying capacities or create or exacerbate cumulative adverse impacts in combination with other past, present, and foreseeable future land and water uses.

Without a comprehensive strategy to prevent and minimize new sources and control of existing sources, sediment and temperature-related cumulative impacts will continue to worsen. To be adequate, the Project needs to consider entire properties for potential control measures to avoid and minimize impacts associated with sediment and temperature.

Shared Use Roads

Shared use roads are among the most significant sources of chronic sediment discharges to surface waters across populated rural landscapes. These roads were often built initially for timber harvesting activities and are not located or built in accordance with contemporary standards or uses. It is important to ensure adequate maintenance and retrofitting of these roads to control and prevent both chronic and episodic sediment delivery to streams, especially at crossings and unstable features. Road associations, whether they are legal organizations or based on informal agreements, are critical to ensure that adequate and equitable resources are invested in shared road systems. Private roads that cross multiple parcels are the responsibility of the landowners.

The EIR project needs to identify that existing shared use road systems are sources of sediment to surface waters, can be worsened by increased usage and timing of usage associated with access to individual parcels used for cannabis and associated activities. Mitigations could include the requirement for a road association and sediment control plan for the roads, including off-property private and county road networks.

The recent winter demonstrated that the county road network is among the larger contributors of sediment to the stream network in Humboldt County waterbodies. Presently, it appears that the Humboldt County roads department does not have adequate funding to upgrade and maintain its road network in a manner that is protective of water quality.

The EIR needs to define a clear strategy to address sediment discharges from private, shared-use roads and the county road network on a timeframe and at locations that are in-sync with cannabis permitting. Such a strategy needs to follow the sequential process of avoid/minimize for new sources, and inventory/prioritize/treat/monitor for existing sources.

Enforcement

Timely and consistent enforcement is critical to the success of a regulatory program. A good enforcement program relies on well-developed compliance monitoring systems designed to identify and correct violations, help establish an enforcement presence, collect evidence needed to support enforcement actions where there are identified violations, and help target and rank enforcement priorities. Compliance assistance is necessary, especially in a new regulatory program. There is a point, however, at which this cooperative

approach should make way for a more forceful approach. Without a strong enforcement program to back up the compliance assistance, the entire regulatory framework would be in jeopardy. Enforcement is a critical ingredient in creating the deterrence needed to encourage the regulated community to anticipate, identify, and correct violations. Appropriate penalties and other consequences for violations offer some assurance of equity between those who choose to comply with requirements and those who violate them. It also improves public confidence when government is ready, willing, and able to back up its requirements with action.

Without adequate enforcement, there is no guarantee the program will be effective. The EIR needs to address the level of enforcement necessary to ensure that the participants are in compliance, and that those not participating are brought into compliance.

Cumulative Impacts to Hydrology and Groundwater

Due to cumulative impacts to surface water flows associated with summertime diversions and other stream impacts, requirements are in-place for developing off-stream storage and forbearance strategies. While these moves support a more sustainable surface water usage strategy, the requirements have resulted in significant increases in the installation of both permitted and unpermitted wells.

The Regional Water Board has received significant complaints from neighbors concerned with groundwater draw-down associated with increased groundwater extraction for large-scale cannabis cultivation. Presently, there are no state-requirements on groundwater use that could ensure that adjacent water supplies are protected or even monitored.

If the Project allows groundwater sources to be used to support cannabis cultivation, processing, or manufacturing and associated activities, then impacts to groundwater levels need to be identified and mitigated. This will require a robust monitoring and reporting program, similar to that of surface water, timely identification of potential impacts, and adaptive management to improve the strategy.

Watershed Coordination

In addition to regulatory tools, non-regulatory watershed coordination can contribute to improved watershed stewardship. We recommend that Humboldt County build capacity for watershed groups and road associations to monitor and report watershed conditions and coordinate on a watershed scale, and provide technical assistance and organizational models to assist citizens to coordinate effectively on shared resource protection issues, including but not limited to road maintenance, water diversions, and habitat protection and enhancement. This will also promote opportunities for grant funding to assist in water resource protection.

Regional Water Board contacts

Regional Water Board staff would be pleased to work with Humboldt County in the development of the Project. Through a combination of effective regulation and strong partnerships, we can achieve healthy watersheds in Humboldt County and the north coast. We appreciate the opportunity to provide these comments and look forward to ongoing coordination. Staff continues to be available to work on these issues. Questions or comments can be addressed to Adona White at 707-576-2672 and Adona.White@waterboards.ca.gov or myself at 707-576-2682 and Kason.Grady@waterboards.ca.gov.

Sincerely,

 Digitally signed by
Kason Grady
Date: 2017.05.10
10:35:16 -07'00'

Kason Grady
Senior Water Resource Control Engineer
Cannabis Regulatory Program
North Coast Regional Water Quality Control Board

170510_ACW_er_HumCo NOP Comment Letter Revised

From: Richardson, Michael
To: Lazar, Steve
Cc: galen@sanctuaryforest.org
Subject: FW: Mitigation Measures for Environmental Impacts of Cannabis Cultivation
Date: Friday, May 12, 2017 9:55:25 AM
Attachments: [Project Description - Partners - Reduced.pdf](#)

Hi Steve,

Here's an EIR scope/content comment letter for our consideration...

- Michael R.
(707) 268-3723
mrichardson@co.humboldt.ca.us

From: Galen Doherty [mailto:galen@sanctuaryforest.org]
Sent: Friday, May 12, 2017 8:31 AM
To: Richardson, Michael
Cc: Fennell, Estelle; April Newlander
Subject: Mitigation Measures for Environmental Impacts of Cannabis Cultivation

Hi Michael,

It was good talking with you last night at the Safe Homes initiative meeting.

As we discussed last night, Sanctuary Forest is engaged in a high priority land conservation campaign to permanently protect the entire Van Arken Creek watershed, the third largest sub-basin in the Mattole headwaters, a salmon stronghold completely free from residential development. Conservation of this watershed is vital for our ongoing efforts to restore salmon stocks, forest health, and climate resiliency in the Mattole Watershed. These lands are under imminent threat of another round of industrial timber harvest, following which they are threatened by fragmentation and development. Indeed, Boyle Forests (the landowner, i.e. the Barnum Family) has gone through the process of obtaining COC's and a JTMP allowing them to sell these off in 40 acre parcel sizes.

I am reaching out to you because in conducting the Environmental Impact Report for cannabis cultivation I would like the County to consider the use of mitigation measures to offset the impacts that cannabis farms are having on the surrounding environment. Two key concepts which you may be familiar with are Mitigation and Conservation Banking (described briefly below).

Mitigation banking is the preservation, enhancement, restoration or creation (PERC) of a wetland, stream, or habitat conservation area which offsets, or compensates for, expected adverse impacts to similar nearby ecosystems.

Conservation banks are permanently protected lands that contain natural resource values. These lands are conserved and permanently managed for species that are endangered, threatened, candidates for listing as endangered or threatened, or are otherwise species-at-risk

The Van Arken Watershed Conservation Project (Project Description with fundraising

strategy, maps, and letters of support from BLM, CDFW, and NOAA Fisheries is attached) is the perfect opportunity to utilize mitigation requirements to fund land conservation in Southern Humboldt conserving land in the same watershed as many of these impacts are occurring. This is becoming common practice in many areas throughout the state, for instance the Willits Bypass EIR required mitigation measures that included the restoration and/or preservation of similar habitat as was being destroyed by the project.

I hope that you can bring this up at today's scoping meeting regarding the county EIR for cannabis. I would be interested to know if there is a way to incorporate mitigation requirements into the current permitting system as well (covered under the Mitigated Negative Declaration), for instance existing cultivators with large impacts could be directed to pay hefty fines and rehab the site OR pay into the mitigation program directly offsetting their impacts by permanently protecting similar land nearby.

Please let me know if you have any questions.

Thanks and Regards,

Galen Doherty

--

Galen C. Doherty
Lands Program Director
Sanctuary Forest, Inc.
(707) 986.1087 x. 3#
(707) 599.8913

galen@sanctuaryforest.org

[What better way to protect the land than by leaving a lasting legacy?](#)



Sanctuary Forest

Van Arken Watershed Conservation Project



INTRODUCTION

30 years ago, a small group of Mattole valley residents came together and vowed to protect what remained of the old growth forests in the watershed. Today, almost a third of these lands are in conservation status; with Sanctuary Forest acting as the steward for over 10,000 acres of forestland in the Mattole and surrounding areas through trusteeship of 14 conservation easements, fee-title ownership, and cooperative stewardship agreements with public and private partners from across the board (See Upper Mattole River and Forest Cooperative Map). Yet even after three decades of cooperative grassroots work to conserve vital forestlands and restore the wild runs of salmon, their continued survival is far from assured as the threat of human impacts grows.

Our community is faced with the threat of timber harvest, subdivision, and development in some of the last intact tributaries to the Mattole River Headwaters. These forests are all that remain of over 5,000 acres of industrial timberland in the Mattole headwaters. Since the early 2000's over 2500 acres have been subdivided and sold into rural residential development. This fragmentation has resulted in a host of new land-use impacts that have severely degraded key salmon bearing tributaries, halting and in some cases reversing decades of recovery efforts. Now, if not conserved, the last of these lands face the same fate.

PROJECT DESCRIPTION

This project seeks to conserve the entire Van Arken Creek Watershed and the neighboring headwaters of McKee, Green, and Ravashoni Creek(s) through direct fee-title acquisition of the property from the current owner, Boyle Forests LP. Specifically, this conservation action will protect over 1,600 acres of forestland and a combined ~5.8 miles of salmon spawning and rearing habitat (see project map). This project will expand key fish and wildlife habitat in the Upper Mattole River and Forest Cooperative (UMRFC), permanently prevent impacts of industrial timber harvest, forest fragmentation, and development. Viewed in the context of the past three decades of conservation efforts—the RFFI Usal Community Forest, Sinkyone Wilderness State Park, and the King Range National Conservation Area—this is conservation at the landscape scale.

Our goal is create a community forest resulting in a patchwork of old growth forest and wildlife reserves and working forestlands providing invaluable ecosystem services, as well as a source of economic growth for the local community. As owner and steward of the property, Sanctuary Forest will work with our traditional partners (BLM, CDFW, WCB, NOAA Fisheries Mattole Salmon Group, Mattole Restoration Council, and more), local community, and interested universities to implement projects and offer educational and recreational opportunities.



THREATS

If we cannot buy these lands, they will undergo the devastating effects of a regressive timber harvest utilizing clear-cutting and herbicides to convert the last of the mixed hardwood forests to monoculture conifer plantations. Following which, they will be subject to subdivision and development of over 28 separate legal parcels. This fragmentation, primarily for the purpose of large scale black market cannabis cultivation, will lead to many negative land-use impacts including road building, forest clearing, stream dewatering, and the potential introduction of harmful pesticides and rodenticides to the food web.



CONSERVATION VALUES:

This landscape is home to a diverse array of forest types: coastal redwood, pacific yew, dogwood, big leaf maple, ash, and alder along the riparian zones; decadent old growth Douglas fir interspersed with ancient madrone, live oak, and true oaks along the valley floor; and sections of virgin tan oak, chinquapin, and madrone forest on the upslope and ridgetop areas.

This project will prevent the loss of key intact or recovering forest, meadow, and riparian habitat and help ensure the survival of such rare, threatened, or endangered species as northern spotted owl, goshawk, tailed frogs, pacific giant

and southern torrent salamanders, as well as coho, chinook, and steelhead and thousands of common species that inhabit this unique coastal redwood and mixed forest ecosystem. Additionally, wider ranging land species such as mountain lion, and black bear, whose habitat has been severely reduced by logging and development in surrounding areas, would be protected from the threat of regional extirpation.

FISHERIES

Both Van Arken and McKee Creek have been identified as Priority 1 tributaries for coho recovery (Mattole Coho Recovery Strategy, MRRP, 2011) and have been given a high IP (intrinsic potential) value in NOAA's 2014 SONCC. Historically these streams have supported abundant native runs of coho, Chinook, and steelhead populations, and just this year over 15 adult Chinook salmon were seen spawning in Van Arken Creek. Recent field tours with top fisheries biologists with NOAA Fisheries, CDFW, and BLM verified these historic reports (see letters of support) concluding that these tributaries have enormous potential for fisheries restoration and could be key to the recovery of wild Mattole Salmon populations.

Already Sanctuary Forest and our partners have done considerable restoration work on McKee Creek downstream of the acquisition property. To date all landowners on the mainstem of McKee Creek have become participants in Sanctuary Forest's Storage and Forbearance Program, whereby they agree to stop pumping from the creek during the dry season in exchange for adequate water storage. In addition, Sanctuary Forest has secured grant funding from CDFW Fisheries Restoration Grant Program to implement a coho habitat restoration and streamflow enhancement project in the lower reaches of McKee Creek. The combination of turning off all dry-season diversions, and restoring habitat and streamflow in McKee Creek has been an essential first step towards the recovery of this tributary.

Van Arken Creek has suffered significant degradation as a result of industrial timber harvest over the last 75+ years. However, as it is completely free from human development it has an incredible potential to be restored. Already much work has been done in this watershed by our sister organization, the Mattole Restoration Council (MRC). In 2005, the MRC implemented a basin-wide sediment reduction project in Van Arken that treated the entire road network; decommissioned many roads, and upgraded stream crossings on those that remained.

