

September 2, 2021

Lassik LLC Lassik Farms
Humboldt County permit #12593
Jamie Lieder David Hull
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**Lassik LLC/Lassik Farms Respectfully Appeal to Humboldt County
Board of Supervisors**

Lassik LLC/Lassik Farms respectfully requests the reversal of item 17 in the August 23, 2021 Notice of Planning Commission Decision Attachment 1, general conditions, item 17

17. The applicant shall provide 50% of annual water demand (equal to 180,000 gallons) with rain catchment utilizing run-off from existing structures on-site. The applicant shall install additional water tanks in previously disturbed areas as necessary to comply with this condition. The applicant shall provide evidence (e.g photographs) of the rain catchment system and additional water storage tanks. Alternatively, the applicant can schedule a site inspection with the Humboldt County Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.

On August 19th 2021 Humboldt County interim permit 12593 (Ordinance 1.0), Lassik LLC/Lassik Farms went before the Humboldt County planning commission for final approval. It took 5 years of organization, determination, and hard work to succeed in meeting the requirements necessary to have this project eligible for presentation to the planning commission. Completing registration with numerous regulating



entities and finalizing documents, maps, and plans the County of Humboldt requires to finalize a project of this size was an arduous task.

During the meeting and at the end of the Lassik Farms presentation and project summary by the county planner Cameron Purchio, two concerned citizens called in to make public comments and to complain about the drought we are experiencing and continued talking about the plight of our earth, environment, and rivers. The first caller was very hard to comprehend most of what she was saying and her general statement was that all the cannabis farms are taking all the water. At one point the second caller began to speak about the hydrology and geologic water features of the project site in Blocksburg CA, without any reference to living in that area or having expertise or local knowledge of the hydrologic cycle/system of the project site. She continued on with incorrect assertions, with no mention of anything specific to the Lassik project. As well, she offered no credibility or substantiation of any expertise, knowledge, or supportive proof that she knew anything specific about this project, Lassik Farms. The only matter that was clear was Lassik Farms is a cannabis farm that is taking water from the planet. After those two calls of public comment I spoke up to clarify our water usage, farm practices, and a few specifics about the water features on the project site. After brief comments the meeting continued with planning commissioner Mike Newman throwing out the idea of forbearance of water storage of half of the yearly water usage for Lassik Farms project which is 180,000 gallons. I was asked if I would agree to this condition. I was shocked and could not believe that this was being presented as a condition of requirement after meeting every single requirement and registering with all regulatory water entities as it pertains to my project. My response was, I don't know if I can do that and I could only agree to it if it was feasible. I stated that I needed to speak with my husband and engineer before I could agree to this condition. I felt pressured to agree to this condition if I wanted my project to be approved. Questions began flooding in my mind, I was rattled, shaken, and in that moment I went along with what was being asked of me as I didn't believe I had a choice if I wanted to receive my annual permit and approval by the planning commission.



Lassik Farms is not required to maintain any forbearance of water for this project because there is no surface water diversion which occurs for cultivation. Commercial Medical Marijuana Land Use Ordinance (CMMLUO) clearly states this in 55.4.11 I)

55.4.11 Performance Standards for all CMMLUO Cultivation and Processing Operations

I) Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation,

the applicant shall either: 1) consent to forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) submit a water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, **if required**, based upon local site conditions, or 3) obtain approval from the RWQCB through enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan.

Within the Cultivation and operations plan on file with the county and accessible to planning commissioners at the August 19th meeting was Lassik Farms well report that clearly states irrigation water for cannabis cultivation is sourced from a perched aquifer well at a depth of 200ft, powered by a solar array/solar pump, and produces 40 GPM. No irrigation water for Lassik Farms project utilizes any surface water or diverts water. This complies with item m) in section 55.4.11 of the CMMLUO.



55.4.11 Performance Standards for all CMMLUO Cultivation and Processing Operations

m) Water is to be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies. For purposes of this provision, “emergency” is defined as: “a sudden, unexpected occurrence demanding immediate action.”

Also included in Lassik Farms Cultivation and Operations Plan (COP) are detailed maps, descriptions, and documentation of all requirements for water usage. Including registration with the state water board, regional water board, and CDFW as it pertains to water source, location, documentation, and usage.

