



State of California - Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
 Redding, CA 96001
<http://www.wildlife.ca.gov>

EDMUND G. BROWN, Jr., Governor
 CHARLTON H. BONHAM, Director

Letter
 S1

October 16, 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

Dear Mr. Lazar:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Report (DEIR) for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities, and the Commercial Cannabis Land Use Ordinance (Ordinance)¹. The Department provided comments on the Notice of Preparation (NOP) of the DEIR in May 2017, and previously provided comments on the Medical Marijuana Land Use Ordinance – Phase IV in October 2015. Several of the Department’s comments have not been adequately addressed in the DEIR.

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitats. As a Responsible and Trustee Agency pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code § 21000 et seq.), the Department administers the Lake or Streambed Alteration (LSA) Program, California Endangered Species Act (CESA), and other provisions of the Fish and Game Code 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 CEQA Trustee Agency.

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 primary concerns regarding the DEIR and proposed Ordinance include:

S1-1

¹ Ordinance Amending Provisions of Title III of the Humboldt County Code Relating to the Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medicinal or Adult Use; obtained as “2017 Commercial Cannabis Ordinance – Inland Areas – PC Workshop Draft” from <http://www.humboldtgov.org/2308/Cannabis-EIR> on September 26, 2017.

1. The DEIR does not provide a complete analysis of cumulative impacts.
2. The DEIR does not recognize foothill yellow-legged frog (*Rana boylei*) as a candidate species under CESA, analyze potential impacts, or provide specific avoidance, minimization or mitigation measures to address potential impacts.
3. The DEIR does not analyze potential impacts to northern spotted owl (*Strix occidentalis caurina*), including to known activity centers, or provide specific avoidance, minimization or mitigation measures to address potential impacts.
4. Avoidance measures in the DEIR do not adequately address indirect impacts to biological resources, such as habitat loss and fragmentation.
5. Proposed criteria for roads do not address the environmental impacts associated with existing unpermitted and poorly constructed roads.
6. The Ordinance and DEIR do not propose limits on the number or density of cultivation sites in the County or more importantly, in a given watershed, and the DEIR does not analyze the potential for significant impacts from cannabis cultivation water demand on streams.
7. The DEIR and Ordinance do not provide clear, specific penalties and remedies for non-compliance, adequate information regarding compliance review and enforcement efforts, or detail regarding adequate enforcement staffing.
8. The DEIR does not adequately address noise and light impacts to wildlife species.
9. The DEIR does not clearly define the criteria for individual cannabis cultivation project review under CEQA.
10. The DEIR and Ordinance should provide additional requirements to ensure adequate restoration of abandoned or remediated cultivation sites, and that associated cultivation area is not transferred to watersheds that are already significantly impaired by an overabundance of existing cannabis cultivation.

In the Department's May 2017 letter, we provided extensive comments and recommendations relating to environmental impacts from cannabis cultivation on biological and water resources, and the consequences of inadequate enforcement. As we have stated previously, although the Department is supportive of efforts to regulate cannabis cultivation, issuance of permits will not ensure compliance without consistent monitoring, enforcement, and substantial penalties for violations. The County 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 or State law.

S1-1
cont

S1-2

The Department recognizes in the big picture that the focus of the DEIR is the environmental effects the County expects with the proposed Ordinance. As a lead agency under CEQA, the County must analyze and disclose all of the potentially significant environmental impacts that may result with the proposed Ordinance. The County as lead agency must also exercise its plenary authority to address significant effects consistent with CEQA's substantive mandate. The County has the authority to ensure no significant impacts to fish and wildlife occur with the proposed Ordinance. It should do just that moving forward.

S1-3

Finally, as the County considers the comments below the Department emphasizes an important point. The Department provides the 29 recommendations detailed below out of concern under CEQA in three respects. The Department is concerned the environmental baseline in the DEIR, including in the cumulative context, does not accurately reflect the existing condition of cannabis cultivation in the County and its adverse impacts on fish and wildlife. The Department is also concerned certain potentially significant impacts to fish and wildlife are not addressed in the DEIR. Further, to the extent the DEIR considers impacts to fish and wildlife the Department does not agree the mitigation identified by the County to date will reduce all such effects to below a level of significance. In short in the Department's opinion, unless the County implements the 29 recommendations prior to final action under CEQA the County's proposed significance conclusions regarding fish and wildlife impacts are not supported by substantial evidence.

S1-4

Cumulative Impacts

As we stated in our May 2017 letter, the Department is concerned about cumulative impacts, not only from permitted and unpermitted cannabis cultivation, but also rural residential development and other types of development that have similar impacts. We recommended that the County establish maximum limits of allowable cultivation sites and/or square feet of cannabis canopy as a proportion of a given watershed to minimize cumulative impacts.

The Guidelines for the Implementation of the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15000 et seq.; hereafter CEQA Guidelines) defines cumulative impacts in section 15355 as *"two or more individual effects which, when considered together, are considerable..."* and may include *"the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects."* Discussion of cumulative impacts is required by CEQA Guidelines section 15130, which also includes *"past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency..."*

S1-5

The County improperly declines to address illegal cannabis cultivation sites as an important and existing contribution to cumulative impacts. The DEIR states:

“While it is acknowledged that illegal cannabis operations would continue to occur in the County after adoption and implementation of the ordinance, details on the full extent of the environmental effects of existing cannabis operations are considered speculative and are not assessed in this evaluation of cumulative impacts.” (page 4-2)

S1-5
cont

The environmental impacts of unpermitted cannabis cultivation are significant and well documented, and clearly contribute to cumulative environmental impacts in the County.

Stronger enforcement efforts should be implemented as it relates to unpermitted cultivation sites and their related environmental impacts. As the Department has stated in previous correspondence, a lack of enforcement and permissive approach to cannabis cultivation has led to a proliferation of unpermitted cultivation sites and their related environmental impacts. As one example, the Department recently conducted a spatial analysis² of the China Creek watershed, tributary to Redwood Creek and the South Fork Eel River. The Department’s GIS analysis of that watershed found a 61 percent increase in the square-footage of cultivation within that watershed between 2012 and 2016. Less than 50 percent of the parcels cultivating cannabis in this watershed have applied for County permits (Department unpublished data).

S1-6

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 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 documented by Department staff include degraded water quality; degraded riparian and wetland habitat due to development near streams and wetlands; wildlife entanglement and mortality due to on site hazards (e.g. plastic mesh); wildlife entrapment; fish passage barriers due to unpermitted water diversions; altered natural photoperiods from light pollution; noise impacts due to extensive generator use, and introduction of nonnative species (fish and plants) resulting in predation of native species and degrading habitat quality.

S1-7

As detailed below, cannabis cultivation has contributed to substantial cumulative impacts on species listed or candidate under CESA including Coho Salmon (*Oncorhynchus kisutch*), northern spotted owl (*Strix occidentalis caurina*), and foothill yellow-legged frog (*Rana boylei*), and the habitats they rely on.

² The Department’s GIS analysis showed an increase from 233,330 square feet of cultivation in 2012 to 375,805 square feet of cultivation in 2016 within China Creek, a 6.745 square mile watershed.

The DEIR and Ordinance must address the impacts of unpermitted cannabis cultivation in its analysis of cumulative impacts. (**Recommendation 1**)

S1-7
cont

Limit on Number or Density of Cultivation Sites

The DEIR (page 2-29) states that for the “*purposes of evaluating the potential environmental impacts of new cannabis operations from implementation of the proposed ordinance, this EIR assumes that an additional 941 applications over an area of 283.35 acres of new commercial cannabis operations could be approved and established over the next three years.... consisting of 1,012 new commercial cannabis cultivation sites...*”

The County has not proposed a limit on the number of cannabis cultivation projects it would permit. Without a cap on the number or acreage of cultivation sites, a defined time horizon, or any other defined limit, the County’s CEQA review must consider the potential that all parcels that meet the County’s zoning criteria could be developed for cannabis cultivation. The DEIR does not provide an analysis of the maximum acreage that could be converted to cannabis cultivation if all parcels in all allowable zoning districts elected to cultivate up to the maximum permissible area.

S1-8

As our May 2017 letter stated, the Department is concerned about the number and density of cultivation sites within Humboldt County watersheds, and how these sites relate to the potential carrying capacity of each watershed. Prior to permitting additional cultivation, the County should prepare an analysis describing a) existing water use, b) potential for sediment and other pollutant discharge, and c) percentage of habitat fragmentation within a given watershed. In addition, the analysis should provide detail on the amount of cannabis cultivation the County proposes to permit within each watershed (e.g., HUC 12 or smaller watershed area), and what impacts the allowed cultivation would have on each of these elements.

The environmental impact analysis in the DEIR is currently based upon an assumed number of permit applications, and does not provide a complete analysis disclosing the full potential impacts of the proposed Ordinance. Prior to issuing permits for new cultivation, the County should define a cap based on an analysis of the impacts to each watershed as described above. (**Recommendation 2**)

S1-9

Biological Resources

Foothill Yellow-Legged Frog

The entirety of Humboldt County is within the range of foothill yellow-legged frog (BIOS³). Historical collection records exist from numerous locations in the County (Department 2017), and the DEIR acknowledges, “*Suitable habitat is likely present*

S1-10

³ Biogeographic Information and Observation System

within most flowing waterways within Humboldt County" (page 3.4-34). Changes in natural flow regimes due to water diversion, incompatible land uses near stream habitats, and habitat degradation and modification are major threats to this species' long-term survival (Department 2017).

The DEIR solely identifies the foothill yellow-legged frog as a Species of Special Concern. On June 27, 2017, the California Fish and Game Commission published its Notice of Findings⁴ declaring the foothill yellow-legged frog a candidate species for listing under CESA as defined in Fish and Game Code section 2068. CESA prohibits the "take"⁵ of any species of wildlife designated as endangered, threatened, or a candidate for listing. An activity that may cause "take" to a listed species would require an Incidental Take Permit from the Department pursuant to section 2081 subdivision (b). Any take authorized pursuant to an Incidental Take Permit would require minimization and full mitigation measures (Fish & G. Code, § 2081, subd. (b)(2)), and would require that the applicant ensure adequate funding to implement all mitigation measures and compliance monitoring.

The DEIR should identify foothill yellow-legged frog as a CESA candidate species, and the County should propose appropriate avoidance, minimization, and/or mitigation measures. **(Recommendation 3)**

Northern Spotted Owl

The northern spotted owl (*Strix occidentalis caurina*) is listed as threatened under both the federal Endangered Species Act and CESA. In its documentation for state listing of the northern spotted owl, the California Fish and Game Commission (Commission) determined that the continued existence of northern spotted owl in the state of California is in serious danger or threatened by present or threatened modification or destruction of its habitat, and human-related activities, among other threats (Commission 2017). Marijuana cultivation is specifically identified as a threat, with density of cultivation sites in proximity to owl activity centers, and the amount and extent of impacts to owl habitat influencing the level of impact (Commission 2017).

Despite the existence and widespread use of the 2012 USFWS⁶ "Protocol for Surveying Proposed Management Activities that may Impact Northern Spotted Owls," the DEIR does not address this species individually or attempt to avoid impacts to occupied or otherwise suitable habitat. The Ordinance specifies increased noise restrictions within one mile of "*mapped critical habitat for Marbled Murrelet or Spotted Owls where*

⁴ http://www.fgc.ca.gov/CESA/Foothill_Yellow-Legged_Frog/fylffindingscandidacy.pdf

⁵ Fish and Game Code section 86 defines "take" to include "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Section 2080 makes it unlawful to "import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter..."

⁶ United States Fish and Wildlife Service

S1-10
cont

S1-11

timberland is present" (55.4.12.6 (b)). However, this standard only considers federally designated critical habitat, which includes only public land for northern spotted owl⁷, does not encompass all suitable nesting habitat, does not consider all of the known and documented northern spotted owl activity centers in Humboldt County, and will not ensure avoidance of impacts or the potential for unlawful "take."

Department staff recently undertook a spatial analysis⁸ examining the proximity of cultivation parcels to known and historic northern spotted owl activity centers, giving consideration to the potential for disturbance due to visual and noise impacts. For the purposes of this investigation, a 40-meter buffer was used for line-of-sight visual disturbance, and two home range sizes (0.7-mile and 1.3-mile radius centered on the activity center) were used for northern spotted owl home range. Based on the Department's analysis, 53 cannabis projects (sites) have activities within 40 meters of a northern spotted owl activity center, 525 cannabis projects occur within 0.7 mile, and 1184 occur within 1.3 miles (Department unpublished data). Cannabis cultivation within these buffers will create unavoidable impacts to northern spotted owl habitat. Overall, nearly 38 percent of known northern spotted owl activity centers in Humboldt County may be affected by cannabis operations that have applied for County permits. The same analysis finds that 46 percent of all cannabis permit applications are within 1.3 miles of a northern spotted owl activity center. This analysis is based on the most recent GIS layer provided by the County to the Department in June 2017. It is likely that new applications submitted since that time would increase this impact.

S1-11
cont

For any cultivation site with the potential to impact northern spotted owl based upon suitable habitat on site or proximity to a known activity center, presence should be assumed, and avoidance measures should be implemented in consultation with the Department and USFWS. (**Recommendation 4**)

S1-12

Mitigation Measures for Biological Resources

The DEIR states (page 3.4-61) that "*Project implementation may include ground disturbance, vegetation removal, and overall conversion of wildlife habitat, which could result in the disturbance or loss of individuals and reduced breeding productivity of these species.... The loss of special-status wildlife species and their habitat would be a potentially significant impact.*" Although this statement recognizes that the conversion and loss of special status wildlife habitat would be a potentially significant impact, most proposed mitigation measures in the DEIR rely only on avoidance of direct impacts to individuals, and do not address fragmentation and degradation of habitat.

S1-13

⁷<https://www.fws.gov/wafwo/species/Fact%20sheets/QA%20for%20NSO%20Critical%20Habitat%20Revision%202008.pdf>

⁸ Internal Department document: "*Northern Spotted Owl Occurrences as Related to Cannabis Cultivation Sites in Humboldt County*," September 2017, based upon Humboldt County cannabis permit application GIS layers and CDFW BIOS data.

For example, Mitigation measure 3.4-1a (page 3.4-61) includes preconstruction surveys for special-status amphibian species only *“forty-eight hours prior to proposed new development activities.”* If certain amphibian species are found, the DEIR states, *“the proposed development area shall be relocated to be no closer than 200 feet from the occurrence.”* Similarly, Mitigation measure 3.4-1b (page 3.4-62) requires a pre-project survey *“Within 24 hours before beginning proposed new development activities”* and if individuals are found, *“the proposed development area shall be relocated to be no closer than 200 feet from the occurrence(s)…”*

Relocating a project 200 feet from its proposed (and permitted) location has the potential to create different impacts, and in some cases may represent a completely different project than was permitted. The Department recommends that a qualified biologist conduct surveys for suitable habitat during the appropriate season and during the project planning and scoping process, well in advance of proposed project construction dates, in order to allow for consultation with appropriate resource agencies and review of the proposed relocation site if necessary. Impacts to suitable amphibian and reptile habitat, not merely direct impacts to individual animals, should also be considered when conducting pre-project surveys and determining whether project relocation should occur. We recommend that pre-construction surveys be required, but project relocation should not be applied automatically. Depending on the species potentially impacted, consultation with the Department or other avoidance measures (such as relocation of individuals and installation of exclusionary fencing during construction) may be appropriate.

Impacts to nesting raptors are correctly identified as including the potential for nest failure or mortality of chicks and eggs, as well as *“human presence associated with construction of cultivation sites, roads, and cultivation activities”* that could *“result in increased noise and visual disturbance to nesting raptors”* (page 3.4-62). However, Mitigation measures 3.4-1c (page 3.4-63) only addresses preconstruction surveys and avoidance of direct impacts to nests. Many raptor species require specialized habitat features for nesting (e.g., snags, platforms, large trees), and removal of these habitat features outside of the breeding season would reduce suitable nesting habitat. In addition, simply avoiding tree removal during the breeding season would not address the potential for degrading habitat through placing a cultivation site in close proximity to known, suitable raptor nesting habitat.

A qualified biologist should identify suitable habitat for special status wildlife species well in advance of construction activities, and these areas should be avoided during project design. Pre-construction surveys should also be required. **(Recommendation 5)**

Mitigation measure 3.4-3a (page 3.4-71) addresses special-status plants, including requirements for surveys, and proposed mitigation measures. The DEIR should specify the required plant survey protocol, and should require that a full report of survey results be submitted, even in cases when special-status plants are not observed. **(Recommendation 6)**

S1-13
cont

S1-14

S1-15

This measure further outlines the potential for removal of special status plant species for cannabis cultivation if the population “cannot be avoided.” This measure requires the applicant to retain a qualified botanist to consult with the Department “to determine the appropriate mitigation measures for direct and indirect impacts through a Mitigation and Monitoring Plan to the satisfaction of the Planning Director in Consultation with the Department , and/or USFWS...” The County should be advised that depending upon the species and its habitat, adequate mitigation might not be possible. The Department may recommend relocation of the project, or denial of the permit, if impacts to special status plant species are proposed to facilitate commercial cannabis cultivation.

S1-15
cont

The Department supports the intent of Mitigation measure 3.4-3b (page 3.4-71) requiring removal of invasive plant species. The DEIR should provide more detail regarding monitoring and enforcement of this mitigation measure. (**Recommendation 7**)

S1-16

Hydrology and Water Quality

Remnant Coho Salmon populations are present in watersheds where cannabis cultivation occurs. Impacts from cannabis cultivation as detailed above have the potential to cause “take” of and impacts to this listed species. Cumulative impacts from surface water diversion are a particular concern, as well as unscreened or improperly screened diversion intakes.

The Department concurs with many protective measures the County has proposed, including a requirement for enrollment under the North Coast Water Quality Control Board (NCRWQCB) Order No. 2015-0023 (Ordinance Section 55.4.12.2.2); restriction of water use under specific circumstances (Ordinance Section 55.4.5.10); prohibiting the use of trucked water except in emergencies (Ordinance Section 55.4.12.2.5); and inclusion of a water diversion forbearance period from April 1 through October 31 of each year (DEIR page 3.8-46). Additional protective measures may be included in any Lake or Streambed Alteration Agreement issued by the Department for projects permitted by the County.

S1-17

The Department recommended in our May 2017 letter that in order to help minimize the numerous environmental impacts, the County should assess the aquatic carrying capacity of watersheds to support cannabis cultivation, and propose a limit on density or number of cultivation sites. The DEIR contains some analysis of the estimated water use by permitted cannabis cultivators (Section 3.8). However, this estimate does not take into account the cumulative impact of the existing legal and illegal diversions, and is based on 1,012 new cultivation sites (page 3.8-34), which is not a defined cap but is an estimate. As stated above, without a defined cap on the number of cultivation sites, analysis of environmental impacts should assume that all parcels meeting zoning criteria could be used for cannabis cultivation.

The County should conduct a water availability analysis based on the potential number of cultivation sites that could be allowed in each watershed, and define a cap based on the determined watershed carrying capacity. (**Recommendation 8**)

S1-18

Noise

As the Department has stated previously, noise, particularly chronic noise pollution, creates negative impacts on wildlife. 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. Northern spotted owl, for instance, is vulnerable to nighttime generator noise impacts (USFWS 2006).

Section 3.10 of the DEIR considers noise impacts almost exclusively from the perspective of neighboring properties, and does not address the potential for noise impacts on wildlife. The DEIR states “...noise reduction would be provided by any intervening topography, dense stands of trees...” Dense stands of trees may provide habitat for wildlife, and would be impacted by excessive generator noise.

S1-19

The DEIR currently describes setbacks from property lines and development on adjacent property. The Department recommends that the County develop noise restriction and minimization guidelines that will be protective of wildlife habitat areas on the cultivation parcel, as well as on adjacent land. (**Recommendation 9**)

Timberlands and Oak Woodlands

The Department concurs with the prohibition on new cannabis cultivation sites on lands zoned as Timberland Production Zone (TPZ) (DEIR page 3.2-13), and also recommends prohibiting new cannabis cultivation on lands zoned as Forestry Recreation (FR). According to a spatial analysis conducted by the Department, FR lands make up approximately 1.73% of the total acreage in Humboldt County. Of that land, the Department’s analysis shows that over 27% of FR parcels have cannabis permit applications. Forestry Recreation lands frequently contain oak woodlands. The DEIR (page 3.4-4) cites the Oak Woodlands Conservation Act (Pub. Resources Code, § 21083.4), which requires counties to determine whether a project within its jurisdiction may result in a conversion of oak woodlands, and if so, must require mitigation. The DEIR does not propose specific mitigation measures to address potentially significant impacts to oak woodlands from cannabis cultivation. The County either should propose adequate and effective mitigation measures to address potential impacts to oak woodlands due to adoption of its Ordinance, or should avoid additional impacts to oak woodlands by prohibiting new cultivation in this vegetation community.

S1-20

In addition to TPZ and FR, other zoning districts may also contain forest or oak woodland habitats. The Department recommends that new cultivation should be prohibited in the FR zoning district, as well as in all forest and oak woodland habitat, regardless of zoning. (**Recommendation 10**)

S1-20
cont

Enforcement

As summarized in DEIR Table 1-1 (page 1-4) and highlighted as the DEIR's first bullet point under "*Areas of Controversy*" (page ES-2), enforcement of the Ordinance as well as the County's ability to conduct enforcement relating to unpermitted grows are a significant concern.

As the Department has stated in previous correspondence, 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. We continue to recommend that the Ordinance should 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. Based upon estimates of the number of active and projected cultivation sites in the County, and the number of site inspections that Department staff can conduct in any given year under our own permitting authority, we estimate that Humboldt County may require a minimum of 30 personnel to adequately administer its proposed Ordinance.

S1-21

The Ordinance should 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 11**)

The General Provisions define pre-existing cultivation sites as "*a parcel where cultivation occurred at any time between January 1, 2006 and December 31, 2015*" (page 2-15). Over a ten-year period, it is possible that the site may have begun to recover, for example through recruitment of native vegetation. Current site conditions should be considered when determining the level of review required for "pre-existing" sites (**Recommendation 12**).

S1-22

The Department believes that previous trespass cultivation sites should not qualify as a "pre-existing" site for the purposes of permitting, and should instead be remediated (**Recommendation 13**). Trespass cultivation sites usually do not occur in existing graded clearings, are often located under the native tree canopy, and are typically not easily accessible. For these reasons, proposing to permit an existing "*trespass grow*" site would likely lead to additional tree removal, grading and other site development, including road construction. Finally, trespass cultivation sites often contain toxic materials such as discarded pesticides and fertilizers, and accumulated garbage. Instead of being permitted for continued cultivation, these sites should be remediated, including removal and appropriate disposal of waste and toxic materials.

S1-23

Comments on Commercial Cannabis Land Use Ordinance

The Department provides the following comments specific to the Ordinance.

55.4.5.3 - Penalties and Enforcement

This section states, in part, *“Whenever permit applicants seeking permits for new commercial activities initiate operations ahead of permit issuance or Pre-Existing Cultivation Site operators seeking permits expand cultivation operations ahead of permit issuance the Director shall have discretion to... Issue stop work orders and financial penalties... and require restoration... or ... Disqualify the pending applications... and initiate enforcement proceedings...”*

As the Department stated in our May 2017 letter and reiterated above, we recommend that the Ordinance include specific, defined penalties and/or remedies for permit non-compliance. As currently written, the Ordinance gives sole discretion to a single individual, the Planning Director, without describing the criteria or process to be used in making that decision. The Department believes that in order to enforce the Ordinance in an unbiased and effective manner, the County should create an autonomous Code Enforcement Unit with its own Director position. This independent County department would operate with sole discretion over enforcement actions. In addition, the County should define and codify an unambiguous process and procedures for violations of the proposed Ordinance. **(Recommendation 14)**

S1-24

55.4.5.7 - Annual Inspection

The Ordinance states, *“If the inspector or other County official determines that the site does not comply with the condition of approval, the inspector shall serve the... permit holder with a written statement identifying the items not in compliance... and the time period within which the non-compliance must be corrected...”* The section further describes the means to be used to contact the permit holder, and the permit-holder’s ability to appeal and/or request re-inspection.

However, this section does not provide a timeline for County follow up on noncompliance if the permit-holder does not appeal or request re-inspection. Additionally, the Ordinance does not specify whether the County will provide the written statement to applicable agencies if a non-compliance condition is related to regulations outside of the County’s jurisdiction. The Ordinance should specify that the County inspector will notify other regulatory agencies of site non-compliance, so that agency may determine whether immediate action is necessary or if the County timeline is appropriate. **(Recommendation 15)**

S1-25

55.4.5.10 - Restriction of Water Use Under Special Circumstance

The Department supports the County's intention to restrict water use for commercial cannabis cultivation "*in the event that environmental conditions, such as sustained drought or low flows in the watershed where the Commercial Cannabis Activity is located, will not support water withdrawals without substantially adversely affecting existing fish and wildlife resources.*" The County should provide detailed criteria describing how it will determine when the environmental conditions exist to restrict water use. **(Recommendation 16)**

S1-26

55.4.6.5.6 – Energy Source for Ancillary Propagation Facility or Mixed-Light Cultivation

This section states that the use of generators and mixed-light cultivation is prohibited "*in TPZ zones and U zones (with a Land Use Designation of Timberland).*" Our May 2017 letter described the potentially significant environmental impacts to forest species due to noise and light pollution. The Department recommends that generators and mixed-light cultivation be prohibited in all forested habitats, regardless of zoning district. **(Recommendation 17)**

S1-27

55.4.6.5.7 – Provisional permitting

This section outlines the potential for provisional permitting of a cultivation site pursuant to a written, approved "*compliance agreement, signed by the applicant and the relevant enforcement agency or agencies.*" The County should identify the minimum qualifications for individuals who would "*identify, document, and itemize all current violations related to commercial cannabis activities*" and prepare the compliance agreement. **(Recommendation 18)**

The Ordinance currently states,

"Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. All violations and areas of non-compliance shall be cured or abated at the earliest feasible date, but in no event no [sic] more than two (2) years of date of issuance of a provisional clearance or permit, unless otherwise stipulated under the terms of the individual agreement."

S1-28

Please be advised that the Department may require remediation of violations under its jurisdiction to occur on a more expedited timeline.

55.4.6.5.9 – Retirement, Remediation and Relocation of Pre-Existing Cultivation Sites

Subsection (e) requires the operator of a Retirement, Remediation and Relocation (RRR) site to prepare a plan for the

“full environmental remediation of the RRR Site, including removal of all cultivation related materials, equipment and improvements, regrading to preexisting contours, reseeding with native vegetation, reforestation, habitat restoration, and monitoring, as determined to be appropriate by the Planning Department.”

S1-29

Due to the specialized nature of environmental restoration and remediation work, the Department recommends that Retirement, Remediation, and Relocation plans should be prepared by a qualified professional, and referred to appropriate resource agencies for review and concurrence. (**Recommendation 19**)

55.4.6.6 – Site Restoration upon Termination or Abandonment of Commercial Cannabis Cultivation Sites

The Department is concerned that abandoned cultivation sites will remain on the landscape without restoration or remediation. Whereas RRR sites would require the operator to post a bond, no financial assurance requirement appears in this section. The County should provide detail regarding its potential remedies in the event that a permitted site is abandoned without restoration. (**Recommendation 20**)

S1-30

This section also states that for cultivation sites in forested areas where a conversion permit was not obtained, *“the property owner shall cause a restoration plan to be prepared by a Registered Professional Forester, or other qualified professional...”* Similar to the recommendation above regarding RRR sites, restoration plans for terminated or abandoned cultivation sites should be referred to appropriate resource agencies for review and concurrence. (**Recommendation 21**)

S1-31

55.4.11 – Application Requirements for Clearances or Permits

In our May 2017 letter, the Department recommended that the County should define and disclose the criteria it would use to determine whether a cultivation project requires site-specific CEQA review. In this section, the Ordinance states that the *“County may request additional information prior to application intake, or during application processing, where deemed necessary to perform environmental review pursuant to the California Environmental Quality Act (CEQA).”*

S1-32

It is not clear from this section, other sections of the Ordinance, or the DEIR which projects will require CEQA review, and/or which projects will be subject to avoidance

and mitigation measures as outlined in the DEIR. The County should explicitly state its criteria for site-specific environmental review of cannabis cultivation projects.
(Recommendation 22)

S1-32
cont

55.4.12.1.8 – Performance Standard – Road Systems

The Category 4 road standard⁹ does not address the numerous environmental and biological impacts of inappropriately sited, poorly constructed, or poorly maintained roads, as detailed in our May 2017 letter. The County proposes to require new cultivation sites to be located within two miles of a Category 4 road to provide access for emergency vehicles. Roads not meeting this criterion would be required to be upgraded. If road standards cannot be met, a licensed engineer or similarly qualified professional would be required to conduct a road evaluation to determine if the access road is able to accommodate the additional traffic proposed by each project.