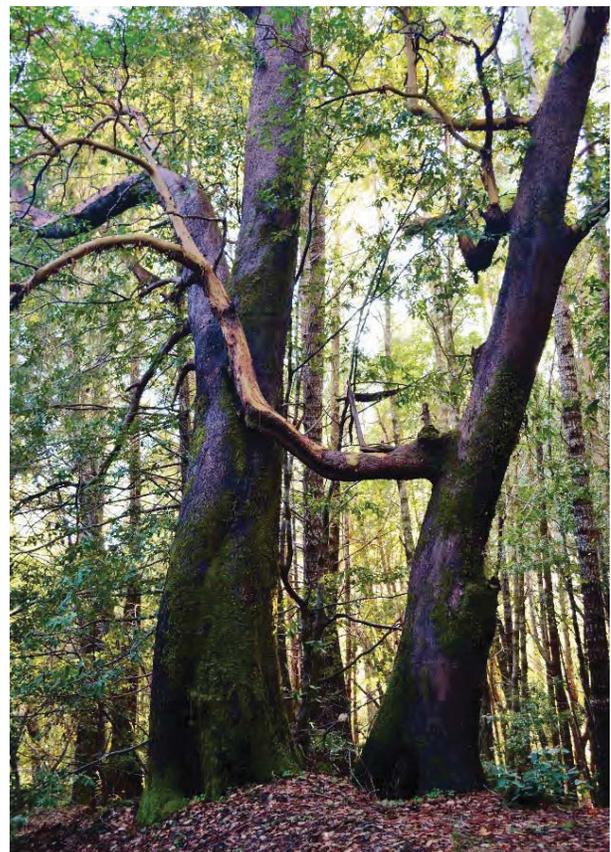
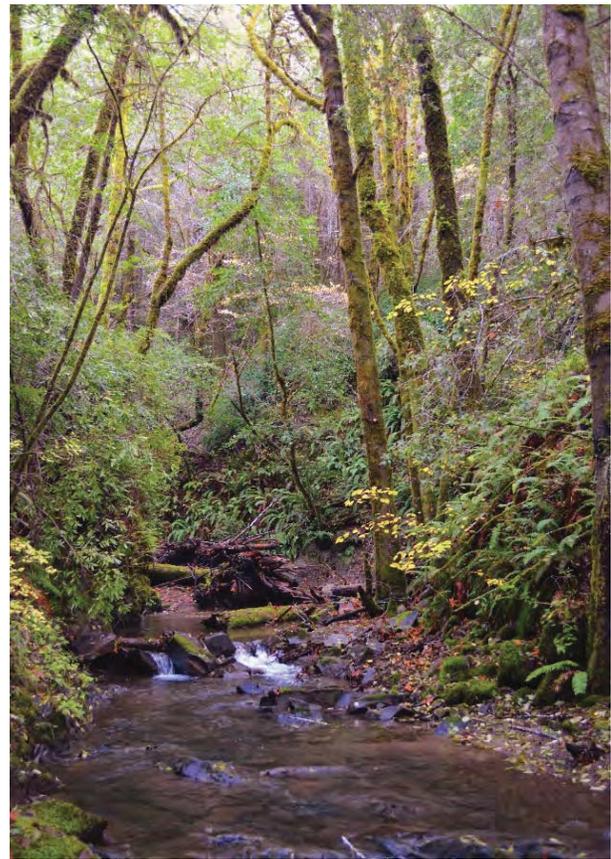
Following the conservation of these properties, the restoration of salmon spawning and rearing habitat and the implementation of innovative groundwater recharge projects will be one of our primary stewardship goals. Rough analyses of the Van Arken watershed indicates the potential to capture and store millions of gallons of rainwater during the wet season. In combination, all of these actions will result in an array of benefits from increased groundwater recharge and storage and enhanced instream flows to improved floodplain connectivity, and restored spawning and rearing habitat for endangered coho salmon and threatened chinook and steelhead.

FORESTS

Stewardship of the forestland on the property will focus on the immediate goals of reducing fuel loads and the risk of wildfire. Through active engagement with our local community it is our goal to develop a holistic forest management plan designed to improve forest health, accelerate the return to late seral conditions, increase carbon retention and sequestration, and provide a source of revenue to be reinvested in the stewardship of the property. Certain areas of the property that possess rare or unique forest types will be protected from wildfire and set aside to become the next generation of old-growth forests. The dense plantations of redwood and Doug fir will become part of a sustainable harvest regime that will result in the retention of the largest trees and thinning of the least valuable trees. Additionally, large sections of the property that are predominantly forested with overly dense stands of tanoak will provide a source of high quality hardwood for the local Whitethorn Construction Hardwood Mill. Overtime these forests will grow to resemble the historic old growth conditions of the Mattole River headwaters, acting as a buffer against the effects of climate change, providing a sanctuary for fish and wildlife, and an open place for people to come for learning and recreational opportunities.

CONSERVATION STRATEGY

Sanctuary Forest is currently engaged in a campaign to save these lands through collaboration with regional conservation organizations, and funding from a combination of state and





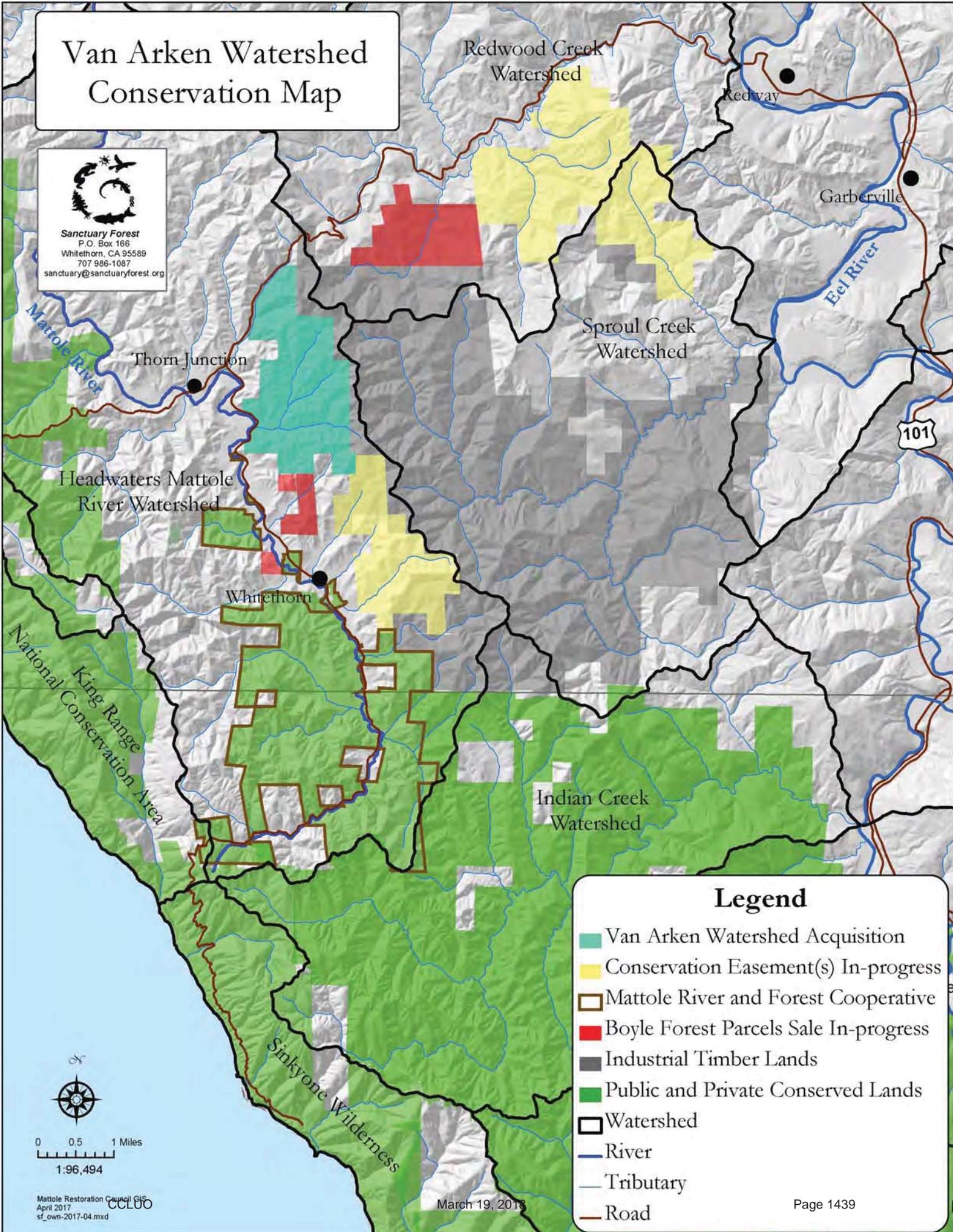
federal agencies, foundations, and major donors from our local community, the greater California area, throughout the United States, and across the world (See Funding Chart and Project Budget).

Currently, negotiations with the landowner, Boyle Forests LP., have concluded with a 6-month window within which to purchase the properties; the value of which is a little over 9 million dollars (based on a restricted appraisal dated 6.8.16 by Chris Bell, MIA, to be reappraised spring 2017). Based on this timeline we have developed a two-phase strategy: Phase 1 consists of securing a bridge-funding organization to purchase the property by June 31st, 2017 and enter into a 5-year reimbursement agreement with Sanctuary Forest; Phase 2 consists of securing funding for reimbursement of the bridge funder in exchange for ownership of the property.

In the last two months of 2016 we successfully raised over \$100,000 towards the conservation of these lands from our local community and have funding pending from the Grace Us Foundation, an application in with Firedoll and Weeden Foundations, and an application in with the Wildlife Conservation Board Prop 1. The enormous outpouring of support from our local community is thanks in part to the many community meetings we have held on various tributaries throughout the Mattole, local fundraisers, and many small donations as well as several “Fund an Acre” donors who have stepped up and funded an entire acre (\$5,500).

The following Funding Chart and 5 Year Funding Strategy outline how this ambitious project can be completed.

Van Arken Watershed Conservation Map



Legend

- Van Arken Watershed Acquisition
- Conservation Easement(s) In-progress
- Mattole River and Forest Cooperative
- Boyle Forest Parcels Sale In-progress
- Industrial Timber Lands
- Public and Private Conserved Lands
- Watershed
- River
- Tributary
- Road



Project Funding Plan

PHASE 1:

Secure a bridge-funder to purchase the property (valued at \$9 million) by June 31st, 2017.

PHASE 2:

Using a variety of public grants, foundations, and private donations, obtain funding for full reimbursement of the bridge-funder over 5 years in exchange for ownership of the property.

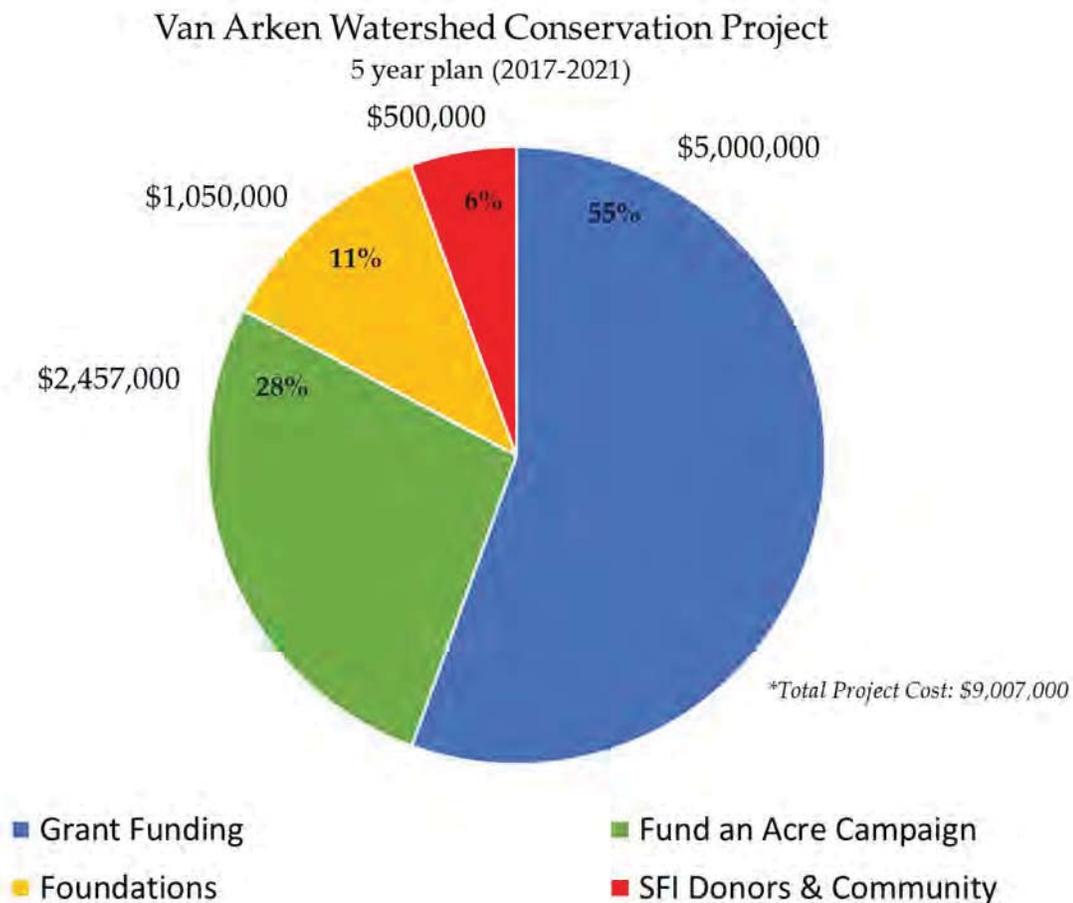
In 2016, Sanctuary Forest exceeded our goal of raising \$100,000.