55.4.10 Application Requirements for All CMMLUO Clearances or Permits

f) Description of water source, storage, irrigation plan, and projected water usage.

Lassik Farms is registered with both the State Water Resources Control Board (SWRCB) and the North Coast Regional Water Quality Control Board (NCRWQCB). SWRCB Cannabis general order #422574. The State Water Board has identified Lassik Farms as Tier 1, low risk. A Notice of Applicability (NOA) has been filed with the NCRWQCB NOA #WQ2019-0001-DWQ general order.



Lassik Farms is responsible for meeting every requirement outlined in Humboldt County's CMMLUO. All of these requirements have been met. The overreach of member(s) of the Planning Commission that places unattainable, illegal, last minute surprise conditions upon projects, as in the case here with Lassik Farms, are not only incongruent with the Humboldt County Ordinance CMMLUO, but are also an example of the absurdity, lack of understanding of Ministerial law, and abuse of power in respecting the role entrusted to them as commissioners which guarantees that each project meets the criteria of regulatory compliance. The condition in question, item 17 goes beyond regulatory compliance and the conformity to Humboldt county planning department policy as it pertains to Commercial Cannabis cultivation. The purpose of the regulatory compliance outlined in detail in the CMMLUO and the required items needed to become eligible for final review/approval at the planning commission meeting are required to ensure that each applicant is aware of and takes steps to comply with all the laws, policies and regulations. The same understanding and depth of knowledge should be required of Planning Commissioners as well. The decision to place a water forbearance condition on The Lassik Farms project or any other Farm that is not diverting water or irrigating with surface water is beyond the scope and duty of the Planning Commissioner(s). As well it is an unlawful condition that is not supported or required in the Humboldt County CMMLUO. I sincerely wish that Planning Commission member(s) will make an effort to better comprehend the CMMLUO and realize that the Humboldt County Ordinance should be considered and adhered to when making crucial decisions and avoiding legal ramifications for the County of Humboldt. I believe if Planning Commission member(s) familiarize themselves with the entirety of the CMMLUO, they will gain a thorough, more comprehensive understanding of the ordinance as well as the long-term impacts of their decisions and therefore avoiding



unintended legal consequences in the future. One suggestion is that the Planning Commission must consider their decisions in a prescribed manner and an obedience to the legal authority as it directly pertains to Humboldt County and the CMMLUO without regard to their individual judgement or discretion.

I, Jamie Lieder respectfully request the reversal of item 17, the condition of water forbearance in the amount of 180,000 gallons placed on my project Lassik Farms permit #12593 on the Notice of Planning Commission Decision on August 23, 2021.

Jamie Lieder 9/2/21





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Lassik Farms Well and Water Management Review

As per our conversation to the long-term viability of the water well on your project, Lassik Farms. Your comment that the Planner deemed the well is hydro connected out of hand was a bit disturbing and unprofessional. First question is connected to what, second wells drilled and completed in deep bedrock are non-jurisdictional. The well located 2021 Sunset Ridge falls into the category of a perched aquifer, drilled into the Franciscan sandstone and is not part of large homogeneous aquifer.

As to the planning commission asking for additional storage tanks, I think that additional storage is never a bad idea as a hole but putting large amounts of storage tanks on a site has potential environmental ramifications. A wildland fire can turn these tanks into a puddle of plastic and leach contaminants, galvanized tanks have same issues with the release of heavy metals. With a good producing well and good management of stored and surface water you're not putting stress on any one system and if you have a drought and low rainfall and the tanks haven't filled, then the well water will help bridge the gap when necessary.

I hear all the time about hydro connection; it is a complex subject in Humboldt County and far too many people have become self-proclaimed experts. A few simple steps that could be done to monitor ground water performance. One is water metering for volumetric calculation, two is monitor groundwater elevation frequently throughout the year to record and plot the changes, three record rainfall for year and months when it occurred. If these bits of data are compiled in a comprehensive manner, then you could create a localized groundwater model to show exactly what your groundwater is capable of and confirm long term viability. These are simple and cost-effective measures to put in place to ensure Lassik Farms is sustainable in the future.

If you have any questions, please contact me 707-768-9800
David Fisch, MWD, MPI
Fisch Drilling

A handwritten signature in black ink, appearing to read 'David Fisch', is written over the printed name.

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