The Department recommends that access to project sites on unsurfaced roads require an assessment of all stream crossings in addition to the Category 4 road width analysis. The assessment should evaluate stream crossings following the protocol prescribed in Cafferata et al. (2017). This document is more specific and protective of aquatic resources than the “Five Counties Salmonid Conservation Roads Maintenance Manual” referenced and adopted by the County for general best management practices related to road maintenance. Stream crossings determined to be failing, substantially undersized (not sized to meet the 100-year flow event), or delivering sediment to streams should be prioritized for remediation. Results from this analysis should be submitted to the California Department of Fish and Wildlife and the State Water Resources Control Board for review and concurrence during the CEQA referral process, and prior to individual project approval. Remediation and/or mitigation measures to avoid or minimize impacts related to the use of roads not currently meeting these standards should be proposed as part of the project referral. **(Recommendation 23)**

S1-33

55.4.12.2 – Performance Standards for Commercial Cannabis Cultivation Activities

The Department agrees with the County’s requirement that all commercial cannabis activities must maintain enrollment with the North Coast Water Quality Control Board (NCRWQCB) Order No. 2015-0023 or any State Water Quality Control Board Order (§ 55.4.12.2.2). The County should clarify what it intends by including other “*significantly equivalent rule addressing water quality protections and waste discharge that may be subsequently adopted by the County of Humboldt or other responsible agencies,*” and whether it is the County’s intention to replace the State regulation, or simply to provide more protective regulations if necessary. **(Recommendation 24)**

S1-34

⁹ Category 4 road standard is described in Humboldt County Code section 3112-3 as “two ten (10) foot traffic lanes, not including shoulders, capable of providing for two-way traffic flow to support emergency vehicle and civilian egress.”

Under this heading, section 55.4.12.2.3 requires an applicant to comply with the terms of any applicable LSA Agreement, and further states “*Where no agreement has been secured for prior work within areas of DFW jurisdiction, notification pursuant to 1602 of the Fish and Game Code shall not commence until the processing of the County permit has been completed.*”

This advice conflicts with the requirements of Fish and Game Code section 1602. The Department requires all entities to comply with section 1602 by submitting Notification¹⁰ to the Department prior to starting any jurisdictional project work. Although Notification is required, the Department may not execute (finalize) the Lake or Streambed Alteration Agreement until it has complied with CEQA as the Lead or as responsible agency. The County does not have legal authority to require an applicant to not comply with state law. The Department recommends the County remove the conflicting provision in the Ordinance that states a cannabis cultivation applicant not apply for an LSA permit until it secures a County permit. (**Recommendation 25**)

S1-35

55.4.12.4 – Performance Standard for Light Pollution Control

Subsection (b) requires that security lighting “*shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding areas,*” however the Ordinance applies this standard only to parcels “*abutting a residential Zoning District or proposed within Resource Protection or Rural Residential areas.*” The Department recommends that the performance standard for light pollution control should apply to all zoning districts, and concurs with the standard in subsection (a) which prohibits any light from escaping from mixed light cultivation and nursery structures between sunset and sunrise. (**Recommendation 26**)

S1-36

Subsection (d) describes the process for addressing “*any light pollution complaint.*” The penalty for “*failure to correct the violation and provide documentation... shall be grounds for permit cancellation or administrative penalties...*” Enforcement of this mitigation measure is the only means of avoiding impact from lighting, and if not strongly enforced, impacts may be potentially significant.

55.4.12.6 – Performance Standard for Noise from Generator Use at Pre-Existing Sites

Subsection (a): the Department concurs with the prohibition on generator use “*in TPZ zones and U zones (with a General Plan Land Use Designation of ‘Timberland’)*” and recommends that generators be prohibited in all forested areas, regardless of zoning district. As we stated in our May 2017 letter, noise pollution disrupts wildlife populations and degrades habitat for a number of species.

S1-37

¹⁰ 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.

Subsection (b) describes noise restrictions for sites “located within one (1) mile of mapped critical habitat for Marbled Murrelet or Spotted Owls.” Simply avoiding noise impacts to critical habitat for listed species will not avoid “take.” See **Recommendation 4** above regarding northern spotted owl.

S1-37
cont

Additional Comments

Thresholds of Significance

CEQA section 15064.7 defines a threshold of significance as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” Throughout the DEIR, many thresholds of significance are so general and undefined (e.g., “have a substantial adverse effect” on a special status species or “substantially reduce the habitat of a fish or wildlife species...,” page 3.4-60) that it is unclear how the County determined whether there would be a significant impact. If impacts will not be completely avoided, thresholds of significance should be specifically defined in the DEIR so the potential significance of the impact may be determined. (**Recommendation 27**)

S1-38

Qualified Biologist

For several proposed mitigation measures the DEIR requires surveys by a qualified biologist (e.g. Mitigation measures 3.4-1a, 3.4-1c, and 3.4-1e), but the document does not provide detail regarding the required criteria or qualifications for these individuals. The DEIR should provide information on the minimum qualifications of potential third party inspectors, including required education, experience, and/or necessary technical skills. The County proposes to rely on qualified biologists as the primary mechanism to avoid environmental impacts and comply with mitigation measures, and for this reason, adequate qualifications should be defined and disclosed. The Ordinance should also provide a mechanism allowing the County to disqualify qualified biologists if necessary, for unsatisfactory performance, in consultation with the Department. (**Recommendation 28**)

S1-39

Fish and Game Code

Several Fish and Game Code sections apply to activities that the County would permit under its Ordinance. In addition to Fish and Game Code section 1602, other applicable 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). County staff and/or applicants should consult with the Department to ensure compliance with all Fish and Game Code sections, not just section 1602. (**Recommendation 29**)

S1-40

Summary

The proposed/amended regulations described in the Commercial Cannabis Land Use Ordinance (Ordinance), in conjunction with the Department's recommended modifications summarized below, and a strong County enforcement effort will help Humboldt County conserve sensitive fish and wildlife habitat and reduce associated environmental impacts to level less than significant. However, the continued proliferation of illegal cannabis cultivation and the lack of targeted enforcement efforts of these activities may lead to continued downward pressure on populations of State and federally listed fish and wildlife species, and subsequently, the need for additional regulations and land use restrictions on permitted sites.

Summary of Recommendations

The Department provides the following recommendations for the County to address in the Ordinance and DEIR:

1. The DEIR and Ordinance must address the impacts of unpermitted cannabis cultivation in its analysis of cumulative impacts.
2. Prior to permitting additional cultivation, the County should prepare an analysis describing a) existing water use, b) potential for sediment and other pollutant discharge, and c) percentage of habitat fragmentation within a given HUC 12 or smaller watershed. In addition, the analysis should provide detail on the amount of cannabis cultivation the County proposes to permit within each watershed, and what impacts the allowed cultivation would have on each of these elements.
3. The DEIR should identify foothill yellow-legged frog as a CESA candidate species, and the County should propose appropriate avoidance, minimization, and/or mitigation measures.
4. For any cultivation site with the potential to impact northern spotted owl based upon suitable habitat on site or proximity to a known activity center, presence should be assumed, and avoidance measures should be implemented in consultation with the Department and USFWS.
5. A qualified biologist should identify suitable habitat for special status wildlife species well in advance of construction activities, and these areas should be avoided during project design. Pre-construction surveys should also be required.
6. Mitigation measure 3.4-3a (page 3.4-71) addresses special-status plants, including requirements for surveys, and proposed mitigation measures. The DEIR should specify the required plant survey protocol, and should require that a full report of survey results be submitted, even in cases when special-status plants are not observed.

7. The Department supports the intent of Mitigation measure 3.4-3b (page 3.4-71) requiring removal of invasive plant species. The DEIR should provide more detail regarding monitoring and enforcement of this mitigation measure.
8. The County should conduct a water availability analysis based on the potential number of cultivation sites that could be allowed in each watershed, and define a cap based on the determined watershed carrying capacity.
9. The Department recommends that the County develop noise restriction and minimization guidelines that will be protective of wildlife habitat areas on the cultivation parcel, as well as on adjacent land.
10. The Department recommends that new cultivation areas should be prohibited in all forest and oak woodland habitat, regardless of zoning.
11. The Ordinance should 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.
12. Current site conditions should be considered when determining the level of review required for *“pre-existing”* sites.
13. Trespass cultivation sites should not qualify as a *“pre-existing”* site for the purposes of permitting, and should instead be remediated.
14. The County should create an autonomous Code Enforcement Unit with its own Director position. This independent County department would operate with sole discretion over enforcement actions. In addition, the County should define and codify an unambiguous process and procedures for violations of the proposed Ordinance.
15. The Ordinance should specify that the County inspector will notify other regulatory agencies of site non-compliance, so that agency may determine whether immediate action is necessary or if the County timeline is appropriate.
16. The County should provide detailed criteria describing how it will determine when the environmental conditions exist to restrict water use.
17. The Department recommends that generators and mixed-light cultivation be prohibited in all forested habitats, regardless of zoning district.
18. The County should identify the minimum qualifications for individuals who would *“identify, document, and itemize all current violations related to commercial cannabis activities”* and prepare the compliance agreement.

19. Retirement, Remediation, and Relocation plans should be prepared by a qualified professional, and referred to appropriate resource agencies for review and concurrence.
20. The County should provide detail regarding its potential remedies in the event that a permitted site is abandoned without restoration.
21. Restoration plans for terminated or abandoned cultivation sites should be referred to appropriate resource agencies for review and concurrence.
22. The County should explicitly state its criteria for site-specific environmental review of cannabis cultivation projects.
23. Access to project sites on unsurfaced roads should require an assessment of all stream crossings, in addition to the Category 4 analysis. This analysis should be submitted to the Department and the State Water Resources Control Board, along with proposed remediation and/or mitigation measures, for review and concurrence prior to individual project approval.
24. The County should clarify what it intends by including other *“significantly equivalent rule addressing water quality protections and waste discharge that may be subsequently adopted by the County of Humboldt or other responsible agencies,”* and whether it is the County’s intention to replace the State regulation, or simply to provide more protective regulations if necessary.
25. The Department recommends the County remove the conflicting provision in the Ordinance that states a cannabis cultivation applicant not apply for an LSA permit until it secures a County permit.
26. The performance standard for light pollution control should apply to all zoning districts, and the Department concurs with the standard in subsection (a) which prohibits any light from escaping from mixed light cultivation and nursery structures between sunset and sunrise.
27. If impacts will not be completely avoided, thresholds of significance should be specifically defined in the DEIR so the potential significance of the impact may be determined.
28. The DEIR should provide information on the minimum qualifications of potential third party inspectors, including required education, experience, and/or necessary technical skills. The County proposes to rely on qualified biologists as the primary mechanism to avoid environmental impacts and comply with mitigation measures, and for this reason, adequate qualifications should be defined and disclosed. The Ordinance should also provide a mechanism allowing

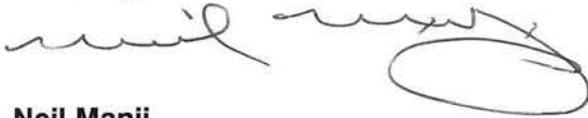
Steven Lazar
Humboldt County Planning and Building Department
October 16, 2017
Page 21 of 23

the County to disqualify qualified biologists if necessary, for unsatisfactory performance, in consultation with the Department.

29. County staff and/or applicants should consult with the Department to ensure compliance with all Fish and Game Code sections, not just section 1602.

We appreciate the opportunity to comment on the DEIR/Ordinance and look forward to working with Humboldt County 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,

A handwritten signature in black ink, appearing to read "Neil Manji", with a large circular flourish at the end.

Neil Manji
Regional Manager

S1-41
cont

Steven Lazar
Humboldt County Planning and Building Department
October 16, 2017
Page 22 of 23

ec: Steven Lazar
Humboldt County Planning and Building Department
SLazar@co.humboldt.ca.us

State Clearinghouse
State.clearinghouse@opr.ca.gov

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, Donna L. Cobb, Corinne Gray, Cheri Sanville, Timothy Smith, Wendy Bogdan, Nathaniel Arnold, Richard Macedo, Scott Cantrell
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, Donna.Cobb@wildlife.ca.gov,
Corinne.Gray@wildlife.ca.gov, Cheri.Sanville@wildlife.ca.gov,
Timothy.Smith@wildlife.ca.gov, Wendy.Bogdan@wildlife.ca.gov,
Nathaniel.Arnold@wildlife.ca.gov, Richard.Macedo@wildlife.ca.gov,
Scott.Cantrell@wildlife.ca.gov

References

Cafferata, P., D. Lindsay, T. Spittler, M. Wopat, G. Bundros, S. Flanagan, D. Coe, W. Short. 2017. Designing Watercourse Crossings for Passage of 100-Year Flood Flows, Wood, and Sediment (Updated 2017). California Department of Forestry and Fire Protection. Sacramento, CA.

California Department of Fish and Wildlife. 2017. Evaluation of the Petition from the Center for Biological Diversity to List the Foothill Yellow-Legged Frog (*Rana boylei*) as Threatened under the California Endangered Species Act. Sacramento, CA.

California Fish and Game Commission. 2017. Notice of Findings – Northern Spotted Owl (*Strix occidentalis caurina*). Folsom, CA.

Carah, J., J. Howard, S. Thompson, A. Gianotti, S. Bauer, S. Carlson, D. Dralle, M. Gabriel, L. Hulette, B. Johnson, C. Knight, S. Kupferberg, S. Martin, R. Naylor, M. Power. 2015. High Time for Conservation: Adding the Environment to the Debate on Marijuana Liberalization. BioScience. Doi: 10.1093/biosci/biv083.

United States Fish and Wildlife Service (USFWS). 2006. Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California. Arcata, CA.

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4693
FAX (707) 445-6314
TTY 711



*Making Conservation
a California Way of Life.*

October 16, 2017

Humboldt County Code Amendments
Regulating Commercial Cannabis
SCH# 2017042022

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

Dear Mr. Lazar,

Thank you for giving Caltrans the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Proposed Amendments to the Humboldt County Code Regulating Commercial Cannabis Activities. The project would involve the repeal of the County’s existing Commercial Medical Marijuana Land Use Ordinance and the Medical Cannabis Testing and Research Laboratories Ordinance and would be replaced with the proposed ordinance. We offer the following comments:

S2-1

3.6 Geology and Soils

We disagree with the DEIR’s finding for Impact 3.6-2, which considers “potential to result in off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to unstable soil conditions or risk of like due to siting on expansive soil” to be “less than significant”. We recommend changing the significance before mitigation to “potentially significant”. Mitigation to reduce the severity of the impact to less than significant may include the issuance of a grading permit or possibly the preparation of and adherence to the recommendations of a professionally prepared soils engineering and engineering geology report, as appropriate.

S2-2

We are concerned with previously unpermitted land disturbance activities on steep slopes and the need for rehabilitation and other corrective action to prevent any disturbance to geologically unstable hill sides and to protect water quality. We request that the County application and/or referral for County cannabis cultivation permits include site-specific information about percent slope of any areas proposed for cultivation.

S2-3
S2-4

3.12 Transportation and Circulation

We disagree with the DEIR’s findings both for Impact 3.12-1: Construction-related increase in traffic and for Impact 3.12-2: Long-term increase in traffic. We do not dispute that traffic volumes on State routes will not have a significant impact on traffic volumes. We have concerns about the increase trips for private access points onto State routes. Many of the existing private driveways connecting to State routes were permitted by Caltrans for less intensive land uses. Some private road connections were restricted to 20-foot wide openings in access-controlled right of way, which are not intended to serve two-way traffic. In many cases, cannabis cultivation will

S2-5
S2-6

increase the intensity of the land use activities on-site and increase the number of turning movements on high-speed roadways. Where left-turn pockets are not present and where highway shoulders are less than eight feet wide, a single-family driveway or a "field approach" will increase the potential for collisions when two way traffic cannot be accommodated. We request that the DEIR revise the determination for Transportation and Circulation Impacts 3.12-1 & 3.12-2 to Potentially Significant and with appropriate mitigation can be considered Less Than Significant. Mitigation can include widening the throat of the driveway to a minimum of 20 feet.

S2-6
cont

Please contact me with questions or for further assistance at (707) 441-4693 or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,



Jesse Robertson
Transportation Planning
Caltrans District 1

cc: State Clearinghouse



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

Lisa Ann L. M

Letter
S3

October 13, 2017

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

Subject: Proposed Amendments to Humboldt County Code Regulating Commercial Cannabis Activities, Draft EIR **SCH # 2017042022**

Dear Mr. Lazar,

Thank you for the opportunity to review the subject Draft EIR and provide comments regarding the proposed 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:

S3-1

“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.”

As mentioned in our Notice of Preparation response, the main concern for NCRD regarding the Project will be the proximity of permitted cannabis activities to park boundaries. The setbacks for the Project as described on page 2-21 is 600 feet from public parks. However, it further clarifies:

S3-2

“the setback requirement applicable to public parks, other than lands managed for open space and/or wildlife habitat, would only be applied to designated and developed recreational facilities such as picnic areas and campgrounds, trails, river, and fishing access points, and like facilities under public ownership.”

NCRD would like clarification that all unit designations within the State Park system and located in Humboldt County are considered lands managed for open space and/or wildlife habitat, which would require the 600-foot setback for entire park units, not just

the developed recreational facilities within them. Likewise, there is a parcel near Grizzly Creek Redwoods State Park (GCRSP), scheduled to be transferred to NCRD pending finalization of access easements. Although not shown on Exhibit 2-2, the acquisition will expand the boundaries of GCRSP for its wildlife and habitat values and should be included in the applicable category for the 600-foot setback.

S3-2
cont

S3-3

NCRD suggested a process for retrospective review of the environmental conditions prior to issuing a permit for existing cultivation sites. The Project Description states that there will be a Retirement, Remediation, and Relocation provision (page 2-16) to encourage such for sites that are occurring in inappropriate, marginal, or environmentally sensitive areas. Additionally, site reconfiguration criteria for existing sites (page 2-27) will need to improve the environmental resources of the site, and bring it into compliance with the requirements of the regulations. NCRD respectfully requests consultation with the County on rehabilitation and/or restoration plans when retirement, remediation, relocation, or reconfiguration of existing sites occur within 600 feet of a State Park boundary.

S3-4

Lastly, the Project Description states on page 2-26 that ponds and reservoirs used for water storage shall be designed by a licensed civil engineer. This section should specify a California licensed civil engineer. It should also require a California licensed professional geologist be involved if there is question about the presence of a landslide at the pond site (or other development that involves the use of water [e.g. pipes] or habitable structures), as identification of unstable features may not be within the expertise of the civil engineer.

S3-5

We appreciate the opportunity to provide comments and get clarification to components of the Draft EIR. NCRD is dedicated to working with Humboldt County and other Responsible agencies through 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.

S3-6

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

From: Mark Andre [mailto:mandre@cityofarcata.org]

Sent: Monday, September 11, 2017 3:57 PM

To: Lazar, Steve

Subject: cannabis buffer map ..1000 feet Arcata city limits ; sphere and TPZ fyi

Mark S. Andre

Environmental Services Director

City of Arcata

736 F Street

Arcata, CA. 95521

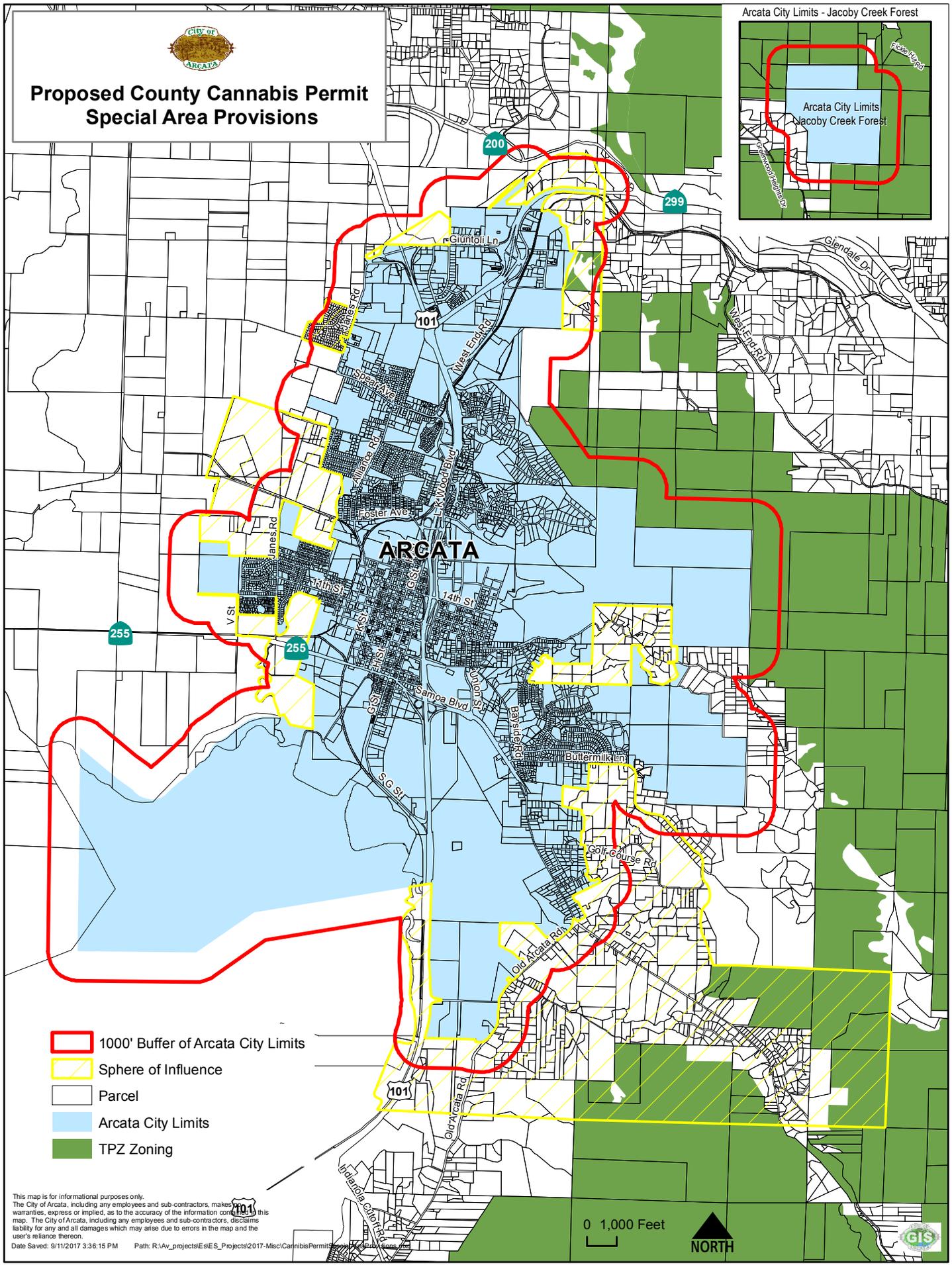
707 822-8184 (office)

707 845-5804 (cell)



Proposed County Cannabis Permit Special Area Provisions

Arcata City Limits - Jacoby Creek Forest



- 1000' Buffer of Arcata City Limits
- Sphere of Influence
- Parcel
- Arcata City Limits
- TPZ Zoning

This map is for informational purposes only. The City of Arcata, including any employees and sub-contractors, makes no warranties, express or implied, as to the accuracy of the information contained on this map. The City of Arcata, including any employees and sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.



From: [Mark Andre](#)
To: [Lazar, Steve](#)
Cc: [David Loya](#)
Subject: City of Arcata Comments on Commercial Cannabis Ordinance
Date: Monday, September 25, 2017 5:06:41 PM

Hello Steve,

The City of Arcata will be sending a comment letter to the BOS in October. Just giving you a heads up and also checking on the schedule for this.

| L2-1

Mark S. Andre

Environmental Services Director

City of Arcata

736 F Street

Arcata, CA. 95521

707 822-8184 (office)

707 845-5804 (cell)



Letter
L3

Environment
Melissa Martel
100 H Street, Eureka, CA 95501
phone: (707) 445-6215 | fax: (707) 441-5699

October 16, 2017

Attn: Michael Richardson
Supervising Long Range Planner
Humboldt County Planning and Building
3015 H Street
Eureka, CA 95501

Subject: Corrections and Comments for Revised Draft Environmental Impact Report (EIR) for Humboldt County General Plan Update

Dear Mr. Richardson,

The Department of Health and Human Services, Division of Environmental Health (EH) would like to thank you for the opportunity to review the General Plan Update Draft EIR. Ascent Environmental, Inc. provided a quality product with this Draft EIR. EH's Land Use, Solid Waste and Hazardous Materials Programs have reviewed the sections of the EIR related to their programs and have made suggested corrections and comments which will be provided as Microsoft Word documents in order to ease the editing process. The Land Use Program comments fall under chapter 3 of the Draft EIR and the Hazardous Materials Program's fall under chapter 3.7.

L3-1

If you have any questions regarding any of the suggested edits or comments for the EH Solid Waste Program, please direct them to Harriet Hill at: hhill@co.humboldt.ca.us, and for the Hazardous Materials Program contact Larry Lancaster at llancaster@co.humboldt.ca.us.

Thank you,

Melissa Martel
Director, Environmental Health



Division of Environmental Health, Land Use and Solid Waste Programs:

Comments on DEIR Section 3.13.3 Environmental Impact and Mitigation Measure by the Humboldt County Division of Environmental Health (DEH):

On P. 3-13-18, the DEIR states “In response to comments on the NOP, the Humboldt County Division of Environmental Health noted that the Redway Transfer Station has experienced a substantial increase in received materials over the past five years.... Implementation of the proposed ordinance may increase the number of cultivation sites that would dispose of solid waste at Redway Transfer Station, and other transfer stations in the County.”

On p. 3-13-17 the DEIR states under “Impact 3.13-3 “...periods of cultivation, such as harvest” may result in waste acceptance rates being exceeded, which is deemed a potentially significant impact. Mitigation Measure (MM) 3.13-1a states: “Prepare a treatment program for all “new indoor cultivation and non-cultivation activities.”

On page 3-13-18, the mitigation measure is analyzed in the “Significance after Mitigation.” It states that the “Implementation of Mitigation Measure 3.13-1a will require individual applicants to determine and plan for handling and disposal methods for all materials...used during commercial cannabis operations. Waste disposal plans will be submitted to the Humboldt County Division of Environmental Health and other appropriate public agencies or private enterprises, including transfer stations, for approval before issuance of permits (emphasis added). Because implementation of this mitigation measure would ensure that capacity for waste is available and that materials are disposed of properly, impacts would be reduced to a less-than-significant level.”

DEH finds that the DEIR does not describe a suitable mitigation for the proposed project’s potential impacts on the county’s existing solid waste handling infrastructure. Our comments follow:

1. The proposal in MM 3.13-1a that applicants provide waste disposal plans “to the Humboldt County Division of Environmental Health and other appropriate public agencies or private enterprises, including transfer stations, for approval before issuance of permits” is infeasible because:
 - MM 3.13-1a would place requirements on Commercial Cannabis operations that are not required of any other business or individual in Humboldt County.
 - MM 3.13-1a would be impossible to implement. This directive is not expressly stated in the Commercial Cannabis Land Use Ordinance so would neither be enacted nor enforceable.
 - It is impossible for DEH and other (unspecified) “appropriate public agencies or private enterprises including transfer stations” to determine, via review of hundreds or thousands of waste disposal plans “that capacity for waste is available and that materials are disposed of properly”. “Private enterprises including transfer stations” have no responsibility or authority to receive, review or comment on such proposals. DEH has authority to review a solid waste handling proposal with respect only to

L3-2

L3-3

whether it is in conflict with state or local regulations; DEH has no responsibility or authority to recommend approval or denial to a project based on whether capacity is available.

2. MM 3.13-1a states that applicants must provide a plan for handling and disposal for all materials; therefore, to call this a “treatment program” is incorrect and misleading.
3. MM 3.13-1a only applies to “new indoor cultivation and non-cultivation activities.” Outdoor cultivation and non-cultivation activities produce solid waste as well. The document should explain why these activities are excluded.

L3-3
cont

Conclusions:

The solid waste handling infrastructure in southern Humboldt is sorely lacking. The Redway Transfer Station (RTS) is in poor condition and undersized; heavy traffic sometimes requires patrons to wait in their vehicles in line, the tip floor is undersized and presents safety challenges. As stated in the DEIR, the waste tonnages received at RTS have recently increased dramatically. Since late 2014, the RTS has exceeded its permitted tonnage limit 16 times, with the 2017 violation occurring after the facility’s permitted tonnage limit had just been increased to three times its previous level. Humboldt County Public Works (HCPW) owns the RTS facility which is built on state-owned land and has recently contracted with Recology Eel River for its operation. HCPW reports it will discuss building plans with the new operator in October 2017; however project completion will likely take several years.

DEH believes that the currently inadequate solid waste capacity at the Redway Transfer Station will be greatly impacted by the activities described in Commercial Cannabis Land Use Ordinance. Other transfer stations are likely to be impacted as well. Such an impact can only be practicably mitigated by reconstructing such facilities to increase their capacity; this environmental impact cannot be made “less than significant” until this occurs.

L3-4

We recommend that:

1. Mitigation Measure (MM) 3.13-1a be deleted as it is entirely infeasible and ineffective.
2. Inadequate solid waste handling capacity be identified as a “Significant Unavoidable Impact” in Section 5.1 under the discussion of “Utilities and Service Systems.”
3. A likely increase in illegal solid waste disposal (already rampant along the county’s rural road turnouts) should be considered as a secondary significant unavoidable impact since some parties will choose to avoid the overtaxed transfer stations and illegally dump their operation’s waste.

L3-5

Division of Environmental Health, Hazardous Materials Program:

Changes and comments on DEIR Section 3.7 are as follows: ~~strikethrough~~ is old text, **highlighted** is suggested text.

Hazards and Haz Mat 3.7.3, ¶12 (p285):

Under Chapter 6.95, Article 2, operators of stationary sources of hazardous materials are required (if they are deemed an accident risk) to prepare risk management plans, detailing strategies to reduce the risk of accidental hazardous material release, and submit them to the ~~California Emergency Management California Environmental Protection Agency and/or the Administering agency, as per Chapter 6.95, Article 2, Section 25535.1(b and c)~~ Cannabis cultivators that store hazardous materials (e.g., pesticides, fuel) exceeding the threshold quantity would be required to prepare an HMBP (California Department of Food and Agriculture 2017.