Going forward, our goal is to raise \$100,000/year from our local community and \$495,000/year through our Fund An Acre Campaign over the next five years to support the conservation of the Van Arken Creek watershed.

Amount raised from SFI Donors & Community: \$63,182.92

Amount donated/pledged from our Fund An Acre Family*: \$127,083.08

**donated and pledged as of 3/2/17*



This capital campaign will demonstrate local grassroots community support and help to secure significant contributions from a combination of state and federal agencies, foundations, and major donors from the greater California area, throughout the United States, and across the world.

VAN ARKEN WATERSHED CONSERVATION PROJECT				
Fee Title Acquisition	Avg. Price Per Acre	Total Acreage	Total	Comments
Van Arken Creek Watershed Property	\$5,800	1,350	\$7,830,000	Based on restricted appraisal by Chris Bell, MIA dated 6-8-2016.
McKee Creek Headwaters Property	\$3,929.77	299	\$1,175,000	Based on restricted appraisal by Chris Bell, MIA dated 6-8-2016.
Total Project Cost	\$5,460.89	1,649	\$9,005,000	Final value pending further appraisals in spring 2017.
5 YEAR FUNDING STRATEGY				
Bridge Funder	\$9,005,000			Amount to be reimbursed over a period of 5 years (2017-2021)
Wildlife Conservation Board Prop 1	\$0 - \$1,500,000			SFI is working on policy changes with WCB to allow for a broader interpretation of their mandate that would enable more freedom for funding of acquisition projects.
Wildlife Conservation Board Forest Conservation Fund	\$500,000			Good match. WCB indicated if SFI able to secure support from other funding sources they would be interested. (If not interested, could be subbed for SCC Prop1)
Ca. Dep. Of Fish & Wildlife: Prop 1	\$3,500,000			Good match, 6.4 million awarded in 2016 to local range and forestland conservation projects.
Cal Fire Greenhouse Gas Reduction Fund	\$500,000			Good match, but highly competitive. Carbon Project may be more feasible, with higher pay off.
Environmental Enhancement & Mitigation	\$500,000			Good match, \$500,000 awarded in 2016 to local working forestland conservation project.
Sub Total (State & Federal Grant Programs):	\$5,000,000			
National Fish & Wildlife Foundation - Acres for America	\$500,000			Highly competitive, good match, \$350,000 awarded in 2014.
National Fish & Wildlife Foundation - Resilient Communities	\$250,000			Grant application submitted March 30, 2017.
Weeden Foundation (Amount Requested over 5 years)	\$75,000			\$15,000 awarded in March 2017.
Firedoll Foundation (Amount Requested over 5 years)	\$75,000			Application submitted for \$15,000 in January of 2017.
Grace Us Foundation (Amount Requested over 5 years)	\$50,000			10,000 awarded in Jan. 2017
Bella Vista Foundation (Amount Requested over 5 years)	\$100,000			Good fit, awarded \$20,000 for project development in 2015/16.
SFI donors and local community (Over 5 years)	\$500,000			\$100,000 raised in 2016.
Van Arken Fund an Acre Campaign (Over 5 years)	\$2,457,000			450 regional, national, and international donors @ \$5,460 (over 5 years).
Sub Total (Donors & Foundations):	\$4,007,000			
Grand Total	\$9,007,000			



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



February 7, 2017

Galen C. Doherty
Lands Program Director
Sanctuary Forest Inc.
P.O. Box 166
Whitethorn, CA 95589

Subject: Letter of Support for Van Arken Watershed Conservation Project

Dear Mr. Doherty:

The California Department of Fish and Wildlife (Department) supports the benefit to salmonid habitat achieved by the proposed Van Arken Watershed Conservation Project, located in the Mattole River headwaters, Humboldt County, California. Tributaries of the Mattole River headwaters provide significant spawning and rearing habitat for California Endangered Species Act listed Coho Salmon, Chinook Salmon, and steelhead. The project's acquisition of 1300 acres of pristine or recovering forestland will result in conservation of the entire Van Arken Creek watershed and the headwaters of neighboring Green and Ravashoni creeks. Additionally, the project contributes to Mattole tributaries conserved in the adjacent 5,500-acre old-growth redwood forest and salmon refuge known as Upper Mattole River and Forest Cooperative.

Van Arken Creek is the third largest tributary to the Mattole headwaters. The stream is free from human diversions, provides three miles of low gradient cold water salmon habitat, and is vital to current efforts to restore salmon populations in the Mattole River watershed. Van Arken Creek has been identified as a Priority 1 tributary in the Mattole Coho Recovery Plan, and has high intrinsic potential for the recovery of Coho Salmon (MRRP, 2011 & SONCC, 2014).

The current Van Arken property owner has an expressed interest in selling to a conservation interest but will also sell on the open market if a conservation project cannot be developed. If sold on the open market, the property is eligible for subdivision to 25 legal parcels, and this type of development on similar regional properties has resulted in extensive road-building, home-site clearing, cannabis cultivation site clearing, and water diversion. Subdivision development of this type has negatively affected salmonid habitat with increased sediment delivery to streams, loss of riparian forest shade canopy, increased water temperatures, and diminished dry season streamflow.

Conserving California's Wildlife Since 1870

Galen C. Doherty
Sanctuary Forest Inc.
February 7, 2017
Page 2

Please contact Senior Environmental Scientist (Supervisor) Allan Renger at (707) 725-7194, or Senior Environmental Scientist (Supervisor) Scott Bauer at (707) 441-2011, regarding the Department's support for the Van Arken Watershed Conservation Project.

Sincerely,



Neil Manji
Regional Manager

ec: Galen C. Doherty
Sanctuary Forest Inc.
galen@sanctuaryforest.org

Allan Renger, Scott Bauer
California Department of Fish and Wildlife
allan.renger@wildlife.ca.gov, scott.bauer@wildlife.ca.gov



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1655 Heindon Road
Arcata, California 95521-4573

Refer to NMFS No: 10012WCR2017AR00011

Galen C. Doherty, Lands Program Director
Sanctuary Forest Inc.
P.O. Box 166
Whitethorn, CA 95589

JAN 04 2017

Dear Mr. Doherty,

On behalf of NOAA's National Marine Fisheries Service (NMFS), I would like to express our strong support for the Van Arken Watershed Conservation Project located in the Mattole River headwaters, Humboldt County, CA. The Mattole River headwaters are among the key spawning and rearing grounds for Endangered Species Act (ESA)-listed coho salmon, Chinook salmon, and steelhead in northern California. This project would result in the acquisition of over 1300 acres of pristine or recovering forestland - conserving the entire Van Arken Creek watershed along with the headwaters of neighboring upstream tributaries Green and Ravashoni creeks. Taken in the context of the last 30 years of conservation efforts, which has resulted in the creation of the Upper Mattole River and Forest Cooperative, a ~5,500 acre old growth redwood forest and salmon refuge, this conservation action would contribute to connected, intact Mattole headwaters and secure the foundation for recovery of wild runs of ESA-listed Mattole salmonids.

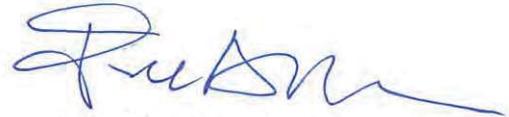
The Mattole River is a critically important watershed for ESA-listed Chinook salmon, coho salmon, and steelhead in northern California. In order to recover and eventually delist these species in the wider geographic area, the Mattole River itself must be restored and the salmonid populations there rebuilt to sustainable levels (NMFS 2014, 2016).

Van Arken Creek is the third largest tributary to the Mattole headwaters. Based on a geomorphic model, NMFS determined that the aquatic habitat in Van Arken Creek has some of the highest potential in the Mattole watershed to support rearing coho salmon, Chinook salmon, and steelhead (NMFS 2014, 2016). In addition, the lack of diversions and presence of cold, clean water make the current conditions in this area exceptional within the Mattole River basin and overall in southern Humboldt County. This tributary is therefore vital to current efforts to restore salmon populations in the Mattole River watershed. If this tributary is not restored and protected but rather developed for other purposes, recovery of these species would be less likely because critically important salmonid habitat would be lost.

If the Van Arken property were managed as a refuge, the outcome would be restoration of habitat and ecosystem processes, and prevention of further degradation. If the land were instead developed, for example for agriculture or monoculture forestry, increased sediment loads, diminished dry season flows, high water temperature, and riparian destruction would likely

result. Such habitat degradation would only serve to exacerbate the plight of Mattole salmon and steelhead. Preservation and restoration of the land as a refuge would achieve the best outcomes for ESA-listed salmon and steelhead, and for their ecosystems; therefore, NMFS strongly supports such preservation and restoration efforts. If you have any questions, please contact me at (707) 825-5168 or via email at julie.weeder@noaa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julie Weeder', with a long horizontal flourish extending to the right.

Julie Weeder
Recovery Coordinator

cc: CHRON File (pdf)

Literature Cited

NMFS. 2014. Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (*Oncorhynchus kisutch*). National Marine Fisheries Service. Arcata, California.

NMFS. 2016. Coastal Multispecies Recovery Plan. National Marine Fisheries Service, West Coast Region, Santa Rosa, California.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521
www.ca.blm.gov/arcata

January 3, 2017

Galen C. Doherty, Lands Program Director
Sanctuary Forest Inc.
P.O. Box 166
Whitethorn, CA 95589

Dear Galen,

On behalf of the Bureau of Land Management's (BLM) Arcata Field Office, I would like to express our support for the conservation of the Van Arken Creek watershed located in the Mattole River headwaters, Humboldt County, CA. The BLM has a longstanding and successful partnership with Sanctuary Forest with the objective of improving watershed and aquatic habitats that support native fish species.

The headwaters of the Mattole River and its tributaries are key spawning and rearing areas for native populations of coho and Chinook salmon, and steelhead trout. This project will conserve the entire Van Arken Creek watershed along with the headwaters of neighboring tributaries Green and Ravashoni Creek(s).

Van Arken Creek is the third largest tributary to the Mattole headwaters and is completely free from human diversions, with 3 miles of low gradient streambed, and cold, clean, water. The extensive low gradient stream reaches along Van Arken Creek have been recognized in various salmon and steelhead recovery documents as having the potential to support spawning and rearing salmonids. Indeed, the observation of several spawning Chinook salmon during December 2016 highlights the importance of the watershed to native salmonids.

Coho salmon are of particular concern in the Mattole River with estimates of returning adults well under 50 individuals over the last several years. This perilously low abundance leaves the Mattole coho salmon population on the brink of extinction. Van Arken Creek is a key piece in the recovery of native fish species by providing extensive spawning and rearing habitat as well as vital streamflows to the mainstem Mattole River. Maintaining an intact watershed, as this project would do, would greatly benefit the recovery of fish and aquatic habitats in the Mattole River.

We look forward to continued collaboration on the various issues affecting recovery of fish species.

Sincerely,
 (Acting for)

Molly Brown
Arcata Field Manager



Sanctuary Forest

Van Arken Capital Campaign 2017

PLEDGE FORM

Donor Information:

Last: _____ First: _____ MI: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ E-mail: _____

Gift Information:

I (we) hereby contribute cash and/or assets to the Sanctuary Forest "Van Arken Capital Campaign".

I (we) would like to make a gift in the amount of: \$ _____ Amount Enclosed: \$ _____

I (we) wish to have this donation made over: 1 2 3 4 5 Year(s) **OR** One-time Gift *(circle one)*

In Memory/Honor of - Please accept this gift in memory or honor of *(circle one)*:

Contribution Type:

I (we) plan to make our contribution in the form of: Check Cash Other *(circle one)*

If you would like to donate by credit card, please visit our website: www.sanctuaryforest.org/donate

Donor Recognition:

Donors will be recognized unless an anonymous gift is requested. Each year Sanctuary Forest holds a Donor Gratitude Naming Ceremony acknowledging all of those who have donated throughout the year.

Please use the following name(s) in all acknowledgements: _____

I (we) wish to remain anonymous.

Donor Signature(s): _____ Date: _____

I Am Interested in Other Ways to Donate:

I (we) would like to designate Sanctuary Forest in my (our) estate planning.

I (we) would like to receive more information about Planned Giving.

Sanctuary Forest is a 501(c)(3) nonprofit. Donations are tax deductible. Tax ID#: 94-2676195



From: richard.scheinman
To: [Lazar, Steve](#)
Subject: eir cannabis
Date: Sunday, April 9, 2017 8:10:59 PM

Richard Scheinman MD

PO Box 49

Petrolia, CA 95558

Phone: [707 629 3365](tel:7076293365)

Fax: [707 440 2717](tel:7074402717)

Steve Lazar

Humboldt County Planning & Building Department

3015 H Street

Eureka, CA 95501

Re: NOP commenting on changes in cannabis cultivation project

Dear Mr. Lazar,

Here are my thoughts for the EIR on proposed cannabis regulations: The environment is being harmed by the explosion of cannabis cultivation sites. Specifically,

1. the use of light-dep and greenhouses has changed the NIGHTTIME environment around here so that it is no longer dark. This is a big loss to those of us who came here for the beauty of the natural environment. A big loss.

2. The use of generators and fans has destroyed the QUIET I and we so greatly appreciated. Another big loss.
3. The impact on WATER is great. There's a grow adjacent to me with thousands, actually, probably tens of thousands of plants and where are they getting their water? (I don't know if it is legal) but that many plants need a whole lot of water in an area which doesn't have a lot Maybe they've drilled wells.
4. Five years ago a two acre site about a hundred feet from my property line was tilled up and planted and the SMELL was toxic and bad for my children. This was on a three hundred acre or more parcel. Why didn't they set it up away from me?
5. The importing of soils and material in big trucks has drastically increased the traffic and noise on the roads, as well as adversely impacted the road surfaces. There's a zillion more potholes than ever before and we have lived here for 43 year.

