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# A CULTIVATION AREA VERIFICATION FOR THE MATTOLE RIVER FARMS CANNABIS CULTIVATION, HUMBOLDT COUNTY, CALIFORNIA

COUNTY APPLICATION: 11295 & 11277  
ASSESSOR'S PARCEL NUMBER (APN): 108-011-026 & 221-171-029



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**ABSTRACT:**

Arsenault & Associates conducted a cultivation area verification (CAV) of 13 pre-existing cannabis cultivation areas situated on two parcels (APNs: 108-011-026 and 221-171-029) located approximately 1.9 linear miles north of the unincorporated community of Ettersburg, California. This investigation, designated the Mattole River Farms CAV, was conducted to ascertain the size and age of the Mattole River Farms' pre-existing cultivation areas and determine if they meet the Commercial Medical Marijuana Land Use Ordinance's (CMMLUO, Ord. No. 2559) definition for a pre-existing cultivation area. The CMMLUO requires a cultivation area to have been in use prior to January 1, 2016 to qualify as a pre-existing cultivation area (CMMLUO 55.4.14.1). The Mattole Valley Farms CAV examined past aerial photographs, the deterioration of cultivation areas located on APN 108-011-026 and 221-171-029, and information provided by Sage Koenig to determine the size and age of these areas. Thirteen cultivation areas, accounting for 17,520 ft<sup>2</sup> of cultivation area, were located, measured, and determined to have been used concurrently during 2015. The findings of this CAV support the conclusion of the previous CAV completed by Kristin Nevedal in October of 2019.

*Cover Figure:*

*An overview of Cultivation Area (CA) C, facing southeast.*

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## 1. INVESTIGATION SUMMARY

On April 21, 2020 Arsenault & Associates' staff conducted an examination of 13 cannabis cultivation areas on the Mattole River Farms property situated 1.9 linear miles north of the unincorporated community of Ettersburg, California. Figure 1 depicts these cultivation areas and the parcels listed on the county permit applications. The cultivation areas under investigation are situated in the southeastern portion of APN 108-011-026 and the western portion of 221-171-029. The cultivation area verified by this CAV totaled 17,520 ft<sup>2</sup> and was previously measured and dated by Kristin Nevedal in 2019. This pre-existing area is being added to the already verified and accepted 12,900 ft<sup>2</sup> situated on APN 108-011-026.

Cultivation Areas A-C and L are all situated on APN 221-171-029 and account for 15,007 ft<sup>2</sup> of pre-existing cultivation space. These areas were in use in 2015, as demonstrated by aerials pulled by Terraserver and depicted in Figures 2-27. Except for Cultivation Area L, all these areas utilized buffer crops to allow for the discreet cultivation of cannabis. The portions of these areas that were used for cannabis cultivation were provided by Sage Koenig. Cultivation Area L is the only area situated on APN 221-171-029 that consists of a shade garden grown under partial canopy. Cultivation Areas E-K are situated on APN 108-011-026 and account for 2,513 ft<sup>2</sup> of pre-existing cultivation space. These areas were in use in 2015, as demonstrated by aerials pulled by Terraserver and depicted in Figures 2-27. The areas situated on APN 221-171-029 and 108-011-026 are all contained in fenced in garden spaces.

The field crew for this investigation consisted of Mark Arsenault, M.A., RPA and Kevin Bigelow, B.A. Mr. Arsenault is a professional archaeologist recognized by both the Register of Professional Archaeologists (RPA) and the California Historic Information System as a qualified Principal Investigator. He also meets the United States Secretary of the Interior's Professional Qualifications Standards for Archaeology (Title 36 CRF Part 61). Mr. Arsenault has been working in archaeology in northwestern California since 2011 and regularly takes part in phase I, II, and III investigations. In addition to serving as this investigation's Principal Investigator Mr. Arsenault holds an M.A. in applied anthropology, specializing in archaeology.

The field investigation for this CAV consisted of visiting all of the cultivation areas under investigation. Many of these areas were either not currently being used to cultivate cannabis or have been decommissioned altogether at the time of the site visits. The size of these areas and percentage of use were provided to Arsenault & Associates by Sage Koenig in 2020. All of the cultivation areas under investigation can be seen as active cultivation areas on aerial photographs dating to 2015. In addition to this a regulatory and cultural context for the history of cannabis use in the United States and California was developed prior to the completion of the Mattole River Farms CAV.

