

April 21, 2022

Updated Letter from Concerned Neighbors regarding Nava Ranch, Inc. Special Permit Application (PLN-2021-17162) for Commercial Cannabis Expansion on APN 107-106-006

Dear Planning Commissioners,

We, Gary Haga and LaDonna Landergen-Haga of The Honeydew Creek Original Family Farms, are Honeydew residents adjacent to the proposed Nava Ranch project. We objected to the approval of this project at the March 17th, 2022, Planning Commission hearing based on the applicant's non-compliance with the original 1.0 permit (e.g., bright lights emitted into the Honeydew Valley at night, loud generators, etc.) and based on inconsistencies and incorrect information in the project materials (e.g., the proposal for a new acre of mixed-light with no legitimate power source, lack of power demand calculations, extremely low water use numbers, the proposal for 1 employee to run the entire acre of cultivation, lack of a noise study, adjacency to the King Range and potential to impact tourists/recreationists, etc.).

We have reviewed the updated Staff Report for the April 21st, 2022, hearing, and are appreciative that some of our original questions and concerns have been addressed. For instance, we are glad that the trash has been cleaned up and that the light pollution prevention mechanisms are now in place (that was not previously the case, as we could see lights every single night coming from their greenhouses – see photos). We appreciate that the County made a site visit to assess our concerns, however the county staff gave the applicant 11 days' notice prior to an inspection. We observed many trucks coming and going from the parcel during that 11-day period and suspect that generators and non-compliant items were removed.

Additionally, we still have outstanding concerns that were not addressed. We still hear the applicant's 25kW generator running from our back porch, despite claims in the Staff Report that it is not in use. There is still no information regarding the energy demand for this project, and there is still no legitimate energy source for this project (the 100-amp residential service is insufficient). We do not understand how such a large, mixed-light operation can be approved so close to the King Range Wilderness, especially since the Bureau of Land Management (BLM) has significant concerns about the proposed project that were not addressed, and because some project elements are closer to the Public Lands than what was originally approved. We agree with the BLM that there should be an additional setback waiver request – currently not part of the application package, to our knowledge – prior to a public hearing on this project.

Specifically, we continue to oppose this project for the following reasons:

1. Still No Information Regarding Energy Demand

- In our previous letter, we requested calculations or energy demand estimates for the proposed project. Unfortunately, those were not provided by the applicant and are not discussed in the Staff Report. No details on light wattage, number of lights, number of fans, fan energy demand, etc., were provided to be able to make informed calculations regarding energy.
- The Staff Report claims that because lights will not exceed 6 watts per square foot that the 100-amp residential service is “likely sufficient for the minimal wattage needs of this project” (Staff Report, pg. 10). This is vague and completely unrealistic:
 - o For just the acre of mixed light alone, as a rough and conservative estimate, 6 watts per square foot equates to approximately 1000 amps of demand ($6 \text{ W/SF} \times 43,560 \text{ SF} = 261,360 \text{ SF} \cdot 261,360 \text{ W} / 240 \text{ V} = 1,089 \text{ amps}$). This estimate does not include fans or additional line losses based on the distance between fixtures.
 - This does not even begin to include energy demand from the 2,500 sq. ft. of indoor cultivation, the processing/drying activities, and ongoing residential activities.
 - The six (6) 235-watt solar panels (1,410 watts total) help minimally, but do not come close to be able to power the entire operation.
 - o Even if cultivation is staggered and only half of the cultivation is using lights at one time, as described in the staff report, over 500 amps would be required, again for just the mixed-light expansion alone (and that's still not even including indoor cultivation, residential, or processing/drying needs).

- **There is no information regarding energy demand, and 100-amp service is wholly insufficient to power the entire residence, 2,500 sq. ft. of indoor cultivation, an acre of mixed-light cultivation (even at 6 watts per sq. ft.), and processing/drying activities.**

2. Still Lack of Sufficient Power and a Legitimate Source to Serve Proposed Operation

- The Staff Report does include a Condition of Approval that states, “Prior to expanding the proposed cultivation area, the applicant shall acquire PG&E electrical service for the northern cultivation area and eliminate dependence on the generator” (Condition #5, pg. 23).
- However, as everyone is aware, a PG&E upgrade in the Honeydew Valley area is at least 4-5 years out, if it’s even possible at all.
- That would mean that this project could not build-out for years (and, as described above, the 100-amp service would not be enough to support expansion). As the applicants already run their generator out of compliance, we are very concerned that the generator will continue to be used (or even increased) to support the power demand for this project.
- The applicants already power their generator day and night, out of compliance with the original approval. We hear it from our house all day, every day. We fear that without a legitimate power source, their generator use will continue or increase with expansion of the proposed project.
- **While well-intended, the condition to obtain PG&E prior to expansion is unrealistic and compliance seems nearly impossible, leaving us with remaining generator concerns and leaving the project without a legitimate power source, even with the limitation of 6 watts per square foot.**