Here's what I suggest:

Outlaw light dep which uses fans generators, and night light.

Make sure there is adequate regulation of water use so the land and neighbors are not impacted.

Make setbacks adequate to protect privacy and quality of life of neighbors.

Now that it is legal, industrial marijuana should be grown in industrial places if it is going to be using generators and fans and importing soil and nightlights. This is not agriculture, it is industrial. Outdoor grows in the hills should have adequate water supply.

Yours truly,

Dick Scheinman

May 9, 2017

To: Steve Lazar
From: Robie Tenorio

RE: Input regarding Scoping Meeting for Cannabis Environmental Impact Report

Despite the best intentions of the Humboldt County Planning & Building Department and the Humboldt County Board of Supervisors in passing the Humboldt County Code regulating cannabis activities on the ground impacts have been devastating in many of the categories covered in the Notice of Preparation.

Aesthetics – Since the ordinance’s passage the amount of plastic hoop greenhouses, solid metal or solid plastic fencing and other ugly and generally blight producing infrastructure has doubled or even tripled.

Agriculture and Forestry Resources – In Southern Humboldt since the passage of the ordinance the clear cutting of forest & use of timberland for grows has increased. By passing the ordinance without having sufficient enforcement in place to prevent this it has created a doubling or tripling of grows. To have people receive tax benefits under the Williamson Act does not appear to safeguard the need to preserve agricultural land for food production because of the high price paid for cannabis versus veggies or meat.

Air Quality – The increase traffic of large trucks constantly being driven on small dirt roads has greatly increased the amount of fugitive dust. How will you be able to measure the increase in pollution & degradation of air quality from the running of gas or diesel powered generators that are used for growing “mixed light”?

It is absolutely a mistake to allow and encourage any use of fossil fuels to grow a plant that could be grown without artificial light. The clear and present danger of Climate Change is not being addressed. When communities around the world are struggling to find ways to lessen their dependence on Fossil Fuels Humboldt County is encouraging an unnecessary contribution to Global Climate Disruption.

Biological Resources - I agree with every concern mentioned in this section. There is direct loss of vegetation and wildlife habitats due to the grading and vegetation removal for new cultivation & expansion of existing grows. There has been an increase in road construction, and an increase use of existing roads which all creates sediment, which will find its way into streams. The continued use of rivers, creeks, springs and seeps for these expansions will have a significant impact on wildlife both terrestrial and aquatic as watercourses dry up from diversion for cannabis growing. Noise pollution from generators, fencing and light emitted from “mixed light” cultivation all has a negative impact on wildlife and human neighbors. Again

because of the lack of enforcement there has been an increase of generator noise. Also it is a negative impact on the quality of life for residents of this previously quiet and peaceful rural area.

Cultural Resources and Tribal Cultural Resources –

How will you survey the areas for Tribal Cultural Resource concerns?
How will the County enforce any regulations concerning Tribal Cultural Resources?

The **Hazards & Hazardous Material** category should include the use of gas or diesel generators for indoor or “mixed light” grows. Where there is fuel used there will be spills – that will contaminate land and water ways.

The very serious impact of fires resulting from generator use for indoor or mixed light could be devastating for our area. In the unincorporated areas of the county we are dependent on our local volunteer fire departments, who have already had to respond to fires from generator grows. We have been lucky so far. But the potential for catastrophic wildfire is present and will put all of our communities at risk of losing their homes and possibly their lives. To continue to ask our volunteers to put their lives at risk for an indoor or mixed light cannabis grow is criminal.

Hydrology and Water Quality

Geology and Soils -

How will you be able to adequately assess the impacts on water and soil?
How will you be able to monitor the on the ground and in the waterway impacts of all these grows? Especially the ones not applying for permits but feeling that they can double and triple their grows because of a lack of enforcement.

Public Services

This may be the area to address impacts on roads. The roads in Southern Humboldt were built in a time of considerably less traffic. In the last 5 years traffic of large trucks, large trucks with trailers, 5, 10 & 20-ton delivery trucks and water trucks has greatly increased. Since the passing of the ordinance it has become a constant stream on all our roads.

Between the issues of 50 year old failing culverts (which is to be expected), very wet winters and the constant high impact of industrial level cannabis growing our county roads have been devastated. This also includes the same impacts on private sub division roads and has created problems for Road Associations who are not able to collect fees from those causing the damage.

In the Public Service category you do bring up the potential for increased risk of fire. This needs to be addressed – generators running in High Fire Hazard areas to grow cannabis indoors or mixed light puts all of us – but especially our volunteer fire fighters in serious danger.

Cumulative Impacts –

Because there is such a broad range of impacts from the air pollution to the disintegration of the roads it will be difficult if not impossible to fully assess the cumulative impacts.

But there is no doubt that industrial cannabis agriculture in remote rural areas of Humboldt County will have negative cumulative impacts on the air, the land, the waterways, the wildlife and the human population.

One area not mentioned is the use of plastic.

Californians have voted to eliminate single use plastic bags at the grocery stores yet the current cannabis farming practice for most growers uses an incredible amount of plastic. Plastic bags for fertilizer, plastic for greenhouses, plastic for the light dep grows. If you go to any of our local dumps you will see enormous piles of plastic. Much of it single use. This will have a long-term negative impact on the environment.

From: Sal Chinnici
To: [Lazar, Steve](#)
Subject: Comments on Proposed Amendments to Hum Co Code Regulating Commercial Cannabis Activities
Date: Thursday, May 4, 2017 11:53:10 AM
Attachments: [The Buckeye Marijuana Position Paper March 2017 \(2\).pdf](#)

Dear Mr. Lazar,

This email is to provide written comments in the matter of *Proposed Amendments to Humboldt County Code Regulating Commercial Cannabis Activities*. I am providing my comments as a private citizen of Fortuna, CA, and my comments not meant to represent any other party or organization.

I think that the County moved too fast on this project and mistakes were made in decisions on regulating commercial cannabis activities. Given the scope and importance of regulating such activities to the future of Humboldt County and its residents it is critical that the appropriate time be taken to get this right.

In particular I want to address the topic of "special requirements/limitations for projects located within spheres of influence or community areas". As a resident of Fortuna I have noted the recent proposals to establish commercial cannabis grows on County lands adjacent to private parcels and I am gravely concerned about the potential impacts to our city and residents, including our children, our water supply, and native wildlife, among others.

For example, concerns that need to be addressed include:

- Violent crime and increased dangerous drug use related to the marijuana industry;
- Overuse of rural roads, including high speed, and reckless driving;
- Disturbance from environmental and "white" noise pollution, e.g., traffic, generators, stray dogs, poaching, odor, light pollution etc.;
- Decreased private property values as a result of adjacent cannabis businesses;
- Long-term environmental impacts of the marijuana industry on Humboldt County's wildlands and associated fisheries and wildlife resources;
- Growers/permit holders are not being held accountable for causing environmental degradation.

In addition, the cannabis industry must be held to the same regulatory standards as other industries in Humboldt County:

- Marijuana growers must abide by and be consistent with all land-use and other pertinent regulations. Those include but are not limited to:
 - CDFW Lake and Streambed Alteration Agreements (Fish and Game Code Sec 1600, et al);
 - State Water Resources Control Board: Water Allocation and Diversion Permits;
 - Regional Water Quality: Wastewater Discharge Permit/404 waiver;
 - Corp of Engineers: 401 permit.
 - All codes and permits must be in place before cultivation occurs;
 - All codes and permits need to be enforced by the appropriate regulatory agencies;

- Marijuana cultivators must have ample water storage to avoid any stream, well, or ground water diversion from July 1 – November 15 of any given year.

I am attaching the position paper on the Impacts from the Humboldt County Marijuana Industry from The Buckeye because many of my comments are similar to The Buckeye's position, and because I also agree with their position. However, I want to be clear that I am commenting as a private citizen, and I am not representing The Buckeye.

Thank you,

Sal Chinnici
3563 Larsen Lane
Fortuna, CA 95540
Daytime phone: 707-764-4299



5/4/17

Steve Lazar
Humboldt County Planning and Building Department
3015 H Street
Eureka, Ca. 95501

Subject: Response to the Notice of Preparation for Zoning Ordinance Amendments Regarding Commercial Cannabis Land Use Ordinance (CCLUO)

Dear Steve,

The Buckeye would like to express its concerns regarding the Zoning Ordinance Amendments regarding Commercial Cannabis Land Use Ordinance (CCLUO).

The Buckeye is a non-profit organization of family farm, ranch and forest landowners and resource managers representing over 300,000 acres in the North Coast Region. We are dedicated to the promotion, communication, and implementation of those ideals and policies that support the ecologic and economic sustainability of natural resources and open space in family ownership. Our mission is to protect open space and family ranch land values.

During the Environmental Impact Reporting process, The Buckeye suggests Environmental Impact Reporting on unpermitted grows should be included, as these marijuana grows also have significant impacts on our natural resources. This will give a much more accurate projection of the true environmental impact of marijuana cultivation across our landscape. This information is especially important before adding additional permitted grows which will put additional pressure on our natural resources.

The Buckeye also has concerns over the marijuana cultivation permitting process. We strongly urge that ALL permits for marijuana cultivation must be approved and in place before cultivation can occur. In every other business, all permits must be approved and in place before any business can be conducted: (i.e. building permits, timber harvest permits, grading permits, road construction, etc.) We must hold commercial marijuana cultivation to the same standards as other legal enterprises.

Included with this letter is the previously submitted March 2017 Buckeye Position Paper on the Impacts from the Humboldt County Marijuana Industry. We believe this paper strongly represents the mission and values of our organization and our membership.

Sincerely,

A handwritten signature in cursive script, appearing to read 'James L. Able', written in black ink.

James L. Able
Chairman
The Buckeye

March 2017 Buckeye Position Paper on the Impacts from the Humboldt County Marijuana Industry

The Buckeye does not condone the commercial farming, production and marketing of federally illegal marijuana in Humboldt County, and/or its neighboring counties. We realize that the voters of the State of California have deemed marijuana to be legal for both medical and recreational use, despite its federal status. This situation has led to a quasi-legal status for marijuana, and an exponential growth in production that has created intense pressure on North Coast communities and natural resources, especially the over-drafting of water diverted for plantation irrigation.

Thus, the Buckeye has deep concerns about the environmental degradation caused by rampant and illegal marijuana cultivation that has occurred over the last five decades in our North Coast watersheds and streams, and the harm done to the fish and wildlife species dependent upon those resources.

The marijuana industry must be held to the same regulatory standards as farming, timber, dairy and ranching:

- Marijuana growers must abide by and be consistent with all land-use and other pertinent regulations. Those include but are not limited to:
 - CDFW Lake and Streambed Alteration Agreements (Fish and Game Code Sec 1600, et al);
 - State Water Resources Control Board: Water Allocation and Diversion Permits;
 - Regional Water Quality: Wastewater Discharge Permit/404 waiver;
 - Corp of Engineers: 401 permit.
- Marijuana cultivation should not occur on TPZ, timberlands or Prime Ag lands. A certified soil type and landform determination with the Natural Resource Conservation Service soil code must be a requirement for a use permit application;
- All codes and permits must be in place before cultivation occurs;
- All codes and permits need to be enforced by the appropriate regulatory agencies;
- Marijuana cultivation shall not occur on slopes greater than 15%;
- Marijuana cultivators must have ample water storage to avoid any stream, well, or ground water diversion from July 1 – November 15 of any given year;
- Marijuana growers must be held accountable and responsible for restoration of environmental degradation that has occurred pertaining to past growing operations on their property.

Additionally, The Buckeye has serious concerns with the following:

- Widespread violent crime and increased dangerous drug use related to the marijuana industry;
- Prevalent high speed, reckless, and impaired driving on rural roads endangering the public;
- Disturbance from environmental and “white” noise pollution, e.g., traffic, generators, stray dogs, poaching, odor, light pollution etc.;
- Rural communities’ traditional quality of life that has been impacted by the loss of open spaces provided by large ranches and lands that have been subdivided, developed, and subsequently intensely cultivated for marijuana production;
- Property values are artificially inflated and traditional agricultural entrepreneurs cannot afford to purchase land, or they are motivated to sell open land at inflated market prices;
- Long-term environmental impacts of the marijuana industry on Humboldt County’s wildlands and associated fisheries and wildlife resources;
- Growers/permit holders are not being held accountable for causing environmental degradation.

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- Growers/permit holders are not being held accountable for causing environmental degradation.

This is the letter that every person was shown and offered a copy of as the petition was signed. Please attach it to the petition if you want to.

Thanks for talking with me yesterday.

I will continue to tell people to trust that you will make changes to protect residences from grow issues

REC
MAY -
MAYOR
MAYOR

Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
ATTN: Steven Lazar

4-16-17



Steve: Some of these suggestions are rewrites from other ordinances and have been adopted as practical.

Ref: **NOP REVIEW**

The following suggestions are for the Notice of Preparation to the Environmental Impact Report scheduled to be implemented in 2017. The goal of these comments are to maintain or improve the character, appearance, and livability of established neighborhoods to include our surrounding environment. I'm asking that we protect this environment from incompatible uses, excessive noise, traffic, dust, light spillage, glare, odor, and similar significant nuisances that may be caused by cannabis cultivation.

By considering these recommendations we can ensure our environment is adequately protected both inside and outside any Sphere of Influence (SOI) within Humboldt County.

* **Residential setback**

On eligible parcels regardless of size, any commercial marijuana cultivation area must be setback at least a minimum of three hundred (300) feet from existing residences on adjoining parcels. This will provide a reasonable buffer zone to help eliminate nuisances.