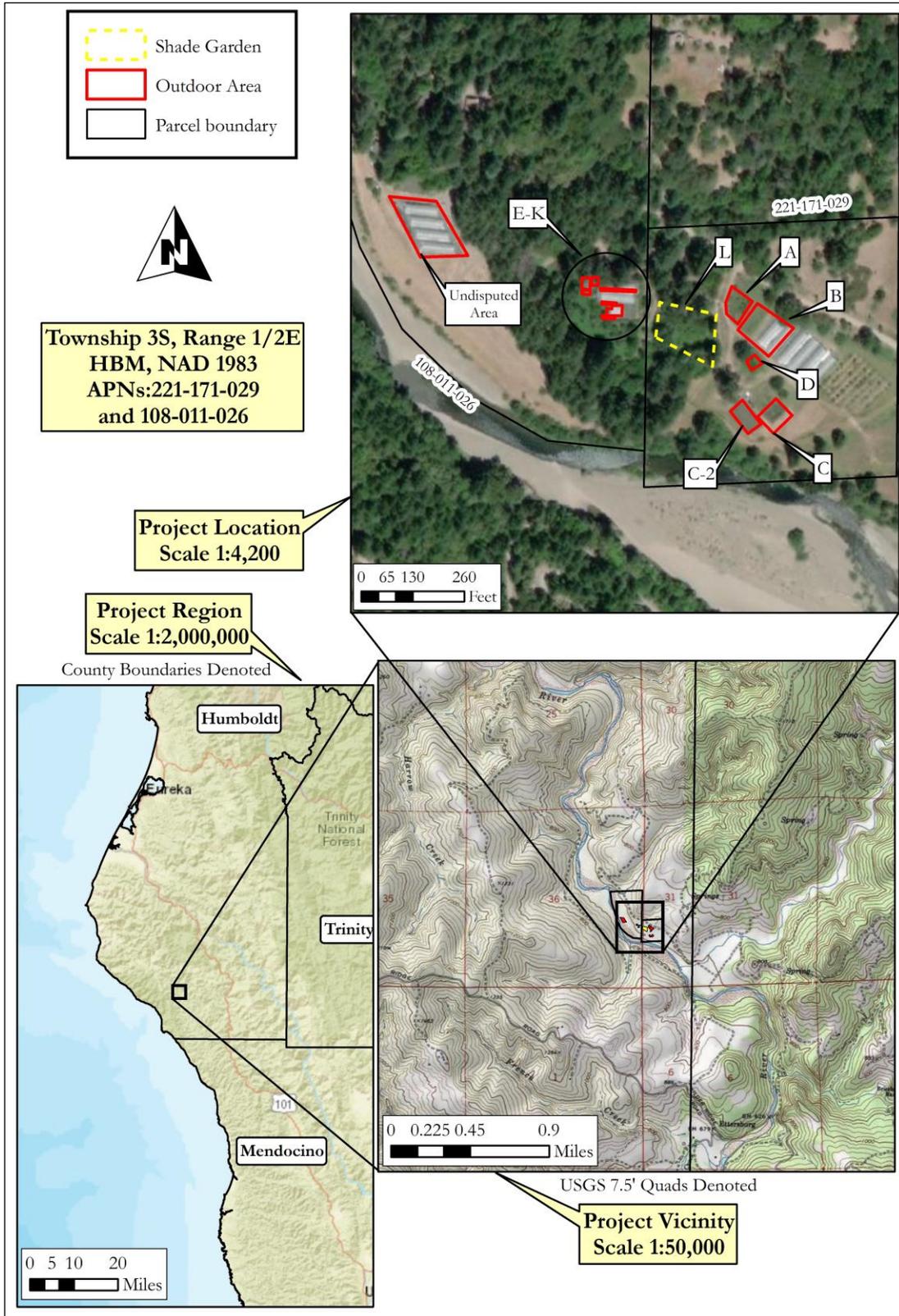


Figure 1. CAV Location Map

## 2. REGULATORY AND CULTURAL CONTEXT

Cannabis has had a tumultuous legal history in California and that history started with The Pharmacy and Poison Act of 1913. The Pharmacy and Poison Act was superseded by the First International Opium Conference in 1911 and the sentiment that Americans were consuming far more habit-forming drugs than the rest of the civilized world (Marshall 1911). It was argued by Hamilton Wright, one of the United States first anti-drug crusaders, that if opium was outlawed then cannabis or Indian hemp as it was called at the time would be the next drug that opium addicts would turn to and abuse (Marshall 1911). The act states that, “It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, nova caine, flowering tops and leaves, extracts, tinctures and other narcotic preparations of hemp or loco weed (*Cannabis sativa*),” (PPA: section 8).

The 1930s saw resentment towards immigrants who many people blamed for bringing marijuana and other drugs to the United States (Green 2018). Films in favor of the prohibition of marijuana such as “Reefer Madness” also became popular and influenced Americans’ view of Marijuana (Green 2018). Then in 1937 The Marihuana Tax Act, while not technically making cannabis illegal, forced anyone who sold, dealt in, dispensed, or gave away cannabis to register with the Internal Revenue Service and pay an occupational tax (MTA: Section 2a). Penalties for disobeying The Marihuana Tax Act were a fine of up to 2000 dollars and five years’ imprisonment (MTA: section 12).

After a few relatively quiet years, there was renewed interest in marijuana legislation brought on by a significant increase in the abuse of narcotic drugs in the late 1940’s (HML). There was concern that narcotic addiction was running rampant among young people and “that the use of marihuana inevitably led to the use of these harder drugs, particularly heroin,” (HML). U.S. Representative Boggs spearheaded the effort to make mandatory sentencing and more harsh laws a reality because in his view federal judges had been too lenient on drug offenders (HML). The Boggs Act and The Narcotics Control Act of the 1950’s set mandatory sentencing of 2-10 years and a fine of up to 20,000 dollars for a first offense marijuana possession conviction (Frontline).