L3-6

3.7.8, ¶3 (pg. 290):

Depending on their specific cultivation practices and processes, commercial cannabis cultivators could be considered hazardous waste generators that would be subject to the requirements of the Hazardous Waste Generator Program. This should state cannabis operations could be required to enroll in any of the above-described CUPA programs (not just HW).

L3-7

3.7.8 (pg. 290), Title: "~~County Health Hazardous Materials Program Local Oversight Project~~ **Local Oversight Project**

L3-8

3.7.14, ¶5 (pg. 296):

*The County ~~Environmental Management Agency~~ **Division of Environmental Health** conducts inspections of every cultivation site for hazardous materials storage, as well as any hazardous waste disposal. This is done through delegation by CalEPA to the County as the CUPA. The County is responsible through the CUPA program for inspection of all facilities that store hazardous materials or handle hazardous wastes. Regulation of commercial cannabis cultivation and commerce sites provides for fees to support the CUPA program.*

L3-9

From: Dugan, Lisa
Sent: Wednesday, October 11, 2017 11:45 AM
To: Ford, John
Subject: FW: Cannabis - Yolo

Hi John,

This is the rider to the marijuana ordinance in Yolo County. Is there any opportunity you are aware of to add a rider similar to this in Humboldt?

Thanks,
Lisa

M. Lisa Dugan

Director, North Coast Regional Department of Child Support Services
Eureka Branch - 2420 6th St., Eureka, Ca. 95501
Weaverville Branch - P.O. Box 489, 850 B Main St, Weaverville, Ca. 96093
(707) 441-3262
(707) 954-4753 (cell)
mldugan@co.humboldt.ca.us



"In a world that's changing so quickly, the biggest risk is not taking any risk". Peter Thiel

From: Natalie Dillon [<mailto:Natalie.Dillon@yolocounty.org>]
Sent: Wednesday, October 11, 2017 10:12 AM
To: Stacy Gray; Aaron Goodwin; Adele Hendrickson (Hendrickson.Adele@centralsierra.cse.ca.gov); Baljit Atwal ; Barbi Brokhoff; Bruce Mordorhorst; Carrie Topliffe; Danielle Wermund; davidakilgore@outlook.com; Dawn Mayer; Diana Bermingham; Don Semon; Gail Woodworth; Gary Sams; Ignacio J. Guerrero ; jamie murray; Janet Nottley; Jeff Grissom; Jennifer Traumann; Jill Francis; Jody Holtzworth (holtzworthj@co.monterey.ca.us); John Contreras; Julie Paik; Karen Roye; Kari Gilbert (kgilbert@co.fresno.ca.us); Kelley Cote; Kim Cagno; Lisa Bispham; Dugan, Lisa; Liza Barraza; Lori Cruz (lcruz@sjgov.org); marcusmit1@att.net; marie.girulat@css.sbcounty.gov; Melinda Self; Michelle Blackford; Nola Penna (npenna@co.del-norte.ca.us); Pamela Posehn; Phyllis Nance; Roger Dixon; Rose Schwab; Ross Hutchings; Sarah Honeycutt; Sean Farrell; wardale-trejo.sharon@mariposa.cse.ca.gov; swardale-trejo@co.merced.ca.us; Steven Eldred (seldred@css.ocgov.com); Steven Golightly; Susanne Rizo; Terri Morelock; Terrie; Tex Ritter; Tina Taylor; Tonya Moore; Troy Held (Troy.Held@pldcss.ca.gov); v.west@csa20ca.org; Liane L. Platt; prado.julie@centralsierra.cse.ca.gov
Subject: Cannabis - Yolo

During Statewide Directors Meeting, I was asked if I could share the Yolo draft marijuana ordinance language relative to Child Support with Membership. I sent a separate copy to Robert. Please find the draft attached. It should be final within the next few weeks.

Please let me know if you have any questions,

Natalie Dillon
Director,
Yolo County Child Support Services
530-661-2856
www.yolocountychildsupport.org



We want to hear from you!

Please take a moment to let us know how we are doing. To complete our Customer Satisfaction Survey, please [click here](#). *Para la versión en español de nuestra encuesta, por favor haga clic [aquí](#).*

DRAFT CHILD SUPPORT RIDER TO MARIJUANA ORDINANCE

All permit holders/owners of the business must be current with their monthly child support obligations. If the permit holder/owner of the business has an account with past due child support arrears, he/she must have that balance at zero or have verification from the Department of Child Support Services that they have been in and remain in compliance with a court ordered payment plan in order to remain in good standing for a permit. (CA Family Code section 17400 et. al.)

You must provide the Yolo County Department of Agriculture a quarterly list of all employees, employed at any time during the quarter. Reports are due by the 15th of the month following the end of the quarter. (March, June, September, and December). The list will include names, addresses and social security numbers for all your employees and contractors.

If your business uses a payroll withholding process, you must comply with the Income Withholding Order issued by the Yolo County Department of Child Support Services for any employee you employ. In addition, if the Income Withholding Order is for an owner or part-owner of the business, the business must also comply with the Income Withholding Order and provide necessary tax information if self-employed for purposes of determining accurate child support orders. Child support obligations can be met by the employer remitting payment to the State Disbursement Unit (SDU) at P.O. Box 989067, West Sacramento, CA 95798-9067 in response to an Income Withholding Order, checks mailed to the SDU, online credit card payments, cash payments made at the local child support agency, or through other cash payment options such as Money Gram or Pay Near Me. Additional information about payment options can be found at [https://www.childsup.ca.gov/payments/statedisbursementunit\(sdu\).aspx](https://www.childsup.ca.gov/payments/statedisbursementunit(sdu).aspx)

L4-1
cont



Letter
L5

Environment
Melissa Martel
100 H Street, Eureka, CA 95501
phone: (707) 445-6215 | fax: (707) 441-5699

October 16, 2017

Attn: Steve Lazar
Senior Planner
Humboldt County Planning and Building
3015 H Street
Eureka, CA 95501

Subject: Questions and Comments for Draft Commercial Cannabis Ordinance

Dear Mr. Lazar,

The Department of Health and Human Services, Division of Environmental Health (EH) would like to thank you for the opportunity to review the Draft Commercial Cannabis Land Use Ordinance. We have reviewed the ordinance have several questions and comments for consideration below:

L5-1

DEH - Comments on DRAFT Commercial Cannabis Land Use Ordinance (CCLUO)

55.4.12.9 Describes a testing regime required of parcels less than 10 acres where the well is located less than 400 feet of a property line.

1. What is the definition of well for the purposes of this section?
2. If a well is found to be hydrogeologically connected to surface waters, does this section apply?
3. What guidance/reference is used to recommend this testing design?
4. What are the required credentials to complete/perform the test?
5. What agency will review and ratify the test? Will there be a fee to review the test?
6. Is there a seasonal component to the test?
7. A complete test may require access to wells under the control/ownership of adjacent properties. Cooperation may be a challenge. Can an uncooperative neighbor prevent the completion of the test? Could test results prevent approval of project etc.?

L5-2



8. This testing threshold appears inconsistently applied to the Cannabis industry alone. Are there other sectors subject to the same challenge?
9. Traditionally, water rights have been under the jurisdiction of CA State Water Board-Division of Water Rights which has no permitting structure for the use of groundwater. Restricting use presents a major change in water rights in regard to ground water.

L5-2
cont

If you have any questions regarding any of the questions or comments, please feel free to contact Mario Kalson at (707) 268-2209 or mkalson@co.humboldt.ca.us.

Thank you,



Melissa Martel
Director, Environmental Health





September 26, 2017

Dear County Planning Commissioners and Board of Supervisors,

Trinidad is a tiny city that serves as the community center of a larger unincorporated area stretching from Little River to Patrick’s Point, the ‘Greater Trinidad Planning Area’. This Planning Area includes the Luffenholtz Creek watershed, which is the sole water source for the City, the Trinidad Rancheria, and many adjacent County residents. This Planning Area also includes multiple critical coastal watersheds that flow into the Trinidad Bay, an Area of Special Biological Significance (ASBS), a state designation that prohibits any discharge that may affect water quality in Trinidad Bay.

L6-1

The City of Trinidad has significant concerns about the negative impacts to City residents, our neighbors, fellow community members, and critical watersheds in the greater Trinidad Planning Area (Figure 1) that may result from the revised Commercial Cannabis Ordinance being considered by the County. These negative impacts can reasonably be expected to include an increased risk of property crimes and violent crime, increased fire risk, nuisance odors, increased traffic and road wear, and threats to critical watersheds including water pollution and reduced flow.

L6-2

The City of Trinidad is in the process of prohibiting commercial cannabis activities within City limits in order to minimize these impacts in the City. The City is currently updating our General Plan and Local Coastal Program, and will be updating our Sphere of Influence as part of this process. The City of Trinidad requests that the County prohibit commercial cannabis activity in the Greater Trinidad Planning Area.

L6-3

Much of the Greater Trinidad Planning Area falls within the ‘Rural Residential Neighborhood Areas’, already mapped and defined in the Ordinance as requiring additional protections through a Special Permit Process. The area is defined by steep slopes and small coastal streams, with rural residences close to the coast and timberland in the upper watersheds. Law enforcement resources are spread thin in this rural area, the county roads are in poor shape, and there is almost no agricultural land in the area. Commercial cannabis activities are not well suited to this coastal planning area.

The fact that almost the entire Greater Trinidad Planning Area requires a Special Permit process according to the current draft Ordinance highlights the reality that this area is not suitable for commercial cannabis activity. Simply closing these areas to commercial cannabis production would be a more effective, prudent, and efficient approach to protect public safety, critical watersheds, and the welfare of our community.

The City of Trinidad urges you to protect critical waterbodies and the rural communities in the Greater Trinidad Planning Area by prohibiting commercial cannabis activities between the Little River and Patrick's Point.

L6-3
cont

Sincerely,



Dwight Miller
Mayor

Approved unanimously by the Trinidad City Council on 9/26/20107

cc: Trinidad City Council
Trinidad Rancheria Tribal Council
Yurok Tribe
Trinidad-Westhaven Watershed Council
Humboldt County Board of Supervisors
Humboldt County Planning Dept – Cannabis Services Dept.
Westhaven Community Services District
Big Lagoon Community Services District
Big Lagoon Park Corporation

Trinidad General Plan

Figure 3: Planning Area (Draft)

Trinidad Planning Area

-  Highway 101
-  Trinidad Sphere of Influence
-  City Service Limit
-  1978 Planning Area
-  Urban Limit Line
-  Trinidad City Boundary
-  Streams
-  Trinidad and McKinleyville Coastal Zone
-  Trinidad Rancheria
-  Westhaven Community Services District
-  Trinidad Union School District
-  Big Lagoon School District



www.streamlineplanning.net



1062 G ST. SUITE I TEL: (707) 822-5785
 ARCATA, CA 95521 FAX: (707) 822-5786



CITY OF BLUE LAKE

Letter
L7

Post Office Box 458 • 111 Greenwood Road • Blue Lake, CA 95525

Phone 707.668.5655 Fax 707.668.5916



October 12, 2017

Humboldt County Planning Commission
825 Fifth Street
Eureka, CA 95501

Dear County Planning Commissioners and Board of Supervisors:

The City of Blue Lake is writing this letter in response to the County of Humboldt’s draft Commercial Cannabis Ordinance; we are writing this letter to voice the concerns of the City Council, City staff and our residents as it relates to impacts presented by cannabis production in our surrounding areas.

Although the City of Blue Lake’s land base is relatively small, the City is surrounded by thousands of acres of agricultural, residential and timberlands all under the jurisdiction of Humboldt County. Lying at the base of the Mad River Watershed, the City of Blue Lake is extremely sensitive to the environmental climate of our area and is concerned about the County’s ability to protect and preserve this area from cannabis impacts.

L7-1

The City of Blue Lake has passed an ordinance banning commercial cannabis activities within the City’s jurisdictional limits and will be permitting personal cultivation under a regulated system. Sharing jurisdictional boundaries with the County of Humboldt presents several problems when land use policies are in conflict and the needs and concerns of the City have little voice at the permitting table.

In reviewing the County’s zoning maps this conflict becomes evident and the level of concern rises. Much of the open land surrounding Blue Lake is zoned Agriculture or Timberland; the fact that these lands can be permitted for cannabis cultivation purposes without the City’s review or input places a burden on the City that we are incapable of managing. With limited resources for law enforcement and heavily impacted access routes, the City will bear the burden of any type of commercial operation and will derive zero resources to deal with these impacts.

L7-2

At a minimum, the City requests that the Planning Commission, and ultimately the Board of Supervisors, adopt a process whereby the City of Blue Lake becomes an active and engaged participant on any cannabis related application that falls within the City's Sphere of Influence (SOI). The City's concerns and recommendations should bear the same weight as any of the resource agencies and should be considered for ANY cannabis related application within the SOI.

Cannabis cultivation permits for projects that lie within the City's SOI should require a discretionary approval (e.g. Special Permit or Conditional Use Permit) that require public noticing and review under the California Environmental Quality Act (CEQA). Due to the potential for land use conflicts, all projects within the City's SOI should require hearing before the Humboldt County Planning Commission to allow the greatest opportunity for public review and comment.

The City and County should work in a coordinated manner to create consistent land use policies and zoning designations that are harmonious and beneficial to everyone. Placing financial and resource burdens on small jurisdictions without due consideration is an affront to our government status and creates a climate of hostility and distrust amongst our respective governments, staff and the communities that we serve.

Thank you for your consideration; we look forward to working with the County as this ordinance moves forward. Please feel free to contact City Manager, Amanda Mager, with additional questions or concerns.

Sincerely,



Adelene Jones-Mayor
City of Blue Lake

October 19, 2017

Humboldt County Planning Commission
825 Fifth Street
Eureka, CA 95501

Dear Members of the Planning Commission:

Thank for the opportunity to respond to the County draft environmental impact report on the proposed commercial cannabis ordinance. The City is deeply concerned about the negative effects of cannabis cultivation on its citizens and we've previously requested establishment of a buffer encompassing the City's entire complete Sphere of Influence.

L8-1

Odor from marijuana cultivation is one of the most significant issues that impacts Fortuna's residents who live along the County boundary. Marijuana odor is strong, persistent, and overbearing, and already emanates from the County's several permitted cultivation sites as well as from illegal cultivation sites in the vicinity. Residents have reported health and quality of life issues.

L8-2

The draft environmental impact report identifies odor as a significant impact to the City's residents and acknowledges that implementation of the proposed ordinance would result in a significant impact that cannot be mitigated. Impact 3.3-4 of the draft environmental impact report acknowledges that "cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are provided as part of the proposed ordinance; however, they do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people. This would be a significant impact".

L8-3

It is unacceptable that County would propose adopting a statement of overriding considerations and recommend adoption of standards that would continue to impact City residents. While it is recognized that the draft EIR recommends a special permit for any commercial cannabis activity that would be located within the sphere of influence or within 1,000 feet of the city limit boundary of any city, the special permit process would not be a guarantee against the creation of objectionable odors, which only an outright ban would accomplish. Therefore, the City recommends that the County adopt Alternative #3, prohibiting outdoor and mixed-light cultivation, and that the County further protect the City's citizens through a complete ban on cultivation and related activities within the Sphere.

L8-4

L8-5

L8-6

If you have any questions or wish to discuss this further, please do not hesitate to call.

Sincerely,



Mark Wheatley
City Manager

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

From: [White, Adona@Waterboards](mailto:White_Adona@Waterboards)
To: [Russell, Robert](mailto:Russell_Robert); [Ford, John](mailto:Ford_John); [Lazar, Steve](mailto:Lazar_Steve); [Werner, Steve](mailto:Werner_Steve)
Subject: RE: Request for comment extension on cannabis ordinance amendment
Date: Monday, October 16, 2017 7:48:58 AM

Good day. Our office is scheduled to reopen today. However, considering the follow-up on the significant and ongoing fires in Sonoma County, the chances of getting our comment letter reviewed by management, processed by admin staff, and sent out today to meet your deadline does not look good.

We very much would like to provide you with input and have that input be timely for consideration in your ordinance amendment process.

Could we please get an extension? Your response is appreciated. Thank you. *Adona

R1-1

Adona White, PE, Water Resource Control Engineer

Adona.white@waterboards.ca.gov

707-576-2672 (office)

707-479-2342 (cell)

North Coast Regional Water Quality Control Board

5550 Skylane Blvd., Suite A

Santa Rosa, CA 95403

www.waterboards.ca.gov/northcoast

From: White, Adona@Waterboards
Sent: Friday, October 13, 2017 1:44 PM
To: 'Russell, Robert' <RRussell@co.humboldt.ca.us>; Ford, John@Humboldt County <jford@co.humboldt.ca.us>; Lazar, Steve (SLazar@co.humboldt.ca.us) <SLazar@co.humboldt.ca.us>; 'Werner, Steve' (SWerner@co.humboldt.ca.us) <SWerner@co.humboldt.ca.us>
Cc: Grady, Kason@Waterboards <Kason.Grady@waterboards.ca.gov>; Utley, Shannon M@Waterboards <ShannonM.Utley@waterboards.ca.gov>; Henriouille, Diana@Waterboards <Diana.Henriouille@waterboards.ca.gov>; Curtis, Joshua R.@Waterboards <Joshua.Curtis@Waterboards.ca.gov>
Subject: Request for comment extension on cannabis ordinance amendment

Greetings, We hope to provide comment from staff at the Regional Water Quality Control Board on the draft ordinance update. Unfortunately, efforts for timely comment are hindered by the Regional Water Board office having been closed all week and staff on administrative time off due to the fires in the area (see below). Could we please get an extension on the comment deadline, perhaps an additional week? We are expecting the office to reopen on Monday (fingers crossed). Your understanding and response is appreciated. Cheers, *Adona

Adona White, PE, Water Resource Control Engineer

Adona.white@waterboards.ca.gov

707-576-2672 (office)

707-479-2342 (cell)

North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403
www.waterboards.ca.gov/northcoast

From: Russell, John@Waterboards

Sent: Friday, October 13, 2017 7:57 AM

Subject: Office Closures: North Coast Regional Water Quality Control Board and Santa Rosa Drinking Water Offices

This note is being sent to all Water Board staff as a bcc.

The North Coast Regional Water Quality Control Board office will remain closed today, Friday October 13, 2017. The Santa Rosa Drinking Water Office will also be closed today. Both are closed due to the wildfires in the area. An update has been posted on the CalEPA Emergency Return-to-Work Number. Further updates will be posted as management of those offices determine whether or not the offices need to remain closed.



Letter
R2

North Coast Regional Water Quality Control Board

October 20, 2017

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

SUBJECT: Comments on Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Dear Mr. Lazar,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities and the Commercial Cannabis Land Use Ordinance (Ordinance) 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.

R2-1

The Regional Water Board provided comment on the Notice of Preparation (NOP) on May 10, 2017 and suggested the following considerations as part of the Project: recent changes to the water quality regulatory programs; existing cumulative impacts associated with sediment and temperature impairments; addressing existing and new impacts on shared use roads; the need for a strong enforcement component; cumulative impacts to hydrology and groundwater; and the need for watershed coordination as a tool for achieving healthy watersheds.

Water Boards Cannabis Cultivation Water Quality Regulatory Programs

As we commented in the NOP, the water quality regulatory programs continue to evolve, with the State Water Resources Control Board (State Water Board) recently adopting a general waste discharge requirement and small irrigation appropriation for cannabis cultivation state-wide. The current regulatory requirements of the Regional Water Board

R2-2

under Order R1-2015-0023¹ will be superseded by the State Water Board state-wide water quality and water right regulations for cannabis cultivation.

On October 17, 2017, the State Water Board held a Public Hearing and adopted a Resolution and the *Cannabis Cultivation Policy: Principals and Guidelines for Cannabis Cultivation* and consideration of proposed *General Water Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*. The recent regulations are available as items 6 and 7, respectively at:

https://www.waterboards.ca.gov/board_info/agendas/2017/oct/101717_agenda.pdf

The Project would benefit from being informed by and brought into consistency with the State Water Board’s new cannabis water quality and water rights regulations.

R2-2
cont

Cumulative Impacts

The DEIR does not meet the CEQA requirement to include a discussion of cumulative impacts from past, present and probable future projects producing related or cumulative impacts, including those beyond the Project.

The DEIR describes that the full impacts of existing unpermitted cultivation are speculative and are not assessed in the cumulative impacts associated with the Project. In addition to the existing unpermitted cultivation, there is ongoing proliferation of illegal cannabis cultivation. To adequately address the cumulative impacts of the Project, the DEIR and Ordinance must identify current and future impacts associated with the ongoing proliferation of illegal cannabis cultivation and associated activities, how those impacts will interact with the incremental impacts of the Project, and propose adequate mitigation measures for the resulting cumulative impacts.

R2-3

The environmental impacts of unpermitted cannabis cultivation are significant and well documented, are ongoing, and clearly contribute to cumulative environmental impacts in the County. Unpermitted land use development for cannabis cultivation and associated activities is ongoing. Common water resource concerns or violations identified on unpermitted cannabis cultivation sites include: sediment contamination of streams and wetlands associated with road building, grading, and stream crossing construction; diversion and storage of water in a manner that threatens water quality and beneficial uses; contamination from fertilizers, petroleum products and other chemicals; inadequate storage and disposal of human waste and refuse; destruction of riparian vegetation causing damage to aquatic habitat; and hydrologic modification including rerouting of streams and interception of groundwater. These unpermitted development activities have and continue to contribute to additional impacts documented by the Regional Water Board.

R2-4

¹ *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*

To adequately address the cumulative impacts of the project, the DEIR and Ordinance must identify current and future impacts associated with the ongoing proliferation of illegal cannabis cultivation and associated activities.

R2-5

Shared Use Roads

Shared use roads are among the most significant sources of chronic sediment discharges to surface waters across populated rural landscapes, as described in the NOP comments, and as documented in the north coast Basin Plan². 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.

R2-6

The Ordinance addresses roads by requiring that new cultivation sites are located within two miles of a Category 4 road (two ten-foot traffic lanes, not including shoulders, capable of providing for two-way traffic flow to support emergency vehicle and civilian egress) or other measures to ensure the access road can handle the additional traffic associated with the new site. While this standard may be helpful for impacts on neighbors of new cultivation sites associated with traffic flow, it does not necessarily address the significant sources of sediment discharges to surface waters associated with the existing road network. Further, the requirement is likely to lead to widening of roads to meet the standard which may include extensive earth work, riparian and instream disturbance and associated impacts.

R2-7

The Ordinance does not propose strategies to address the existing road network and impacts associated with poorly located, designed, and maintained roads. Mitigations should include the requirement for a road association and sediment control plan for the roads, including off-property private and county road networks. 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.

R2-8
R2-9

The Ordinance 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.

R2-10

Enforcement

The Ordinance should include specific penalties and/or remedies for non-compliance and post-permit environmental remediation, and provide adequate staffing to conduct enforcement efforts and compliance review. The consequences for non-compliance should

R2-11

² Water Quality Control Plan for the North Coast Region, available at: https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/basin_plan_documents/

be clearly described in the Ordinance or related policy and should be reasonably be scaled to the impacts associated with the non-compliance.

Compliance assistance is necessary, especially in a new regulatory program, and is appropriate for permitting staff as those are the professionals versed in the standards and strategies to achieve those standards. 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. This is especially true given the large number of illegal sites currently on the landscape.

We encourage County enforcement staff to actively coordinate with partner agencies to promote safety, consistency, and effectiveness to ensure that site conditions are addressed in a comprehensive and adequate strategy. It is important that applicable agencies have notification of non-compliance related to regulations beyond the County jurisdiction to ensure that the issue is adequately investigated by the respective experts and remedied accordingly. Resulting compliance agreements should reflect the timelines required by the agencies with jurisdiction. When environmental remediation is required, the agencies with jurisdiction should be consulted for review and concurrence. It is imperative that not only those sites that are part of the Ordinance program are remediated, but also those sites that are identified outside of the Ordinance program.

R2-11
cont

Since the inception of the cannabis programs of the Water Boards and the California Department of Fish and Wildlife, both programs have evolved to have separate, dedicated staffing for permitting and for enforcement. The County may wish to consider an independent code enforcement unit that includes enforcement on unpermitted operations.

R2-12

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, or soon to be, 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.

R2-13

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. The Ordinance proposes that new wells located on smaller parcels (less than 10 acres) or close to property boundaries (within 400) feet are monitored for drawdown. However, it does not appear to require larger parcels to monitor or mitigate usage. Larger parcels are more likely to include larger scale cultivation and associated irrigation water use. Thus we recommend that the requirements for well use be scaled to the potential impacts.

R2-14

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. Additionally, the County, in coordination with partner agencies and watershed groups, should identify watershed monitoring and metrics to inform thresholds for cumulative impacts and watershed carrying capacities. A combination of stewardship and environmental mitigation projects can contribute to such an effort. The Regional Water Board would be available to actively partner on watershed stewardship and coordination projects.

R2-15

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 Kason Grady at 707-576-2682 and Kason.Grady@waterboards.ca.gov.

R2-16

Sincerely,

 Digitally signed by Joshua Curtis
Date: 2017.10.20 14:35:59 -07'00'

Water Boards

Josh Curtis
Compliance Assurance, Stewardship, and Planning Division Chief
North Coast Regional Water Quality Control Board

From: Robert Sutherland
Sent: Monday, September 11, 2017 11:32:59 AM
To: Ford, John; Bass, Virginia; Bohn, Rex; Sundberg, Ryan; Fennell, Estelle; Wilson, Mike
Cc: Hayes, Kathy
Subject: Hummap on mj ordinance

11 September 2017

Dear Planning Commissioners and Supervisors:

These are the initial comments of the Humboldt-Mendocino Marijuana Advocacy Project (HUMMAP) on the proposed commercial marijuana ordinance. We are pleased to see some thoughtful new changes in the proposal. These suggest that you as decision makers are concerned to develop a healthy marijuana industry in our county, and with that we are pleased. But what we are hearing from our members and others is that the regulations thus far have been so ineffective as to be widely viewed as a disaster, and we think it is very telling that in the recent ordinance deliberations by both the Trinity and the Mendocino Supervisors it was strongly stated that a goal was to avoid being like Humboldt. You are grasping neither the magnitude nor the seriousness of the destruction that is occurring. Please adopt the improvements we here suggest.

1) The Artisanal Program (55.4.13). This innovative program pays due honor to the people, the history, and the motives underlying this industry by assuring its fitting future. The persons who helped to develop this program include the one who in the 1970s imported to the US the seeds that provided key genetics to the marijuana now grown in North America and Europe, and two others who were the first to stabilize the CBD clones now so strongly sought for dramatic health benefits, especially for pediatric seizures. The ideals driving these spectacular accomplishments never revolved around money, but were primarily founded on a deep belief in the special significance of marijuana.

Artisans, then, are focused primarily on the quality of the product, using the knowledge that quality finally lies well beyond industrial manipulations. Accordingly, we must object strongly that the change proposed to this program misunderstands what it is about. The proposed change to which we object is the inclusion of the use of artificial lights in artisanal cultivation, where the prior ordinance (55.4.15) specified natural light only. We strongly request this new feature be dropped, and sun-grown only be

01-1

retained! The use of lights merely facilitates the commercialization of an otherwise ethics-based product. It has no place in this wholesome history.

01-1
cont.

2) Timberland (55.4.6.5; 55.4.6.5.6; 55.4.12.6; etc.). In several places the proposed ordinance refers to timberland, but the usages appear to be confused, misleading, and inaccurate. The ordinance variously cites the included definition “Timberland”, “TPZ zones”, and “General Plan Land Use Designation of Timberland”; and Public Resources Code 4526 is also mentioned. Most timberland as defined by PRC 4526 is not in TPZ and U, as the ordinance repeatedly suggests. These zones are not the only timberlands requiring the protections of the ordinance. It remains a common myth that TPZ is all, or nearly all, forest lands.

01-2

If you consult your institutional memory, you may recall receiving a letter on this topic, dated November 2, 2015, from Unit Chief Hugh Scanlon of the Department of Forestry and Fire Protection. I quote from that letter: “It should be noted that the Department’s authority is not limited to timberland production zone (TPZ) land, but any land that is considered timberland. Timberland is defined as “non-federal land which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees (PRC § 4526).”” These all are lands for which the Department must issue the three-acre exemptions, and thus all such lands should be addressed in the various relevant ordinance provisions. For example, CalFire found numerous violations of the exemption requirement within the Forest Recreation (FR) zone, yet that important zone is not addressed regarding generator restrictions, among other matters.

Chief Hugh Scanlon continued: “The Humboldt-Del Norte Unit evaluated illegal timberland conversion in Humboldt County, which has increased dramatically due to cannabis cultivation. The Department concluded that approximately 88% of timberland conversions have been completed without CAL FIRE compliance.[...] These illegal operations were found on timberland, regardless of zoning.”

01-3

When the TPZ law passed, many residents opted not to include their timberlands. This means among other things that there is a patchwork of these zoning categories, which may result in neighbor impacts. Some of these parcels also contain unrecorded wildlife such as Spotted Owls, as evidenced by the Humboldt Breeding Bird Atlas, and that wildlife remains seriously vulnerable to impacts such as generator noise and expansion of pre-existing cultivation sites. Differences in zoning do not equate to differences in significant adverse habitat impacts. We request all forest lands be treated in a uniform protective manner.

3) Building Code Compliance for existing residences (55.4.6.5.1c). An issue strongly discussed in the fora leading up to the passage of the current ordinance was whether to require inspections and compliance upgrades for non-commercial structures on an applicant’s parcel, and it was clearly concluded by decision makers that only the structures and facilities used in the commercial operation needed inspection and compliance. Planning and Building is again attempting to provoke unnecessary social controversy by imposing the inspections requirement.