* **Property Line Setback**

Any cannabis cultivation area must be setback a minimum of at least one hundred (100) feet from the property line.

* **Prime Ag Land**

As you had mentioned in your NOP; Expand the areas where new cultivation or expansion of existing cultivation sites will be permitted to locations with or without prime agricultural soils that are planned and zoned for agricultural use.

This would be extremely helpful where cultivators have prime soils close to adjacent neighbors but also have the opportunity to relocate. Gaining access to some of these prime ag locations may cause significant environmental harm.

* Odor

1. A greenhouse utilizing a mixed-light operation used for marijuana production or a building used for marijuana processing shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
6. The filtration system shall be designed by a mechanical engineer licensed in the State of California. The engineer shall stamp the design and certify that it complies with the amended Commercial Medical Marijuana Land Use Ordinance.
7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of California demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

* Noise

The applicant shall submit a noise study by an acoustic engineer licensed in the State of California. The study shall demonstrate that all mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A). Any type of disruptive mechanical noise should not be audible at adjacent residences. The use of generators within a SOI should be restricted.

* Hydrology and Water Quality

Many groundwater wells rely on a hydrologic connection between one another and to the rivers and streams of the valleys. By allowing irrigation wells in any area cultivating close to residential wells and surface water has the "potential for interference with each another". It is important to realize when high impact activities occur, such as marijuana cultivation off a groundwater well near residential wells or a stream, we are in "uncharted waters" so to speak. We must look for ways to protect our environment and become aware of the gift we often take for granted.

* **Security Cameras**

If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable. Cameras are not to be directed toward neighborhood residences or properties.

* **Security Lights**

If used, security lights shall not be directed toward any adjacent residences or in any manner disrupt any environmentally sensitive habitat areas.

* **Aesthetics and Property Values**

There should be a stronger emphases on aesthetics and the effect that cultivation has on adjacent property values.

Inside of all Spheres Of Influence earth tone fencing should be a requirement.

Chain link fencing shall be vinyl coated in earth tone colors to be compatible with the lot upon which it is to be built, in terms of topography, soil and existing vegetation. All chain link accessories, posts, gates and other fencing materials must be color coordinated in earth tones to match the vinyl coating.

The planting of a privacy vegetation screen is also highly recommended.

* **Neighbor Notification**

Any commercial marijuana cultivation, both inside and outside a SOI, should provide adjacent neighbors of the intent to grow as part of the application process. This will give that neighbor a chance to voice any type of concerns including right-of-way, safety, nuisance, or environmental obstacles.

Considering these proposed amendments is extremely important to the public safety, quality of life, property values of our citizens and the environment we all live in.

Tim Meade
400 Nob Hill
Fortuna, CA 95540
707-725-2011

From: Steve Watson
To: [Lazar, Steve](#)
Subject: Re: NOP for EIR Marijuana
Date: Wednesday, May 10, 2017 2:58:21 PM

Here you go and thank you Steve:

While I understand and begrudgingly accept that "legalized" recreational and commercial sales of marijuana has come to California and Humboldt County, responsible, equally represented governance would require that those involved in the cannabis industry be consistently held to reasonable, equitable and clearly defined standards. They should be expected and required to be responsible stewards of OUR land and good neighbors - attentive to the 4 "S's" of concern (mitigation of sight, smell, sound and safety issues). In the rush to legalize and allow large, commercial-scale cannabis operations, these issues were not sufficiently addressed by the previous ordinance passed by our Board of Supervisors. We need a robust, effective and timely system to hold negligent and indifferent cannabis growers accountable. Those injured and negatively impacted by this exploding industry need a way for their voices and concerns to be heard and valid complaints quickly addressed. Much of this requires fixing the flawed ordinance which the NOP for EIR may be an opportunity to do.

We have to ask ourselves what vision of Humboldt do we want to create for our children - what kind of future ?

Do we want to attract residents who move to Humboldt to build and better our community for the long-term or those only rushing here to make a quick buck during the Green Rush? Humboldt is one of the most beautiful places on earth--or was. I was born and raised here. I brought my wife and family back "home" 12 years ago. But Humboldt today is not the one I cherished and remember.

My wife frequently comments about how incredibly beautiful our county is as we drive along Humboldt's scenic highways--even everyday places like Highway 101 near Loleta are notably beautiful. Will she and other visitors still feel that way as ugly white marijuana hoop houses proliferate along our roads and highways?

I'm asking for the BOS to represent ALL of their community and not just seemingly at times the exploding cannabis industry.

We should expect cannabis entrepreneurs to be responsible stewards of the land and good neighbors at a minimum. That's means being attentive to the safety, sights, sounds and smells of potentially impacted residences and businesses nearby.

The setbacks for cannabis cultivations and processing operations need to be increased for any

permits issued adjacent to residential neighborhoods and homes even in agricultural zones (such as those just outside Fortuna). Strict smell, sight, sound and safety regulations need to be created and enforced. Those living near a cannabis operation should not have their happiness, well-being, property values and use of their homes negatively impacted by the noxious, persistent odor of growing marijuana. The landscape of our community is changing with increased housing density in many of these areas. It's not appropriate or fair to rubber stamp-approve a cannabis permit just because the property is located within certain zones and parcel sizes (such as Ag General over 5 acres). There needs to be consideration and due process for homes and families negatively impacted in such areas due to their close proximity to marijuana grows.

For instance, we are only 2-3 football fields away from an approved 10000 square foot mixed light cannabis operation that includes a separate processing building. Apparently an additional 10000 sq permit may have been applied for on an adjacent parcel. We could have 20000 sq of highly stinky marijuana grows operating in close proximity to the dream home however recently bought to raise our large family.

How is that right and fair? How is this profiteer being required to be a good neighbor? My family cannot tolerate the smell of weed in any form. We are essentially being denied the right and opportunity to enjoy the beauty and peaceful use of our own home, which was built long before the cannabis operation existed. My family cannot tolerate the smell of weed in any form. No open windows during the hot summer months. No backyard barbecues without the regular stench of marijuana permeating the air both in and outside our home.

Please require that these issues be addressed before any new permits are issued, and existing operations be required to address smell and other related issues negatively impacting residences in their vicinity.

Responsible stewards of the land and good neighbors...these are reasonable expectations and requirements that the current ordinance does not adequately address. Humboldt has plenty of land to support this industry. Please safeguard the homes and happiness of those many families who are being harmed and negatively impacted by the large scale grows that are being permitted with little to know due process and appeal rights for potentially impacted neighbors.

Odor control needs to be addressed for all grows, new and existing, and set backs from adjoining residences and parcel lines need to be increased and/or permitted cultivation space reduced in those cases when neighbors would be negatively impacted. Please fairly and responsibly represent all of Humboldt, including the many individuals and families who are not enamored by cannabis, by fixing these issues.

Sincerely,

S. Watson
PO Box 308 Fortuna, CA. 95540

Sent from my iPhone

From: Robert Wiele
To: [Lazar, Steve](#)
Subject: Marijuana regulation
Date: Tuesday, May 9, 2017 1:10:27 PM

Mr Lazar.

I live in Petrolia and am writing to comment on the effects of the marijuana boom on our town.

There is a strong consensus that it is undermining the quality of life for most of us here, and that there needs to be more restrictive regulations. This is especially true of those unfortunate enough to have had huge grow houses spring up near their homes. Bright grow lights and the noise from generators at night are making some people's life miserable. Longterm residents are leaving because of this.

The "trimigrants" that flock here in the fall congregate at the community center hoping for work and cause a sanitation problem. Port-a Potties were provided for them at community expense but that didn't completely solve the problem.

Semis towing two 30 foot trailers laden with growing materials are now a common sight on the Mattole Road. The increased damage to our roads is evident. These trucks also come around blind curves taking up both lanes. The length and weight of vehicles on our rural roads need to be regulated.

People have been growing marijuana illegally in Humboldt for two generations with impunity. Some are not going to see the need to get permits, pay fees, and follow regulations.

We need laws that keep the welfare of the entire community in mind, and we need serious enforcement of the law.

Thanks for your consideration,
Rob Wiele, Petrolia

4/20/2017

Steven Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

Dear Mr. Lazar:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for a draft EIR on amendments to the Humboldt County Code regulating commercial cannabis activities. My comments are based on my experiences in the Petrolia area, where I now live, and on my past experience as an environmental hydrologist. I hope they will assist the county in developing an adequate EIR.

Whoever prepares the EIR needs to understand that life in rural communities depends heavily on mutual aid. Rural people tend to be self-reliant, but nevertheless depend also on their neighbors, as well as on local and state governments. The tradition among ranching families of helping each other gather cattle is perhaps the prime example of rural mutual aid, but mutual aid operates in other ways, as well. Some are formalized as non-profit corporations or local districts, such as the Mattole Valley Community Center (MVCC) and the Petrolia Volunteer Fire Department (PVFD), while others are informal but nevertheless vital for comfortable rural life. For example, when trees fall down and block county roads, people living nearby simply take their chain saws, and perhaps a tractor, and open the road. Or, one neighbor feeds the other's animals when that neighbor is away. Rural life thus depends on a complex web of relationships, and the EIR needs to consider the stresses that rapid population changes resulting from the proposed project will impose upon it.

One major threat from consequences of the proposed project to the web of relationships just described is the influx (already underway) of people who do not intend to live here for long, but instead have a "get rich quick and get out" mentality. They have little incentive to help others, and the presence of too many non-cooperators subverts mutual aid. As one aspect of this, the EIR must take account of the impacts resulting from the seasonal labor force associated with marijuana cultivation, but the NOP fails to mention these. Based on our experience here in Petrolia, these impacts are significant. For example:

Our first responders for medical calls are volunteer firefighters. Responding to calls from seasonal workers has seriously stressed this group, and a significant increase in the short-term and seasonal worker populations may stress it to the breaking point. This is not the fault of marijuana growing *per se*; some of our first responders make their living

that way, but the explosive growth of the industry and the associated get rich quick mentality of many newcomers make the problem serious.

Like anybody else, seasonal workers need to eat and excrete, but sanitary facilities for excretion are scarce, raising issues of public health and aesthetics (marijuana is not the only thing that stinks). This problem is already serious enough that the Mattole Valley Community Center rents porta-potties for public use during the season. Volunteers clean and otherwise maintain these, but as with the first responders, these volunteers may burn out if their task becomes too burdensome.

Seasonal workers also need places to stay, but little housing is available. Some growers provide housing for their workers, but many do not. This stresses local public campgrounds, and promotes trespass camping.

On another matter, rural roads in California have suffered since Proposition 13 was adopted in 1978, shortly after I started coming to this area. On account of the geology and the weather, rural roads here are hard enough to maintain without an industry that relies “upon the import of the soil to the cultivation site,” with much of the truck traffic during the wet season when roads are especially vulnerable. Unfortunately, reading the NOP, I get the sense that the county does not appreciate the enormity of the problem. Sentences such as “Incremental increases in demand for law enforcement along with other services, such as road maintenance, may also occur” do not inspire confidence on the point.

Humboldt County has a history of booms and busts, and the EIR must take account of the likelihood that the marijuana boom will bust, as production moves to areas with lower labor costs. This will leave legacy dirt roads that will no longer be maintained, the remains of greenhouses scattered over the landscape, etc. This could be mitigated by requiring permittees to post an appropriate bond for deconstruction.

Finally, an unusual but fundamental question for the EIR is whether the county is capable of regulating the marijuana industry in any reasonable way. It is no secret that the county planning process is overwhelmed by it. Is there any reason to think that the county’s enforcement processes will do any better? For example, light pollution is a major concern for long-term residents here. How, as a practical matter, would the county enforce restrictions on light escaping from greenhouses. Again, the get-rich-quick attitude matters. The EIR cannot depend on regulations or mitigation measures that, as a practical matter, the county cannot enforce.

Sincerely,

John Williams, Ph.D.

From: Adam
To: [Ford, John](#); [Lazar, Steve](#); [Werner, Steve](#)
Cc: ["Tom"](#); ["Janet Eidsness"](#); ["tim nelson"](#); alr51@humboldt.edu; ["Erika Cooper"](#)
Subject: Wiyot Terr. cannabis applicant GIS layer and ethnobotany
Date: Wednesday, April 19, 2017 11:52:58 AM
Attachments: [Copy of NaturalCommunitiesList Hierarchy Sept 2010.xls](#)
[Calif Oak Woodlands ProtectionAct.pdf](#)

Hi Steve and others,

This is Adam Canter, GIS person/botanist/ethnobotanist for the Wiyot Tribe. Thank you for coming to meet with the tribes last Fri. We spoke briefly about you getting us the cannabis permit applicant GIS layer for Wiyot ancestral Terr. and I wanted to follow up on that so we can assess relevant potential impacts and comment.

We also brought up the need to assess impacts to ethnobotanical resources (a type of TCR), particularly those that overlap as listed Natural Communities (CDFW) with ranks S3 or lower, which also must be acknowledged in list 4B of CEQA. For your interest I have attached an excel copy of the CDFW list which has types relevant to the Wiyot Tribe listed as separate tabs for both the Table Bluff area as well as the general ones found in dune, wetland, and maritime areas around Humboldt Bay. I will be drafting up a list for the regional Tribes as per requested at the inter-tribal cannabis impacts meeting on 4/14. I would be happy to discuss some of the more relevant habitat types and or provide some guidance to permiters and consultants if you think this should be passed on from your level, or perhaps this should just be addressed on a case by case basis as the responsibility of the individual tribes, let me know your thoughts.