In the 1960s there was a more relaxed attitude toward cannabis, in part due to the more prevalent use by hippies and the white middle class as well as reports commissioned by John F. Kennedy and Lyndon Johnson finding that its use did not lead to heavier drugs or induce violence (Green 2018). By the late 60s there was a back to land movement that saw many young people from the San Francisco area moving north to Mendocino and Humboldt Counties for a more peaceful existence living off the land (Malandra 2019). In order to support their families and fund projects such as organic farming, these back to landers started growing cannabis. By the end of the 1960s, arrests increased exponentially for marijuana offenses in Humboldt and other northwest California counties (Butler 2015).

In 1970 the Controlled Substances Act made marijuana a schedule one drug which put it in a category with heroin, LSD, and peyote. The purpose of the Controlled Substances Act was to limit access to controlled substances and ensure accountability (Van Dusen 2007). Only a couple of years

later in 1972 Proposition 19, an attempt to legalize marijuana, was voted on and defeated in California (Ballotpedia). Back to landers continued to arrive in Humboldt County through the mid 70's. Around this time, a Marijuana Eradication Team was created in Humboldt County and a flyover program started to try and identify cannabis grows from the air (Butler 2015). In 1976, a new law was enacted in California that made the possession of less than one ounce of cannabis an infraction with a maximum penalty of \$100 and a \$25 assessment (Butler 2015). Then in 1977-78 a trial occurred in which lawyer Robert Cogen argued that the law only specified that Cannabis sativa was illegal and Cannabis indica was not mentioned in the law; District Attorney DePaoli argued that the intent of the law was to include all marijuana plants that include THC. The Judge dismissed the charges over this matter of species and there was no appeal filed (Butler 2015). In 1979, the Humboldt County Board of Supervisors accepted money to be used in the eradication of marijuana in the county (Butler 2015).

The 1980's brought much turmoil to marijuana farmers in Humboldt and Mendocino counties. In 1980, a marijuana conviction was appealed on the grounds that aerial inspection was illegal with no warrant or prior suspicion; the appeal was denied by the California supreme court in 1985 (Butler 2015). In 1982, The DEA and EPA authorized the use of paraquat, a highly toxic chemical that is used as an herbicide, on marijuana crops because it is not a food but a weed (Butler 2015). That same year President Reagan adopted the zero-tolerance policy and made \$200 million available for the war on drugs (Butler 2015). The IRS also announced that land confiscation could be a prosecution strategy and U.S. attorney Joseph Russoniello announced that he will "use Statute 882 Title 21 to confiscate homes and real estate used in conjunction with growing marijuana even without a criminal conviction,"(Butler 2015). In 1983, The Campaign Against Marijuana Planting was established in 14 California counties and expanded to 37 California counties in the next year (Butler 2015). Then the Citizens Observing Group was formed with the intention of bringing a class action lawsuit against the Federal Government (Butler 2015). Citizens Observing Group had volunteers document warrantless searches, intimidation, and seizure of non-marijuana related materials (Butler 2015). An injunction was eventually created stating that helicopters must remain 500 feet above a residence (Butler 2015). This resulted in more trespass growing operations and further strategies to conceal marijuana cultivation such as growing marijuana indoors (Butler 2015).

In 1984, Humboldt law enforcement and District Attorney agreed to help the IRS gather information about cash purchases of real estate where the payment was not claimed as income (Butler 2015). The same year the Civil Liberties Monitoring Project was formed to observe raids; CLMP won a court decision that limited CAMP searches and allowed a class action lawsuit for damages caused by CAMP (Butler 2015). However, a year later the restrictions placed on CAMP were greatly reduced (Butler 2015). In the mid to late 1980's there were seizures of land related to marijuana cultivation and many legal battles between CAMP and CLMP. In 1990, highly publicized raids by federal agents and National Guard Servicemen took place in order to curb the amount of domestic marijuana cultivation as part of Operation Green Sweep (Butler 2015). Then in 1993, Press Democrat reported Mexican Men were hired to guard marijuana gardens and in August of that year one of those men were killed in a raid and seizure of marijuana (Butler 2015). A year later, the three strikes felony law was enacted and two years after that proposition 215 was passed and made medical marijuana legal in California (Butler 2015).

In the 2000s, SB 420 was passed in California which permit a designated caregiver to grow cannabis on behalf of medical marijuana patients and set limits on how much marijuana a medical marijuana patient could possess (Butler 2015). In 2008, the California Appellate Court ruled that the limitations established by SB-420 were unconstitutional (Butler 2015). Also, a raid was conducted that year called Operation Southern Sweep which took place in Humboldt County (Butler 2015). Operation Southern Sweep resulted in the confiscation of 10,000 marijuana plants and five arrests from the southern border of Humboldt County all the way up to McKinleyville (Mintz 2010). This operation increased animosity from Humboldt County residents toward law enforcement as well as farmers from outside of the area (Mintz 2010). Then in 2010, proposition 19, an attempt at the decriminalization of adult recreational marijuana use, failed in California. In 2012 the Emerald Growers Association was formed to promote locally grown sustainable medical cannabis and advocate for a medical cannabis industry that benefits the environment and the community (EGA). In 2016, The Adult Use of Marijuana Act or Proposition 64 was passed in California with 57 percent voter approval (McGreevy 2016).