01-4

We restate again that it is important to keep in view here the history. The homes now once again targeted by Planning and Building were built decades ago and have been quite satisfactorily occupied all the while. The reason they were not permitted when built is because the Planning Department at that time attempted social genocide against the back-to-the-land people by refusing or obstructing to issue permits. Contrary again to popular myth, not all of these homesteaders became wealthy from

marijuana. In fact, most came here specifically to avoid materialistic lifestyles. Therefore, many of them cannot today afford the hugely expensive upgrades that likely would be required, septic systems being a premier example. By rights, the County should pay for these as damages. These homes when not actively a part of any commercial operation should continue to stand aside from relevance to this process. This should not be another kick at homesteaders. They have a right to continue living here. We request the limited compliance policy of the current ordinance be retained.

01-5

01-6

4) Roads (55.4.12.1.8d). This provision requires virtually all commercial growers on private roads to join or establish road associations. It is highly controversial not least because it is yet another attempt by county government to impose social engineering on rural residents.

01-7

By law, or so we are informed, road associations must comply with standard constitutional guarantees of rights. For example, they must be governed democratically by direct vote by, or representation of, all affected parties, and, given the length and interconnections of remote rural road systems, this organization alone presumes a large bureaucratic effort. That is but the small matter. You should understand that our rural communities have long ceased to be uniform populations (if they ever were), and they contain strongly diverse attitudes. The proposal before you favors those bent upon resource extraction over those whose long-established interest is to reside in a rural setting. This road proposal is a key part of the effort to industrialize the entire county by piecemeal changes. It seems the most basic concepts of zoning are being pushed aside.

01-8

In this instance the inevitable domination of road associations by industrial interests plausibly will result in flat taxes that spread their high impact costs to low impact residents — this already has been repeatedly attempted. This is bound to generate serious conflicts. It amounts to a de facto conspiracy to engage in takings, as some residents may be forced from their homes by inability or unwillingness to subsidize the heavy users. Therefore you have an affirmative responsibility to foresee these matters. Traffic has increased on private roads by a probable factor of more than twelve, including far more heavy trucks, which are the big damagers, and essentially all that increase is related to industrial marijuana use.

01-9

01-10

Road association costs established pursuant to this proposal should be borne by commercial users only as their cost of business in a secondary zone, and should be graded by impact such as square footage of cultivation and measures of traffic. Alternatively, the County should deal with these issues based on each individual application, soliciting the input of road co-users, and the County certainly should establish effective enforcement mechanisms. Also, Director Ford mentioned on a radio program that rural road usage could be subject to an entirely separate use application permit, and it seems likely this may be the best suggestion of all.

01-11

5) Hearing (55.4.5.1.5d). When a Hearing is held, the Hearing Officer should have the discretion to deny the application based on significant adverse effects on the natural environment, in addition to the other listed causes.

01-12

6) Permit Approvals. We join with others in shouting the horror that is happening so widely and intensely now throughout our wildlands. Inappropriately sited and irresponsibly conducted grows are nothing but exploitation of the community, the environment, and the future. They also strongly damage the credibility and good will of the industry. County officials repeatedly have told of their awareness of the ineffectiveness of enforcement. You cannot continue ignoring this ugly reality, and we request you

01-13

cease contributing to it. We request that no new applications be accepted, including indoor, outdoor, or mixed, until all the pending ones are responsibly completed and approved, and that expansions of grows likewise be entirely restrained. Until we are working with a regulated and accountable industry, we shouldn't be thinking of expanding it.

01-13
cont.

Thank you for considering our suggestions. We recognize the weight that is on your shoulders, and admire every instance of doing the right thing. Hopefully this time around the Board will give the Commission at least as much consideration as the Commission has shown to us.

Robert Sutherland

Humboldt-Mendocino Marijuana Advocacy Project (HUMMAP)



Sent via electronic mail on date shown below

October 12, 2017

Board of Supervisors
Planning Commission
825 5th Street, Room 111
Eureka, CA 95501

Dear Board of Supervisors and Planning Commission,

On behalf of the undersigned organizations and individuals, please accept these comments on the proposed Commercial Cannabis Land Use Ordinance (CCLUO). If followed, CCLUO, together with the mitigation measures identified within the draft environmental impact report, would significantly minimize environmental and social impacts from individual cannabis farms. That said, our organizations have significant concerns about the potential cumulative impact of permitting additional “new” cultivation sites while the county struggles with enforcement against the vast number of operations that are not in compliance with the land use ordinance. Therefore, we urge you to adopt a modified version of Alternative 5 that would prohibit all new operations and limit the expansion of operations into our forestlands.

02-1
02-2

Humboldt County continues to experience unacceptable impacts, both social and environmental, from the cannabis industry despite the county’s attempts to regulate the medical marijuana industry through the MMLUO. The likely culprit is

02-3

inadequate enforcement of the MMLUO, particularly against cannabis grow operations that did not file an application with the county. According to the Draft Environmental Impact Report (DEIR), only 8-13 percent of existing farms—some 2,300 operations—filed an application under the MMLUO for cultivation. That proportion shrinks further when one factors in the number of incomplete applications (~400) and withdrawn applications (~100).¹

02-3
cont

We are encouraged by the Board’s recent move to decrease the time between a notice of code violation and an abatement order, from 75 to ten days, as well as the Board’s approval of a drastically steeper fine schedule, with a total maximum fine increasing from \$10,000 to \$90,000. We are also pleased with the additional county staff who have been hired to both process and enforce the MMLUO. Despite this work, we are still too far from our goal and are making too slow progress.

02-4

In short, until we deal with the existing environmental damage and the vast number of operations not in compliance, we should not increase the potential environmental risk by permitting any new grows. Therefore, we urge the Board of Supervisors to adopt a modified version of Alternative 5 that would prohibit the licensing of all new commercial outdoor, mixed light, *and* indoor cultivation that did not exist on or before December 31, 2015 or did not seek a permit under the MMLUO, except under the Retirement, Remediation, and Relocation (RRR) program.

02-5

As evaluated in the DEIR, Alternative 5 is the most protective of the evaluated alternatives examined.

Should you have any questions or wish to speak further, please contact us at tom@wildcalifornia.org.

Sincerely,

Tom Wheeler
Executive Director
Environmental Protection Information Center

Larry Glass
Executive Director
The Northcoast Environmental Center
Safe Alternatives for our Forest Environment

¹ As of September 22, 2017.

Hal Genger
President
Redwood Region Audubon Society

Jen Kalt
Director
Humboldt Baykeeper

Carol Ralph
President
North Coast Chapter, California Native Plant Society



Dear Director Ford and others,

These are the comments of the Humboldt-Mendocino Marijuana Advocacy Project (Hummap) on the Environmental Impact Report (EIR) for the “Amendments to Humboldt County Code Regulating Commercial Cannabis Activities” (State Clearinghouse # 2017042022).

We would like to think this work product is far superior to the previous very inadequate Negative Declaration, but it is difficult to get that enthusiasm. For our example, we begin by noting that the Humboldt County Sheriff’s Department has stated in more than one forum that the most frequent complaint the Department receives concerning marijuana cultivation in the county is the noise from generators used in the cultivation and processing operations. Our members agree this noise is an egregious problem. This sound pollutes all the wildlands of the county with noise all day and all night, every night of the year. But here is how the EIR characterizes the noise in the county (EIR page 368):

03-1

**3.10.3 Environmental Setting
PREDOMINANT NOISE SOURCES**

The predominant sources of noise in Humboldt County include highway and roadway traffic; aircraft in the vicinity of airports; railroad traffic along the Northwestern Pacific right-of-way; noise from industrial activities such as lumber mills; and power plants in Blue Lake, Fairhaven, and Scotia (Humboldt County 2017). Noise levels along County roads that provide access to the more sparsely populated areas are generally low because these roads do not carry high volumes of traffic.

Note there is not anything about the generator noise that pervades the county and has long been and continues to be the subject of widespread complaints.

03-2

But there is mention of the noise from the Northwestern Pacific Railroad. Interestingly, the last train in Humboldt County on that railroad ran on August 25, 1984, and the railroad has for decades remained completely inoperable in Humboldt County. These EIR flaws inferably arose through the ignorance of out-of-area consultants who prepared the it, but why was it then presented this way by the County? **These flaws demonstrate no one in Humboldt County government bothered to read the EIR.** We can assume this because no one who lives or works here is so ignorant about the long-gone railroad, and probably only deep city dwellers could be unaware of the annoying generators. The EIR falsely presents this key issue.

03-3

The EIR does deal with generator issues. But it is apparent that Planners have been able to slip through standards on generator noise that palliate some sections of the industry at the large expense of the environment. Note the EIR's failure (page 368) to mention wildlife:

EXISTING NOISE-SENSITIVE LAND USES

Noise-sensitive land uses generally include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels, and because this is where people sleep. Parks, schools, historic sites, cemeteries, and recreation areas are also generally considered sensitive to increases in exterior noise levels. Places of worship, and other similar places where low interior noise levels are of great importance, are also considered noise-sensitive. Within Humboldt County, all of the aforementioned types of noise-sensitive land uses are present.

And yet the County previously was well informed about sound impacts to wildlife. For example, we previously called the Planners' attention to this July 26, 2006 US Fish and Wildlife Service paper: "Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California". Also, please note the statements of a researcher, Professor Jesse Barber of Colorado State University: "Many animal species evolved hearing sensitive enough to take advantage of the quietest conditions; their hearing is increasingly compromised by noise." He further commented that "Noise pollution is so ubiquitous that it may be a factor in some large-scale declines in biodiversity." 83% of land on the continental US is within just over 1km of a road. At that distance, the sound of an average car is 20dB, and average trucks and motorcycles project 40dB of noise.

Industrialization has brought other sounds as well. Grows in my forest neighborhood for example broadcast loud music all day and sometimes even all night to entertain their workers — this impact is not addressed at all in the EIR. Their fans and water pumps also are loud and disturbing, as well as their chainsaws for the continuing unlawful expansions, and their many large water and fuel truck deliveries are noisy also, not to mention the commute traffic of the workers. No grow I know provides on-site worker housing, contrary to the assumptions in the EIR. The traffic past my house due to commercial grows has increased by a factor of over twelve, far more than the absurdly low doubling that the EIR alleges. The EIR never confronts that the provisions already in or proposed for law are at best only tokenly enforced, which is partly why there is the Green Rush that is destroying our wildlands. EIR at 4.3.10 states that noise impacts will not be cumulatively considerable, but a nighttime visit to the ridge tops will clearly demonstrate they already are, thanks to profound regulatory failure such as is enabled by this EIR. This EIR supports the continuing rape of our county. This is not in the best interests of a responsible industry.

The vast majority of Humboldt County is forested. But the ordinance amendments underlying the EIR propose to protect only those forestlands zoned TPZ (Timberland Production Zone) from generator noise pollution. The many other forest zones contain important noise sensitive populations, including threatened wildlife. In fact, since TPZ

03-4

03-5

03-6

03-7

03-8

03-9

lands are legally obligated to be logged they may be less important as habitat for T&E species. But studies show owls, bats, frogs, and many insects, among others, are adversely impacted by noise pollution.

03-9
cont

There is no compelling need to allow this generator usage. When the industry first developed in the county, no such generators were used at all. The subsequent rise of commercialization brought generator usage to sites never appropriate to industrialization. The Humboldt County General Plan RDEIR at 3.2.1 states, “The primary value of these remote locations to illicit growers is concealment and difficulty of enforcement.” It further states “The result is noise and increased fire hazards in sensitive forest habitat area, as well as air quality and carbon emissions....” The attempt to legitimize industrialization at such sites is a violation of the basic concepts of zoning. These more highly industrialized projects should be obliged to relocate. There should not be any commercial generator use in forestlands — and, we haven’t even repeated here our frequently raised caveats to the County about the enormous fire dangers this policy is facilitating, again inadequately noted in the EIR. In any case, the EIR provides sub-rosa support for destructive policies by failing to discuss the impacts of the generator policy and other important wildlife-impacting policies to forestlands other than TPZ. Note the comments to the County by Unit Chief Hugh Scanlon of Cal-Fire: “A review of 23 recent CAL FIRE cases within the Humboldt-Del Norte Unit found that illegal timberland conversion for cannabis cultivation occurred on the following property zoning: 35% Timberland Production (TPZ), 30% Forestry Recreation (FR), 22% Unclassified (U), 9% Agriculture Exclusive (AE), and 4% Agriculture General (AG).” In fact, forestland occurs in many types of zoning classification, and threatened wildlife occurs syntopically. That wildlife obligates the protections of law irrespective of zoning hubris, but the EIR fails to support clearly that such is the case.

03-10

03-11

03-12

With this signal example then of a malfeasant discussion of noise impacts we object that the EIR is constructed as a make-shift and intentionally misleading discussion of an industry that in blatant fact is radically and adversely changing the character and most especially the environment of Humboldt County. The EIR is painted as veneer through massive and invasive industrialization predicated on abuse of the worldwide reputation of our local industry. It is a disservice to our county and industry and a violation of the California Environmental Quality Act and other authorities. Our members, who produce the quality marijuana product only possible through responsible stewardship, object, and we request the EIR be withdrawn.

03-13

03-14

Sincerely,

Robert Sutherland
For Humboldt-Mendocino Marijuana Advocacy Project
16 October 2017



FRIENDS OF THE EEL RIVER

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

Letter
04

Monday, October 16, 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: Comments – Draft 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.

04-1

Nobody has ever been in the pivotal position Humboldt County finds itself in today. Collectively, we have realized enormous private, and not inconsiderable public, wealth and revenues from an industry that was incredibly lucrative precisely because it was illegal. Because it was illegal, it couldn't be regulated, or taxed, or effectively monitored. Now, it must be.

Humboldt County's commercial cannabis industry is already too large. It has far too many impacts, because the County has been unable or unwilling to regulate land use to prevent significant impacts to public trust values like our fisheries, wildlife, and the waters and habitat they require to survive. In fact, of all California's 58 counties, Humboldt has the biggest problems, the largest impacts, suggesting the County's policy choices have been key drivers of the evolution of its cannabis industry.

04-2

The proposed Ordinance and DEIR do not break from the County's history of abdicating responsibility for the consequences of its land use decisions. It's a tragic failure of leadership that is likely to cost Humboldt County dearly. Worst, it squanders this moment of possibility, when we could begin to build the better history of effective governance and responsible land use our descendants will wish for.

HUMBOLDT OFFICE

foer@eelriver.org
PO Box 4945, Arcata, CA 95518 • 707.822.3342

NORTH BAY OFFICE

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

GENERAL COMMENTS

The basic questions about Humboldt’s commercial cannabis industry are land use issues. It is the County’s responsibility, delegated by the state, to regulate land use to protect public trust values, held by the state in trust for the benefit of its citizens.

The County gives the impression that it would prefer to shrug off its responsibilities to protect public trust resources, including watercourses, fish, and wildlife, onto the state and federal agencies with primary trust responsibility for those resources. But where those public trust resources are affected by the land-use decisions the County makes (including decisions to systematically forgo enforcement of its Ordinances and state law), the County cannot disavow that responsibility without abdicating its authority to regulate. The power and the duty to regulate local land use cannot be separated.

In November 2015 comments to the Humboldt County Planning Commission, we wrote:

*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)

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.

To date, the County has not only failed to establish such means to distinguish viable operations from those that must be shut down, and such mechanisms by which that enormous task can be accomplished. 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.

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

04-2
cont

04-3

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.

04-3
cont

We have repeatedly requested that the County establish a reasonable cap on the overall number of operations that will be permitted. We have asked that the County provide an analysis of watershed impacts and carrying capacity before issuing permits in key fisheries watersheds. The County refuses to do so.

04-4

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. The failure to set any time limits on the issuance of permits under the proposed Ordinance only makes it more difficult to assess or to limit the industry’s impacts.

04-5

Throughout the course of the County’s moves to regulate marijuana cultivation, there has been a consistent chorus that we must “lower barriers to participation” by existing black market growers, even to the extent of offering incentives by dramatically increasing the level of cultivation allowed on most sites. We have heard from members of the Planning Commission, growers, and grower’s representatives, among other things, that we must lower the fees and taxes proposed for commercial cultivation operations. That we should go easy on the environmental cleanup and remediation required on damaged sites. That we should spend public monies raised by finally starting to tax the industry not on enforcement of the new regulations, or even to fix the County’s public roads system, but on subsidies to growers to fix their roads.

04-6

All this happy talk about carrots has tended to displace the necessary, if unpleasant, discussion of sticks. For the purposes of the DEIR’s analysis, incentives alone cannot be relied upon to produce any meaningful reductions in watershed impacts.

The County, its leaders, and its planning staff are under considerable pressure to come up with a plan here that will make a lot of people happy. The problem is that many of these people are operating under a series of misapprehensions, which, in combination, may rise to the level of delusions. For its part, Humboldt County has enjoyed tremendous economic benefits from the black market pot industry. Now it wants to secure similar benefits from a legal California industry. But it does not wish to have to clean up the mess the black market industry has created.

04-7

In the aggregate, however, it’s clear that most of the industry wants to stay black market. That’s not supposed to be an option. But the evidence strongly suggests that Humboldt

04-8

County has zero intention of ever undertaking enforcement measures of the scope and intensity necessary to insure that the vast majority of existing operations either genuinely comply with the proposed permitting requirements or shut down and clean up.

The same problem of enforcement undermines the DEIR's promises of mitigation. The DEIR depends to a great extent on unenforceable promises that various mitigation measures will be fully employed and effective as advertised to support the document's claim that the proposed Ordinance will not lead to significant unmitigated environmental impacts. These representations are starkly at odds with generations of experience in Humboldt County, which instruct us that land-use and building codes go unenforced far more often than not. There is no hint in the Ordinance or the DEIR that the County is prepared to significantly increase the resources and staff dedicated to even basic code enforcement.

Piling unenforceable and unenforced regulatory schemes atop one another may create the appearance of a comprehensive framework, but there's a way in which the accumulating and overlapping inadequacies of the Regional Board and County's approaches to protecting water quality and fisheries appears to be leaving a lot of Humboldt County's weed industry – most of it, by all appearances – outside of permitting's burdens but largely free of even the threat of enforcement. DFW will continue to focus on the very worst environmental offenders with their very limited resources. But they'll be doing a great deal if they bring down more than a few dozen operations in a year.

The DEIR presents little analysis of the implications of the implementation of the County's Medical Marijuana Land Use Ordinance (MMLUO). Both the application data and the actually issued permits offer important lessons for the proposed Ordinance. Although the County's expressed intent was to bring existing operations into environmental and legal compliance, relatively few even applied for permits. Of the applications approved to date, the vast majority are reported to be new operations. Both facts may reflect the difficulty of bringing existing operations into legal and technical compliance with the requirements the Ordinance and DEIR rely upon.

There are of course, a range of reasons that existing operators of commercial cannabis cultivation sites don't choose to pursue permitting. The cost of compliance with environmental remediation requirements is a factor in any setting. But it is impossible to ignore, though difficult to address, the fact that over the course of these generations of pot growing, the County has incubated a set of behaviors, an attitude, a culture, that is fairly contemptuous of rules and regulations. And this slice of our communities has now been conditioned to view environmental protections as just another smokescreen for illegitimate government action. After all, weed's legal now, right? Incentives are not going to crack this nut. Nor is the same level of effort that the industry has evolved under.

The question for the County as it proposes to issue an unlimited number of additional permits is then, how many additional staff are being added to ensure that existing permits are being adequately supervised? How many more will be needed to address the new

04-8
cont

04-9

04-10

04-11

04-12

permittees? And how many will be needed to address the remaining number of already existing operations, and new illegal operations sure to come?

As the county has now learned, it's an entirely different thing to process, let alone monitor and inspect, 1000 permit application than 10 or even 100. If the truly intractable portion of the black market weed industry were only 100 operations, that would be one thing. A lot of work, but a few summers might hope to see them all gone and cleaned up. A thousand, though, is quite another matter. But again, the number in question here today appears to be much closer to 10,000 than 1000 at this point.

04-12
cont

The County has no credible plan to address that many operations in any meaningful way. If the three, soon to be five, Code Enforcement staff were each to inspect and / or serve a nuisance violation on one operation a day on average – and that was all that was required to make it permitted and perfectly compliant, or to magically do away with that operation and all its impacts – the team would clear 780 operations in a solid year's work. More realistically, assuming a code enforcement officer could clear one operation a week on average, the county would need something like 200-300 staff to visit 10,000 operations in a year. That's setting entirely aside the question of law enforcement escorts.

This is a crisis at least in some measure of the County's own making. It has allowed the construction, generally without permits, of more than ten thousand existing cultivation sites. At least a significant minority have graded in excess of fifty cubic yards of material without permit. Many have built new roads. Nearly all have at minimum increased the use on road systems never designed to modern standards. And yet somehow these impacts become "speculative" when perpetrated by the unpermitted.

04-13

The County appears to be incapable of regulating the commercial cannabis industry, even if it had the will to do so. Because the County lacks the personnel, the resources, the institutional capacity, the enforcement procedures, and the will necessary to regulate the industry, many, if not most, of the benefits promised by the various mitigation measures proffered by the DEIR must be heavily discounted as uncertain and unenforceable.

04-14

Because the DEIR does not even attempt to clearly state either a numeric limit on new permits, effective geographic limits (e.g. no new permits in key watersheds), or even an estimate of the number of existing operations that appear eligible for permitting under the proposed Ordinance, the reader is left to speculate as to how the County intends to insure compliance with this set of land use regulation, when it has always declined much lesser challenges in the past.

04-15

The County has the information, or the access to the information, that it needs to conduct adequate analyses of the existing industry and its proposed permitted industry. It has the resources necessary to count greenhouses. That the County has failed to do so is not because evidence is lacking, but because it does not wish to face its implications.

The County Assessor's office seems to have a decent handle on the number, location, function, and value of structures on parcels countywide. Friends of the Eel River was able

to develop a detailed, accurate picture of the industry using Google Earth imagery and a laptop over the course of a few months in 2013. The Regional Board has managed to mail notices to the owners of parcels with grow operations across the region. It is not credible for the county to suggest that it could not have conducted an analysis of the existing industry's very visible footprint over the last two years.

04-15
cont

Increasing legal grow sizes under the County's MMLUO allowed unpermitted growers to continue to increase the size of their operations – and thus their potential revenue – without calling additional attention to their operations. The County should not have allowed larger operations to become established, and it should take steps at this point to reduce the average size of cultivation operations. If the County wants to have a commercial marijuana industry that is widely beneficial, it should reduce the size of the operations that are being permitted.

To lawfully entrain more and greater impacts in watersheds where existing cumulative impacts mean that take is already occurring – under both CESA and ESA – the county must now (a) effectively characterize the mechanisms of harm in those watersheds; (b) analyze the relative contribution of key sources, including especially roads, stream crossings, and water diversions; (c) develop and implement mitigation and enforcement programs that effectively and reliably reduce impacts (d) to the extent of at least enough carrying capacity in that area to account for the new impacts and a margin of safety to prevent future take.

04-16

We finally have the chance to bring this industry into the light, yet the county insists on continuing to turn a blind eye to its very real impacts. Refusing to look doesn't make the problem go away. It does, however, make it impossible to address the problem effectively.

Comments on proposed Ordinance

55.4.2 PURPOSE AND INTENT

*The purpose of this Section is to establish land use regulations concerning the commercial cultivation processing, manufacturing, distribution, testing, and sale of cannabis for medicinal or adult use within the County of Humboldt **in order to limit and control such activity.***

*These regulations are intended to ensure the public health, safety and welfare of residents of the County of Humboldt, visitors to the County, persons engaged in regulated commercial cannabis activities including their employees, neighboring property owners, and end users of medicinal or adult use cannabis; **to protect the environment from harm resulting from cannabis activities, including but not limited to streams, fish, and wildlife**, residential neighborhoods, schools, community institutions and Tribal Cultural Resources; to ensure the security of state-regulated medicinal or adult use cannabis; and to safeguard against the diversion of state-regulated medicinal or adult use cannabis for purposes not authorized by law. To this end, these regulations identify where in the County the various types of commercial cannabis activities can occur, and specify what type of permit is required, the application process and the approval criteria that will apply.*

04-17

Will the proposed Ordinance accomplish these noble purposes? Only to a very limited extent, unfortunately.

55.4.5.3 Penalties and Enforcement

The Ordinance appropriately asserts the nuisance power. It falls short of proposing a programmatic application of the power that might be used to address the many thousands of operations which apparently will be subject to County abatement. The Ordinance does not specify that persons associated with operations subject to enforcement or abatement, as well as the parcels where those operations took place, are ineligible for future permitting, even temporarily. Such a measure would provide additional disincentives that should make enforcement efforts more effective.

Whenever permit applicants seeking permits for new commercial activities initiate operations ahead of permit issuance or Pre-Existing Cultivation Site operators seeking permits expand cultivation operations ahead of permit issuance the Director shall have discretion to:

55.4.5.3.1 Issue stop work orders and financial penalties to applicants found to have engaged in the above activities, and require restoration of the site to prior condition; or,

55.4.5.3.2 Disqualify the pending applications, with no refund of fees submitted, and initiate enforcement proceedings.

55.4.5.3.3 Resolve the violations and proceed with processing of the application.

At a minimum this section should state clear standards under which each option is appropriate. Better, the County should lay out narrative standards to ensure that the Planning Department does not allow a high-impact site to be improperly developed simply because the applicants were sympathetic or hired a very persistent consultant. In general, the assumption should be that 1 and 2 are going to apply unless some very good reason is presented.

However, the section leaves enforcement decisions to the discretion of the Planning Department via the Planning Director. The Planning Director reports to the Board of Supervisors. This raises an issue that pervades questions of enforcement and compliance at the heart of the proposed Ordinance and the DEIR. Members of the Humboldt County Board of Supervisors are deeply involved with the commercial cannabis industry in its various manifestations, including accepting campaign contributions from commercial growers.

Against the background of the Planning Department's pattern of failure to enforce most land use regulations in most rural parts of the county over the last forty years, the framework proposed in this section does not appear to provide adequate security against improper influence or bad judgment. Similarly, to ensure the effectiveness of the rules in every other part of the proposed Ordinance, it is essential that penalties actually be imposed where appropriate and necessary to accomplish the purposes of the Ordinance. To avoid improper influence, it would be better for the County to assign authority over penalties and enforcement to an independent Code Enforcement team.

Outdoor grows and mixed-light operations are not the same in terms of their impacts. Failing to distinguish between the lower impact outdoor grows and much higher

04-18

04-19

impact mixed light operations means that all outdoor operations must now be presumed to be mixed lights. This is a mistake. Mixed light operations can't be justified when sunlight is ample to provide far more marijuana than the market demands. If permitted, mixed light operations should be limited to locations where their compliance with light restrictions can readily be monitored and they can be on grid power.

04-19
cont

Annual Inspections are not adequate to detect and prevent violations and significant environmental impacts. Annual, announced inspections are not adequate given the issues and history presented by this industry. Enforcement is not only a question of what penalties will be imposed under what circumstances, but more critically of discovering and documenting the violations in question.

Given the glaring mismatch between the scale and scope of the industry's impacts and the very limited resources the County directs to land use regulation, it is unlikely the County will discover most actual problems on its own. It's doubtful County staff will be able to even perform a cursory inspection on permitted operations every year with current levels of staffing. That the County is announcing its intent to hobble its limited enforcement staff is additional evidence that it cannot and will not ensure proposed mitigations are implemented.

04-20

55.4.5.10 Restrictions on water use under special circumstances

This is feel-good regulation that is unlikely to ever be implemented, and will do little or nothing to protect our watersheds.

With this section, the County has retreated from the straightforward statement that the County has the right to reduce the extent of any commercial cannabis activity at any time in the future for any valid regulatory reason, to a position that appears to require a finding of sustained drought or low flows in the watershed where the activity is located, i.e. "in the event that environmental conditions, such as a sustained drought or low flows in the watershed where the Commercial Cannabis Activity is located, will not support water withdrawals without substantially adversely affecting existing fish and wildlife resources."

This requirement should be superfluous. The County should not permit or allow any marijuana operations which do not forbear entirely from dry-season diversion.

This requirement is also likely to prove impossible to enforce in practice. By the time we know that we are facing a drought in any given year, outdoor cultivation operations are already well-established. The idea that the county will go around telling everyone to cut down half their plants is simply ludicrous. So, too, is the suggestion that growers will accede to prospective reductions issued on the basis of a previous year's drought. Surely next year there will be plenty of rain!

The county should instead assert its clear authority to reduce the level of permits for any reason consistent with the purposes of this Ordinance, at any time. Permits are not entitlements.

04-21

55.4.6 COMMERCIAL CANNABIS CULTIVATION, PROPAGATION, AND PROCESSING – OPEN AIR ACTIVITIES

Outdoor and Mixed-light Cultivation Activities, On-Site Processing, and Nurseries shall be principally permitted with a Zoning Clearance Certificate when meeting the following Eligibility and Siting Criteria and all applicable Performance Standards, except when otherwise specified.

55.4.6.1 Eligibility Criteria - Resource Production and Residential Areas

55.4.6.1.1 Zoning AE, AG, FR, and U when accompanied by a Resource Production General Plan land use designation (not including Timberland) or Residential land use designation requiring parcel sizes of more than 5 acres.

04-22

While the County's move to bar establishment of additional large-scale operations on Timber Production Zone lands makes sense, it would make a lot more sense if Forest Recreation lands were also included in this prohibition. FR zoned areas are the epicenters of a disproportionate degree of continuing environmental harms driven by cannabis cultivation. By prohibiting additional grows in FR lands, the County would take an important step toward beginning to protect watersheds that have already been overwhelmed by unpermitted cultivation and associated unplanned and unregulated development.