3. Noise

- We understand that the County conducted a site visit after the March 17th, 2022, Planning Commission meeting. Noise levels were measured from the small, 2200-watt Honda generator and levels were found to be in compliance. However, this does not address our concern because it is the 25kW WhisperWatt generator, which we hear from our back porch 24/7, that is our concern. The Staff Report claims the applicant does not use this generator. This is false, as we can hear it daily. If they are not using the 25kW generator, which generator do we hear?
- From Correspondence uploaded to Accela, it seems that Planning Staff saw this 25kW generator on the way out, which confirms that it is indeed located onsite, but did not take noise level readings from this generator.
- We understand that the 25kW generator is not being approved as a power source as a part of this project. However, the fact that it already runs 24/7 - out of compliance with their existing permit - does not give us peace of mind that this generator won’t continue to be utilized as a result of potential approval of this project.
- There is an Ongoing Requirement/Development Restriction to prepare a 24-hour Noise Study (B1, pg. 25 of the Staff Report). However, this is something that all 2.0 applicants need to submit *as a part of their application to the County*. Why is this project being approved without a Noise Study to demonstrate compliance?
- **It does not feel as if our concerns regarding noise have been addressed at all, as a Noise Study has still not been completed by the applicant and the County took noise measurements from the wrong generator.**

4. Potential Impacts to Sensitive Species (especially Northern Spotted Owls and Marbled Murrelets)

- **The proposed project is in mapped Marbled Murrelet habitat and adjacent to mapped Northern Spotted Owl Critical Habitat, with a positive Northern Spotted Owl observation located within 0.6 miles of the proposed project.**
- We appreciate that the Biological Reconnaissance Survey Report (BRSR) was made available for review (it was not available prior to the last Planning Commission meeting). The Staff Report and the BRSR state that all potential impacts to Northern Spotted Owls and other sensitive species would be mitigated based on the projects lack of noise or light pollution.
- However, this finding is based on the assumption that the project will not emit light or produce excessive noise. Unfortunately, we know this to not be the case, as we have seen light coming from the greenhouses and can hear the generators from our house.

5. Inconsistencies in the Staff Report Regarding Public Lands Setback

- The Executive Summary of the project states that the findings for the original setback reduction from Public Lands hold true for this proposed project.