With the passage of The Adult Use of Marijuana Act, many things changed for cannabis farmers in Humboldt County and the whole of California. This act allowed the possession and use of marijuana for recreational purposes by adults aged 21 years or older. A tax was created to be levied on cultivation and another tax added to the retail price (RTC § 34011(a)(1)). The cultivation tax is to be imposed on all harvested marijuana that enters the commercial market with a tax of \$9.25 on marijuana flowers per dry weight ounce and \$2.75 per dry weight ounce of marijuana leaves (RTC § 34012 (a)(1-2)). This proposition was designed to accumulate revenue from taxes to be used on enforcement, research, and treatment (AUMA § 2(C)). The law allows marijuana users to smoke in a private home or a business that is licensed for on-site marijuana consumption however smoking marijuana while driving or in public places remains illegal (HSC § 11362.1(a)(4) HSC § 11362.3 (a)(1-8)). Individuals are permitted to possess up to 28.5 grams of marijuana and 8 grams of concentrated marijuana; Users are also allowed to grow up to six plants in a private home (HSC § 11362.1 (a) (1-3)).

The Adult Use of Marijuana Act also called proposition 64 required businesses selling marijuana for recreational use to acquire a state license and allowed local governments to decide whether businesses needed to acquire a local license as well (BPC § 26067(b) AUMA § (E)). The proposition also sought to protect from unlawful monopoly power by preventing licenses for large scale marijuana businesses for five years (AUMA § 2(J)). Another stipulation for marijuana sellers was that there will be no sale of marijuana within 600 feet of a school, day care center, or youth center (AUMA § 2(D)). As a result of this law The Bureau of Medical Cannabis Regulation was re-configured into the Bureau of Marijuana Control and was tasked with licensing and regulating marijuana businesses (AUMA § 2(A)).

The Compassionate Use Act also known as proposition 215 was codified into the California Health and Safety Code in 1996 as code 11357-11362.9. Proposition 215 gave Californians the right to use medical marijuana, allowed primary caregivers to obtain and use marijuana for medical purposes, and allowed for the cultivation of medical marijuana (HSC § 11362.5 (b)(1)(A-B) and (e)). On September 13<sup>th</sup>, 2016, the Humboldt County Board of Supervisors adopted the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) also known as ordinance 2559. This ordinance defines

cannabis as any strain or varietal of the genus cannabis that exists or is developed that has psychoactive or medicinal properties (CMMLUO § 1(55.4.7)). Commercial cannabis cultivation is defined as any activity involving the planting, growing, harvesting, grading, curing, drying, or trimming of cannabis for medical use, including nurseries, with the intention of manufacturing, processing, distributing, transporting, delivering, dispensing, or selling in accordance with The Medical Marijuana Regulation and Safety Act for use by medical cannabis patients (CMMLUO § 1(55.4.7)). The Medical Marijuana Regulation and Safety Act of 2015 set forth standards for a physician or surgeon prescribing medical cannabis and required the Medical Board of California to identify and discipline physicians and surgeons that have excessively prescribed medical marijuana to patients or not completed good faith examinations of patients (BPC § 2220.05 (a)(1-6)) The CMMLUO defines a nursery as a licensee that produces only seeds, immature plants, clones, and other agricultural products for retail or wholesale, used specifically for cultivation of medical marijuana (CMMLUO § 1(55.4.7)).

According to section 1 of The CMMLUO, A special permit, zoning certificate, or use permit may be issued in zoning districts AE, RA, TC, and TPZ for mixed light or outdoor commercial cannabis cultivation for some or all of the existing area cultivated prior to January 1<sup>st</sup>, 2016 as long as all applicable standards are met and any existing violations are eliminated (CMMLUO § 1 (55.4.8.2.2)). Expansion of the existing cultivation area will not be permitted and the maximum area allowed to be cultivated on a single parcel shall not be more than one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation (CMMLUO § 1 (55.4.8.2.2)). When seeking recognition of cultivation occurring on or before January 1<sup>st</sup>, 2016 for the purpose of obtaining a discretionary permit or zoning clearance certificate for ongoing commercial cannabis cultivation, all operators of existing cultivation sites must register with the County of Humboldt Department of Planning and Building (CMMLUO § 1 (55.4.9.4)). Registrants must show sufficient evidence of prior cultivation area and will receive information about their options in obtaining a special permit, a zoning clearance certificate, or use permit for the commercial cultivation of cannabis for medical use (CMMLUO § 1 (55.4.9.4)). Only one use permit may be issued for outdoor or mixed-light commercial cannabis cultivation for cultivation areas existing prior to January 1<sup>st</sup>, 2016 on AE zoned parcels of less than one acre and the cultivation areas must be set back at least 300 feet from adjoining parcels or existing residences (CMMLUO § 1 (55.4.8.2.2.1)). All commercial cannabis cultivation permits and commercial cannabis cultivation zoning clearance certificates will expire after one year unless an annual compliance inspection has been conducted and the permitted site has been found to comply with all conditions of approval (CMMLUO § 1 (55.4.12.1)).