One concern that I have gotten from a few consultant friends of mine is that white oak, tanoak, and possibly hazel stands are being over-looked by consultants. The example can play out when Douglas fir areas are zoned off as "Timber" areas and oak clearing is then in turn slated as acceptable to further develop cultivation areas (say for a remediation grow transfer). It would be a shame to see unintentional impacts to our already struggling California oak woodlands from situations where on paper it appears that impacts to special status vegetation types have been addressed. We also have the recent AB 2162 Oak Woodland Conservation Act, which has mandated some additional protections to oak woodlands which need to be addressed during the permitting process.

In many situations, relevant botanical communities are relics of past indigenous land management. I have been speaking with other tribal THPOs regarding the significance that particular vegetation types may bring to classical archaeological sites and the implied protections of such sites under AB 52.

I would be happy to discuss these topics further at your request. Thank you for your time and consideration, Adam

Adam N. Canter
Botanist/Natural Resource Technician
Natural Resource Department
Wiyot Tribe
1000 Wiyot Dr.
Loleta, CA 95551
707-972-0065
adam@wiyot.us

ASSEMBLY BILL

No. 2162

Introduced by Assembly Member Chu

February 17, 2016

An act to add Chapter 6.3 (commencing with Section 1625) to Division 2 of the Fish and Game Code, and to repeal Section 21083.4 of the Public Resources Code, relating to forestry, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2162, as introduced, Chu. Oak Woodlands Protection Act.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The Oak Woodlands Conservation Act provides funding for the conservation and protection of California's oak woodlands. Any violation of the Fish and Game Code is a crime.

This bill would enact the Oak Woodlands Protection Act, which would prohibit a person from removing from an oak woodland, as defined, specified oak trees, unless an oak removal plan and oak removal permit application for the oak tree removal has been submitted to and approved by the Director of Fish and Wildlife.

By June, 30, 2016, the bill would require the Fish and Game Commission to adopt regulations to implement the act, including regulations establishing an oak removal permit application fee. The bill would require the fee to be deposited into the Oak Woodlands Protection Act Fund, as created by the bill. Moneys in the fund would be continuously appropriated to the department for purposes of paying the

total costs incurred by the department in administering and enforcing the act, thereby making an appropriation.

The bill would provide that any person who violates the act is subject to a civil penalty of not more than \$25,000 for each violation. The bill would require all civil penalties collected to be apportioned in a specified manner, including 50% to be distributed to the Wildlife Conservation Board for deposit into the Oak Woodlands Conservation Fund.

Existing law requires a county to determine whether a project may result in a conversion of oak woodlands that will have a significant effect on the environment, and if it does, existing law requires the county to require one or more specified oak woodlands mitigation alternatives to mitigate the significant effect.

This bill would delete this law.

To the extent this bill would provide for additional criminal prosecutions for violations of the Fish and Game Code, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6.3 (commencing with Section 1625) is
2 added to Division 2 of the Fish and Game Code, to read:

3

4 CHAPTER 6.3. OAK WOODLANDS PROTECTION ACT

5

6 1625. This chapter shall be known, and may be cited, as the
7 Oak Woodlands Protection Act.

8 1626. The Legislature hereby finds and declares all of the
9 following:

10 (a) The conservation of oak woodlands enhances the natural
11 scenic beauty for residents and visitors, increases real property
12 values, promotes ecological balance, provides sustainable habitat
13 for over 300 wildlife species and 2,000 plant species, reduces soil
14 erosion, sustains healthy watersheds and water quality, moderates

1 temperature extremes and climate change, and aids with nutrient
2 cycling, all of which affect and improve the health, safety, and
3 general welfare of the residents of the State of California.

4 (b) Widespread changes in land use patterns across the landscape
5 and habitat loss due to the pathogen *Phytophthora ramorum*,
6 commonly known as Sudden Oak Death, and infestations of the
7 Goldspotted Oak Borer parasite, are fragmenting oak woodlands'
8 wildland character over extensive areas of the state. The
9 combination of human impact and other impacts will cumulatively
10 fragment oak ecosystem continuity unless appropriate conservation
11 steps are taken immediately.

12 (c) The future viability of hundreds of California's wildlife
13 species are dependent on the maintenance of biologically functional
14 and contiguous oak woodland ecosystems at local and bioregional
15 scales.

16 (d) A program to encourage and make possible the long-term
17 conservation of oak woodlands is a necessary part of the state's
18 wildlands protection policies. It is hereby declared to be the policy
19 of the state to conserve oak woodlands and maintain oak ecosystem
20 health.

21 1627. It is the intent of the Legislature that this chapter be
22 construed in light of the following primary objectives:

23 (a) To conserve oak woodland ecological attributes remaining
24 in California and to provide habitat for wildlife species that are
25 associated with that habitat.

26 (b) To provide maximum conservation of the oak woodlands
27 ecosystem.

28 (c) To ensure that land use decisions affecting oak woodlands
29 and dependent wildlife are based on the best available scientific
30 information and habitat mitigation measures.

31 (d) To restore and perpetuate the state's most biologically
32 diverse natural resource for future generations of Californians.

33 1628. For purposes of this chapter, the following terms have
34 the following meanings:

35 (a) "Canopy cover" means the area, measured as a percentage
36 of total ground area, directly under the live branches of an oak
37 tree.

38 (b) "Oak removal" means causing an oak tree to die or be
39 removed as a result of human activity by any means including, but

1 not limited to, cutting, dislodging, poisoning, burning, pruning,
2 topping, or damaging of roots.

3 (c) "Oak removal permit" means a discretionary permit
4 approving an application to remove, from an oak woodland during
5 any calendar year, oak trees, as specified in Section 1629.

6 (d) "Oak removal plan" means an oak woodlands biological
7 impacts evaluation and site-specific management plan.

8 (e) "Oak tree" means any tree in the genus *Quercus* that is not
9 growing on timberland.

10 (f) "Oak woodland" means a land with a greater than ten percent
11 oak canopy cover, or that can be demonstrated to have historically
12 supported greater than ten percent oak canopy cover, and that
13 meets either of the following:

14 (1) A nontimberland area on a parcel of five or more acres
15 containing oak trees.

16 (2) A nontimberland area on a parcel of at least one or more
17 acres containing valley oak trees.

18 (g) "Parcel" means a single assessor's parcel of land as shown
19 on maps produced by the county assessor.

20 (h) "Riparian hardwood" means native broadleaved evergreen
21 and deciduous trees that produce flowers and grow within 50 feet,
22 measured horizontally, of any watercourse, lake, or reservoir.

23 (i) "Timberland" has the same meaning as defined in Section
24 4526 of the Public Resources Code.

25 (j) "Watercourse" means any well-defined channel with
26 distinguishable bed and bank showing evidence of having contained
27 flowing water indicated by deposit of rock, sand, gravel, or soil,
28 including, but not limited to, a "stream" as defined in Section 4528
29 of the Public Resources Code.

30 1629. (a) (1) Unless an oak removal plan and oak removal
31 permit application for oak removal has been submitted to and
32 approved by the director, a person shall not remove from an oak
33 woodland during a calendar year either of the following:

34 (A) A valley oak tree greater or equal to 10 inches in diameter
35 at breast height.

36 (B) For oak trees other than valley oak trees, 10 or more oak
37 trees greater than or equal to 10 inches in diameter at breast height.

38 (2) The director's authority to approve an oak removal plan and
39 oak removal permit application pursuant to this subdivision may
40 be delegated by the director to regional managers in the department.

1 (b) An oak removal plan and oak removal permit application
2 shall be prepared and signed by a registered professional forester.

3 (c) Applications for oak removal permits shall be on a form
4 prescribed by the director.

5 (d) By June 30, 2016, the commission shall adopt regulations
6 to implement this chapter, including regulations establishing an
7 application fee for the cost of processing an application for an oak
8 removal permit. The fee charged shall be established in an amount
9 necessary to pay the total costs incurred by the department in
10 administering and enforcing this chapter. The regulations shall
11 ensure that the canopy cover and mapping information contained
12 in all oak removal plans submitted as part of an oak removal permit
13 application is incorporated into a vegetation classification and
14 mapping program maintained by the department.

15 (e) The fee established pursuant to this section shall be deposited
16 into the Oak Woodlands Protection Act Fund, which is hereby
17 created in the State Treasury. Notwithstanding Section 13340 of
18 the Government Code, moneys in the fund are continuously
19 appropriated to the department for the purposes described in
20 subdivision (d).

21 1630. An oak removal plan, in a form prescribed by the
22 commission, shall become part of the application for an oak
23 removal permit. The oak removal plan shall set forth, but not be
24 limited to, the following information:

25 (a) Present and future parcel use.

26 (b) Existing and proposed parcel canopy cover percentages.

27 (c) A parcel map indicating the location of all proposed oak
28 removal.

29 (d) Diameter at breast height and type of oak species to be
30 removed.

31 (e) Number of acres on which oak removal will occur.

32 (f) Habitat mitigation measures.

33 (g) Information required pursuant to Section 21160 of the Public
34 Resources Code.

35 1631. (a) The director's decision to approve an oak removal
36 permit pursuant to this chapter is a discretionary project approval
37 subject to the California Environmental Quality Act (Division 13
38 (commencing with Section 21000) of the Public Resources Code).

1 (b) The director or commission may apply to the Secretary of
2 the Natural Resources Agency to certify this program pursuant to
3 Section 21080.5 of the Public Resources Code.

4 1632. (a) The director shall not approve an oak removal permit
5 if any of the following exist:

6 (1) The application and oak removal plan do not comply with
7 this chapter or the regulations adopted by the commission to
8 implement this chapter.

9 (2) The director cannot make the findings specified in Section
10 21081 of the Public Resources Code.

11 (3) Oak tree removal contemplated in the permit would remove
12 more than 10 percent of the oak canopy cover that existed on
13 January 1, 2015.

14 (4) Oak or riparian hardwood trees would be removed within
15 50 feet of any watercourse, lake, or reservoir.

16 (5) There is evidence that the information contained in the
17 application or oak removal plan is, in a material way, either
18 incorrect, incomplete, or misleading, or is insufficient to evaluate
19 the plan's environmental effects.

20 (6) The applicant does not have a legal or equitable interest in
21 the property subject to the application.

22 (7) Implementation of the oak removal plan as proposed would
23 cause a violation of any applicable law.

24 (b) Paragraphs (3) and (4) of subdivision (a) do not apply to the
25 removal of dead trees or the removal of oak trees to create legally
26 required fire breaks, fuel breaks, and rights-of-way.

27 1633. (a) The applicant may appeal the director's denial of an
28 oak removal permit to the commission by filing a notice of appeal
29 with the department within 15 days after notice of the denial. The
30 commission shall hear the appeal within 60 days after the appeal
31 is filed unless a later hearing date is mutually agreed upon by the
32 applicant and the commission.

33 (b) An applicant whose application for an oak removal permit
34 has been denied is entitled to a hearing before the commission
35 conducted pursuant to Chapter 5 (commencing with Section 11500)
36 of Part 1 of Division 3 of Title 2 of the Government Code. The
37 commission shall hear and decide appeals de novo.

38 1634. (a) A person may maintain an action for declaratory and
39 equitable relief to restrain any violation of this chapter. On a prima

1 facie showing of a violation of this chapter, preliminary equitable
2 relief shall be issued to restrain any further violation of this chapter.

3 (b) Oak removal permits approved pursuant to this chapter are
4 construction projects as that term is used in Section 529.1 of the
5 Code of Civil Procedure. In any civil action brought pursuant to
6 this chapter in which a temporary restraining order, preliminary
7 injunction, or permanent injunction is sought, it is not necessary
8 to allege or prove at any stage of the proceeding either of the
9 following:

10 (1) That irreparable damage will occur if the temporary
11 restraining order, preliminary injunction, or permanent injunction
12 is not issued.

13 (2) The remedy at law is inadequate.

14 1635. The permittee shall cause an approved oak removal
15 permit to be recorded in each county in which the property is
16 located before beginning any operations contemplated under the
17 permit.

18 1636. (a) A person who violates this chapter is subject to a
19 civil penalty of not more than twenty-five thousand dollars
20 (\$25,000) for each violation.

21 (b) The civil penalty imposed for each violation pursuant to this
22 section is separate from, and in addition to, any other civil penalty
23 imposed for a violation pursuant to this section or any other
24 provision of law.

25 (c) In determining the amount of any civil penalty imposed
26 pursuant to this section, the court shall take into consideration the
27 nature, circumstance, extent, and gravity of the violation. In making
28 this determination, the court may consider whether the effects of
29 the violation may be reversed or mitigated, and with respect to the
30 defendant, the ability to pay, any voluntary mitigation efforts
31 undertaken, any prior history of violations, the gravity of the
32 behavior, the economic benefit, if any, resulting from the violation,
33 and any other matters the court determines justice may require.

34 (d) Every civil action brought under this section shall be brought
35 by the Attorney General upon complaint by the department, or by
36 the district attorney or city attorney in the name of the people of
37 the State of California and any actions relating to the same violation
38 may be joined or consolidated.

1 (e) All civil penalties collected pursuant to this section shall not
 2 be considered fines or forfeitures as described in Section 13003
 3 and shall be apportioned in the following manner:

4 (1) Fifty percent shall be distributed to the county treasurer of
 5 the county in which the action is prosecuted. Amounts paid to the
 6 county treasurer shall be deposited in the county fish and wildlife
 7 propagation fund established pursuant to Section 13100.

8 (2) Fifty percent shall be distributed to the Wildlife Conservation
 9 Board for deposit in the Oak Woodlands Conservation Fund created
 10 by Section 1363. These funds may be expended to cover the costs
 11 of any legal actions or for any other law enforcement purpose
 12 consistent with Section 9 of Article XVI of the California
 13 Constitution.