- The Staff Report contradicts this however, stating that "... given that [this project] is an expansion staff believes this requires an additional setback reduction to be approved for the expanded cultivation. If this setback reduction is not approved the application for expansion would not be able to be approved and should be denied" (Staff Report, pg. 4).
 - We do not see an application or Special Permit for an additional setback reduction, however the BLM requested it and the Staff Report itself says that one is needed. **How can the Staff Report itself state that a setback reduction is needed, but a Special Permit for a setback reduction is not included in the overall permit approval?**
6. Bureau of Land Management Concerns and Lack of Sufficient Public Lands Setback
- Similar to the above comment, the BLM provided comments in an April 12th, 2022, letter that expressed significant concerns about the proposed project. While the Staff Report addresses some concerns, it does not address the BLM's concerns over the **project being located within 600' of a public trailhead** (something the original setback waiver for the approved project [PLN-12657-SP] did not discuss or address).
 - The BLM brings up this trailhead (primary access to the north end of the National Conservation Area Backcountry) as potentially being out of compliance with CCLUO §55.4.6.4.4. An adequate response to this comment should be made prior to the public hearing, and a new setback waiver should be sought from the BLM.
7. Lack of Sufficient Setback Waiver from Public Lands
- The Staff Report states that "Given that the setback reduction was already approved for the previously approved project ... and further that the proposed project will be further away from publicly owned lands than what was previously approved, staff supports approval of this application" (Staff Report, pg. 8-9).
 - This is not the case. The original setback reduction was to reduce the 600-foot setback to approximately 100 feet from public lands (PLN-12657-SP) and the proposed rainwater catchment pond associated with this project to be located 30 feet from the public lands.
 - **How is an additional setback reduction waiver not required, when parts of the proposed project are actually closer to Public Lands and the BLM has specifically requested it?**
8. Remaining Concerns Regarding King Range Wilderness Proximity and Tourism
- Smith-Etter Road is used to access numerous campsites and trails in the King Range Wilderness, including the Kinsey and Spanish Ridge Trailheads, Miller Camp, and Bear Hollow Camp, among others. The existing greenhouses are clearly visible from Smith-Etter Road, as the road runs directly next to the project site. The expanded greenhouses would be even more visible.
 - Hunters, tourists, recreationists, naturalists, hikers, and campers who visit the King Range Wilderness will be driving by this site. In fact, we have seen them already this year, parking at the gate to access the Kings Range National Conservation Area. They should not have to drive next to a mixed-light cultivation operation in the middle of the pristine Honeydew Valley, especially when the Bureau of Land Management still has unaddressed concerns regarding the project.
9. Minimal Calculations to Support Harvest Volumes During Drought Year
- Total annual water usage has been adjusted from 315,000 gallons, or 6.83 gallons/sq. ft./year, to 550,000 gallons, at 11.9 gallons/sq. ft./year. This seems more reasonable, and while we understand that during an average year there would be enough collected rainwater to support the project, we still feel that there is not enough information in the Operations Plan or the Staff Report to support the proposed expansion during a drought year.
 - In our original letter, we requested additional information regarding the proposed rainwater catchment collection potential during a drought year. Per correspondence dated March 30th, 2022, the catchment area of the proposed 750,000-gallon capacity pond is approximately 15,937 sq. ft. In the 2013 calendar year, there were only 27 inches of rain in this area. Similarly, during the 2020 calendar year, there were only 54 inches of rain. With 54 inches of rain, the pond with an area of 15,937 sq. ft. would have the potential to collect approximately 536,152 gallons of water, not accounting for evaporation. With 27 inches of rain, the pond would only collect 268,076 gallons of water, again, not accounting for evaporation.
 - With increasing drought years, it is important for projects to be drought-resilient and ensure a plan for low-precipitation years. We believe the applicants still need to provide additional information to demonstrate how they could successfully operate and account for evaporation, during a drought year.

10. Lack of Site Management Plan

- All cannabis cultivators are required to be enrolled in the State Water Resources Control Board (SWRCB) General Order (Order WQ 2019-0001-DWQ). A Site Management Plan is required to be submitted to the SWRCB within 90 days of enrollment. According to the Staff Report, the project does not have a current Site Management Plan.
- They enrolled in the General Order on 7/25/2018 (per the California Integrated Water Quality System Project for WDID 1_12CC403232), so they should have submitted a Site Management Plan to demonstrate onsite erosion control measures within 90 days of enrollment. **They are nearly 4 years late.** This is something that should be addressed *before* the operators are allowed to expand, not as an afterthought.
- Additionally, if the project is already enrolled in the SWRCB General Order, why is it a Condition of Approval for the applicant to enroll in the general order and submit a Notice of Applicability? (Condition #10)?

11. Roads

- The applicant submitted a self-certification for access from a gravel road.
- The access to the project driveway is not paved and does not have a centerline stripe.
- The storm water from the applicants site runs down Landergen road and discharges right on top of a large landslide above Honeydew Creek and eventually into the creek.
- A road evaluation report should be prepared by an Engineer and should address and minimize stormwater and sediment discharge into the Creek.
- See attached image that shows the gravel county road and the tracks documenting the heavy traffic that occurred between the last hearing and the staff inspection.

12. Remaining Neighborhood Compatibility Concerns

- As we stated before, we have lived in the Honeydew Valley for decades. We love our home here and love the community. This applicant is not involved in any of our neighborhood activities, including the Mattole Valley community Neighborhood Emergency Services Teams (NEST) coalition to be able to effectively respond to emergencies as a community. Unfortunately, the applicant has not attempted to join or assist with this effort. As you can see in the attachment, though they live with us on Landgren Road, they are not involved in protecting community safety.

Unfortunately, despite additional information, we still oppose this project and feel that not all questions have been answered. The Staff Report appears to have some significant gaps that we do not know how to reconcile (e.g., lack of a legitimate power source for this mixed-light project). Additionally, we still hear the generator and see the lights from this project, despite claims that this is not the case. We live it and we see it.

We support cannabis farmers, as we are farmers ourselves, but we also want to protect our home and way of life here in the beautiful Honeydew Valley. We still do not believe that this project would be compatible with the neighborhood, the BLM managed accesses road leading into the pristine Kings Range Wilderness, our local wildlife, or our Honeydew community as a whole. Please vote to deny this project.