### 3. FINDINGS

On April 21, 2020 Mark Arsenault, M.A., RPA and Kevin Bigelow, B.A. completed a site visit of the cultivation areas being verified. The site visit was led by Sage Koenig and each of the areas described in this report was examined. This CAV was superseded by a study completed by Kristen Nevedal in October of 2019. The findings of the Mattole River Farms CAV concur with those of the study completed by Kristin Nevedal. 12,900 ft<sup>2</sup> of cultivation area situated on APN 108-011-026 is undisputed by Humboldt County. This CAV focused on verifying the remaining 17,520 ft<sup>2</sup> contained in 13 cultivation areas on APN 108-011-026 and 221-171-029. Sage Koenig provided the percentage of use estimates and general sizes for each cultivation area.

#### 3.1 FINDINGS

Fieldwork at the Mattole River Farms property examined 13 pre-existing cultivation areas. Each cultivation area was letter designation and researched to establish a history of use. Both aerial photographs, information provided by Sage Koenig indicates all the cultivation areas were used concurrently in 2015. Brief descriptions as well as histories of prior use and documentation are provided for each garden area in the subsections below.

**Cultivation Area A** was approximately 65 ft long, 64 ft wide, and measured 2,223 ft<sup>2</sup> in area in 2015. This cultivation area is situated in the northwest corner of a fenced flat and just south of Country Lane on APN 221-171-029. This cultivation area was used in 2015 to cultivate cannabis, as demonstrated by aerial photographs. Sixty percent of this area was used to cultivate cannabis. Cultivation Area A represents 1,334 ft<sup>2</sup> of pre-existing cultivation space. The remaining portion of Cultivation Area A was used for pineapple guava, dwarf nectarine, butterfly bush, and perennial flowers.

Table 1. Cultivation Area A Table

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	2,223 ft <sup>2</sup>	60%	1,334 ft <sup>2</sup>

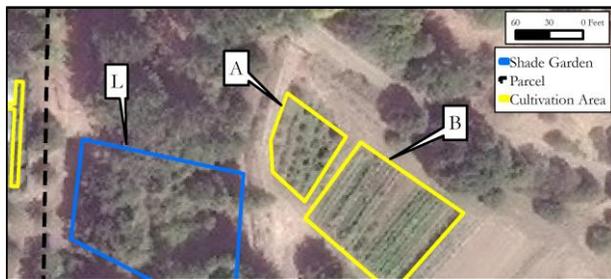


Figure 2. 2015 Aerial Photograph of Cultivation Area A



Figure 3. An overview of Cultivation Area A in 2020, facing north.

**Cultivation Area B** was approximately 95 ft long, 102 ft wide, and measured 11,317 ft<sup>2</sup> in area in 2015. Cultivation Area B is located southeast of cultivation area A in the same fenced in field on APN 221-171-029. This cultivation area was used in 2015, as demonstrated by aerial photographs.

Forty percent of this cultivation area was used for cannabis cultivation. There were eighty rows of cannabis grown in this cultivation area. Buffer crops of corn, peppers, tomatoes, sunflowers, marigold, and amaranth were cultivated in the remaining 60% of Cultivation Area B. In total 6,790 ft<sup>2</sup> of cannabis was grown in Cultivation Area B in 2015.

**Table 2. Cultivation Area B Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	11,370 ft <sup>2</sup>	40%	6,790 ft <sup>2</sup>

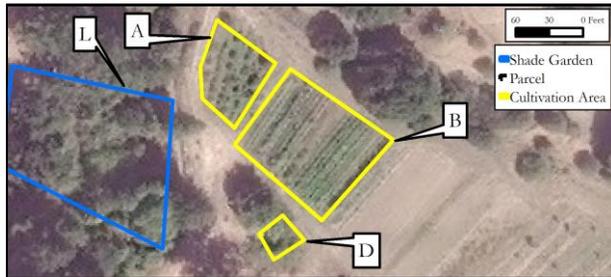


Figure 4. 2015 Aerial Photograph of Cultivation Area B



Figure 5. Cultivation Area B was situated to the left of the standing greenhouse.

**Cultivation Area C** was approximately 58 ft long, 64 ft wide, and measured 4,800 ft<sup>2</sup> in area in 2015. This cultivation area is situated to the south of Cultivation Area B, in the fenced in garden space situated on APN 221-171-029. This cultivation area was used in 2015 as demonstrated by aerial photographs. Sixty percent of this cultivation area was used to grow cannabis. Buffer crops of blueberries and raspberries were grown in the west half of this area. In the east half of the area buffer crops of corn, marigold, tomatoes, and peppers were cultivated. In total 2,880 ft<sup>2</sup> of space was used to cultivate cannabis in Cultivation Area C.

**Table 3. Cultivation Area C Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	4,800 ft <sup>2</sup>	60%	2,880 ft <sup>2</sup>

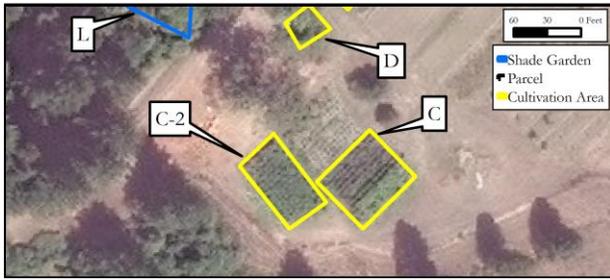


Figure 6. 2015 Aerial Photograph of Cultivation Area C



Figure 7. An overview of Cultivation Area C, facing northeast.