14 SEC. 2. Section 21083.4 of the Public Resources Code is
 15 repealed.

16 ~~21083.4. (a) For purposes of this section, "oak" means a native~~
 17 ~~tree species in the genus Quercus, not designated as Group A or~~
 18 ~~Group B commercial species pursuant to regulations adopted by~~
 19 ~~the State Board of Forestry and Fire Protection pursuant to Section~~
 20 ~~4526, and that is 5 inches or more in diameter at breast height.~~

21 ~~(b) As part of the determination made pursuant to Section~~
 22 ~~21080.1, a county shall determine whether a project within its~~
 23 ~~jurisdiction may result in a conversion of oak woodlands that will~~
 24 ~~have a significant effect on the environment. If a county determines~~
 25 ~~that there may be a significant effect to oak woodlands, the county~~
 26 ~~shall require one or more of the following oak woodlands~~
 27 ~~mitigation alternatives to mitigate the significant effect of the~~
 28 ~~conversion of oak woodlands:~~

29 ~~(1) Conserve oak woodlands, through the use of conservation~~
 30 ~~easements.~~

31 ~~(2) (A) Plant an appropriate number of trees, including~~
 32 ~~maintaining plantings and replacing dead or diseased trees.~~

33 ~~(B) The requirement to maintain trees pursuant to this paragraph~~
 34 ~~terminates seven years after the trees are planted.~~

35 ~~(C) Mitigation pursuant to this paragraph shall not fulfill more~~
 36 ~~than one-half of the mitigation requirement for the project.~~

37 ~~(D) The requirements imposed pursuant to this paragraph also~~
 38 ~~may be used to restore former oak woodlands.~~

39 ~~(3) Contribute funds to the Oak Woodlands Conservation Fund,~~
 40 ~~as established under subdivision (a) of Section 1363 of the Fish~~

1 and Game Code, for the purpose of purchasing oak woodlands
2 conservation easements, as specified under paragraph (1) of
3 subdivision (d) of that section and the guidelines and criteria of
4 the Wildlife Conservation Board. A project applicant that
5 contributes funds under this paragraph shall not receive a grant
6 from the Oak Woodlands Conservation Fund as part of the
7 mitigation for the project.

8 (4) Other mitigation measures developed by the county.

9 (e) Notwithstanding subdivision (d) of Section 1363 of the Fish
10 and Game Code, a county may use a grant awarded pursuant to
11 the Oak Woodlands Conservation Act (Article 3.5 (commencing
12 with Section 1360) of Chapter 4 of Division 2 of the Fish and
13 Game Code) to prepare an oak conservation element for a general
14 plan, an oak protection ordinance, or an oak woodlands
15 management plan, or amendments thereto, that meets the
16 requirements of this section.

17 (d) The following are exempt from this section:

18 (1) Projects undertaken pursuant to an approved Natural
19 Community Conservation Plan or approved subarea plan within
20 an approved Natural Community Conservation Plan that includes
21 oaks as a covered species or that conserves oak habitat through
22 natural community conservation preserve designation and
23 implementation and mitigation measures that are consistent with
24 this section.

25 (2) Affordable housing projects for lower income households,
26 as defined pursuant to Section 50079.5 of the Health and Safety
27 Code, that are located within an urbanized area, or within a sphere
28 of influence as defined pursuant to Section 56076 of the
29 Government Code.

30 (3) Conversion of oak woodlands on agricultural land that
31 includes land that is used to produce or process plant and animal
32 products for commercial purposes.

33 (4) Projects undertaken pursuant to Section 21080.5 of the Public
34 Resources Code.

35 (e) (1) A lead agency that adopts, and a project that
36 incorporates, one or more of the measures specified in this section
37 to mitigate the significant effects to oaks and oak woodlands shall
38 be deemed to be in compliance with this division only as it applies
39 to effects on oaks and oak woodlands.

1 ~~(2) The Legislature does not intend this section to modify~~
2 ~~requirements of this division, other than with regard to effects on~~
3 ~~oaks and oak woodlands.~~

4 ~~(f) This section does not preclude the application of Section~~
5 ~~21081 to a project.~~

6 ~~(g) This section, and the regulations adopted pursuant to this~~
7 ~~section, shall not be construed as a limitation on the power of a~~
8 ~~public agency to comply with this division or any other provision~~
9 ~~of law.~~

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

O

ID	IceCode	Nutrient	Record	Order	Macrogroup	Order	Alliance	Level 1 -	Level 2 -	Level 3 -	Level 4 -	Macrogroup	Scientific Name	Common Name	Global	CaCode	
2543	344	1786	1786	1786	17	Calamagrostis nukkaensis	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Coastal Terraced Prairie			G2 S2.1	*41.190.00	
2543	344	1786	1786	1786	17	Calamagrostis nukkaensis	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Calamagrostis nukkaensis (Pacific reed grass meadows) Alliance	Pacific reed grass meadows		G4 S2	*41.190.03	
2544	344	1787	1948	1948	17	Calamagrostis nukkaensis	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Calamagrostis nukkaensis				*41.190.01	
2545	344	1788	1949	1949	17	Calamagrostis nukkaensis	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Calamagrostis nukkaensis - Baccharis pilularis				*41.190.02	
2546	344	1789	1950	1950	17	Calamagrostis nukkaensis	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Calamagrostis nukkaensis - Carex obtusifolia - Juncus spp.				*41.190.00	
2716	345	1790	1951	1951	17	Danthonia californica	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Danthonia californica (California oat grass prairie) Provisional Alliance	California oat grass prairie		G4 S3	*41.050.00	
2717	345	1791	1952	1952	17	Danthonia californica	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Danthonia californica				*41.050.05	
2718	345	1792	1953	1953	17	Danthonia californica	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Danthonia californica - Aiza canophylla					*41.050.04
2719	345	1793	1954	1954	17	Danthonia californica	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Danthonia californica - Arthropodium elatum					*41.050.02
2720	345	1794	1955	1955	17	Danthonia californica	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Danthonia californica - Arthropodium elatum					*41.050.03
2721	345	1795	1956	1956	17	Danthonia californica	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Danthonia californica - Elymus elymoides					*41.050.02
2828	346	1796	1957	1957	17	Festuca rubra	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Festuca rubra (Red fescue grassland) Alliance	Red fescue grassland		G4 S3?	*41.255.01	
2829	346	1797	1958	1958	17	Festuca rubra	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Festuca rubra				*41.255.01	
1709	348	1798	1959	1959	17	Corylus cornuta var. californica	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Corylus cornuta / Polystichum munitum					*37.950.01
1711	348	1799	1960	1960	17	Corylus cornuta var. californica	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Corylus cornuta var. californica (Hazelnut scrub) Alliance	Hazelnut scrub		G3 S2?	*37.950.00	
2204	349	1800	1961	1961	17	Rubus (parviflorus, spectabilis, ursinus)	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus (parviflorus, spectabilis, ursinus) Alliance	Coastal brambles		G4 S3	*63.901.00	
2205	349	1801	1962	1962	17	Rubus (parviflorus, spectabilis, ursinus)	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus (parviflorus, spectabilis, ursinus)				*63.901.01	
2206	349	1802	1963	1963	17	Rubus (parviflorus, spectabilis, ursinus)	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus (parviflorus, spectabilis, ursinus)				*63.901.03	
2207	349	1803	1964	1964	17	Rubus (parviflorus, spectabilis, ursinus)	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus (parviflorus, spectabilis, ursinus)				*63.901.02	
2208	349	1804	1965	1965	17	Rubus (parviflorus, spectabilis, ursinus)	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus (parviflorus, spectabilis, ursinus)				*63.901.04	
2209	349	1805	1966	1966	17	Rubus (parviflorus, spectabilis, ursinus)	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus (parviflorus, spectabilis, ursinus)				*63.901.05	
2209	349	1805	1966	1966	17	Rubus (parviflorus, spectabilis, ursinus)	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus (parviflorus, spectabilis, ursinus)				37.940.00	
2345	350	1806	1967	1967	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum (Poison oak scrub) Alliance	Poison oak scrub		G4 S4	37.940.00	
2345	350	1806	1968	1968	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum				G3 S3.3	
2345	350	1807	1969	1969	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum - Artemisia californica / Leymus condensatus					37.940.02
2347	350	1808	1970	1970	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum - Baccharis pilularis - Rubus parviflorus					37.940.01
2348	350	1809	1971	1971	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum - Diplacis aurantiaca					37.940.03
2349	350	1810	1972	1972	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum - Philadelphus lewisii					37.940.04
2350	350	1811	1973	1973	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum - Bromus hordeaceus - Microopus californicus					37.940.05
2351	350	1812	1974	1974	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum / Bromus hordeaceus - Vicia villosa - Madia gracilis					37.940.06
2352	350	1813	1975	1975	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum / herbaceous					37.940.08
2353	350	1814	1976	1976	17	Toxicodendron diversilobum	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Toxicodendron diversilobum / Pteridium aquilinum					37.940.07
2211	352	1815	1977	1977	17	Rubus armeniacus	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus armeniacus (Himalayan black berry brambles) Semi-natural Stands	Himalayan black berry brambles			63.906.00	
2212	352	1816	1978	1978	17	Rubus armeniacus	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus armeniacus				63.906.01	
2213	352	1817	1979	1979	17	Rubus armeniacus	2.	2.C.	2.C.1.	2.C.1.a.	MG050.	Rubus armeniacus - Rubus ursinus					63.906.02
1704	113	911	998	998	8	Cornus sericea	1.	1.C.	1.C.3.	1.C.3.b.	MG031.	Cornus sericea (Red osier thickets) Alliance	Red osier thickets		G4 S3?	*80.100.00	
1705	113	912	999	999	8	Cornus sericea	1.	1.C.	1.C.3.	1.C.3.b.	MG031.	Cornus sericea				*80.100.02	
2024	133	965	1056	1056	9	Morella californica	1.	1.C.	1.C.3.	1.C.3.b.	MG034.	North Coast Riparian Scrub				G3 S3.2	
2025	133	966	1057	1057	9	Morella californica	1.	1.C.	1.C.3.	1.C.3.b.	MG034.	Morella californica (Wax myrtle scrub) Alliance	Wax myrtle scrub		G3 S3	*37.930.00	
2245	134	967	1058	1058	9	Salix hookeriana	1.	1.C.	1.C.3.	1.C.3.b.	MG034.	Salix hookeriana (Coastal dune willow thickets) Alliance	Coastal dune willow thickets		G4 S3	*61.203.00	
2246	134	968	1059	1059	9	Salix hookeriana	1.	1.C.	1.C.3.	1.C.3.b.	MG034.	Salix hookeriana				*61.203.01	
2247	134	969	1060	1060	9	Salix hookeriana	1.	1.C.	1.C.3.	1.C.3.b.	MG034.	Salix hookeriana				*61.203.02	
2294	135	970	1061	1061	9	Salix sitchensis	1.	1.C.	1.C.3.	1.C.3.b.	MG034.	Salix sitchensis (Sitka willow thickets) Provisional Alliance	Sitka willow thickets		G4 S3?	*61.206.00	
372	84	760	826	826	4	Picea sitchensis	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Picea sitchensis (Sitka spruce forest) Alliance	Sitka spruce forest		G5 S2	*83.200.00	
			827	827	4	Picea sitchensis	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Sitka Spruce Forest				G1 S1.1	
			828	828	4	Picea sitchensis	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Sitka Spruce Grand Fir Forest				G4 S1.1	
373	84	761	829	829	4	Picea sitchensis	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Picea sitchensis - Tsuga heterophylla				*83.200.04	
374	84	762	830	830	4	Picea sitchensis	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Picea sitchensis / Malianthemum dilatatum				*83.200.01	
375	84	763	831	831	4	Picea sitchensis	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Picea sitchensis / Polystichum munitum				*83.200.03	
376	84	764	832	832	4	Picea sitchensis	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Picea sitchensis / Rubus spectabilis				*83.200.02	
426	85	765	833	833	4	Pinus contorta var. contorta	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Pinus contorta var. contorta (Beach pine forest) Alliance	Beach pine forest		G5 S3	*87.060.00	
426	85	766	834	834	4	Pinus contorta var. contorta	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Beach Pine Forest				G4 S2.1	
427	85	766	835	835	4	Pinus contorta var. contorta	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Pinus contorta var. contorta				*87.060.01	
428	85	767	836	836	4	Pinus contorta var. contorta	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Pinus contorta ssp. contorta - Picea sitchensis				*87.060.02	
1086	86	768	837	837	4	Sequoia sempervirens	1.	1.C.	1.C.2.	1.C.2.b.	MG024.	Sequoia sempervirens (Redwood forest) Alliance	Redwood forest		G3 S3	*86.100.00	
698	139	1003	1096	1096	9	Populus trichocarpa	1.	1.C.	1.C.3.	1.C.3.b.	MG034.	Populus trichocarpa (Black cottonwood forest) Alliance	Black cottonwood forest		G5 S3	*61.120.00	
698	139	1003	1098	1098	9	Populus trichocarpa	1.	1.C.	1.C.3.	1.C.3.b.	MG034.	North Coast Black Cottonwood Riparian Forest				G1 S1.1	