Respectfully,

Gary Haga and LaDonna Landergren-Haga
The Honeydew Creek Original Family Farms Photos



County Gravel Road used to access the property. Paved road is the driveway.



Lit up greenhouses at night – from our house (Photo from March 2022)

From: "Johnson, Cliff" <CJohnson@co.humboldt.ca.us>

Date: Tuesday, March 29, 2022 at 9:40 AM

To: Nate Madsen <NateMadsen@RainZeppLaw.com>, "Grochau, Augustus" <agrochau@co.humboldt.ca.us>

Subject: RE: Nava Ranch, LLC 107-106-006 APPS:17162 Site Visit

Thanks Nate,

This summarizes the outcome of our meeting. One last thing we need to follow up on as we noticed this generator on the way out. Can you have the applicants clarify what this generator (below) has been used for and/or what it is doing on the property? Especially given the noise complaints we need to make sure that this is addressed. This was seen in the shed just inside the front gate.



Proof of larger generator (likely the 25kW generator) onsite. Planning Staff did not conduct noise readings from this generator, and the Staff Report claims it is not in use. If this generator is not in use, then what generator do we hear from our back porch every night?

2022 NEST Neighborhood Emergency Service Teams

This list of adults living full- or part-time in the Mattole Valley is for emergencies or major catastrophes. Phone numbers are for quick notification. Names/structures are to identify and help people who are injured or trapped. Neighbors check on neighbors. Neighborhood coordinators notify or account for adults in their NESTs. Parents account for children.

BEFORE AN EMERGENCY

- ◆ Pre-arrange a rendezvous with family members
- ◆ Have ready: first aid kit, food & water, flashlight, clothes & shoes, battery-operated radio

WHEN AN EMERGENCY OCCURS

- ◆ Turn off gas, and electricity, water if appropriate
- ◆ Locate family members
- ◆ Assess injury and damage
- ◆ Check with neighbors
- ◆ Community Liaison, Petrolia - Travis Howe, 629-3478
- ◆ Community Liaison, Honeydew - Claire Trower, 986-7688

FIRES: call 911 first. Tell dispatcher which local fire company is closest. Give good directions. Local fire companies will immediately be notified.

Petrolia Volunteer Fire Department: call 911 first

Petrolia Fire Department (EMERGENCY): 629-3535
 Petrolia Fire Department (non-emergency): 629-3558 Travis Howe, chief (629-3478)

Honeydew Volunteer Fire Company: call 911 first

Peter Marshall (499-2061) Claire Trower (land 986-7688, cell 499-4074)

Lower Mattole Valley NEST Coordinators:

Kathy Radke (629-3265) Gaby Cohen (629-3656) Amanda Malachesky (629-3614)
 Sarah Balster Honeydew (834-4205)

Food and Shelter:

Mattole Valley Community Center (629-3565) Mattole Grange (629-3421)
 Mattole Elementary School (629-3311, 629-3250), Honeydew School (629-3230) for children

MEDICAL: emergencies call 911

Josh Ennis MD (344-7500), Ellen Taylor PA (629-3500), Dick Scheinman MD (629-3365)
 Marika Ennis MD (430-3651)

Other Numbers:

PG&E updates (1-800-743-5002)	HumCo Sheriff's Office (445-7251)
Roads (445-7421 or 1-800-427-7623)	HumCo Sheriff Search & Rescue (911)
Weather - NOAA (443-7062)	Mattole Valley Resource Center
CalFire Mattole Station (629-3344) seasonal	including emergency food (629-3348)
CalFire Weott Station (946-2215) all year	Mental Health - Monica Hubbard, MFT#111094
Burn Day (443-7665) (1-800-287-6329)	(206-409-5393 non-emergency appts)
Humboldt earthquake hot-line (826-6020)	HumCo Mental Health (1-888-849-5728)
Office of Emergency Services (268-2500)	Rape Crisis Line (445-2881)
Red Cross (443-4521)	Suicide life-line (1-800-273-8255)
Poison Control (1-800-222-1222)	Frontier local questions - Bill (786-0011)

Honeydew Post Office (629-3501)
 Honeydew Store (629-3310)

Petrolia Post Office (629-3345)
 Petrolia Store (629-3455)

Catalina, Maureen 499-4855	629-3699	Lyons, Linda & Ron	986-7258
Correll, Lee & Robin	986-7645	Morrison, Lisa	599-2107
Lee, Sissy	273-2549	Timber Guilder	498-1918
@*Teresa Davey	599-9727	*Claire Trower 499-4074	986-7688