**Cultivation Area C-2** was approximately 40 ft long, 70 ft wide, and measured 4,800 ft<sup>2</sup> in area in 2015. This cultivation area was located to the immediate west of Cultivation Area C in the fenced garden space situated on APN 221-171-029. Area C-2 was utilized in 2015 as evidenced by aerial photographs. Cannabis plants cultivated in this area stood straight up and was surrounded by corn for concealment with some flowers mixed in. Sixty percent of the cultivation area was used for cannabis cultivation. In total 2,880 ft<sup>2</sup> of cannabis was cultivated in area C-2 in 2015.

**Table 4. Cultivation Area C-2 Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	4,800 ft <sup>2</sup>	60%	2,880 ft <sup>2</sup>

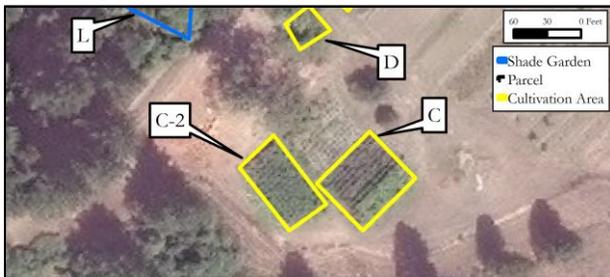


Figure 8. 2015 Aerial Photograph of Cultivation Area C-2



Figure 9. An overview of Cultivation Area C, facing northeast.

**Cultivation Area D** was approximately 30 ft long, 26 ft wide, and measured 372 ft<sup>2</sup> in area in 2015. Area D is situated just south of cultivation area B and is located in the center of the fenced in garden space on APN 221-171-029. This area was used in 2015 as demonstrated by aerial photographs. Sixty percent of this cultivation area was used for cannabis cultivation. The cannabis crop was surrounded by blackberry bushes and placed in between two plum trees. In total 223 ft<sup>2</sup> of cannabis was cultivated in Cultivation Area D in 2015.

**Table 5. Cultivation Area D Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	372 ft <sup>2</sup>	60%	223 ft <sup>2</sup>

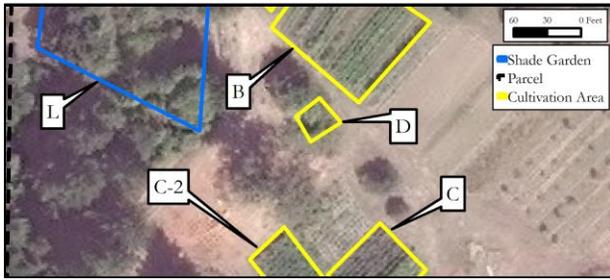


Figure 10. 2015 Aerial Photograph of Cultivation Area D



Figure 11. An overview of Cultivation Area D, facing west.

Cultivation Area E consists of two linear areas situated adjacent to each other. These areas measured approximately 92 ft long, 95 ft wide, and 974 ft<sup>2</sup> in area. The east-west facing portion of Cultivation Area E consisted of mixed light space contained in the greenhouses located in the southeastern portion of APN 108-011-026 in 2015. Since these greenhouses have been rebuilt this area has been converted to buffer space between the new greenhouses. The north-south facing portion of Cultivation Area E consisted of outdoor space and ran the length of the fenced in garden area. Seventy five percent of this area was used to cultivate cannabis. Cultivation Area E contained 731 ft<sup>2</sup> of cannabis in 2015.

Table 6. Cultivation Area E Table

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	974 ft <sup>2</sup>	75%	731 ft <sup>2</sup>

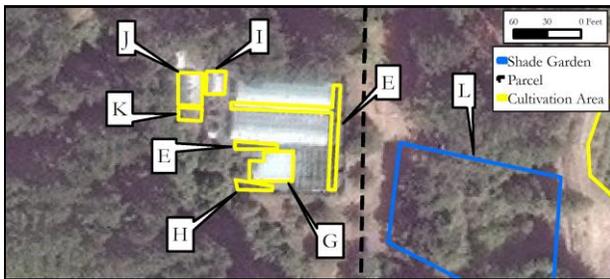


Figure 12. 2015 Aerial Photograph of Cultivation Area E



Figure 13. An overview of Cultivation Area E, facing south.

**Cultivation Area F** was approximately 36 ft long, 6 ft wide, and measured 125 ft<sup>2</sup> in area. This cultivation area was partially shaded and situated southwest of cultivation area E. Area E was used in 2015 as demonstrated by aerial photographs. Cannabis plants cultivated in Cultivation Area F were grown in pots placed in between grape vines. Sixty percent of this area was used to grow cannabis in 2015. In total 75 ft<sup>2</sup> of cannabis was cultivated in Area F in 2015.

**Table 7. Cultivation Area F Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	125 ft <sup>2</sup>	60%	75 ft <sup>2</sup>

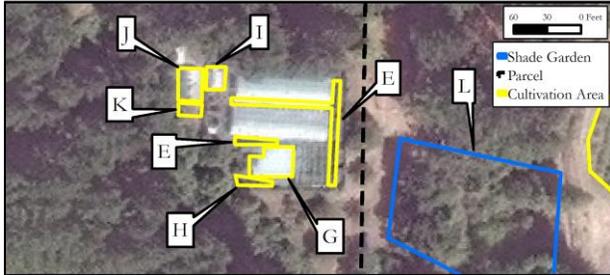


Figure 14. 2015 Aerial Photograph of Cultivation Area F



Figure 15. An overview of Cultivation Area F, facing east.