2179	157	1098	1211	10 Rhododendron occidentale	1.	1.C.	1.C.3.	1.C.3.c.	MG036.	Rhododendron occidentale (Western azalea patches) Provisional Alliance	Western azalea patches	G3 S2?	*63,310.00
1864	329	1746	1904	16 Holodiscus discolor	2.	2.C.	2.C.1.	2.C.1.a.	MG049.	Holodiscus discolor (Ocean spray brush) Alliance	Ocean spray brush	G4 S3	*39,100.00
1867	329	1749	1907	16 Holodiscus discolor	2.	2.C.	2.C.1.	2.C.1.a.	MG049.	Holodiscus discolor - Sambucus racemosa			*39,100.06
2175	399	1959	2148	21 Rhododendron neoglandulosum	2.	2.C.	2.C.4.	2.C.4.a.	MG063.	Ledum Swamp		G2 S2.1	
176	52	441	478	2 Alnus rubra	1.	1.C.	1.C.2.	1.C.2.b.	MG023.	Alnus rubra / Gaultheria stolon			*61,410.02
177	52	442	479	2 Alnus rubra	1.	1.C.	1.C.2.	1.C.2.b.	MG023.	Alnus rubra / Rubus spectabilis			61,410.07
178	52	443	480	2 Alnus rubra	1.	1.C.	1.C.2.	1.C.2.b.	MG023.	Red Alder Riparian Forest			
178	52	443	481	2 Alnus rubra	1.	1.C.	1.C.2.	1.C.2.b.	MG023.	Alnus rubra / Rubus spectabilis - Sambucus racemosa			*61,410.06

CTT Code	Invasive Species Rank	Classification Level	Classification Level	ssification Level	CaCode	Group	ModifiedCaCode	Initial	Other
*CTT41100CA		Alliance			*41.190.00	Vancouverian coastal grassland	41.190.00	Hektner and Hektner and	
		Association			*41.190.03	Vancouverian coastal grassland		Keeler-Wolf et	
		Association			*41.190.01	Vancouverian coastal grassland		Keeler-Wolf et	
		Association			*41.190.02	Vancouverian coastal grassland		S. Smith 1998	Keeler-
		Provisional Alliance			*41.050.00	Vancouverian coastal grassland	41.050.00	S. Smith 1998	Keeler-
		Association			*41.050.05	Vancouverian coastal grassland		S. Smith 1998	Ford and
		Association			*41.050.04	Vancouverian coastal grassland		Keeler-Wolf et	
		Association			*41.060.01	Vancouverian coastal grassland		Greenier 1989	
		Association			*41.050.02	Vancouverian coastal grassland		Stuart et al.	
		Association			*41.050.03	Vancouverian coastal grassland		Helms and	
		Alliance			*41.255.00	Vancouverian coastal grassland	41.255.00	Keeler-Wolf et	Keeler-
		Association			*41.255.01	Vancouverian coastal grassland		Walsh 1995b	Keeler-
		Association			*37.950.01	Vancouverian coastal deciduous scrub	37.950.00	Keeler-Wolf et	Zimmerm
		Alliance			*37.950.00	Vancouverian coastal deciduous scrub	37.950.00	Keeler-Wolf et	Anderson
		Alliance			*63.901.00	Vancouverian coastal deciduous scrub	63.901.00		
		Association			*63.901.01	Vancouverian coastal deciduous scrub		Belsher 1999	
		Association			*63.901.03	Vancouverian coastal deciduous scrub		Belsher 1999	
		Association			*63.901.02	Vancouverian coastal deciduous scrub		Belsher 1999	
		Association			*63.901.04	Vancouverian coastal deciduous scrub		Belsher 1999	Keeler-
		Association			*63.901.05	Vancouverian coastal deciduous scrub		Headly et al.	Diebendo
		Alliance			37.940.00	Vancouverian coastal deciduous scrub		Keeler-Wolf et	
*CTT37F00CA		Association			37.940.02	Vancouverian coastal deciduous scrub		Keeler-Wolf	
		Association			37.940.01	Vancouverian coastal deciduous scrub		Keeler-Wolf et	
		Association			37.940.03	Vancouverian coastal deciduous scrub		Keeler-Wolf	
		Association			37.940.04	Vancouverian coastal deciduous scrub		Potter 2005	
		Association			37.940.05	Vancouverian coastal deciduous scrub		Evens et al.	
		Association			37.940.06	Vancouverian coastal deciduous scrub		Evens et al.	
		Association			37.940.08	Vancouverian coastal deciduous scrub		Klein et al.	
		Association			37.940.07	Vancouverian coastal deciduous scrub		Evens and San	Howard
		Association			63.906.00	Naturalized non-native deciduous scrub		Keeler-Wolf	
		Stand Type			63.906.01	Naturalized non-native deciduous scrub		Keeler-Wolf	Hickson
		Stand Type			63.906.02	Naturalized non-native deciduous scrub		Potter 2005	Timmenstei
		Alliance			*80.100.00	Western dogwood thicket	80.100.00	S. Smith 1998	Crane
		Association			*80.100.02	Western dogwood thicket		S. Smith 1998	
*CTT63100CA		Alliance			*37.930.00	Vancouverian coastal riparian scrub	37.930.00	Keeler-Wolf et	
		Association			*37.930.01	Vancouverian coastal riparian scrub		Keeler-Wolf et	
		Alliance			*61.203.00	Vancouverian coastal riparian scrub	61.203.00	Cheatham and us 1997,	
		Association			*61.203.01	Vancouverian coastal riparian scrub		Diebendorfer	Hitchcock
		Association			*61.203.02	Vancouverian coastal riparian scrub		Imper et al.	Payesen et
		Provisional Alliance			*61.206.00	Vancouverian coastal riparian scrub	61.206.00	Brayshaw 1976	Payesen et
		Alliance			*83.200.00	Vancouverian hypermaritime lowland rai	83.200.00		
*CTT82110CA		Association			*83.200.04	Vancouverian hypermaritime lowland rainforest		Westman and	Zinke
CTT82100CA		Association			*83.200.01	Vancouverian hypermaritime lowland rainforest		Imper and	Minor
		Association			*83.200.03	Vancouverian hypermaritime lowland rainforest		Imper and	Minor
		Association			*83.200.02	Vancouverian hypermaritime lowland rainforest		Imper and	Minor
		Alliance			*87.060.00	Vancouverian hypermaritime lowland rai	87.060.00	Barry 1989a	Barry
*CTT83110CA		Association			*87.060.01	Vancouverian hypermaritime lowland rainforest		cf. Green 1999	Griffin
		Association			*87.060.02	Vancouverian hypermaritime lowland rainforest		Green 1999	
		Alliance			*86.100.00	Vancouverian hypermaritime lowland rai	86.100.00	Keeler-Wolf et	Evens
*CTT81110CA		Alliance			*61.120.00	Vancouverian riparian deciduous forest	61.120.00	Potter 2005	

Provisional Alliance	*63.310.00	Southwestern North American riparian/w	63.310.00	Kagan et al.	Sawyer
Alliance Association	*39.100.00 *39.100.06	Sierran montane rock crevice and outcro Sierran montane rock crevice and outcrop scrub and herbaceous	39.100.00 39.100.06	Barry 1989a Keeler-Wolf et	Allen et al. Morgan
Association Association	*61.410.02 61.410.07	Upland Vancouverian mixed woodland and forest Upland Vancouverian mixed woodland and forest	61.410.02 61.410.07	Stuart et al. Taylor 1982	Uchylli
Association	*61.410.06	Upland Vancouverian mixed woodland and forest	61.410.06	Keeler-Wolf et	

*CTT5261ACA

*CTT61130CA

3144	467	2209	2411	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3145	467	2210	2412	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3147	467	2212	2413	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3148	467	2213	2414	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3149	467	2214	2415	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3150	467	2215	2416	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3151	467	2216	2417	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3152	467	2217	2418	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3153	467	2218	2419	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3154	467	2219	2420	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3155	467	2220	2421	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3156	467	2221	2422	25	<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>)	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3217	468	2222	2423	25	<i>Spartina foliosa</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3218	468	2223	2424	25	<i>Spartina foliosa</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3219	468	2224	2425	25	<i>Spartina foliosa</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3214	469	2225	2426	25	<i>Spartina (alterniflora, densiflora)</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3215	469	2226	2427	25	<i>Spartina (alterniflora, densiflora)</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3203	472	2227	2428	25	<i>Sesuvium verrucosum</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3204	472	2228	2429	25	<i>Sesuvium verrucosum</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3205	472	2229	2430	25	<i>Sesuvium verrucosum</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3206	472	2230	2431	25	<i>Sesuvium verrucosum</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
3207	472	2231	2432	25	<i>Sesuvium verrucosum</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
2468	473	2232	2433	25	<i>Atriplex prostrata-Cotula coronopifolia</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
2469	473	2233	2434	25	<i>Atriplex prostrata-Cotula coronopifolia</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
2470	473	2234	2435	25	<i>Atriplex prostrata-Cotula coronopifolia</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
2471	473	2235	2436	25	<i>Atriplex prostrata-Cotula coronopifolia</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
2472	473	2236	2437	25	<i>Atriplex prostrata-Cotula coronopifolia</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
2473	473	2237	2438	25	<i>Atriplex prostrata-Cotula coronopifolia</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
2700	473	2238	2439	25	<i>Atriplex prostrata-Cotula coronopifolia</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.6.	2.C.6.c.	MG081.
			2440							
			2441							
			2442							
3253	408	1989	2181	22	<i>Typha (angustifolia, domingensis, latifolia)</i>	2. Mesomorphic Shrub and Herb Vegetation (Shrubland and	2.C.	2.C.5.	2.C.5.b.	MG073.

Common Name	Scientific Name	Substrate	Code	Value	Association	Notes	Code	Value	Association	Notes
<i>Corylus cornuta / Polystichum munitum</i>										
<i>Corylus cornuta var. californica</i> (Hazelnut scrub) Alliance		Hazelnut scrub								
Active Coastal Dunes										
Northern Foredunes										
Northern Foredune Grassland										
Central Foredunes										
Southern Foredunes										
Northern Dune Scrub										
Central Dune Scrub										
Southern Dune Scrub										
Northern Coastal Bluff Scrub										
Northern Salial Scrub										
Southern Coastal Bluff Scrub										
<i>Abronia latifolia - Ambrosia chamissonis</i> (Dune mat) Alliance		Dune mat								
<i>Abronia latifolia - Erigeron glaucus</i>										
<i>Abronia latifolia - Leymus mollis</i>										
<i>Ambrosia chamissonis - Abronia maritima - Cakile maritima</i>										
<i>Ambrosia chamissonis - Abronia umbellata</i>										
<i>Ambrosia chamissonis - Eriophyllum staechadifolium (- Lupinus arboreus)</i>										
<i>Ambrosia chamissonis - Malacothrix incana - Carpobrotus chilensis - Poa douglasii</i>										
<i>Artemisia pycnocephala - Calystegia soldanella</i>										
<i>Artemisia pycnocephala - Cardionema ramosissimum</i>										
<i>Artemisia pycnocephala - Ericaeria ericoides</i>										
<i>Artemisia pycnocephala - Poa douglasii</i>										
<i>Artemisia pycnocephala - Polygonum paronychia</i>										
<i>Poa douglasii - Lathyrus littoralis</i>										
<i>Cakile maritima - Abronia maritima</i>										
<i>Cakile maritima - Ambrosia chamissonis - Carpobrotus edulis</i>										
<i>Carex panisa</i> (Sand dune sedge swaths) Provisional Alliance		Sand dune sedge swaths								
<i>Leymus mollis</i> (Sea lyme grass patches) Alliance		Sea lyme grass patches								
<i>Leymus mollis - Abronia latifolia - (Cakile sp.)</i>										
<i>Leymus mollis - Ammophila arenaria</i>										
<i>Leymus mollis - Carpobrotus edulis</i>										
<i>Baccharis pilularis</i> (Coyote brush scrub) Alliance		Coyote brush scrub								
Northern Coyote Bush Scrub										
Central Lucian Coastal Scrub										
<i>Baccharis pilularis</i>										
<i>Baccharis pilularis - Lupinus arboreus</i>										
<i>Baccharis pilularis - Artemisia californica</i>										
<i>Baccharis pilularis - Artemisia californica - Heteromeles arbutifolia</i>										
<i>Baccharis pilularis - Artemisia californica - Toxicodendron / Monardella villosa</i>										
<i>Baccharis pilularis - Ceanothus thyrsiflorus</i>										
<i>Baccharis pilularis - Corylus cornuta</i>										
<i>Baccharis pilularis - Frangula californica - Rubus parviflorus</i>										
<i>Baccharis pilularis - Hibiscus discolor</i>										
<i>Baccharis pilularis - Lotus scoparius</i>										
<i>Baccharis pilularis - Prunus ilicifolia</i>										
<i>Baccharis pilularis - Rubus ursinus / weedy herb</i>										
<i>Baccharis pilularis - Salvia mellifera</i>										
<i>Baccharis pilularis - Toxicodendron diversilobum</i>										
<i>Baccharis pilularis / Ammophila arenaria</i>										
<i>Baccharis pilularis / Annual Grass - Herb</i>										
<i>Baccharis pilularis / Carex obnupta - Juncus patens</i>										
<i>Baccharis pilularis / Danthonia californica</i>										
<i>Baccharis pilularis - Toxicodendron caespitosum</i>										
<i>Baccharis pilularis / Dudleya farinosa</i>										
<i>Baccharis pilularis / Eriophyllum staechadifolium</i>										
<i>Baccharis pilularis / Leymus triticoides</i>										
<i>Baccharis pilularis / Nassella pulchra</i>										
<i>Baccharis pilularis / Native Grass (Mixed)</i>										
<i>Baccharis pilularis / Polystichum munitum</i>										
<i>Baccharis pilularis / Scrophularia californica</i>										
<i>Gaultheria shallon - Baccharis pilularis - Ceanothus thyrsiflorus</i>										