Landerger Road E186 (coordinators needed)

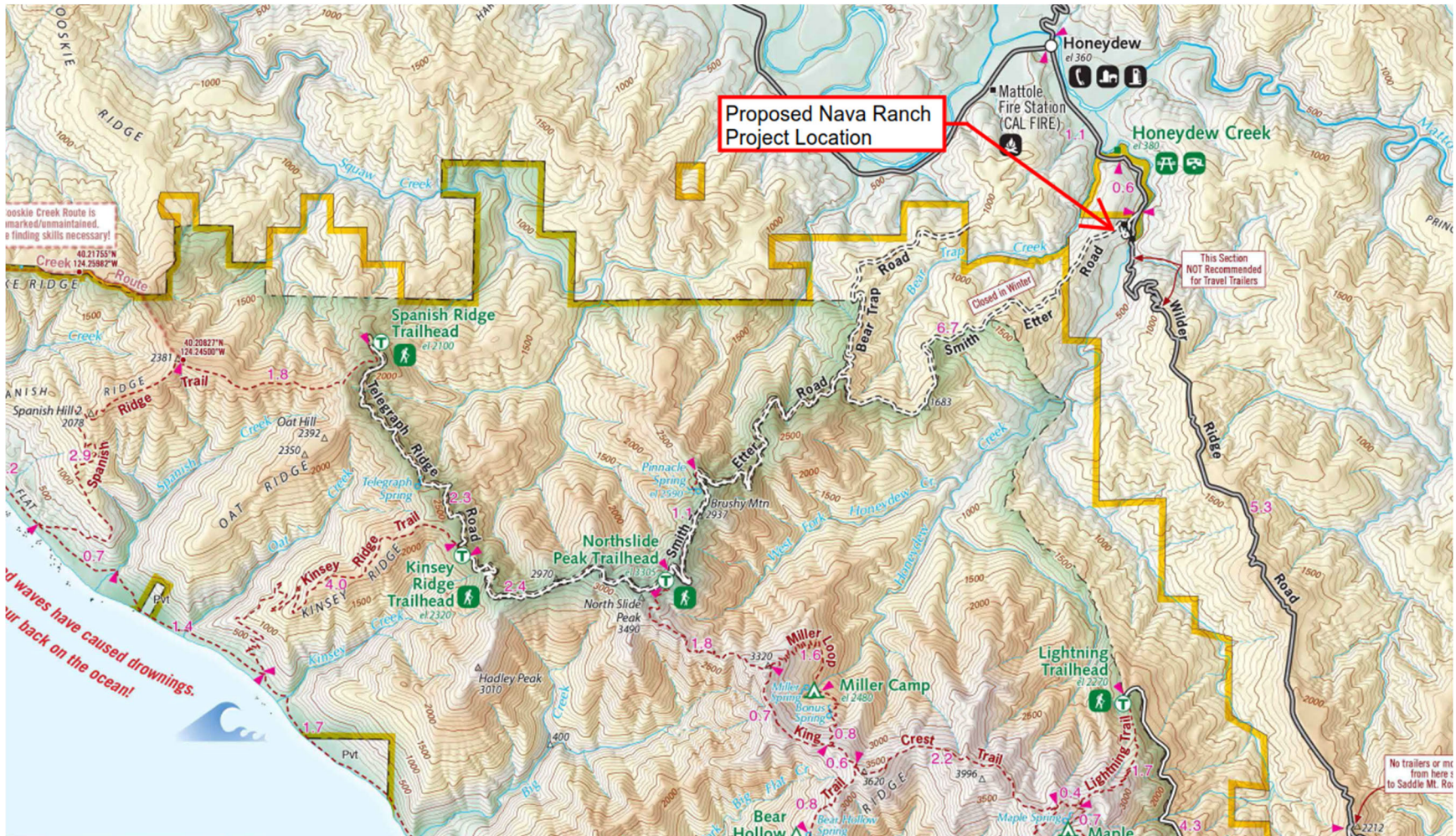
Haga, Gary & LaDonna	629-3341		
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Meaux Road E175 (coordinators needed)

Hird, Ira 599-8497 & Mariah Gregori 599-8498	@*Marshall, Peter		499-2061
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Cathryn's Road E175 (coordinators needed)

Photo of Neighborhood Emergency Services Teams (NEST); Note the applicants on Landerger Road are absent



Screenshot of BLM Map. Note that all access to Spanish Ridge, Kinsey Ridge, Northside Peak, among others, are accessed through Smith-Etter Road, which runs directly through the existing and proposed project site.