**Cultivation Area G** was approximately 24 ft long, 30 ft wide, and measured 720 ft<sup>2</sup> in area. This cultivation area is partially shaded and located just south of cultivation area F, in the southeastern portion of APN 108-011-026. Area G area was used in 2015 as demonstrated by aerial photographs. This cultivation area was a mixed light area covered by a wooden framed greenhouse and located inside a larger fenced in garden. One hundred percent of Cultivation Area G was used to cultivate cannabis.

**Table 8. Cultivation Area G Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	720 ft <sup>2</sup>	100%	720 ft <sup>2</sup>

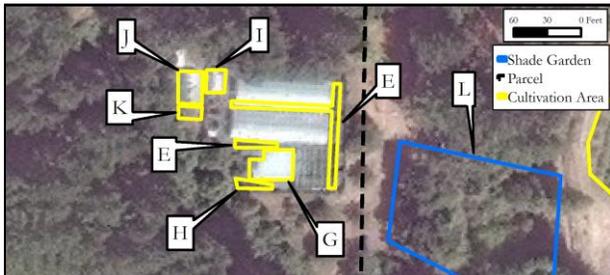


Figure 16. 2015 Aerial Photograph of Cultivation Area G



Figure 17. A view of the interior of Cultivation Area G, facing southeast.

**Cultivation Area H** was approximately 30 ft long, 9 ft wide, and measured 200 ft<sup>2</sup> in area in 2015. This cultivation area is partially shaded and located just south of cultivation area G in the southeastern portion of APN 108-011-026. Area H was used in 2015 as evidenced by aerial photographs. Area H is located inside a larger fenced in garden. One hundred percent of Cultivation

Area H was used to grow cannabis. This cultivation area constitutes 200 ft<sup>2</sup> of pre-existing cultivation space.

**Table 9. Cultivation Area H Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	200 ft <sup>2</sup>	100%	200 ft <sup>2</sup>

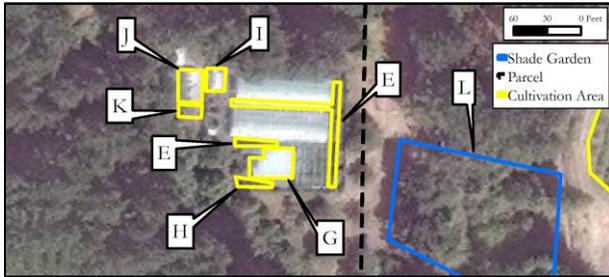


Figure 18. 2015 Aerial Photograph of Cultivation Area H



Figure 19. An overview of Cultivation Area H, facing east.

**Cultivation Area I** measured approximately 11 ft wide, 17 ft long, and 187 ft<sup>2</sup> in area in 2015. This cultivation area was a mixed light area that was decommissioned in 2016. The original green house was wooden framed. Area I was used in 2015 as evidenced by aerial photographs. One hundred percent of Cultivation Area I was used to grow cannabis. This cultivation area constitutes 187 ft<sup>2</sup> of pre-existing cultivation space.

**Table 10. Cultivation Area I Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	187 ft <sup>2</sup>	100%	187 ft <sup>2</sup>

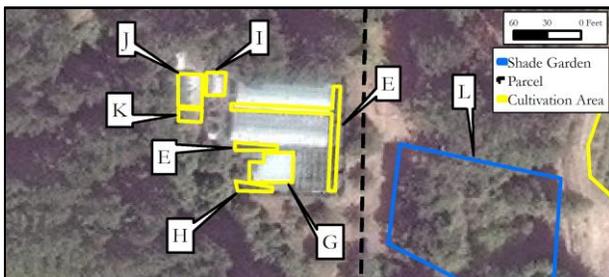


Figure 20. 2015 Aerial Photograph of Cultivation Area I



Figure 21. An overview of Cultivation Area I in 2020, facing southwest.

**Cultivation Area J** measured approximately 16 ft wide, 24 ft long, and 384 ft<sup>2</sup> in area in 2015. This cultivation area was a mixed light area that was decommissioned in 2016. The original green house was wooden framed much the same as Areas G and H. Area J was used in 2015 as evidenced by aerial photographs and has since then been decommissioned. One hundred percent of Cultivation

Area J was used for cannabis cultivation. This cultivation area represents 384 ft<sup>2</sup> of pre-existing cultivation space.

**Table 11. Cultivation Area J Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	384 ft <sup>2</sup>	100%	384 ft <sup>2</sup>

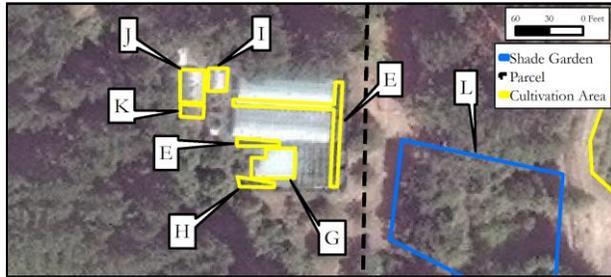


Figure 22. 2015 Aerial Photograph of Cultivation Area J



Figure 23. An overview of Cultivation Area J in 2020, facing south.