55.4.6.1.2 Minimum Parcel Size and allowed Cultivation Area

One of the crucial mistakes the County has made to date is allowing grow operations to get too large. By allowing large quasi-legal medical grows, and now by permitting excessively large commercial operations, the County has given cover to a black-market industry that has also grown very large at the individual scale. The County should compare the average size of its permitted and unpermitted grows with those in Mendocino County, where much lower sizes have been allowed, for an illustration of the effect of this policy across the landscape.

The proposed regulations continue this pattern of allowing individual operations to be so large that there are incentives to continue developing new sites, to the detriment of existing smaller-scale growers. If the County were choosing to focus its pot production on a few large sites to minimize the associated environmental impacts, this policy might at least make some sense from a watershed and fisheries perspective. But this is a policy of allowing more large grows to be permitted across the landscape, perpetuating exactly the practices that have created the watershed crises we now face.

04-23

The county should reduce the sizes of the operations it will allow as follows: (changes marked in **bold plain text**.)

- a) Five (5) acre minimum parcel size, on parcels between 5 and 10 acres in size: 1) up to **3,000 sq. ft. of Cultivation Area with Special Permit**; 2) up to **5,000 sq. ft of Cultivation Area with Special Permit**.*
- b) On parcels 10 acres or larger in size: 1) up to **5,000 sq. ft. of Cultivation Area with Special Permit**; 2) up to **10,000 sq. ft of Cultivation Area with Special Permit**.*

*c) On parcels 320 acres or larger in size, up to **10,000 sq. ft** of Cultivation Area per 100 acres with a Use Permit*

It is not clear what standards the County intends to employ to decide whether to grant Special Permits. No Special Permits should be granted in watersheds that have not fully demonstrated the capacity to absorb additional cumulative impacts without harm.

*Two (2) acre minimum parcel size a) Open Air Cultivation Activities of up to **10,000 sq. ft.** of Cultivation Area may be permitted with a Zoning Clearance Certificate b) Additional Open Air Cultivation Activities in excess of **10,000 sq. ft.** may be allowed with a Use Permit.*

Cultivation sites proposed on developed commercial or industrial properties must comply with the Performance Standards for Adaptive Reuse.

04-23
cont

We must further note that, given the deficiencies of the DEIR's analysis and mitigation of cumulative impacts, it is entirely inappropriate to issue Zoning Clearance Certificates for operations situated in watersheds with listed or special status fish species which are already suffering significant cumulative effects from unregulated pot-driven land development. Until the county has prepared an adequate CEQA analysis, including mitigations sufficient to protect the public trust values of our watersheds, additional permits should only be issued with comprehensive site-specific CEQA analysis of that proposed operation, including all appurtenant roads and existing operations which may contribute to cumulative effects within that watershed.

04-24

55.4.6.5 Accommodations for Pre-Existing Cultivation Sites

Pre-Existing Cultivation Sites on FR zoned parcels should be restricted to their existing footprint, as in TPZ and U zones. In general, such operations should be encouraged to relocate to lower-impact sites appropriate for agricultural uses. The DEIR provides no meaningful analysis of the potential impacts attendant on the maximum buildout scenario that this section would allow for existing operations. We are particularly concerned that given the substantial cumulative effects of existing sites, this provision may provide incentives to continue commercial cannabis cultivation in watersheds or off roads systems which cannot continue to support such intensity of use without causing significant watershed effects.

04-25

55.4.6.5.6 Energy Source for Ancillary Propagation Facility or Mixed-Light Cultivation

The county should not allow any use of generators in association with commercial cannabis production. The air and noise pollution are not necessary to produce high-quality weed. There are abundant suitable sites for operations that require lots of power. The DEIR fails to analyze the potential impacts of ubiquitous generator noise and artificial lights on wildlife, including listed species of birds and bats. It should be noted that the relatively remote sites least likely to produce the complaints on which the County evidently means to rely to drive enforcement are those relatively more likely to have wildlife impacts. The DEIR fails to illuminate these questions.

04-26

Forbearance Period & Storage Requirements

55.4.12.7.2 The County ~~may~~ shall require that operators of Cannabis Cultivation Site(s) forbear from diversions of Surface Water for Irrigation during periods of low or reduced stream flows. Unless otherwise specified, the default forbearance period shall occur between May 15th thru October 31st of each year.

The use of the word “may” in this section is dangerous and impermissible. County must absolutely and clearly **require** all operators to forbear from surface diversions during dry seasons. Where the County allows itself the ability to step back from requiring full protection for surface waters, we must assume – and the DEIR must assume – that the County will not effectively require forbearance in dry seasons. If the county’s standards and enforcement are uncertain, we, and the DEIR, must assume that compliance will similarly be less than comprehensive.

In determining the appropriate Forbearance Period, the County shall review the past record of water use at the Parcel(s) or Premises, the volume and availability of water resources and other water use and users in the local watershed, as well as relevant gaging information. Under certain circumstances, limited diversion during the forbearance period(s) may be authorized.

It is more than a little ironic that the County is here imposing more stringent analytic requirements on itself to limit stream diversions known to be a critical cause of watershed and fisheries harms than it is in its own analysis of the current impacts of existing operations on fisheries and watersheds. Again, it would be more appropriate to simply and clearly require that all surface water users forbear from any and all diversion during the dry season as a condition of any permit for commercial cannabis cultivation operations.

55.4.6.5.7 Provisional Permitting

Given the scale and scope of the industry and its impacts and the vast oversupply of existing operations and their product, this section is very difficult to justify. It appears to contemplate allowing existing operations to continue to cause potentially serious, lasting harms to watersheds and wildlife while effectively being given a permit that would shield the operation from the code enforcement and law enforcement.

No provisional permitting should be allowed. Focus on permitting operations that actually have their act together. Shut the rest down.

*Violations and areas of non-compliance subject to a compliance agreement shall be related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings, and sites that are used for the Commercial Cannabis Activity **and shall not extend to personal residences or other structures that are not used for Commercial Cannabis Activities.***

04-27

04-28

This is frankly ridiculous. Compliance with the basic provisions of county code, across the entire property and all structures, should be a fundamental requirement of any and every commercial cannabis permit. If this provision is left in place, the County is basically saying that it is only regulating the specific structures associated with cannabis production. That means a lot of potential harms aren't going to be prevented. That means this whole regulatory effort can be undermined by "off book" impacts. The fish don't care whether the bad, unpermitted grading was for a house or a greenhouse.

04-28
cont

55.4.8 INDOOR CULTIVATION AND MANUFACTURING

We still think indoor cultivation can't be justified. Even renewable grid power imposes substantial carbon costs.

04-29

55.4.12.1.8 Performance Standard–Road Systems

Category 4 Roads are not the same as roads that have minimal impact on watersheds. The standard appears chosen out of concern for emergency access and egress, which are far from unreasonable concerns. However, roads and especially road crossings are very significant sources of sediment inputs into surface waters.

There are private roads and road systems which have, are, and will contribute levels of sediment to surface waters that cannot be sustained without lasting harm to public trust values. This section must clearly articulate standards for roads that makes it clear when permits will not be issued unless roads and crossings are rebuilt to avoid those impacts. Best management practices are helpful guides but often do not provide the clarity needed to insure that the work that can be done and should be done actually does get done.

04-30

It is not enough to require that new roads be well-designed, though that is essential. Many roads now in existence present very serious problems for water quality. The County must take affirmative action to ensure they are remediated. The use of the phrase "to the greatest extent feasible" provides an escape hatch to virtually any compliance the Planning Department can be persuaded to overlook. Specific standards must be articulated and enforced.

No permits should be granted for operations whose impacts cannot be appropriately and effectively mitigated. Especially in key fisheries watersheds, roads that cause continuing watershed impacts should preclude the issuance of any commercial cannabis cultivation permit.

The Ordinance should specify the qualifications appropriate to evaluate the impacts of a road system. With all due respect to licensed engineers, we would suggest that evaluations of aquatic impacts would be more appropriately conducted by independent consulting biologists or state or federal agency biologists than by consulting engineers working for project proponents.

04-31

Where an evaluation has determined, to the satisfaction of the County, that all private road segments comply with relevant best management practices, no further work is needed.

If someone can show me even a single road in Humboldt County where “no further work is needed,” I’d be astonished. There has to be a standard for maintenance and inspections. Roads that were okay become not at all okay over the course of a bad winter, especially under hard use. This strongly suggests that the County views this aspect of permitting as a one-time matter. If we are to effectively reduce the watershed impacts of roads associated with commercial cannabis cultivation, it has to be a constant priority for decades to come.

04-31
cont

Comments on DEIR

The Draft Environmental Impact Report (DEIR) fails to fully analyze, disclose, and specify mitigations necessary to address a range of serious and significant environmental impacts directly associated with the commercial cannabis industry. It must be rewritten to incorporate analyses and information not considered in this draft and recirculated.

04-32

It is well within the County’s power to dramatically reduce the significant environmental impacts of the commercial cannabis industry in Humboldt County today, and thus to create a licensed, regulated pot industry that does not damage public trust values over time. The defects in the DEIR reflect no fundamental disability on the County’s part, but rather a profound reluctance to act, to do what it knows perfectly well would have to be done to accomplish the reduction in impacts it wants us to pretend can be achieved with voluntary compliance and unenforced mitigations.

04-33

The DEIR’s claims that the significant cumulative watershed, fisheries, and wildlife impacts of Humboldt County’s commercial cannabis industry, or even the relatively small permitted subset of that industry, will be adequately mitigated are not supported by the evidence at hand. The effectiveness of the proposed mitigations depends entirely on the extent to which they will be implemented. Without adequate enforcement resources, the County cannot begin to insure that will be the case.

04-34

Areas of Controversy

#1 Concerns regarding the County’s ability to conduct enforcement activities against illegal cannabis operations.

#2 Biological and watershed impacts from land disturbance associated with existing and new cannabis operations.

04-35

The DEIR is correct to flag these, and a number of other key questions around environmental impacts. Unfortunately, the document does not provide the evidence and analysis necessary to conclude that these questions will be effectively addressed by the proposed Ordinance.

Local and State Permitting Requirements

We find it hard to credit the County's suggestion that it is now going to require compliance with the Grading Ordinance that has been routinely ignored for the last twenty years.

04-36

2.3 PROJECT LOCATION AND EXISTING CONDITIONS

It has been estimated that there may be as many as 15,000 cannabis operations in the County.

That's not an unreasonable estimate for the number of **outdoor** operations. We have no useful estimate of the number of indoor operations in the county, but we're pretty sure it's a lot. What we want to know is why the County does not provide any inventory of currently existing operations. There are any number of sources ready to hand, the most obvious being the County Assessor's office, the Regional Board, the Department of Fish and Wildlife, and Google Earth.

04-37

Based on review of the applications, cannabis cultivation operations in the County typically have the following characteristics: ...

Distance from County – maintained roads: typically located one mile or greater from a County-maintained road.

This is a key point with respect to existing operations. Many of them have very large watershed impacts not because they are huge sites but because of the roads used to reach the sites. The County's unwillingness to bar commercial cultivation from such remote, high-impact sites, or to adopt strict standards – not just best management practices – to ensure that roads don't generate real watershed harms is one of the fatal flaws in the County's approach to these problems.

04-38

The DEIR notes in its discussion of Construction water quality impacts that

Poorly constructed unpaved roads are prone to accelerated wear and erosion that can lead to catastrophic failure. Road failure, especially at culverts or other types of watercourse crossings, can degrade water quality and destroy riparian habitats.

The mitigations offered by the Ordinance and the discussions of road impacts scattered through the DEIR never quite manage to address the fact that the road systems serving large proportions of the existing cannabis industry create significant cumulative effects on public trust resources, including wildlife habitat and especially surface waters and fisheries habitat. For example, the wetland protection mitigations don't protect against fisheries impacts from road crossings and inadequate road design and maintenance.

04-39

On page 2-13, the County summarizes the permit applications received under its existing permitting program. It has been widely reported that California's domestic legal market for marijuana is going to require some 1100 acres of weed. As we noted in our previous comments, even if that estimate is off by 100%, Humboldt County already has far more than its share of productive capacity in its permitting process. The DEIR notes a total of 1250 acres were covered with some 2000 applications submitted under the MMLUO. How

04-40

many acres of cultivation is Humboldt County going to permit? Apparently the answer is “as much as possible.”

04-40
cont

OBJECTIVES OF THE PROPOSED ORDINANCE

.... support the local cannabis industry through maximizing participation of existing non-permitted cannabis farmers in the County’s permitting program;

There’s a logical disconnect between the Ordinance’s ostensible aim, on the one hand, to permit operations that will sell to – and only to – legal California distributors and manufacturers, and the County’s evident determination to issue permits to operations which already produce far more marijuana than the state system will ever demand.

“Maximizing participation of existing non-permitted cannabis farmers in the County’s permitting program” is clearly an overriding priority for the County and its political leaders. This policy goal appears to be at least potentially in conflict with the County’s stated purpose, “to protect the environment from harm resulting from cannabis activities, including but not limited to streams, fish, and wildlife.”

04-41

Presumably, “maximizing participation of existing non-permitted cannabis farmers in the County’s permitting program” is at least part of the reason the County is not willing even to consider in its DEIR analysis limits on the number, size, and location operations necessary to define an industry which can be sufficiently mitigated “to protect the environment.”

The DEIR truly founders on its inability to square the County’s desire to maximize the number of existing operations with the resulting requirement under CEQA to reflect the potential impacts under that system.

Pre-existing cultivation sites are defined as parcels where cultivation activities occurred at any time between January 1, 2006 and December 31, 2015.

04-42

Cultivation sites are not the same thing as the parcels where they are located. Both specific sites and particular parcels must be considered for their impacts and suitability.

The decade in question is a window that’s open to a lot of impacts. A lot of half-considered development in unsuitable areas happened across Humboldt County between 2006 and 2015. Sites that were abandoned before 2015 should not necessarily be allowed to be re-established. We would suggest that these provisions apply only to existing homesteads with permanent occupancy and clear evidence of cultivation on the site proposed for the operation as of 2015. That would limit “pre-existing sites” to a smaller set of more sustainable locations. Similarly, generators should not be permitted on pre-existing sites.

04-43

We note here that the County is essentially legalizing not only the cultivation operations, but all the development that has happened on these parcels. It is not appropriate to disregard the impacts associated with these operations, which have in many cases included significant sediment impacts which will continue to cause watershed harms for years and decades to come. The DEIR must consider not just the potential impacts of potentially

04-44

permitted sites, but the broader context of continuing impacts from the commercial cannabis cultivation industry the County has allowed to flourish across its landscape, particularly over the last two decades when it declined to attempt to regulate medical marijuana production.

04-44
cont

Generators should be prohibited for commercial cannabis production.

Generator noise limits set to human audibility standards will not prevent impacts on wildlife. It would really make a lot more sense to ban generator use than to pretend that the County is ever really going to enforce the complex and subjective standards suggested by the DEIR. Please note that Northern Spotted Owls and other species highly sensitive to noise do not necessary respect parcel lines. They have a habit of nesting and roosting where the habitat is. So a standard that sets impacts based on fencelines may fail entirely to protect wildlife. The DEIR fails to reflect such information.

04-45

LIGHTING PERFORMANCE STANDARDS: NEW AND EXISTING SITES

Structures used for mixed-light cultivation and nurseries would be shielded so that no light escapes between sunset and sunrise.

No mixed-light cultivation may occur within 200 feet of a riparian zone.

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.

04-46

Again, these projected mitigations depend on enforcement that simply is not going to happen. Note, for example, that the proposed “annual inspection” for each site could only happen during business hours. Which means that inspectors won’t be inspecting any light-prevention systems, nor the shielding and angling of outdoor lighting.

SITE RECONFIGURATION CRITERIA: EXISTING SITES

Who is a “qualified professional” in this context? What would be done if the biological resource protection plan concludes that unpermitted development or disturbance has occurred within a protected area or community? More importantly, will this plan assess the potential impacts generated from the site that are not necessarily within protected areas?

This section suffers from the focus on specific sites, to exclusion of their setting, that is a consistent problem throughout this DEIR. It will be difficult enough to conduct the kind of review and remediation suggested in the draft, but without considering the larger landscape context of the watershed(s) within which the operation and its roads exist, the reader cannot begin to assess whether a reconfigured site will continue to impose significant impacts on public trust values.

04-47

The section does not make clear when reconfiguration will be required. What are “certain eligibility requirements?” The section suggests that reconfiguration “may be permitted.” Does this mean it is up to the Planning Department? What if it is not permitted? Will the County allow the site to continue in use?

RETIREMENT, REMEDIATION, AND RELOCATION OF PRE-EXISTING CULTIVATION SITES

The County has placed a lot of emphasis on the environmental benefits that will be achieved by encouraging existing operations to move into lower-impact sites. That a policy is politically palatable, or even popular, doesn't make it effective.

04-48

The DEIR provides very little evidence or analysis of any cognizable reduction in impacts that will be achieved by these provisions. This is not to say that there will be none. But we have no way to know if they will be enormously effective or meaningless for the fish that need clean water in the creeks without more analysis and information than is provided in the DEIR.

04-49

The DEIR and Ordinance do not provide adequate guidance or enforceable measures to ensure that abandoned or remediated cultivation sites will be restored to ecological function. The DEIR states only that such sites will be restored to "natural habitat conditions," without defining what that means or what standards and processes will be used to ensure such restoration is achieved.

04-50

These should apply equally to cultivation sites relocated under the County's RRR program, those shut down by official action, as well as those simply abandoned by their operators. Nor does the DEIR provide an adequate analysis of potential cumulative effects at the sites to which increased production will be directed under the relocation program. Relocated operations should not be permitted on FR zoned lands, given the density of operations already existing on many such lands and their overlap with critical fisheries habitat.

04-51

2.4.5 Reasonably Foreseeable Compliance Responses

This analysis is not informative. The Bustic study, as we have pointed out, is the most misleading of all the studies done to date of the extent of Humboldt County's outdoor commercial cannabis cultivation industry. By selecting watersheds at random in a landscape that is highly structured by parcel size and zoning, the authors seriously understate the extent and severity of the Green Rush in the County.

04-52

The DEIR describes law enforcement and resource agency estimates as "anecdotal." But the County is deliberately refusing to take the hard look that CEQA requires at the information available to it about the extent and impact of the cannabis-driven development that the County has allowed to happen over the last two decades.

Owners and operators of pre-existing sites that continue to be used for cultivation activities, and who did not seek permits under the existing regulations and who do not participate following adoption of the proposed Ordinance are considered illegal, and subject to code enforcement. Enforcement activities would be taken by the County in coordination with other agencies that could result in bringing some cultivation operations into compliance with County and state standards and the closure and remediation of other operations. However, it is acknowledged that illegal cannabis operations would continue to occur in the County after adoption and implementation of the Ordinance.

04-53

This provides zero useful information about how many operations the County intends to shut down, or how that's consistent with its objective to "maximize" the number of existing operations that get new permits. The DEIR fails to present any analysis of how the existing pattern of development is causing severe watershed impacts, information necessary to evaluate how changes will affect those impacts in the future. "Some" operations will be brought into compliance. "Others" will be closed and remediated. But "illegal cannabis operations would continue to occur." How many? Where? What efforts would be necessary to significantly change those numbers?

04-53
cont

For purposes of evaluating the potential environmental impacts of new cannabis operations from implementation of the proposed Ordinance, this EIR assumes that an additional 941 applications over an area of 283.35 acres of new commercial cannabis operations could be approved and established over the next three years.

And in the years after that? The logic here appears to be that the County has gotten 941 applications in the last process, so it will get a similar number in this one. Why is that a reasonable basis for the consideration of potential environmental impacts this document is meant to reflect?

04-54

The DEIR must consider the potential impacts associated not with the level of permit applications the County wants to get, or suspects it might get, but with those it is allowing with the proposed regulations. At a minimum, it must do the math on a maximal scenario in which every eligible parcel and site is built out to the extent allowed under the Ordinance. How much weed would Humboldt be producing under such a scenario? What impacts would likely be entailed?

04-55

As well, it is remarkable that the County should on the one hand refuse to impose any reasonable limit on future permit numbers, but on the other hand insists on using a low number of "reasonably foreseeable" permits as the basis for its impacts analysis. This is wildly inconsistent, entirely illogical, and a natural consequence of the County's refusal to decide between its competing desires to maximize the potential economic returns from legal and illegal cultivation and to minimize its responsibility for the accompanying impacts.

04-56

The bottom line, though, is that the DEIR presents no detailed, substantive analysis of readily available information, either of existing or projected commercial cannabis operations, or of their potentially significant impacts on public trust resources in watersheds, water quality, fisheries, wildlife, and habitat. This absence of analysis makes it impossible to evaluate the cumulative impacts of those effects taken together.

04-57

Cannabis is identified as a Schedule 1 controlled substance under the federal Controlled Substance Act. Operations related to the growing, processing, and sale of cannabis products are in violation of federal law. Federal agencies are prohibited from issuing permits or approvals for any operation that is in violation of federal law. Thus, compliance with federal permitting requirements that would usually address

environmental impacts (e.g., filling of waters of the U.S. and incidental take authorization under the federal Endangered Species Act) cannot be utilized.

04-57
cont

The actions that are causing harms to listed species and their habitat, including wetlands and waters of the US, are not people stuffing salmon with pot, or whacking owls with cannabis plants. They are land use actions – grading, road building, road maintenance, and so forth – which are routinely the subject of consultation with federal agencies.

Nor does this argument address the parallel responsibilities of the Department of Fish and Wildlife under the California Endangered Species Act to consult on projects which may cause take of species listed under California law.

04-58

The County appears to be stating its intention to proceed in violation of federal environmental law. We would advise against this course of action. If it cannot obtain incidental take and wetland modification coverage from relevant federal agencies, the County’s only option to avoid serial and significant violations of the Endangered Species Act and Clean Water Act is to prevent take of listed species and modification of wetlands altogether. Significantly, the Ordinance does not even attempt to prevent all take of listed species. Thus, significant unmitigated impacts will occur which the DEIR has not disclosed or analyzed. The document must be recirculated.

For the purposes of this EIR, the description of the existing or baseline conditions of cannabis cultivation in the County has been informed by the County’s recent registration and time-limited permit application process that closed December 31, 2016, which resulted in 2,936 applications. Approximately 68 percent 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 new properties that qualify to receive them, with the benefit of allowing applicants to expand the total cultivation area. A smaller percentage of the total applications received are linked to projects proposing to establish new cultivation sites. 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 assumes that these applications will seek to participate in the state’s legal and regulated marketplace.

04-59

The County could simply have provided a table with far more information than is actually presented here. How many of the applications approved to date are existing operations? Where are they located, by watershed and subwatershed?

Cultivation operations that do not comply with the proposed Ordinance would be considered illegal upon its adoption. Enforcement activities would be taken by the County in coordination with other agencies that could result in bringing some cultivation operations into compliance with County and state standards and the closure and remediation of others. However, it is acknowledged that illegal cannabis

04-60

operations would continue to occur in the County after adoption and implementation of the Ordinance. While this Draft EIR acknowledges the adverse environmental effects of continued illegal cannabis operations as part of the environmental baseline condition, the Draft EIR does not propose mitigation measures to address illegal operations as they are not part of the project.

04-60
cont

Same hillsides, same roads, same dirt, same water, same fish, same weed. Same set of impacts. This is the County trying to absolve itself of its failure to regulate land use over the last twenty years. “Some” and “other” are not sufficient for a cumulative effects analysis under CEQA, though.

04-61

The impact analysis would also consider the environmental protections provided by existing regulations, unrelated to the proposed Ordinance, that would apply to cannabis facilities (e.g., County Code Title III – Land Use & Development, Division 3 – Building Regulations, Chapter 5 – Flood Damage Protection, and Chapter 6 – Geologic Hazards).

How does the County plan to enforce those existing regulations, which it almost never actually enforces, on hundreds or thousands or many thousands of operations? The DEIR appears to provide no information regarding the extent to which its regulations, including those regarding the diversion of surface waters, grading, disturbance of streams and riparian areas, and so forth, have actually been followed, or at least enforced, across the landscape of existing operations.

04-62

It’s not like this is information that would be difficult for the County to examine. How many permits has it issued for grading and road construction and so forth over the last two decades? What proportion of the existing operations who have applied for permits are able to comply with existing Ordinances and codes? If existing operations fail to comply with key environmental requirements at a high rate, that would be important information for the DEIR to analyze and disclose.

To recap: the County wants to claim the putative environmental benefits of regulations it does not enforce, but seeks to obscure the actual environmental costs of not enforcing its regulations for any commercial cannabis operations that don’t seek a permit. Which is nearly all of them.

The Regional Board’s waiver program, including its suite of self-enforced Best Management Practices, lacks a substantial enforcement component. While the provisions of the Waiver might in theory be enforceable with adequate inspection and enforcement, the Regional Board lacks the staff, resources, and will to conduct on-site reviews of more than a tiny fraction of the operations it is permitting. Reports of widely variable performance by independent, unsupervised third party compliance consultants only amplify these concerns. With each added layer of uncertain enforcement, the connection between regulatory requirements and environmental benefits grows more and more attenuated.

04-63

The DEIR does not reflect this reality. Instead, it appears to assume that the Regional Board’s Waiver will result in perfect compliance, flawless implementation, and definite achievement of the hoped-for reductions in impacts. Given the nature of the industry we’re talking about here, that’s the one scenario we can absolutely rule out.

The County may not rely on the Regional Board’s indiscriminate permitting as evidence that operators are actually following the Waiver’s requirements or proceeding on schedule with required remediation actions. To the extent the mitigations required by the Regional Board are necessary to prevent or reduce potentially significant impacts which may contribute to cumulative environmental effects that are the subject of this DEIR, it is not appropriate for the County to analyze the potential impact of Regional Board-permitted operations as if those impacts will be fully mitigated, unless the County demonstrates that it will itself insure that it will provide the inspection and enforcement resources necessary to ensure that is the case.

The DEIR states (p 3.4-34) that the Foothill Yellow-Legged Frog is a species of special concern under the California Endangered Species Act. The species is actually a candidate species for listing, which means it’s entitled to the protections due to listed species, including the prohibition on take. The DEIR fails to reflect this fact, and fails to provide any meaningful analysis of potential, current, or cumulative effects on the species or its habitat, or of the trends that may affect its prospects for survival and recovery. Naturally, then, the DEIR and Ordinance also fail to provide enforceable and certain measures to mitigate potential impacts, including take of the species. This appears to be an admission that the County will allow operations which, individually or in aggregate, will violate state law by causing take of FYLF. In addition to consulting with DFW to obtain programmatic incidental take coverage, the County must recirculate the DEIR with adequate treatment of these issues.

As mitigation for potential impacts on amphibians, including foothill yellow-legged frogs, the DEIR and Ordinance propose to require relocation of proposed cultivation sites on an immediate basis. The DEIR does not analyze how such relocation would affect, or be consistent with, the various permitting and compliance requirements which the Ordinance requires and depends upon. Both here and in the Ordinance’s provisions regarding impacts on special status plant species, the Ordinance appears to contemplate allowing impacts which are not reflected in any detailed analysis in the DEIR.

The DEIR correctly notes that “critical habitat” is limited to federally-designated areas on federal lands. However, such areas are hardly the only areas necessary to the survival and recovery of species listed under both the California and federal Endangered Species Acts (CESA and ESA, respectively). The South Fork Eel and its various tributaries contain a lot of habitat that is absolutely essential to the survival and recovery of coho salmon and steelhead.

Such areas include, for example, tributaries of the South Fork Eel River which have little or no federal land ownership – Redwood Creek, Sprowel Creek – but are home to native runs of coho salmon and steelhead. Cumulative development impacts have wrecked habitat in

04-63
cont

04-64

04-65

04-66

04-67

nearby Salmon Creek that had been the focus of longstanding restoration efforts. If the County fails to restrain current impacts in Redwood Creek, it is allowing take of coho and steelhead to continue. This is contrary to both the California and federal Endangered Species Acts.

04-67
cont

If the County allows continued cannabis-driven development in the Barnum Timber lands in Sprowel Creek – and there is nothing in this Ordinance or DEIR which suggests it will not – then it may well be foreclosing the possibility of recovering coho in the South Fork Eel at all. The failure of Eel River coho has grave implications for the regional population, the Southern Oregon – Northern California Coho ESU, of which the Eel are an indispensable part. The DEIR does not reflect any consideration of these questions at all.

04-68

EXISTING STRESSORS ON BIOLOGICAL RESOURCES IN HUMBOLDT COUNTY

*Historic and modern development in Humboldt County that has resulted in adverse effects to natural resources in the region includes timber harvest (beginning in the mid-19th century), watershed alteration because of dam construction, mining, agricultural activities, urban development, and introduction of invasive plant and wildlife species. More recently, illegal cannabis cultivation operations within public and private lands have led to illegal water diversions, unpermitted removal of sensitive vegetation, and direct mortality to protected species from exposure to rodenticides and insecticides (Gabriel et al. 2012 and 2013). **The magnitude of impacts from illegal cannabis operations to wildlife and plant species are difficult to fully quantify due to the clandestine nature of the sites.***

04-69

The “clandestine nature of the sites.” Again, the DEIR might start by asking the County Assessor how they count buildings and assess property taxes every year. FOER and several other independent groups and researchers, including DFW, have used Google Earth’s public imagery since 2013 to estimate the number, size, location, potential impacts, and rate of change for now-ubiquitous greenhouse grow operations across the County. The Regional Board managed to send letters to the owners of parcels with marijuana grow operations on them.

