

McClenagan, Laura

From: Ann Constantino <annconstantino@gmail.com>
Sent: Tuesday, December 14, 2021 7:55 AM
To: Planning Clerk
Subject: Public comment for PLN-2020-16602

Dear Planning Commissioners,

Regarding the Humboldt Hempire project proposal, record no. PLN-2020-16602; APN 223-061-011: Thank you for accepting my comments on this matter.

Please follow the staff recommendation to deny the Humboldt Hempire project that would bring 20 greenhouses onto property that has already been severely altered beyond recognition from its former state through numerous violations.

While the staff report concludes that the improper logging is the main reason for the recommendation, there are plenty of other strong arguments against approval, stemming mostly from Jeffries' long time callous disregard of environmental protections. All of this within plain sight of the outskirts of Garberville, and directly across the South Fork of the Eel from where I have lived since 1973.

Jesse Jeffries has a long history as a convicted felon and subsequently as a property owner who has no regard for environmental regulations. He has begun every step of development on his once beautiful property without permission. From pumping out of the river for illegal grows, to stream diversion, to altering the landscape for unpermitted water bladders, to cutting trees intended to make room for greenhouses but later claimed to be for firewood, he has been able to get away with all of it by applying for and receiving permission after the fact.

(Is this how we raise our children? You must finish your dinner before you have dessert....oh, you ate dessert first anyway? That's OK, here's another dessert, just eat your dinner some day. Over and over and over again.)

Enough is enough. His water business required a laborious rezoning process and despite it being shown that he was not keeping proper sales records and neighbors were complaining about loud trucks coming and going at all hours, he has retained the right to keep running this business, which provides ample income.

He has a permitted indoor grow, but I have not been able to get an answer to the question of how he waters it, so can only imagine that he might be using water out of his water business to do so. This goes against the CCLUO 2.0 which states that water collected in bladders may not be used for cannabis.

We are experiencing an unprecedented devastating drought in California. If this year continues to be a La Nina year, as predicted, we will have low rainfall totals again, and drought conditions will persist.

The planning department's own task force recommended issuing a moratorium on all new grows while the drought continues, but director John Ford contradicted this recommendation when it came before the supervisors, based on the idea that potential growers might have already invested large amounts of money in projects they were expecting to be permitted.

A better solution would have been to honor the hard work and respect the conclusions of a highly qualified task force taking into consideration the big picture of weed grows in Humboldt County, especially the availability of water for endless marijuana production. Issue the moratorium as suggested and allow growers to apply for exceptions on a case

by case basis, granting permission to growers with violation-free histories whose survival might legitimately be threatened by not being allowed to go forward.

In this scenario, Jeffries would not receive permission for his 20-greenhouse project, based not only on his laundry list of past violations, his pending legal action from the California Department of Fish and Wildlife and his time in prison for money laundering and illegal cultivation, neither would he receive permission based on economic need. His water business and current permitted grow appear to support him adequately, based on what I can see of his lifestyle from across the river.

By the way, how often does the planning department go against the recommendation of the Sheriff, who said no to this project due to pending legal actions against Jeffries.

By continuing to greenlight every single even vaguely compliant project, the county not only contradicts its own task force's recommendation re water use, but it tacitly encourages black market sales. The price of legal weed has tanked to the point that the start-up expense of infrastructure, plus maintenance, processing, etc will never be recouped and is a foolish business proposal. Would a bank loan money for this kind of startup? I doubt it. The direction of prices is not going to change and as big ag gets its tentacles more into cannabis, even the rich grow bros of Humboldt might find themselves out of options.

The issue of using bladders that were originally purposed for water sales (and strictly and specifically was not to be allowed to sell to pot farmers) to water his weed is another example of the county's apparently laissez-faire attitude toward growers. Anything goes if you know you can always just get permission after the fact. Anyone else installing a bladder to, say, water their vegetable garden, will be able to later say, "Oh, by the way, I'm putting a bunch of greenhouses in and will just use the bladders to water my weed, OK?" Based on the Jeffries case, the county will have to say sure, go ahead, it's OK if that was not the intention of the 2.0 ordinance. It won't mean any more than the task force's drought recommendations.

Another answer I have not been able to get from the planners assigned to this project is what is the new capacity of the bladders now that they have been reduced from 16 down to about 10 (I can't quite see how many remain, but there are several gaps where there used to be bladders)? This also reduces the collection amounts stated in the plan. Should he be allowed to repurpose his water selling bladders, now reduced greatly, to water his greenhouses to the extent that his water business is no longer viable? What then? The water business is permitted for another ten years. If it fails before that, is it just OK for him to water his weed with the remaining bladders? Is that good planning or careful stewardship of the land? If the water business ceases to exist, what of the required clean-up stated in the 2016 plan necessitating restoration of the landscape to its former health and status? Will that have to happen sooner if he needs his water for his weed and quits selling it to others?

These are questions I would require answers to if I were a planning commissioner weighing the pros and cons of this project. The conflating of the water business with the weed business is murky at best and based on his history, Jeffries will play whatever hand wins him the most money.

And what about the residential ag designation that was scrapped for the water business, but is now being used to support the new grow proposal? Agriculture that involves (assuming it's to be allowed that he water from the bladders) the compaction of Prime agricultural land under the bladders, the denuding of more prime ag land under the tarp and all the ecological destruction of soil and the life that lives within it is likely not what the original zoners had in mind when creating this designation. Modern pot farming has turned far away from any kind of sustainable, much less natural, form of give and take with the landscape that residential agriculture suggests.

Additionally, it deserves attention that most of this enterprise, including the bladders, is likely within the 100-year flood zone. It is difficult to imagine the potential for damage to the river should the bladders become dislodged in a major flood. Furthermore, high water potential plus 250 feet (100 for SMA buffer and an additional 150 for cannabis distance) has not been adequately shown by the map in the sloppy plan and is doubted by CDFW.

Neighbors have suffered through long periods of noise, destruction of aesthetics and total disregard for community by a greedy landowner. Jeffries has verbally assaulted me, claiming in a threatening and intimidating manner that all my neighbors now hate me for objecting to his plan when in fact almost all of our neighbors have expressed opposition to his project. He has called neighbors asking if they want to sell their property. A drone was seen by a neighbor above my property.

Given the long history of Jeffries' violations, whether eventually corrected or not, as well as a clear no vote from the sheriff and the fact that CDFW and the Water Board still have unresolved issues, including formal charges that agency representatives cannot discuss while pending, it is the right thing to do to deny this application. Please follow the recommendation of staff and vote no on this project.

Thank you.

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