**Cultivation Area K** measured approximately 21 ft wide, 10 ft long, and 360 ft<sup>2</sup> in area in 2015. Area K is situated to the immediate south of Area J, in a fenced in garden space located on APN 108-011-026. Buffer crops of vegetables and flowers were cultivated amongst cannabis in this area. Area K was used in 2015 as evidenced by aerial photographs. Sixty percent of Cultivation Area K was used to cultivate cannabis. This cultivation area represents 216 ft<sup>2</sup> of pre-existing cultivation space.

**Table 12. Cultivation Area K Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	360 ft <sup>2</sup>	60%	216 ft <sup>2</sup>

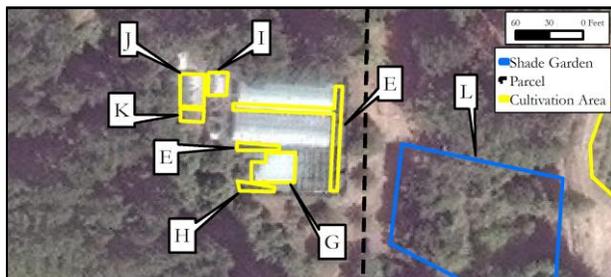


Figure 24. 2015 Aerial Photograph of Cultivation Area K



Figure 25. An overview of Cultivation Area K in 2020, facing southeast.

**Cultivation Area L** measured approximately 144 ft wide, 87 ft long, and 16,168 ft<sup>2</sup> in area in 2015. Area L is located in the western most portion of APN 221-171-029, in between the fenced in garden spaces situated on both project parcels. This cultivation area was a shade garden using a partially open tree canopy to cultivate cannabis. Sage Koenig estimates 150 pots, each with 6 ft<sup>2</sup> of mature

cannabis canopy, were contained in this cultivation area in 2015. The pots were intermittently placed around areas where open canopy allowed in enough sun to facilitate the development of mature cannabis plants. This cultivation area represents 900 ft<sup>2</sup> of pre-existing cultivation space.

**Table 13. Cultivation Area L Table**

DATE OF USE	OVERALL SIZE	PERCENTAGE USED FOR CANNABIS	CANNABIS CULTIVATION SPACE
2015	16,168 ft <sup>2</sup>	5%	900 ft <sup>2</sup>

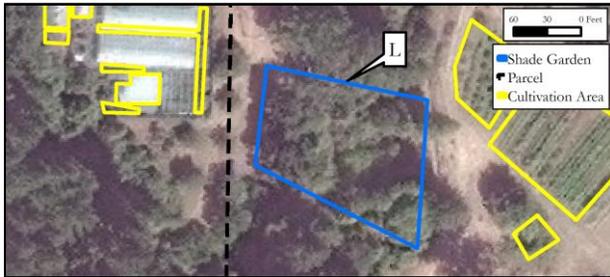


Figure 26. 2015 Aerial Photograph of Cultivation Area L



Figure 27. An overview of Cultivation Area L in 2020, facing east.

## 4. CONCLUSIONS

The findings laid out in Section 3.2 indicates that all the Mattole River Farms pre-existing cultivation areas meet the CMMLUO’s definition for a pre-existing cultivation area. Specifically, the past aerial and ground photographs as well as the estimates provided by Sage Koenig demonstrates the previously described cultivation areas were used concurrently in August of 2015. Size and percentage of use estimates provided by Sage Koenig and reiterated a 2019 area verification report identify 17,520 ft<sup>2</sup> of pre-existing cannabis space on APN 221-171-029 and 108-011-026. The total cultivation space on each parcel and in each area are enumerated in Table 14. An additional 12,900 ft<sup>2</sup> (9,600 ft<sup>2</sup> of outdoor and 3,300 ft<sup>2</sup> of mixed light) of pre-existing area situated in the northwestern portion of 108-011-026 has already been awarded to permit 11295.

For more information regarding the Mattole River Farms CAV or to access the documentation referred to in this report please contact Mark Arsenault, with Arsenault & Associates, at (510) 673-2207 or via email at [mjaarsenault@gmail.com](mailto:mjaarsenault@gmail.com).

**Table 14. Overall Cultivation Area on Project Parcels**

AREA	CORRESPONDING NUMERIC VALUE	OVERALL AREA (FT <sup>2</sup> )	PERCENTAGE USED	PRE-EXISTING AREA (FT <sup>2</sup> )	APN
A	14	2,223	60%	1,334	221-171-029
B	15	11,317	60%	6,790	221-171-029
C	17	4,800	60%	2,880	221-171-029
C-2	18	4,800	60%	2,880	221-171-029
D	16	372	60%	223	221-171-029
E	12	974	75%	731	108-011-026
F	8	125	60%	75	108-011-026
G	9	720	100%	720	108-011-026
H	10	200	100%	200	108-011-026
I	6	187	100%	187	108-011-026
J	5	384	100%	384	108-011-026
K	7	360	60%	216	108-011-026
L	13	16,168	5%	900	221-171-029
<b>Total Pre-Existing Area Per Parcel</b>				15,007	221-171-029
				2,513	108-011-026
<b>Total Pre-Existing Area</b>				17,520	Both

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