This analysis doesn’t begin to meet the need for a detailed examination of cumulative impacts to inform future land use decisions, including enforcement, across this landscape. CEQA defines cumulative effects at §15355:

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

04-70

The thresholds of significance offered by the DEIR appear to represent an attempt by the County to define itself out of liability for the cumulative effects of weed-driven

04-71

development on watersheds and wildlife across the County. For example, the relevant legal threshold is not, whether there is a “substantial adverse effect” on wetlands, but whether any wetlands are affected by removal, filling, drainage, or similar manipulation. Under CEQA, a “threshold of significance” is “an identifiable quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” (CEQA Guidelines §15064.7)

04-71
cont

Similarly, the County should provide authority to support its claim that it is enough for it to merely avoid allowing activities that might rise to the level of jeopardizing listed species, e.g. which: “*substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.*”

Even if this quasi-jeopardy standard were appropriate and adequate, which it is not, the DEIR may not assume for the purposes of its analysis that the County will actually act to prevent impacts which rise to such a level. We know this because the County is still allowing precisely such impacts to listed species to continue in China Creek, a tributary to Redwood Creek and one of a number of creeks in that watershed which provide habitat critical to the hope of coho survival and recovery.

04-72

In China Creek, the County has evidence of take under CESA, clear evidence of willful and repeated water rights violations, and of refusals to comply with DFW and Regional Board permitting requirements. Yet the County has failed to act to abate at least a dozen unpermitted commercial cannabis operations in the China Creek watershed for years during which diversions continued to contribute to disastrous conditions for native fish. If China Creek is not a proper focus of enforcement action, what is? If China Creek is not a priority for limited enforcement resources, what is? And if China Creek is a priority, when will it be addressed? What does the County’s performance in that watershed suggest about its ability to address what may be literally a thousand times more problems than those presented in China Creek?

In many instances, the proposed mitigations for wildlife habitat fail to preclude continued incremental degradation of wildlife values. The proposed 24 hour and 48 hour site inspections are at best going to be partially effective in preventing harm to target species. Operators are invited to suggest modifications to areas around raptor nests outside breeding season.

04-73

This is particularly troublesome for corridor and fragmentation issues. Because the DEIR avoids detailed analysis of existing operations, newly permitted operations, and critical biological resources, it does not provide any meaningful and specific analysis of the impacts of habitat loss and fragmentation. Such habitat and fragmentation impacts are generalized in their cumulative consequences for larger population, but specific in their causes and consequences.

04-74

To effectively mitigate fragmentation and habitat degradation impacts requires detailed consideration of the particular landscape and causes of fragmentation and habitat loss. The failure to analyze these impacts with specificity means that the DEIR is left to make broad claims about habitat loss and fragmentation without providing any certainty about the degree to which its proposed mitigations might effectively address those impacts.

04-74
cont

There are abundant sites available, even in Humboldt County, where such wildlife conflicts are not likely because of previous impacts. Commercial cannabis cultivation should locate there rather than relocating wildlife.

04-75

Northern Spotted Owl

It's kind of amazing that the County would think that the level of analysis presented in the DEIR is adequate to evaluate and avoid impacts on the NSO. But the DEIR does not conduct even a simple comparison of known activity centers and home ranges against the existing inventory of commercial pot operations. Such an analysis is standard protocol for a Timber Harvest Plan. But the DEIR appears to analyze NSO populations as if they are limited to designated critical habitat on federal lands.

04-76

Nor does the DEIR provide the mitigation measures that would be necessary to avoid ongoing impacts to the birds and their habitat. The Ordinance would allow noise, light, and habitat impacts, any of which might cause continuing take of the species. Again, we note that it is impossible to evaluate the cumulative effects of either proposed or existing operations if you don't look at where on the landscape the things that might be subject to those effects are.

FISHERIES

Impact 3.4-2: Disturbance to or loss of special-status fisheries.

*Surface water diversions from new commercial cannabis cultivation that may occur under the proposed Ordinance could adversely affect several special-status fish species. Special-status fish species are protected under ESA, CESA, or other regulations. The alteration of surface water conditions that support special-status fish species would be a **potentially significant** impact.*

04-77

The DEIR's assertion that impacts to surface waters would continue to be a "potentially significant" impact appears, in the absence of such analysis, optimistic at best. The evidence is strong that existing operations, including permitted operations, are causing impacts to fisheries that are significant. The Ordinance and DEIR do not provide sufficient analysis and mitigation measures to ensure they are reduced to less than significant levels.

Similarly, the DEIR's analysis of surface water withdrawals is frankly conclusory. No information or analysis by watershed is provided. The DEIR points out, as if it means anything, that

Humboldt County Code Coastal Zoning regulations prohibit withdrawal of water from anadromous fish streams if such activity is likely to result in adverse effects to the fish species.

04-78

It's clear that, notwithstanding this section of County code, such withdrawals have occurred and continue to occur within the Coastal Zone. Has the County *ever* enforced these regulations in the cannabis context? The DEIR should provide at least some information to assess the methods and practices which the County follows, or intends to follow, in enforcing this rule. Does the County have a clear policy, numeric standards, or any other meaningful metric which can be relied on to indicate the circumstances in which the regulation will be enforced?

04-79

Mitigation 3.4-2: Implement Mitigation Measure 3.8-5: Implement water diversion restrictions and monitoring and reporting requirements.

Significance after Mitigation

*When State Water Board Policy is adopted, Mitigation Measure 3.8-5 will require cannabis-related surface water diversions to meet flow rate standards during a limited period of time through the year, which correlates to the greater level of water availability within watersheds in Humboldt County. Monitoring of flow and inspection and repair of leaks and old equipment will ensure that cannabis cultivation activities are consistent with permitted diversion rates established by legal water rights. Because implementation of this mitigation measure would ensure that Numeric Flow Requirements are met throughout Humboldt County, this impact would be **less than significant**.*

04-80

The DEIR provides no substantial evidence or analysis to support the claim that implementation of the proposed water diversion restrictions and monitoring and reporting requirements will reduce the impacts of cannabis-related diversions to less than significant levels. First, as elsewhere, the DEIR insists here on focusing on the relatively tiny subset of permitted operations to ignore the cumulative effects of cannabis-related diversions. Second, as throughout the DEIR, the analysis begins and ends with rules, with no consideration of how they will be enforced.

Is the County seriously suggesting that scheduled annual inspections conducted by its not at all overwhelmed staff of Code Enforcement officers will magically reveal illegal diversions at permitted sites? Because it definitely won't help the County's argument to insist, as various elected and appointed officials have suggested, that such concerns are best left to DFW and DWR. The DEIR may not rely on those agencies' overstretched staff and resources to do what the County declines to do.

04-81

The implication of the County's argument here is that Redwood Creek's tributaries could continue to be entirely dewatered by pot farmers as they have been in recent years, destroying year-class after year-class of coho and steelhead reproduction, without any violation of the County's cannabis cultivation Ordinances, or any cumulative impacts that the County's DEIR must address – because those growers don't choose to ask the County for a permit.

The County must explain how annual, scheduled inspections are going to reveal illegal diversions. It must explain how it will review and verify water logs that are certain to be falsified in at least some cases. And the County must recirculate this DEIR with an adequate analysis of the cumulative and specific effects of pot-related surface water diversions on listed and special status fisheries, and the specific measures that will be taken to reduce those impacts to less than significant status on a watershed and subwatershed basis.

04-82

Impact 3.4-5: Disturbance to or loss of waters of the United States.

Potential land use conversion and development under the proposed Ordinance could adversely affect waters of the United States, such as streams, rivers, lakes, and wetlands. This would be a potentially significant impact.

Failure to consider cumulative effects undermines the DEIR’s analysis of potential impacts on waters of the US and wetlands. Given the DEIR’s relatively clear admission that wetland impacts must be entirely avoided to avoid liability under §404 of the Clean Water Act, our largest concern is whether wetlands will be accurately identified. Who is a “qualified biologist?” for purposes of site surveys? Wetland delineations are not necessarily the province of amphibian specialists. It’s important that the consulting experts actually have relevant expertise in the issues the County is here relying on them to accurately assess. Such delineations should be subject to review by trust agencies.

04-83

Aquatic Corridors

Aquatic wildlife movement corridors within the County include all major rivers and their tributaries. Several anadromous fish species, including steelhead, Coho salmon, and Chinook salmon, have runs within Humboldt County’s rivers and streams from the spring to the fall. Adverse effects to these aquatic wildlife corridors could include degradation to streams and rivers (e.g., inadvertent fill) or improper surface water diversion which could create isolated pools which could decrease survival of young salmonids.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-6a would reduce impacts to aquatic corridors to a less-than- significant level because it would require approval and permits from CDFW, RWQCB, and USACE and result in no net loss of functions and acreage of wetlands, including aquatic corridors through implementation of USACE mitigation guidelines.

04-84

The DEIR fails to show that, or indeed how, the proposed mitigations would actually prevent the serious and continuing impacts that cannabis-related diversions and development are creating for aquatic corridors in Humboldt County. The permitting requirements cited do not necessarily protect watersheds from severe harms to fisheries habitat, including fish passage, spawning, and rearing habitat.

Punting the County’s responsibility to regulate these impacts to state and federal agencies is neither an adequate policy nor a sufficient analysis under CEQA. As well, by focusing on the regulation of individual sites without even considering the cumulative impacts on

04-85

aquatic corridors, the DEIR only compounds the segmentation of impacts analysis that has undermined the effectiveness of the Regional Board’s approach to regulation of cannabis impacts on water quality.

04-85
cont

Terrestrial Corridors

Future cannabis activities under the proposed Ordinance would likely not significantly alter the habitat quality and connectivity within the range of these species, as most development involves fencing in the immediate vicinity of the cannabis activity, leaving adjacent areas free from barriers. Additionally, the North Coast RWQCB Order prohibits cannabis cultivation within at least 50 feet of any surface water. Deer migration areas, and thus mountain lion occurrences, are largely associated with waterways and riparian areas within the County. By requiring compliance with the North Coast RWQCB Order through establishment of stream setbacks, development under the proposed Ordinance would have a less-than-significant impact on migratory corridors for mule deer and mountain lion. No further mitigation is required.

04-86

The DEIR provides no analysis whatsoever of cumulative effects of cannabis cultivation on these issues. There is no analysis of populations, corridors, existing human activities and development trends, nor of areas where future development will occur. The suggestion that compliance with the Regional Board waiver will reduce the impacts, including cumulative impacts, on mule deer and mountain lion to less than significant levels is not supported by the evidence and analysis presented by the DEIR.

Geology

The same points we’ve made repeatedly above with respect to cumulative effects and the DEIR’s paucity of analysis of the existing industry apply to geologic and soil issues. The DEIR fails entirely to address the question of how road systems as well as individual sites may affect “dormant” landslides ubiquitous in the County’s mountainous regions. Such features may be affected by road use, construction, or maintenance above, below, or within them. They may result in impacts clearly significant under CEQA for single large slides, let alone the dozens or hundreds which may occur when intense rainfall events or seismicity adds to human impacts.

04-87

The DEIR’s note with reference to hydrologic issues would appear relevant to the question of landslides:

Environmental impact analyses under CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users.

04-88

The analysis and data presented in the DEIR do not suffice to assure the reader that the County's Ordinance will prevent or reduce these potential impacts to a less than significant level.

04-89

Wildfire

The DEIR's suggestion that small reductions in wildfire risks achieved by requiring less inappropriate locations for some number of cannabis cultivation operations are an environmental benefit of the proposed Ordinance amounts to an admission that the cumulative impacts of the existing industry in this area are likely to be quite large. The DEIR provides no information or analysis on this front, however.

04-90

Hydrology and Water Quality

As we have noted at length, the DEIR fails to consider the cumulatively significant effects of the existing cannabis cultivation industry on hydrology, water quality, and beneficial uses of surface waters, particularly including fisheries habitat, at the watershed scale necessary to avoid those impacts.

04-91

EXISTING STRESSORS ON HYDROLOGY AND WATER QUALITY FROM CULTIVATION

Predominantly unregulated for years, thousands of cannabis cultivators have developed cultivation sites in remote areas of California near streams. In many cases the routine cannabis cultivation practices result in damage to streams and wildlife. These practices (e.g., clearing trees, grading, and road construction) have been conducted in a manner that causes large amounts of sediment to flow into streams during rains. The cannabis cultivators have also discharged pesticides, fertilizers, fuels, trash, and human waste around the sites, that then discharges into waters of the state. In the North Coast region, the state has invested millions of dollars to restore streams damaged by decades of timber harvesting. Cannabis cultivation is now reversing the progress of these restoration efforts (SWRCB 2017b).

In addition to these water quality discharge related impacts, cannabis cultivators also impair water quality by diverting water from streams in the dry season, when flows are low. Diversion of flow during the dry season have caused complete elimination of stream flows. The effects of these diversions have been exacerbated in recent years by periods of drought (SWRCB 2017b). Water quality related constituents of concern associated with cannabis cultivation discharges include nitrogen, pathogens (represented by coliform bacteria), phosphorus, salinity, and turbidity. Water quality can be affected by excessive use of fertilizer, soil amendments, or other sources. The constituents have the potential to discharge to groundwater by infiltration and to other waters of the state by either surface runoff or by groundwater seepage (SWRCB 2017b).

04-92

While the DEIR admits to the existence of water quality impacts, it fails to outline mitigation measures sufficient to reduce those impacts to less than significant levels. The DEIR claims that but for the exemption of smaller cultivation sites from Regional Board's waiver, its mitigations would be sufficient, and that by requiring such sites to comply with

the waiver’s terms, water quality impacts can be adequately mitigated. However, in the absence of any commitment by the County to effective enforcement and long-term remediation efforts, the DEIR cannot rely on mitigations that are uncertain.

04-92
cont

Neither the Ordinance nor the DEIR address the vast majority of the industry’s operations or their impacts on water quality. Given that those cumulative effects will apparently continue indefinitely, any additional impacts from even the County’s regulated program which contribute to water quality violations and impairment of beneficial uses must be analyzed as significant.

04-93

04-94

The point of CEQA analysis is to illuminate critical environmental questions, not to obscure them. The question that faces Humboldt County is whether it will continue to allow an industry to impose serious, lasting harms on its watercourses. The DEIR fails by refusing to address this question squarely. The Ordinance fails by pretending that regulating a small fraction of the industry with various half-hearted and barely-enforced rules will suffice to protect our streams and rivers.

04-95

Groundwater impacts

Groundwater data must be made public. The process described for mitigating potential groundwater impacts appears to rely entirely on the County to note and address the pumping impacts associated with cannabis operations. There is no suggestion that the County will engage in any monitoring of potentially associated surface waters, including springs. The DEIR fails to analyze such impacts as they may affect amphibians, fish, and other wildlife. Southern torrent salamanders can’t call the County and complain that their spring has dried up.

04-96

Impact 3.8-5: Effects of diversion of surface water.

New commercial cannabis cultivation operations in the County that may occur under the proposed Ordinance could result in decreased flow rates on County streams and rivers because of surface water diversion. Low flows are associated with increased temperature and may also aggravate the effects of water pollution. While available data indicates that some rivers in Humboldt County would not be substantially affected by surface water demand during typical water years, data is not available for the potential effects on individual tributaries. Thus, substantial decreases to some individual tributary flows could occur, which could result in degraded water quality conditions. This impact would be potentially significant.

04-97

It is not the case that “no data” are available to allow the consideration of potential impacts on key tributaries. Please reference the Salmonid Restoration Federation’s Redwood Creek stream-monitoring data, which is on the Regional Board’s website among others.

The DEIR fails to address the serious cumulative impacts of cannabis-related water withdrawals in key tributaries of the Eel River, in addition to other Humboldt County watercourses. That the DEIR must admit, even in the absence of such analysis, that impacts

04-98

on water quality are potentially significant, strongly suggests that they are significant indeed.

04-98
cont

As throughout the Ordinance and DEIR, the County places a confidence which cannot be justified on the available facts in the efficacy of its proposed mitigations. Without committing to a level and intensity of enforcement orders of magnitude greater than the County has ever maintained, history and experience tell us that most operators will continue to ignore rules and requirements that are inconvenient, expensive, or even novel, to the extent they can.

04-99

Cumulative Effects

The following is the DEIR's analysis of the cumulative effects of the existing industry.

4.2.2 Existing Cannabis Cultivation Operations in Humboldt County

A study of 2012 satellite imagery conducted by Butsic and Brenner (2016) revealed the presence of 4,428 outdoor cultivation sites within 60 of the 112 subwatersheds visible in Humboldt County. In 2015, during a presentation before the Humboldt County Board Supervisors, Mr. Butsic (2016) confirmed that the 60 watersheds selected and surveyed were chosen randomly and that it was, therefore, reasonable to extrapolate almost double that number could exist within Humboldt County in 2012. Anecdotal information received from observations by local regulatory and enforcement agencies suggests a pattern of rampant growth in the industry during the past decade, with some estimates of as many as 10,000 to 15,000 cultivation operations currently in existence. As identified in Table 2-2, the County has received cannabis applications in response to the 2016 CMMLUO that cover approximately 1,252 acres of existing and proposed new operations (8 to 13 percent of the total estimated cultivation operations in the County).

04-100

Historic and on-going cannabis cultivation practices have resulted in damage to streams and wildlife. More recently, illegal cannabis cultivation operations within public and private lands have led to illegal water diversions, unpermitted removal of sensitive vegetation, and direct mortality to protected species from exposure to rodenticides and insecticides (Gabriel et al. 2012 and 2013). In addition, these practices (e.g., clearing trees, grading, and road construction) have been conducted in a manner that causes large amounts of sediment to flow into streams during rains. The cannabis cultivators have also discharged pesticides, fertilizers, fuels, trash, and human waste around the sites, that then discharges into waters of the state. Furthermore, diversion of flow during the dry season have caused complete elimination of stream flows in some areas of the County. Water quality related constituents of concern associated with cannabis cultivation discharges include nitrogen, pathogens (represented by coliform bacteria), phosphorus, salinity, and turbidity. Water quality can be affected by excessive use of fertilizer, soil amendments, or other sources.

Cultivation operations that do not participate in the proposed Ordinance would continue to be considered illegal upon adoption of the Ordinance. Enforcement activities would be taken by the County in coordination with other agencies that could result in bringing some cultivation operations into compliance with County and state standards and the closure and remediation of other operations. The removal of illegal cultivation sites is on-going, and consideration of general locations where this would occur and number of future illegal sites is unknown and cannot be known at this time. While it is acknowledged that illegal cannabis operations would continue to occur in the County after adoption and implementation of the Ordinance, details on the full extent of the environmental effects of existing cannabis operations are considered speculative and are not assessed in this evaluation of cumulative impacts.

04-100
cont

While this passage does concede obvious generalities, it is fatally incomplete as an analysis of cumulative effects which can guide policy choices to avoid, prevent, and mitigate those impacts in the future. CEQA states at Section 15355: "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

04-101

04-102

The DEIR fails to adequately consider the impacts of the proposed project, especially given its uncertain mitigations. But its greatest defect is its failure to analyze the impacts of the project "when added to other closely related past, present, and reasonably foreseeable probable future projects."

04-103

The County claims, in the section quoted above, that "*The removal of illegal cultivation sites is on-going, and **consideration of general locations where this would occur and number of future illegal sites is unknown and cannot be known at this time.** ... details on the full extent of the environmental effects of existing cannabis operations are **considered speculative** and are not assessed in this evaluation of cumulative impacts.*"

04-104

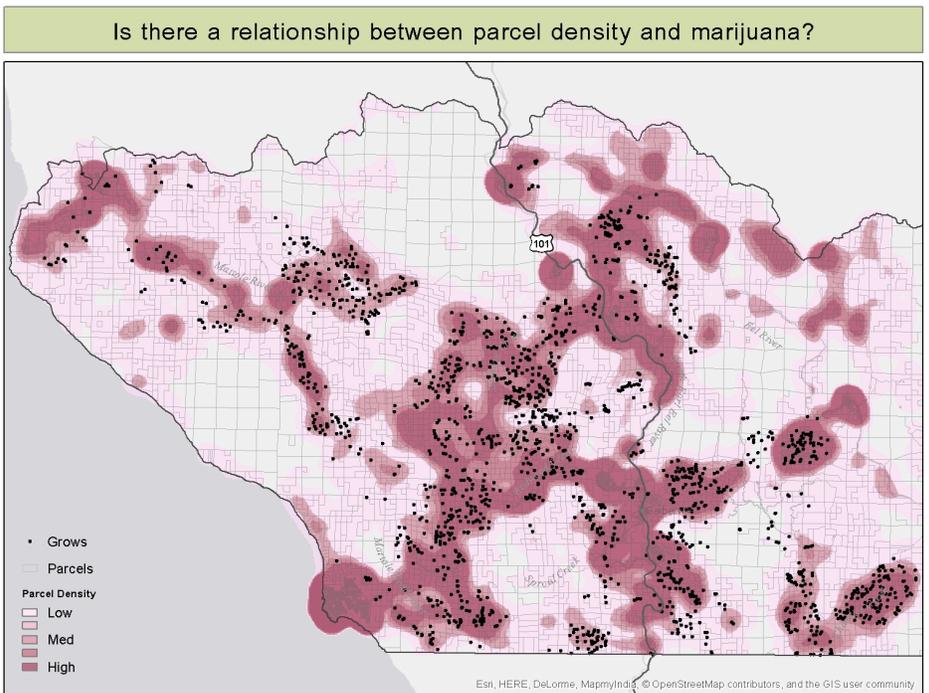
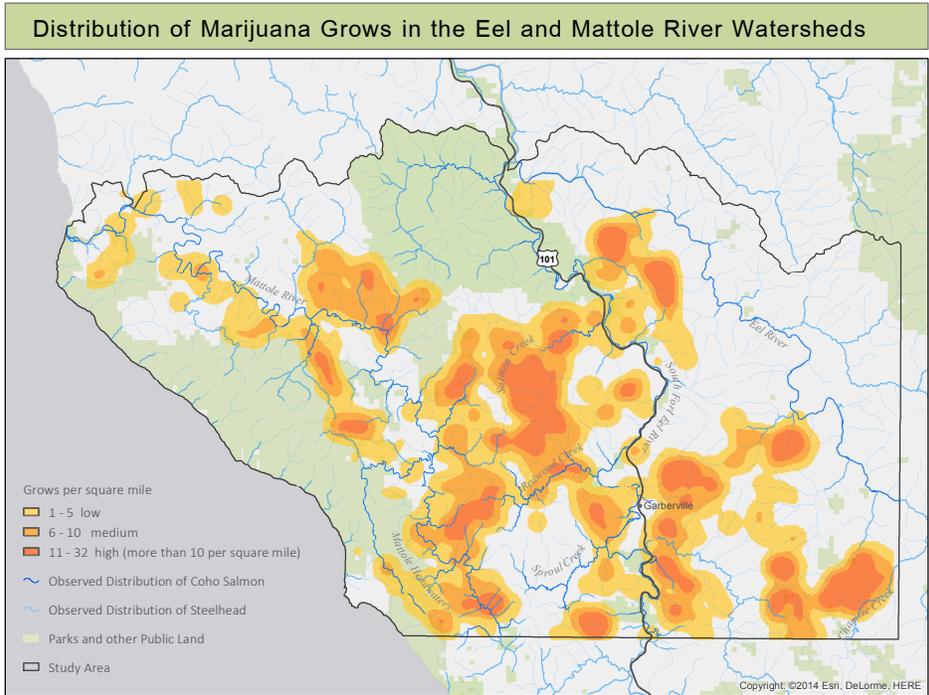
The County's continued reliance on the Butsic study, which systematically understates the extent of the industry and its impacts, and the County's refusal to consider information it can readily access, including information already in its possession, all reflect an unwillingness to address cumulative effects that is not consistent with CEQA's requirements.

04-105

The County has not even bothered to count existing sites or analyze their locations. The County has not analyzed the impacts of areas where there is a high density of cultivation operations, or the correlation between such areas and smaller parcel sizes. The County has presented no meaningful discussion of the overlap of high-density or high-impact operations with critical public trust and biological resources.

04-106

Friends of the Eel River prepared such analyses and produced a series of such maps in 2014. Here are two.



04-107

It is not credible for the County to suggest that the “general location” of existing operations “cannot be known.” It is, however, a real shame that the public and our fish and wildlife can’t decide that those impacts are “speculative” and dismiss them as easily as the County has here.

04-108

FOER is concerned that the County has engaged, and is here engaging, in a pattern and practice of allowing, through a systematic failure of enforcement, truly significant development across much of the County, to the detriment of its public resources, public health, and welfare. This pattern and practice now apparently extends to creating a system of cannabis regulation which will allow cultivators who want to sell to California’s domestic system to obtain permits, while allowing the majority of current growers who market to the national black market to continue to do so with a level of enforcement pressure similar to that which has failed to prevent serious environmental harms over the last two decades.

04-109

We are concerned that this exposes both the County and the state’s project of marijuana legalization, and its citizenry, to risks from federal government action. As the County is well aware, the federal government is refraining from interfering with state legalization efforts which take effective measures to keep their weed out of the black market. It’s difficult to mount much of a defense of Humboldt County’s efforts in that respect, especially on the basis of the policies and information presented in the proposed Ordinance and DEIR.

Conclusion

The DEIR must be recirculated. The Ordinance should be reconsidered in light of adequate environmental review.

04-110

As proposed, the Ordinance will not prevent significant and severe environmental impacts, including impacts to listed species and their habitat and other critically important biological and public trust resources.

04-111

Sincerely,



Scott Greacen
Conservation Director

From: [Natalynne DeLapp-Hinton](#)
To: [Lazar, Steve](#); [Lippre, Suzanne](#); [Planning Clerk](#); [Ford, John](#)
Cc: [Terra Joy Carver](#)
Subject: HCGA Comments County Ordinance for Planning Commission
Date: Thursday, September 21, 2017 2:34:17 PM
Attachments: [HCGA Ordinance 2.0 Planning Commission 9-21-17.pdf](#)

Dear Planning Director Ford, Planning Staff, and Humboldt County Planning Commissioners,

Please accept the following comments on behalf of the Humboldt County Growers Alliance.

With regards,

Natalynne DeLapp

September 21, 2017

Humboldt County Planning Commissioners and Planning Director John Ford,

These comments are submitted on behalf of the Humboldt County Growers Alliance (HCGA). Our mission is to *preserve, protect and enhance Humboldt County’s world-renowned cannabis industry*. We are a membership-based, trade association with more than 50 members. Our members are those who have applied for permits and will be seeking state licensure in 2018.

HCGA appreciates the opportunity to provide comments and feedback on the Commercial Cannabis Land Use Ordinance. Based on our initial read of the ordinance, appendices and environmental impact report we are pleased by the level of work that was put into the development of planning documents that incorporated public input and concern.

I
05-1
I

Specific areas where HCGA has questions or concerns, and would appreciate further "teasing out" by the Commission and Planning Department are:

- 1. Changing “permit limits” to number of acres I 05-2
- 2. Allow cannabis support facilities where on-grid power is available I 05-3
- 3. Distinguish between volatile and non-volatile manufacturing I 05-4

- 4. Indoor Cultivation and Manufacturing should be two separate sections | 05-5
- 5. Road Performance Standards allow for Same Practical Effect, and feasible implementation timelines | 05-6
- 6. Ensure definitions within the ordinance are consistent with the final state regulations e.g. outdoor and mixed light | 05-7

Specific Suggestions are provided below:

55.4.3.1

"In effect at time of submission (delete "approval") and replace with submission.

This prevents changing the rules mid-stream for permittees, otherwise as written, after Ordinance 2.0 is approved and in effect; permittees from Ordinance 1.0 would be then subjected to 2.0.

| 05-8

55.4.4 Definitions:

"Category 4 Roads" What other equivalent road standard could be used? What are the minimums for design, safety, turn-arounds, widths and surfaces? Replace with "Same Practical Effect." Allow discretion from Planning Department.

| 05-9

"Manufacturing" expand on the definition to include volatile (combustion) and non-volatile manufacturing, (physical process that creates rosins and/or ice-hash).

| 05-10

55.4.5.4 Permit Limits

Current: "No more than **four Commercial Cannabis Activity permits** may be issued to a single person, as defined herein."

Change to: "No more than **four acres of Commercial Cannabis** may be issued per the state's 'ownership' definition."

| 05-11

This would be consistent with the draft regulations from CDFA section, 8204, that read, "The Department shall not restrict the total number of cultivation licenses a person is authorized to hold at any point in time, provided the person's total licensed canopy does not exceed 4

acres.”

05-11
cont

55.4.6.2 –Commercial and Industrial Areas

05-12

55.4.6.2.1 **Allow commercial cannabis activity on areas zoned C-2** when accompanied by a Commercial or Industrial General Plan land use designation, with a Special Permit.

55.4.6.3 Eligibility Criteria—All Areas

05-13

55.4.6.4.2 Conversion of Timberland Prohibited

Change to: No new cultivation shall be allowed on TPZ. Existing Cultivation on TPZ (in existence prior to January 1, 2016), may be allowed to reconfigure sites with a Special Permit, **and recommendation by Water Board and/or DFW**, and following 55.4.12.111(c).

55.4.7 Cannabis Support Facilities

05-14

“Roads providing access to Cannabis Support Facilities must comply with Road System Performance Standards for functional capacity (all segments must either be paved with center stripe, or paved meeting Category 4 standard). **DELETE EXEMPTIONS ARE PROHIBITED. Replace with Same Practical Effect.**

We believe the better way to limit the environmental impacts of Cannabis Support Facilities would be to couple the facilities to grid power (not road systems).

55.4.7.1 Distribution, Off-site Processing, etc...

05-15

Add: “If not meeting all Eligibility and Siting Criteria specified, **a Special Permit or a Use Permit may be considered.**

55.4.8 Indoor Cultivation and Manufacturing

05-16

These need to be three separate sections, not lumped into a single category. It seems they were placed into one category because they are thought to all be high-energy dependent processes; however some activities within non-volatile manufacturing e.g. ice hash production and rosin-pressing do not require significant energy use. These non-volatile manufacturing processes can be run using 100% renewable, off-grid systems e.g. solar power and should be considered with a special permit.

1. Indoor (AG, AE, Industrial)

2. Non-volatile manufacturing: **should be allowed anywhere outdoor and mixed light cultivation is allowed, with a special permit, no use of generators, and/or where on-grid power is available or 100% renewable e.g. solar power.**

3. Volatile manufacturing (industrial zones)

05-16
cont

55.4.10.2 Farm-based retail sales

Delete: "Farm based retail sales are not permitted on any parcel zoned TPZ. (Nothing that didn't exist prior to Jan. 1, 2016)." No generators. Must be able to use on-grid power, and/or 100% off-grid renewable.

05-17

55.4.10.3 Microbusiness

Delete: Microbusinesses are not permitted on any parcel zoned TPZ. (Nothing that didn't exist prior to Jan. 1, 2016)." No generators. Must be able to use on-grid power, and/or 100% off-grid renewable.

05-18

Anywhere it reads, "Exemptions are prohibited"

Replace with, "OR SAME PRACTICAL EFFECT"

05-19

Performance Standards--Road Systems

- Develop an implementation timeline of 3-10 years
- Is there an alternative to Category 4 road standards that can be developed? Site-specific alternatives
- Provide the option for Same Practical Effect must be considered

05-20

Performance Standards for Public Accommodation

05-21

- Allow on RA and TPZ with Special Permit.

05-21
cont

Thank you for your time and consideration. Should you have any questions please don't hesitate to reach out.

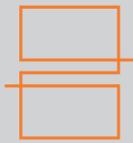
05-22

Terra Carver, Executive Director

--



Natalynne DeLapp-Hinton
Humboldt County Growers Alliance
Operations Director
600 F Street Ste. 3 #125
Arcata, CA 95521



September 21, 2017

Humboldt County Planning Commissioners and Planning Director John Ford,

These comments are submitted on behalf of the Humboldt County Growers Alliance (HCGA). Our mission is to *preserve, protect and enhance Humboldt County's world-renowned cannabis industry*. We are a membership-based, trade association with more than 50 members. Our members are those who have applied for permits and will be seeking state licensure in 2018.

HCGA appreciates the opportunity to provide comments and feedback on the Commercial Cannabis Land Use Ordinance. Based on our initial read of the ordinance, appendices and environmental impact report we are pleased by the level of work that was put into the development of planning documents that incorporated public input and concern.

Specific areas where HCGA has questions or concerns, and would appreciate further "teasing out" by the Commission and Planning Department are:

1. Changing "permit limits" to number of acres
2. Allow cannabis support facilities where on-grid power is available
3. Distinguish between volatile and non-volatile manufacturing
4. Indoor Cultivation and Manufacturing should be two separate sections
5. Road Performance Standards allow for Same Practical Effect, and feasible implementation timelines
6. Ensure definitions within the ordinance are consistent with the final state regulations e.g. outdoor and mixed light

05-23

Specific Suggestions are provided below:

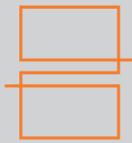
55.4.3.1

"In effect at time of submission (delete "approval") and replace with submission.

This prevents changing the rules mid-stream for permittees, otherwise as written, after Ordinance 2.0 is approved and in effect; permittees from Ordinance 1.0 would be then subjected to 2.0.

55.4.4 Definitions:

"Category 4 Roads" What other equivalent road standard could be used? What are the minimums for design, safety, turn-arounds, widths and surfaces? Replace with "Same Practical Effect." Allow discretion from Planning Department.



"Manufacturing" expand on the definition to include volatile (combustion) and non-volatile manufacturing, (physical process that creates rosins and/or ice-hash).

55.4.5.4 Permit Limits

Current: "No more than four Commercial Cannabis Activity permits may be issued to a single person, as defined herein."

Change to: "No more than four acres of Commercial Cannabis may be issued per the state's 'ownership' definition."

This would be consistent with the draft regulations from CDFA section, 8204, that read, "The Department shall not restrict the total number of cultivation licenses a person is authorized to hold at any point in time, provided the person's total licensed canopy does not exceed 4 acres."

55.4.6.2 –Commercial and Industrial Areas

55.4.6.2.1 Allow commercial cannabis activity on areas zoned C-2 when accompanied be a Commercial or Industrial General Plan land use designation, with a Special Permit.

55.4.6.3 Eligibility Criteria—All Areas

55.4.6.4.2 Conversion of Timberland Prohibited

Change to: No new cultivation shall be allowed on TPZ. Existing Cultivation on TPZ (in existence prior to January 1, 2016), may be allowed to reconfigure sites with a Special Permit, **and recommendation by Water Board and/or DFW**, and following 55.4.12.111(c).

55.4.7 Cannabis Support Facilities

"Roads providing access to Cannabis Support Facilities must comply with Road System Performance Standards for functional capacity (all segments must either be paved with center stripe, or paved meeting Category 4 standard). **DELETE EXEMPTIONS ARE PROHIBITED. Replace with Same Practical Effect.**

We believe the better way to limit the environmental impacts of Cannabis Support Facilities would be to couple the facilities to grid power (not road systems).

55.4.7.1 Distribution, Off-site Processing, etc...

Add: "If not meeting all Eligibility and Siting Criteria specified, a Special Permit or a Use Permit may be considered.

05-23
cont



55.4.8 Indoor Cultivation and Manufacturing

These need to be three separate sections, not lumped into a single category. It seems they were placed into one category because they are thought to all be high-energy dependent processes; however some activities within non-volatile manufacturing e.g. ice hash production and rosin-pressing do not require significant energy use. These non-volatile manufacturing processes can be run using 100% renewable, off-grid systems e.g. solar power and should be considered with a special permit.

1. Indoor (AG, AE, Industrial)
2. Non-volatile manufacturing: **should be allowed anywhere outdoor and mixed light cultivation is allowed, with a special permit, no use of generators, and/or where on-grid power is available or 100% renewable e.g. solar power.**
3. Volatile manufacturing (industrial zones)

55.4.10.2 Farm-based retail sales

Delete: "Farm based retail sales are not permitted on any parcel zoned TPZ. (Nothing that didn't exist prior to Jan. 1, 2016)." No generators. Must be able to use on-grid power, and/or 100% off-grid renewable.

55.4.10.3 Microbusiness

Delete: Microbusinesses are not permitted on any parcel zoned TPZ. (Nothing that didn't exist prior to Jan. 1, 2016)." No generators. Must be able to use on-grid power, and/or 100% off-grid renewable.

**Anywhere it reads, "Exemptions are prohibited"
Replace with, "OR SAME PRACTICAL EFFECT"**

Performance Standards--Road Systems

- Develop an implementation timeline of 3-10 years
- Is there an alternative to Category 4 road standards that can be developed? Site-specific alternatives
- Provide the option for Same Practical Effect must be considered

Performance Standards for Public Accommodation

- Allow on RA and TPZ with Special Permit.

Thank you for your time and consideration. Should you have any questions please don't hesitate to reach out.

Terra Carver, Executive Director

05-23
cont

From: [LCHS](#)
To: [Lazar, Steve](#)
Subject: Commercial Cannabis Draft EIR
Date: Monday, October 16, 2017 5:00:25 PM

Dear Steve;

The Lost Coast Humane Society does not agree with the Commercial Cannabis Draft EIR. Animal Welfare was an after thought at best.

06-1

Barbara Shults-Director and Founder
Lost Coast Humane Society
P.O. Box 1991
Redway Ca 95560

From: jenkalt@gmail.com on behalf of [Jennifer Kalt](#)
To: [Lazar, Steve](#)
Cc: [Ford, John](#)
Subject: Comments on the CCLUO DEIR
Date: Monday, October 16, 2017 4:32:20 PM
Attachments: [BaykeeperCommentsCommCannDEIR10-16-17.pdf](#)

Steve,

Please find attached Humboldt Baykeeper's comments on the proposed streamlining for reuse of industrial sites in the CCLUO.

I trust that you have some understanding of the problems from the Royal Gold situation on the former Blue Lake Forest Products site.

Please feel free to contact me if you have any questions or would like more specific info. Thanks, Jen

Jennifer Kalt, Director
Humboldt Baykeeper
Office: 415 I Street in Arcata
Mail: 600 F Street, Suite 3 #810, Arcata, CA 95521
www.humboldtbykeeper.org

07-1



Sent via electronic mail

October 16, 2017

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

Dear Mr. Lazar,

On behalf of Humboldt Baykeeper, please accept these comments on the Draft Environmental Impact Report (DEIR) for the proposed Commercial Cannabis Land Use Ordinance (CCLUO), SCH # 2017042022.

07-2

Humboldt Baykeeper was launched in 2004 with a mission to safeguard coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay community through education, scientific research, and enforcement of laws to fight pollution.

While we believe that some industrial sites can be appropriate locations for reuse for industrial cannabis activities, the DEIR fails to adequately protect public health, safety, and welfare by ensuring that contaminated soil and/or groundwater is fully assessed, remediated, and disclosed to the public and responsible agencies charged with protecting public trust resources before ground disturbing activities are permitted.

07-3

Many former lumber mill sites are contaminated with dioxins and furans from pentachlorophenol, a wood preservative that was used for decades. Many of these sites continue to impact Humboldt Bay, its tributaries, adjacent wetlands, and groundwater to the detriment of human health and the environment.

07-4

Humboldt Bay was designated as Impaired by dioxins in 2006, yet the DEIR's Environmental Setting section fails to describe contaminated industrial sites or this legacy of dioxins in the watershed, despite the fact that many if not most have soil and/or groundwater contamination.

07-5

Mailing Address: 600 F Street, Suite 3 #810
Office: 415 I Street, Arcata, CA 95521
(707) 499-3678

www.humboldtbykeeper.org



Dioxin contaminated industrial sites are known from other watersheds in Humboldt County as well, including the Mad and Eel River watersheds. Dioxin contamination is poorly documented in many areas of the county due to the fact that responsible agencies generally failed to address it until fairly recently.

07-6

Dioxins are dangerous, extremely persistent reproductive toxins that biomagnify up the food chain. Any ground disturbance on any former or currently operating industrial site has the potential to mobilize dioxins and other contaminants, putting human health and the environment at risk, including protected species such as salmonids and fish-eating species such as raptors, marine mammals, and humans.

Mitigation Measure 3.7-2a calls for the preparation of environmental site assessments (page 3.7-16) as a performance standard. This mitigation measure is a good start, but should not circumvent the public and environmental review process required to ensure that experts are given the opportunity to review and comment on the reuse of these sites.

07-7

The DEIR states on page 2-18 that “Manufacturers that produce edible or topical products using infusion processes or other types of medical cannabis products other than extracts or concentrates, and that do not conduct extractions, may be permitted with a Zoning Clearance Certificate.”

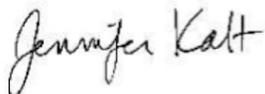
07-8

We strongly urge the County to require Conditional Use Permits for any ground disturbance on lands previously used for industrial activities, regardless of zoning. These sites must be regarded as having a high likelihood of contamination, just as one would assume that buildings built in certain eras are likely to contain lead and asbestos until adequate sampling is conducted.

We appreciate the opportunity to comment on the Draft Environmental Impact Report for the proposed Commercial Cannabis Land Use Ordinance, and we hope that these comments are helpful in improving the ordinance to ensure that human health and the environment are protected by activities that would be allowed under the ordinance.

07-9

Sincerely,



Jennifer Kalt, Director
jkalt@humboldtbykeeper.org
(707) 499-3678



October 16, 2017

Humboldt County Board of Supervisors and Planning Commission
825 5th Street, Room 111
Eureka, CA 95501

RE: Draft EIR for Humboldt County Commercial Cannabis Code & Protecting Instream Flows

Dear Board of Supervisors and Planning Commission:

Thank you for the opportunity to comment on the draft environmental impact report for amendments to the Humboldt County code regulating commercial cannabis activities. The following comments focus on the protection of stream flow quantity for endangered salmon populations, public trust resources and other instream beneficial uses of water.

08-1

We support provisions in section 3.8-5 that require forbearance periods, water system maintenance, and groundwater users to demonstrate that groundwater sources are not hydrologically connected to adjacent surface water. We are concerned, however, that the regulations will allow water diversions that jeopardize or take endangered fish populations and/or harm public trust resources.

08-2

The proposed bypass flow language reads: "Cannabis cultivators shall bypass a minimum of 50 percent of the surface water flow past their point of diversion, as estimated based on visually observing surface water flow at least daily."

08-3

This bypass flow standard is not adequate to determine whether water is available for diversion and/or appropriation in excess of instream flows necessary to protect endangered fish populations or public trust resources. To determine whether water is available, diverters and/or the State Water Resources Control Board must demonstrate that water is available for diversion in excess of both legal instream flow requirements and the total of other diversions from a given stream.

Given the importance of salmon and other public trust resources in the North Coast, we request that Humboldt County refrain from issuing commercial cannabis permits that rely on diversions from streams where total diversions have not been quantified, and where

08-4

the state of California has not yet quantified instream flow requirements that satisfy existing laws.

08-4
cont

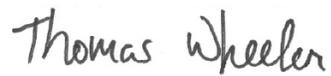
Sincerely,

Konrad Fisher,



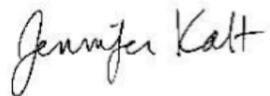
Director, Klamath Riverkeeper

Thomas Wheeler



Executive Director, EPIC

Jennifer Kalt



Director, Humboldt Baykeeper

October 16, 2017

Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501



EST 2000

Dear Board of Supervisors,

On behalf of The Buckeye, please accept these comments on the proposed Commercial Cannabis Land Use Ordinance (CCLUO). The Buckeye is a non-profit organization with 200 families, individual and commercial membership, representing over 300,000 acres of forests and rangeland found on the California North Coast. If followed, the CCLUO, together with the mitigation measures identified within the draft environmental impact report, could significantly reduce negative environmental and social impacts from individual marijuana farms, and the industry collectively. As such, we are encouraged.

09-1

Regardless, our private, land-based organization have major concerns about the potential cumulative impact of permitting additional “new” cultivation sites while the county struggles with enforcement against the vast number of operations that are not in compliance with the County land use ordinance. Therefore, we urge you to adopt a modified version of Alternative # 5 that would prohibit all new cannabis operations and severely limit the expansion of operations into Humboldt County’s Prime Ag and TPZ zoned lands.

09-2
09-3

Humboldt County has experienced unacceptable social and environmental impacts from the illegal cannabis industry for decades, and this continues to this day, despite the County’s attempts to regulate the industry since the advent of the Medical Marijuana Land Use Ordinance (MMLUO). The fault lies with the inadequate enforcement of the MMLUO due to the enormous magnitude of the cannabis grow operations vis-à-vis the agency enforcement teams.

09-4

This plethora of operations certainly include the many operators that did not file an application with the County under the MMLUO. According to the Draft Environmental Impact Report (DEIR), only 8-13% of extant farms—only 2,300 operations—filed a cultivation application under the MMLUO. That proportion shrinks further when one factors in the number of incomplete applications (~400) and withdrawn applications (~100).¹

¹ As of September 22, 2017.

We are encouraged by the Board's recent move to decrease the time between a notice of code violation and an abatement order, from seventy-five days to only ten days, as well as the Board's approval of a drastically steeper fine schedule, with a total maximum fine increasing from \$10,000 to \$90,000.

09-4
cont

Despite this work, we are still too far from remediating the social and environmental impacts to our County and communities, especially on Prime Ag and TPZ zoned lands, and we are mired in slow progress at best. Until we deal with the existing social and environmental damages, and the glut of cannabis operations not currently in compliance, we should not consider increasing the social and environmental damages in our County by permitting any additional new grows.

09-5

09-6

Thus, we urge the Board of Supervisors to adopt a modified version of Alternative # 5 that would prohibit the licensing of all new commercial outdoor, mixed light, *and* indoor cultivation that did not exist on or before December 31, 2015, nor sought a Permit under the MMLUO, except under the RRR Program.

As evaluated in the DEIR, our opinion is that Alternative 5 is the most protective of the proffered alternatives examined.

09-7

Should you have any questions or wish to speak further, please contact The Buckeye at info@thebuckeye.org or (707)725-8847

Sincerely,



James L. Able
Chairman
The Buckeye

From: Peter and Sharron Childs

Sent: Sunday, September 03, 2017 7:41 PM

To: Lazar, Steve

Cc: Fennell, Estelle; Bohn, Rex; Bass, Virginia; Sundberg, Ryan; mike.wilson@co.humboldt.co.us; Robert Sutherland

Subject: CCLUO Workshop

Hi Steve,

I may not be able to make it to the workshop, so permit me to deliver myself of a considerable amount of pent-up feeling regarding the whole cannabis issue.

I've seen it all, having lived in SoHum (Salmon Creek) for forty-five years. Phase I, the Age of Innocence, when hippies sat naked in the sun with a toke under their skin, thanking God for the wonderful life amidst natural surroundings that we'd somehow been able to find in this still beautiful place. Under such circumstances we certainly weren't going to buy herb (which we all smoked); we grew it, and it didn't take long for us to take some down to our friends in the city; they got fine herb and we got a little money, which we could dearly use. Win-win.

Then Phase II. Somebody swung down the pike in the early Seventies saying "Pull out the males!" Which we did, and sinsemilla made its appearance. The power of the herb skyrocketed and so did the price, which was the watershed moment; the beginning of the madness that now encompasses us (how enormously ironic that we were the ones who rubbed the bottle!). People started flocking into the hills, not at all for the reasons why the "originals" came here but simply for the money, and all the ills associated with the pursuit of money for its own sake came into play, culminating in the current zoo. Originally there had been nothing but Moms and Pops; now large grows popped up all over the place (the place being our home paradise), and they came with a full slate of negative impacts, from illegal grading, siltation of streams, discharge of poisons into the streams and land, generator noise (truly distressing to those of us who love peace and quiet), lights doing to our night eyes what the generators do to our ears, sucking an inordinate amount of water out of our streams, trashing our roads, and on and on and on. These grows should have been eliminated then and there; they should never have been allowed in "rural residential" areas but there was, aside from blanket (and overall ineffective) raids by CAMP, virtually no enforcement. So people realized that they could get away with just about anything, and they grew up a storm. A greenrush (or greedrush).

Then Phase III. There developed a general awareness of the fact that the public had nothing against cannabis and that this was leading to not just overt public acceptance but legalization, which meant that

the gold mine would open not just for growers but for a whole new industry including dispensaries, testing facilities, etc. and for local and state governments as well, through the massive fees associated with legalized operations at every level. Naturally Humboldt County, being situated at the head of the spear, felt obliged to maintain that leadership by setting up a legal framework for this new industry. It was a massive (actually impossible) task, and the Board, the Commission, and Staff are to be congratulated for the enormous amount of work that they have put in and continue to put into the project; it's a substantial achievement.

I1-1
cont.

But from the start of this process us old farts at HUMMAP have insisted that the way HumCo should handle things would be to eliminate grows over (say) 2500 sq. ft. and to ensure that the only product we would produce would be that for which we were already world-famous; genuine top grade organic sun grown Humboldt County sinsemilla, grown by many small farmers; emphatically not by industrial sized operations, which we realized from bitter experience were far more harmful than helpful to the interests of the people or the land of Humboldt County. Nobody should have been allowed to grow on land that they did not own and on which they did not reside. There are areas in the county where larger grows could be considered appropriate (so long as they don't poison the land and make it impossible to convert back to the kind of food production that was so important in the thirties and could well be again). Let others knock themselves out in this mad circus of commercial activity; let them, if they lack the wit to do otherwise, ruin their rural residential neighborhoods, drain their streams, and turn their lovely rural county into a money-mad industrial scramble.

I1-2

The Board heard us out and said "You make sense." Then they listened to the next layer of constituents, who wanted to grow big. They said "Those old hippies are good people and they dream sweet dreams, but they're not being realistic. This train is roaring out of the station and if we don't get on board we'll be left behind." The Board said "You make sense". Then the people who wanted to grow huge made their sensible case, and the Board did what Boards generally feel obliged to do since they represent all, not part of their constituents; they compromised, the result being the CCLUO. So we have a legal framework of sorts, and the new Industry is trying to take shape.

Which will, in my not particularly humble opinion, lead directly to Phase iV, when the other forty states snout up to the trough, the basic law of supply and demand comes into play in a big way, the price goes through the floor (it's already well on the way) and the whole thing collapses. God only knows what Lorillard and Reynolds have been doing in the corridors of Washington, but we can be sure that they haven't sat on their hands. Already there's a shadow entity patenting cannabis strains, which could be enormously significant and harmful. I'm reminded of how us kids would put fifty fireflies in a cream jar on top of a barber pole in our bedroom, so we'd have a little lighthouse. In the morning, in the cream jar there'd be a bunch of legs and wing casings, and one Bad Bug. I think this scene will evolve in much the same way, with a few big players and a small chance of a boutique market surviving where Phase One types can continue to exist. But I'm not holding my breath; the odds would be much better if HumCo had focused on and protected a strictly Mom and Pop system. The passengers who bought a ticket on this train like to think that it's going to be a smooth ride but I predict otherwise; there will be

I1-3

(just as with climate change) unforeseen problems ahead on this track. Just as with the logging, fishing, and other boom-and-bust economies, the bottom line is proving to be money, not long-term vision and effective protection of the resource base.

I1-3
cont.

Meanwhile, we “original” hill dwellers weep. The problem grows have not been eliminated; they’ve been legitimized. Our roads are being trashed and are now downright dangerous to drive on, our creeks drained (and our rivers; there’s a steady stream of water trucks on our roads), our lands polluted. Directly in what used to be my pristine view there are four large greenhouse grows stacked up on the hillside; four big scars on the hill (care to bet on whether or not the grading was permitted?), much of the graded material is probably now in the creek below, and they have roaring fans that, over a mile away, make it sound as though I was back in New York City when I open the sliding glass door of my bedroom at night. Not to mention the grow(s) ninety degrees from there, where there’s a steady generator hum, and where they’re regularly transporting tanks of water from that property to a different grow scene they own. And someone just stole my main toolbox from my barn (easy to do but never a problem until recently). Our local Facebook page lists ten incidents in the past month of tires picking up greenhouse screws on the road (and that’s just the ones listed). We expect little enforcement; there are just too many grows. Unless the County wakes up to the possibilities in doing it with paper rather than brute force; if problem grows can be identified (anonymously or officially) then fines can be levied and liens placed. But it would seem that Staff is far too busy working on legalization to put much effort into any kind of enforcement. And even if substantial action were to be taken along those lines, there are far too many large grows that will be legal under the new rules; industrial operations will be allowed to continue in rural residential lands where, as I’ve already observed, they should never have been allowed to exist in the first place.

I1-4

I1-5

Many of us feel that the County made an enormous (although understandable) mistake in failing to see how sketchy the future is of this whole “industry” (which rests entirely upon the artificially high price created by illegality) rather than having the vision and courage to focus on and protect top grade, dispersed, wholly organic production, thus maximizing our chances for an economically sustainable and environmentally viable future.

I1-6

Another thing: in view of my experience working with County government over the last four decades it’s difficult for me to ignore the substantial feeling on the part not just of officials but also of others, that we shouldn’t be living out here in the hills. Some environmentalists (ironically our natural allies; among other things, I was on the board of an international environmental organization when many of the Healthy Humboldters were neophytes) think that the very presence of humans on “resource lands” necessarily degrades them (never mind what their cities did to the land on which they sit, how our logged-over lands have improved under our stewardship, or our natural right to the pursuit of happiness), and they’ve been a significant force working to harm our interests (several beers’ worth there). Regarding the official attitude: when United Stand began its work nearly forty years ago the Chief Building Inspector publicly announced that he felt it was his duty to “use the codes as a tool to rid the county of the riffraff”. I think that this attitude has improved but it certainly hasn’t disappeared;

I1-7

quite recently Planning Director Kirk Girard, when asked directly “Are you trying to get rid of us?” replied “Yes! We’re trying to get you out of there so we can gentrify the county on the Marin/Sonoma model and bring some real money into this county.” So we do occasionally get the feeling that our legitimate concerns are, shall we just say, being overlooked, and this whole marijuana issue is an excellent example.

I
11-7
cont.
I

Good luck, Steve. I hope you’re getting ringmaster pay! Go well, Peter

P.S. No industrial grows should be allowed on rural residential lands. At an absolute minimum there should be a residency (and ownership) requirement for any grow on land zoned Rural Residential.

I
11-8
I

From: Tims outlook desktop
Sent: Tuesday, September 05, 2017 6:32 PM
To: Lazar, Steve; Fennell, Estelle; 'Mark Wheatley';
Cc: 'Joan Bennett'; 'Dawn Wolcott'
Subject: EIR Workshop

Hello,

I'm sure most of you are aware of the situation my father and I are dealing with. Located at 400 Nob Hill Rd in Fortuna and within the Sphere of Influence, we have cultivators attempting to surround our property. The closest grow (less than 200 feet away) resembles a gypsy camp. I would like to invite all Fortuna city council members and Humboldt County officials just to just drive through our driveway and without getting out of the vehicle you can see what I'm ranting about.

|
| 13-1
|

Unfortunately I will not be able to attend the upcoming Draft EIR Workshop as I have to attend my late first wife's funeral services. Please accept the attached notes in my absence.

| 13-2
|

In general, I feel the draft EIR does effectively recognize some of the impacts brought out in the NOP comments and in some cases has addressed some of those issues.

| 13-3
|

Unfortunately some damage has already been brought upon citizens and the environment and we still face a long path to recovery.

| 13-4
|

Thank you for understanding,
Tim Meade- Fortuna, CA

*** Impact 3.3-2: Long-term operational emissions of criteria pollutants and precursors.**

PM10 emissions, primarily generated from fugitive dust from travel of workers on unpaved roads is a concern. Typical greenhouse operations, which includes road activity, begins in the Spring and runs through to the end of the harvest in the Fall. And what about the mixed light year-round operations?

13-5

*** Mitigation Measure 3.8-3 (Annual Groundwater monitoring)**

Does this include existing wells?

13-6

*** Mitigation 3.8-5: Implement water diversion restrictions and monitoring and reporting requirements.**

Again, does this include existing wells?

13-7

*** Impact 3.10-2 Long-term non-transportation operational noise.**

The use of circulation fans and filtration fan motors emitting noise levels that are interfering with nearby residences should be declared as significant.

13-8

*** Impact 3.3-4: Exposure of people to objectionable odors.**

It is possible to mitigate the elimination of odors in mixed-light greenhouse facilities (in particular, for greenhouses located within a SOI) as suggested in the NOP comments:

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 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.

Tim Meade-Fortuna, CA

13-9

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

In your proposed ordinance revision, a Special Permit is required for marijuana operations within Spheres of Influence (SOI) or 1000' from the current boundaries (city limits) of cities in the County. The County could still grant a discretionary permit for a commercial marijuana growing operation after notifying the neighboring land owners if the neighbors don't show, in the *opinion* of the Hearing Officer, that the "public health, safety or welfare" of the surrounding community is sufficiently detrimentally effected. This seems to put the Cannabis applicant in the "drivers seat" and the community on the defensive. Your ordinance should be written to protect the community, not the applicant.

14-2

Since cities can create their own ordinances with regard to these businesses including complete prohibition, it is unreasonable that the County ordinance could impose these controversial operations so near to a City.

Therefore, I urge you to adopt ordinance revisions that would PROHIBIT marijuana growing or processing permits for County parcels within the Sphere of Influence of any city in Humboldt County and in places where the SOI has not been designated beyond the city limits, there should be at least a 1 mile buffer zone where commercial marijuana operations are PROHIBITED.

Cities grow. Land is annexed and new developments are built. The County should respect that and give our cities room for this future growth that is usually residential in nature. Commercial cannabis is not compatible with residential areas, as your current ordinance admits. Commercial cannabis is not common agriculture. Common agriculture does not require security fences, night lighting, cameras and guard dogs and usually does not produce a product that is illegal in the eyes of the federal government and is not for use by children.

14-3

General Plans should be respected. There are areas around Fortuna designated as Rural Residential in their general plan(for 2030) AND in the County's own Planning Commission Approved Draft General Plan Update (March 2015) where applications for permits were accepted because the land is technically still zoned AG. These areas already have houses in them and receive city services. A generous buffer zone around our cities prohibiting this controversial business that is incompatible with neighborhoods must be legislated to allow development in keeping with the city's ordinances as they grow into these areas.

14-4

I urge you to work with the city governments and their citizens to adopt County rules that do not infringe on the rights of cities or on the rights of their citizens, present and future, to decide if Commercial Marijuana operations are compatible with their lifestyle, aspirations and circumstances.

14-5

Respectfully, Paul Farnham
3576 Nelson Lane, Fortuna, CA 95540

From: Rusty & Bump
Sent: Friday, September 08, 2017 5:06 PM
To: Lazar, Steve
Subject: rec. marijuana

We are dead set against legalizing recreational marijuana until firm code enforcement is established.

I 15-1

Randall and Alverna Moore

Sent from [Mail](#) for Windows 10

From: Carol Nichols

Sent: Saturday, September 09, 2017 10:14 AM

To: Lazar, Steve

Subject: Cannabis Ordinance Environmental Impact Review Draft

I am a resident of the county just outside of Fortuna city limits at [REDACTED] I would just like to express my concern regarding cannabis grows and air quality. There are multiple small outdoor grows already here in this area, and I'm assuming they are related to 215 card holders. However, even those small grows frequently compromise the air quality in the neighborhood. I can't imagine having to deal with odor from larger commercial grows. I would like to be assured that air quality for those of us NOT growing is a high priority as the Impact Review is drafted. I haven't done enough reading to know if the EIR will apply only to commercial or to all grows, but hope it will include all. I rarely hear about any regulations regarding the odor except for requirements for carbon filters on large indoor operations. There have been times when I can't even enjoy sitting in my backyard because of the odor; and it typically occurs during the best season of the year, weather wise, which is even more frustrating. Please give us options for keeping our neighborhood a pleasant place to live; and put the responsibility for air quality on the growers, not the surrounding residents.

16-1

Thank you for your consideration in this matter,

Carol Nichols

September 19, 2017

Steve Lazar
Humboldt County Planning Department

Dear Mr. Lazar,

Thank you and the Humboldt County Supervisors for the opportunity to comment on the proposed Cannabis ordinance.

My wife and I have owned property in the Burr Valley area near Dinsmore since 1981. We own two contiguous parcels, and lived there until 1984, when we moved away to another county for career reasons. However, we continue to enjoy our property several times a year, keep in touch with the neighbors and pay our road fees and property taxes diligently.

Our concerns are as follows:

- 1. increased traffic on the roads. This year for the first time, a neighboring parcel is leasing to growers who do not live on site, so there is traffic through our parcel including heavy trucks, daily as workers come and go since they are not living on site. We pay our road fees, but this traffic through our parcel is causing impacts, by driving larger vehicles through wet areas which is tearing up our internal road, which is not generally maintained by the Burr Valley Road Dept. I do not know if these new users are paying their fair share, but our road is getting damaged. I do not know if permits have been applied for, or if this is a large scale grow, since I do not feel comfortable monitoring it. Also, the main Burr Valley, Tree Farm and Elderberry roads now have a lot more traffic, are in poor condition much of the time, and generally unsafe as big trucks hauling pallets of soil can come around a corner leaving no place to get out of the way. 17-1
- 2. Water use. More than once we have had to remove water gathering encroachments from our property, which we had not agreed to or approved. This requires monitoring and we are not there much of the time to do this. 17-2
- 3. Noise. What used to be quiet evenings, now there is the constant hum of generators that goes on all night. 17-3
- 4. Light pollution. Greenhouses in the area are reducing the quality of the night sky. 17-4
- 5. Gunfire. Day and night, especially at sunset, random firing of weapons large and small. 17-5
- 6. Trespass. Our property is now basically invaded at any time by unknown persons on quads, atvs, etc. going right up to our structures. In the recent past, we have been broken into and things taken from our property. 17-6
- 7. Wildlife. With so much going on in the hills, there are less deer and other animals on the property which we used to enjoy seeing. 17-7
- 8. Family values. The new normal is our guests' children are now exposed to the signs and symptoms of outlaw cannabis growing culture, including armed strangers, plants in plain view, greenhouses and related debris everywhere. 17-8

9. Many of these rural parcels are not appropriate places for this type of large scale agriculture. There is not enough water as it is for many homesteads in the hills. The cumulative environmental impacts are increasingly significant.

17-9

In summary, we are not opposed to cannabis cultivation, however enforcement of the ordinance is essential. The County needs to be sure to bring the vast majority of these rural parcels into compliance, and get the large scale unpermitted grows out.

17-10

Thank you for your attention to this matter.

Sincerely,

Steve Barager
PO Box 89
Lee Vining, CA 93541
760-647-6644
email: regarab@aol.com

Humboldt County Planning Commission

9/7/17

CCLUO Updates

To the Planning Commission,

Since this program's initial ordinance crafting process our County has fallen into a perpetual state of putting the cart before the horse. The trend we have monitored in this process follows a lack of process, logic, or timely action, and seemingly a level of favoritism amongst certain applicants whom hold permits to date. The County has failed at extending proper direction to the public regarding this process, nor extended enough of an opportunity for applicants and agents to stay abreast this experiment. Consistently, guidelines and processes are changed without public notification from the Department, and furthermore each initiative that has passed through the County has not undergone thorough community review before decisions are made. I ask of you, how do we expect to be successful when we are perpetuating the "Green Rush" by attracting new impacts to our already impending social, environmental, and economic constraints, without first addressing the issues on our plate primarily.

18-1

While real estate values have exploded, new attractive investment interests have come to the table, and the possibility of a promising future lingers, there are some key issues that need to be made publicly known. I am speaking today on behalf of the Community, the County, and lastly for my business whom is servicing individuals who are going through this process as their key business advisor, project planner, and confidant. I fear that this trend of steadfast behavior will ultimately result in a bust for our County if we don't take the time needed to conduct diligent assessment, make prudent decisions, and analyze our key players that have come to the table to participate in this industry.

18-2

I ask of you today, to reconsider your approach to re-opening this program until the County can adhere to a timely process of approvals for the applications already impending, some of them by 8-10 months and still haven't been heard by your Commission, nor the Supervisors. It is not pragmatic to invite a swarm of additional applicants into the application process, when we already have a mountain of paperwork to process and are still sorting out the mess we created due to poorly coordinated processes, lack of personnel, lack of professional resources, and time to produce the work needed to fulfill the County and State application requirements. The average permitting project takes approximately one year to develop now based on the burden our professional partners have experienced.

18-3

Furthermore, applicants whom are not backed by investment are struggling to supplement the additional costs associated with the County's increasing fees, professional fees, and unforeseen assessments, change orders, and ancillary legal costs. There is a great fear that Phase II will prove to be furthermore burdensome on the County's staff and applicant's checkbooks. We do advise that changes be presented for the next Phase ordinance, however, that it be reeled back until all issues and impending matters are resolved at the Department, Commission, Supervisory levels. We are happy to participate in this discussion and offer sensible solutions to this.

18-4

For our suggestions to the Ordinance changes:

- Build in Prime Soils/AG Land requirements to produce crops, orchards, or some supplemental agricultural products. The cost of Agricultural lands makes it difficult for farmers to compete,

18-5

and often leave them feeling the need to sell their now very valuable cultivation land to cannabis farmers, leaving us with virtually no protections for a future of sustainability in regard to local food production in the event of emergency.

18-5
cont.

- Consider land use permits to allow for on-site sales under a Special Permit rather than a CUP. This process is too onerous for small farmers, who need on-site sales and agri-tourism to survive in this competitive marketplace.
- Adhere to a the 30-day processing timeline for notifications. A lack of timely process lends to the County's inability to manage the workload that exists today.
- Offer a transitioning program for Medical to Recreational licensing without the burdensome review we are facing today.
- Take advantage of issuing the provisional permits that were guaranteed under the Ordinance No. 2544 so that we may stand a chance at "competing" at the State level. Revise the timeline back to two years in accordance with restrictions on Department's ability to process permits and inability to work out of season.
- Remove Pre-Existing definition. This definition though well intended puts many people at risk for federal enforcement, and therefore needs to be removed as a qualifier, rather, it should State that pre-existing operations cannot expand on TPZ or U with a GPLU of T Get rid of pre-existing proof, this should be purely Departmental discretion and should not be included in Public files for safety reasons.
- Remove 4 Permit Limit, as this infringes on the Medium License Restriction at the State level. Hence, if an individual has 3- 1-acre Cultivation sites, they would only be per missed one medium license, and would need to obtain multiple smaller licenses to qualify for State licensing. Our permitting should adhere to some consistency with State level modeling and be purely discretionary on an applicant's ability to adhere to the Standards set by the County and the State.
- Create an interim Good Standing Letter for the State Licensing Program if not willing to issue provisional permits under a Compliance Agreement.
- Allow Grandfathering provisions under Ordinance No. 2544 for applicants who have invested into this program to date.
- Remove mandatory Renewable Energy Requirement from the Ordinance. This is not an economic, nor feasible option to support residential energy demands, nor commercial activities. Please consult with renewable energy companies about the feasibility of this in terms of supplemental energy capabilities. Rather create an incentive for renewable energy supported models (such as, reduced permit tier, or tax incentive.)
- Restricting energy use on TPZ and U; with GPLU T zones is purely discriminatory and either needs to be removed completely. Rural properties do not have the luxury of PG&E supported and very likely not renewable energy either. This is an unreasonable expectation. Section 55.4.6.5.6 should read that Performance Standards for Generators are 9am to 9pm, adhering to Best Management Practices, and adhere to Water Board and Air Quality Standards.
- Clarify Recreational Application of this Proposed Ordinance.
- Require Industrial Sites to Undergo through Testing and Clean-up Measures for Brownfield Sites.

18-6

18-7

18-8

18-9

18-10

18-11

18-12

18-13

18-14

18-15

18-16

18-17

- Support temporary event permits to for commercial cannabis activities to eliminate grey area concerns behind onsite consumption with a Conditional Use Permit. | 18-18
- Include RA zones and FP zones back into the ordinance. | 18-19
- Allow for onsite nonvolatile manufacturing and infusion of home goods, as well as home based distribution/brokering businesses. Many of these businesses can and should be permitted to operate on any zone applicable under this ordinance. | 18-20
- Remove diversionary water language from the ordinance for open air cultivation. This is unreasonable and extreme considering the tumultuous territory behind jurisdictional water sources and additional environmental impacts of well rigs to rural territories. | 18-21

Furthermore, we are happy to extend all support and suggestions for the improvement of the existing program. It will take you the County to step up and reach out for this type of coordination. Please consider us a valuable resource in the County's planning goals as we have an overarching vantage of the economic, environmental, and social concerns to be addressed. This program is just a small part of remediating these issues and should not be taken lightly furthermore. | 18-22

Best,

Teisha Mechetti

AgDynamix

Teisha Mechetti

From: [Zeta Farms](#)
To: [Lazar, Steve](#)
Subject: Fwd: Dispensary in Willow Creek
Date: Wednesday, September 13, 2017 8:10:57 AM

Good Morning Steve. I am forwarding you the email I sent Ryan Sundberg regarding the concerns I have with removing C2 from cultivation. I have a meeting with Ryan on Monday morning and hope to get his opinion.

Thanks,

Nate Bones

----- Forwarded message -----

From: **Zeta Farms** <zetahumboldt@gmail.com>
Date: Mon, Sep 11, 2017 at 8:01 PM
Subject: Dispensary in Willow Creek
To: Nathan Bones <nathanbones77@gmail.com>, josh@tvce.biz

Hello Ryan,

This is Nathan Bones. I emailed you earlier regarding opening a dispensary in Willow Creek. I am negotiating the lease of a building on highway 299 in downtown Willow Creek. It was a burn down building that is being rebuilt, scheduled for completion in mid November.

I recently attended the cannabis ordinance workshop meeting and learned that the planning commission is thinking about removing cultivation in the C2 zone. I feel this would be detrimental to the new business model termed "microbusiness" particularly in Willow Creek. The State is allowing for cultivation, extraction, consumption, distribution, and retail all under the same roof, if your cultivation space is less than 10,000sft. I am seeking approval of approximately 1,000sft of cultivation at this location. Part of the new rule allows for self distribution if you are a micro-farmer. If cultivation in C2 is removed from the ordinance, then we are not encouraging the small farmer. Especially in Willow Creek, C2 is the only location for this sort of tourism attraction. There is not even Industrial space for a micro-farmer. C2 zone would be the desirable zone for "microbusiness" in most of Humboldt.

I hope to display a small sampling of how our product is grown in an a custom, state of the art system. Considering the ordinance allows for volatile extraction in this zone, we should certainly allow for a micro-farm which is far safer. With indoor cultivation we control the smell nuisance with state of the art carbon filters and were also able to capture all our runoff to be disposed of properly. We will also be utilizing the Redwood Coast Authority Program to source 100% renewable resources for our power consumption. The owner of the building runs Westhaven Solar and we intend to implement solar panels in the near future as well.

I believe this business will be an asset to our community. We are going to be an upscale atmosphere that will attract quality patrons. We will be able to promote and sell locally grown products and encourage tourism to local compliant farms. We hope to not get pushed out by the larger players due to lack of suitably zoned property. I am looking forward to our community flourishing in the years to come. Thank you for finding the time to consider my concerns. I can be reached any time

at [714-448-2018](tel:714-448-2018) or at zetahumboldt@gmail.com.

Thank You,

Nate Bones

From: [Zeta Farms](#)
To: [Lazar, Steve](#)
Subject: Sunhouse Dispensary
Date: Wednesday, September 13, 2017 5:01:51 PM

Hi Steve,

I wanted to share my business plan with you. If you can find the time to review this, I think it will paint a clearer picture of our goals. I look forward to talking with you soon.

I10-1

Sincerely,

Nathan Bones



Nate Bones
Proprietor
Sunhouse Gardens LLC
zetahumboldt@gmail.com
(714) 448 2018

Table of Contents

- 3 - Executive Summary
- 5 - Company Statements
- 6 - Goals and Objectives
- 7 - Financial Plan
- 8 - Market Analysis
- 9 - Marketing Plan
- 10 - Operational plan
- 13 - Legalities and Conclusion

Executive Summary

Let us pretend that you live in a world renowned neighborhood that is known for being lined with lemonade stands every day in the summer months. You've been living there for a while now and fancy yourself a connoisseur of homemade lemonade. You have been to each stand on multiple occasions and now you feel that it's time to cast your vote and pick a favorite. You want to support the lemonade vendor that is dedicated to their craft, the one who mindfully and consistently produces quality. The stand that provides the most perfectly flavored summer beverage, one who uses whole and natural ingredients.

These lemonade merchants love what they do and this fact shows through their attention to detail. This is the booth that appreciates commerce and they tactfully expand their operation in order to satisfy an increasing demand. This booth is dedicated to the crafting and creating this citrus beverage. They pay homage to the familial techniques handed down while staying open to innovation. If these lemonade stands were an analogy of cannabis farmers, then we would be your chosen lemonade producer.

As second generation farmers, we have dedicated our lives to the cultivation of the cannabis plant, and have been devout students of the effects it has as a medicine. With over 25 years of experience growing the cannabis plant indoors, we have achieved incredible results. From our experience with cannabis clubs across California, we are sure that our coveted products are in high demand. Our methods, such as drip irrigation and injectors, are modern and efficient, allowing us to maximize production and profit, all while pushing the envelope of quality standards.

The progress of our organization begins with the acquisition and permitting of the ideal location in Willow Creek. We love our community and want to see it blossom in the coming years. We feel that this property is the perfect fit for our business. This location is welcoming and we foresee it to be a future hub for canna tours. From here we would provide local cannabis farm tour information and be a reliable retail store where people can purchase local products.

With this opportunity to emerge into the "Napa Valley" of cannabis tourism, we can help our community thrive. As parents of young children, we understand the importance of instilling good values and opportunities for them to succeed. We intend on donating to local schools while helping keep our community clean so we have a beautiful place to live and raise our children.

We plan on building an upscale, warm and inviting business similar to that of a

brewery or wine tasting room atmosphere. Our business will attract quality patrons, seeking quality cannabis products and or educational information. We believe that the vertical integration business model will succeed and be most beneficial to the community. We would like to provide tours of our indoor cultivation facility, as well as a store front were people can shop for and consume locally made products.

We are thrilled to have the opportunity to start our business here in Willow Creek. We are confident in our ability to continue to produce consistently remarkable cannabis and attract positive business and revenue to the area.

Company Statements

Our Company

As second generation farmers our story begins in 1980 in the hills of Southern Humboldt County, California. After a rich history of outdoor farming, our focus transitioned towards indoor cultivation in 1990. With over 25 years of experience cultivating cannabis indoors, we have achieved remarkable results. As we have weathered the challenges of indoor gardening, and honing our unique craft, we have emerged with effective, and efficient methods to producing high quality medicinal cannabis. From this past Sunhouse Gardens is born.

Sunhouse Gardens takes great pride in cultivating Grade A cannabis strains to yield a quality assured medical product that is potent, clean, and safe. We do this by masterfully maturing our crops to their fullest potential, in a pristine, state of the art, indoor garden; all while living and working harmoniously with our community and our planet.

Our Mission

Sunhouse Gardens mindfully cultivates cannabis, in an indoor environment, while striving to use sustainable and natural methods. This means that every step of the way in the growing process we are considering how to maximize every plants potential in producing clean, potent, flavorful flowers, while working towards using renewable energy and methods that recycle waste water and minimize our impact on our planet.

Our Vision

Our business is recognized as one of top shelf connoisseur quality and our products are known as being environmentally friendly. Locals and people from far and wide frequent our establishment for reliable products and service, while providing revenue for our community.

Goals and Objectives

One Year

- We have built out our facility.
- We have obtained local and state licensing
- We have gained local costumers as well as developed a steady flow of tourism clientele.
- We have developed effective advertising and are published in at least one local publication.
- We have formulated plans on lowering environmental impact and on becoming a sustainable company.
- Sunhouse Gardens website is published with attention grabbing content.
- We have received more validating recognition for our flower products and solvent-less rosin extract.
- We are instrumental in community projects

5 Year

- We are a leading competitor for top shelf products.
- Our products are environmentally friendly and green labeled by the industry's most reputable certifications.
- We have expanded to another facility.
- We employ approximately 20 people to operate both facilities.
- We are the proud recipients of eight cannabis cup competition awards.

10 Year

- We have built 3 additional facilities that are fully operational and we employ approximately forty people.
- We are continually involved in our community and contribute to community development and rehabilitation programs.
- Our products are produced 80% sustainably.

Accomplishments

- 1st Place for Solvent-less extracts - 2017 Humboldt County Cup.
- 25 years of indoor cannabis cultivation.

Financial Plan

Currently

In 700 sq. ft. flowering canopy, and a 100 sq. ft. vegetation room, we are able to produce 156 – 208 pounds annually. Fair market price for a pound of indoor flower ranges from \$1,500.00 - \$2,000.00. After production costs (approximately \$800 per pound – this including all expenses from kwh to labor, excluding operation manager's salary) are subtracted from the purchase price our profits can range from \$700 - \$1,300 per pound or an annual profit of \$109,200.00 - \$270,400.00.

Future Plans

We intend to sell our excess product that does not get purchased on site. We will self distribute our products to other local store fronts. This will ensure that there is not wasted product and income.

Startup Expenses

- Licensing and permits - \$20,785.00
- Drawing, engineering and building permit fees approx. - \$10,000.00
- Room build and retrofit to be determined approx. \$300,000
- \$72,000 for property lease

Financial Investment Note

- We intend to invest \$100,000.00 as working capital.
- We are seeking property to lease or buy.
- We have several investor opportunities if banks will not loan

Products and Services

Our flowers are all produced in an indoor environment to allow us more control of the environment. This way we can consistently produce the same product every harvest, and our patients can rely on the quality, freshness, and potency of our cannabis. We will also carry other locally grown brands to offer selection and to promote local business.

We focus our efforts on producing cannabis flower from an expanding repertoire of strains. We seek out the most reputable varieties with potent effects from a combination of their THC and CBD attributes (profiles). We are currently working with select strain breeders to develop more remarkable strains that are exclusively grown by Sunhouse Gardens. Our current varieties are as follows:

Underdog OG
King Louie XIII
Kobeyashi
True OG
Miami White
Durban Poison
Blue Cheese
Mendo Breath

Although our efforts are directed primarily towards growing cannabis flower we are open to expanding our selection of products to extracts, edibles, and tinctures. We have developed techniques for producing rosin extracts and have been recognized at the most recent Humboldt County Cup – winning first place for our non-solvent King Louie XIII rosin concentrate. Our current line-up of Rosin reflects the strains that we offer as flower products with the addition of bubble hash variations.

Market Analysis

Target Consumer

- Environmentally conscious cannabis user with a keen sense of quality.
- Travelers coming to the area. Tourism
- New to cannabis consumers that place a high importance on sustainability in products and on their environmental impact.
- Any, and every, medical patient or recreational user, who relies on quality assured, potent, clean medicine.

Competition

- Large scale indoor commercial cannabis producers with working knowledge and hands on experience with the cannabis plant.

Sales Channels

- Select distribution
- Local dispensaries
- Select brokers
- Emerald Family Farms
- Delivery services

Note: We intend to continue to build lasting relationships with distribution, brokers, and industry experts.

Competitive Advantages

- 25 plus years of experience working exclusively with the cannabis plant in the indoor growing environment.
- Able to consistently produce a remarkable product which test clean of impurities.
- Award winning rosin – 1st place in Humboldt County Cup 2017
- We are established in Humboldt County - a fact that we consider a considerable selling point.
- We have a large network of friends and family involved in the same industry with direct relations to functioning dispensaries.
- Through raising young children in the community and by staying actively involved, we have strong community support.
- Knowledgeable and dedicated staff.

Disadvantages

- More cultivators learning our trade leading to the market being flooded with products.
- Flooded market with comparable products hampers distribution flow.
- Dropping prices due to the flooded market and the lack of unions.
- Uncertain legalities in the cannabis industry.

Marketing Plan

Marketing Objectives

- Host social media pages and a website while consistently publishing new and themed content.
- Generate a following through themed and interesting content for a blog linked to our website – publish new content consistently.
- Create a theme for brand recognition.
- Submit and publish articles and interviews in local publications.
- Create advertisements for magazines such as: Emerald, Savage Henry, High Times.
- Advertise online through various publications associate with the industry and through various ad - spaces.
- Get involved as a contestant or hold booth space in available cannabis events.

Opportunities

- We are on the frontline of a new legitimized market.
- We have the potential to have a recognizable brand and products.

- We have the ability to provide quality medicine at an affordable price to medical patients.
- We have developing relationships with respected brands such as Hemp Health.
- We love what we do, we love the cannabis plant, and we feel great about our product.

Risks

- The changing of cannabis legislation.
- The possibility of burglary or theft.
- Pests and diseases ruining, or tainting whole harvests.
- Self-doubt and fear of the unknown in a fluctuating industry.
- Large scale operations flooding the market with inexpensive and mediocre commercial products.
- The local economy struggling through legalization.

Risk Mitigation

- Continue to stay current and informed on regulations and laws regarding the industry.
- Acquire all necessary permitting for our facilities.
- Fence the parameter of the facility and install a high level security system.
- Stay diligent on preventatives for pests and diseases.

Operational Plan

Our Team

Nate Bones – *Proprietor and Operations Manager*

Job description: oversees all stages of production from cloning to quality control of the end product and all aspects of our organizations development.

Michelle Bones – *Accounting and Bookkeeping*

Job description: oversees the financial aspects of the business as well as the office administrative responsibilities.

John Porter – *Lead Grower*

Job description: cloning, watering plants, feeding plants, foliar sprayings, trimming up and pruning, turnarounds, quality control, packaging, marketing and design.

Processing Crew (a.k.a. - The Trimmers)– We sub contract a group of ten people who are available to consistently manicure our harvested dried flowers.

Cultivation - Standard Operating Procedures

Personnel

In order to successfully operate the gardening aspects of a minimally sized facility - including one 28 light flowering room at 42.5' x 25', vegetative growth room for mother plants and cloning being approximately 35'x20' - it requires one Operations Manager (or master grower), and a skilled laborer. A skilled laborer is paid \$1000 a week with quarterly harvest bonuses. The Operations manager is paid a salary based on a percentage of gross revenue.

General Cultivation Tasks:

- Turnarounds
 - Harvesting
 - Room and pot sterilization
 - Filling pots with soil and labeling
 - Transplanting new stock then watering
- Maintenance in Bloom Room
 - Pruning
 - Plant trim up
 - Trellising and staking
 - Feedings and watering's
 - Foliar feeding
 - Foliar pest and disease prevention
 - Timer maintenance
 - Room cleaning
- Maintenance in Mom Room
 - Cutting clones
 - Cutting maintenance
 - Room cleaning and disinfecting
 - Feed and water plants
 - Plant training (staking and pruning)
 - Replanting moms
- Maintenance in Curing Room
 - Maintain humidity and temperature
 - Check current harvests condition
 - Manage manicured products cure
 - Package finished product

Trimming – Standard Operating Procedures.

Note on Trimming

The quality of the manicure is of the utmost importance to us, seeing as how the efforts to grow the product, and nurture plants through all the stages, culminates up to this point of the representation the finished product. If the manicure is done poorly then it doesn't really matter how well the plant is grown.

Key Steps

1. Wash hands
2. Put on gloves
3. Set up or arrange trim station
 - a. Scissors and isopropyl alcohol and/or oil
 - b. 1 paper bag for the finished product
 - c. 1 paper bag for the finished trim
 - d. 1 clean tray
 - e. Strainer for duffing small plant matter off of buds
 - f. Pen and paper for personal record keeping
 - g. Any personal items to make your stay more comfortable
4. Collect a plant from bin for bucking. Clarify which strain is being worked on to ensure appropriate labeling.
5. Separate fan leaves and stems over an empty tray or trash while carefully keeping track of the valuable plant matter.
6. After bucking one plant then return to your trim station for the finish manicuring work. Note: If bucking then trimming one plant at a time significantly affects your process then please discuss with scene manager to determine another method.
7. Label two small pieces of paper with your name (or trimming alias) and the name of the strain. Place one in the paper bag for trim and one in the trimmed flower bag.
8. Remove oils and alcohol from your scissors.
9. Trim all of the leaf from each bud while avoiding circumference trimming. Break each flower into the desired nugget size.
10. Lightly shake the trimmed bud in strainer to remove trim then place in the paper bag. Note: Review finished job with quality control to ensure that it's being done properly.
11. When all of the plant is trimmed then empty your tray of trim into the trim bag and return to buck another plant (step 4 - 6).
12. Repeat steps until break or lunch. All employees must wash their hands before returning to work after using the bathroom.
13. When finished for the day: turn in your work, then clean your work station.
 - a. Sweep the floor around you.
 - b. Clean off the table (take supplies with you).
 - c. Break down any left-over bags or supplies.
 - d. Slide your chair back in.
 - e. Enjoy the rest of the day.

Legalities

Legal Objectives

- Acquire licensing and permits through Humboldt County. Note: work with attorney to secure all of the necessary permits.
- Comply with handicap and ADA requirements.
- Comply with commercial or industrially zoned property.
- Trademark Sunhouse logo.

Conclusion

Thank you for reviewing this document and for your time shared with us and our organization. We truly appreciate your considerations.

From: Sue Leskiw <sueleskiw1@gmail.com>
Sent: Thursday, September 14, 2017 10:17:02 AM
To: Ford, John
Cc: tomleskiw@gmail.com
Subject: Request to revised proposed RRNA map for Essex Gulch, McKinleyville

September 13, 2017

TO: John Ford, Director. Humboldt County Planning & Building Department

We are writing to formally request that our property at 155 Kara Lane, McKinleyville, be included in the Rural Residential Neighborhood Area (RRNA) shown on page 9 of the document, "Combined_RRNA%20Maps_reduced%20file%20side.pdf," that was released as part of the "Amendments to Humboldt County Code for Regulating Commercial Cannabis Activities," dated September 2017.

Currently, the properties in Essex Gulch that have street addresses on either Alder Lane and Kara Lane are not in the shaded RRNA because the mapmakers went with a straight line border along the western edge of the RRNA. Also, the proposed RRNA seems to include a significant piece of Green Diamond timberland, which is not a residential area.

Attached is a table we created that lists the APN number, street address, parcel size, current General Plan designation, zoning with combining zones, and use description and code for each property on Essex Lane, Alder Lane, and Kara Lane. Although the current General Plan has the Kara/Alder areas (as well as 810 and 860 Essex) designated as "FOREST (MC65)," the USE descriptions are either "Rural Improved (9931)" or "Improved Rural Residential (3101, 3102, or 3103)." Our parcel, having the use description and code "Improved Rural Residential, 1-5 acres (3102)," actually has the same use – single-family residential – as nearly all the parcels along Essex Lane that were included in the RRNA map.

111-1

The current General Plan stems from the 1980s and has been undergoing a required update for almost 20 years. The Kara Lane subdivision was created in 1994, after the current General Plan was adopted. Thus, its FOREST designation of these residential parcels is out-of-date. In a conversation that Sue had with Steven Lazar on September 5, he noted that under the proposed General Plan Update (GPU), all the properties in Essex Gulch will be reclassified as Rural Residential.

Section 55.4.5.1.5b of the proposed "Ordinance Amending Provisions of Title III of the Humboldt County Code Relating to the Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medicinal or Adult Use" would require a Special Permit for any commercial cannabis activity that will be located within mapped RRNAs. Section 55.4.5.1.5c would require early notification to neighbors within 1,000 feet of the parcel on which a permit is being requested.

We are requesting that our parcel (APN 504-021-015-000) receive this added level of protection immediately, rather than waiting for the GPU amendments to be adopted. We ask that the map of the Essex Gulch RRNA referenced above be revised to include ALL properties on Alder, Kara, and Essex Lanes.

Please let us know if we need to take any additional action to have this map revision implemented ASAP.

Sue & Tom Leskiw
155 Kara Ln, McKinleyville CA 95519
707-442-5444; sueleskiw1@gmail.com

	A	B	C	D	E	F	G
1	Zoning & Use Descriptions for All Properties on Essex Lane, Kara Lane & Alder Lane						
2							
3	APN #	Address	Parcel Size	Current GP	Zoning w/Combo Zones	Use Description	Use Code
4							
5	151 022	110 Essex	1.6	DH	U	Vacant RR	3001
6	151 023	N/A	1	DH	U	Improved RR	3101
7	091 005	N/A	7	Timber-DH	TPZ	100% TPZ, Vacant	7002
8	091 006	477 Essex Springs	34.6	Timber	TPZ	100% TPZ, Improved	7003
9	031 008	N/A	5	DH	TPZ	100% TPZ, Vacant	7002
10	031 011	600 Essex	10.6	DH	AG	Rural Improved	9931
11	031 019	690 Essex	3.2	DH	AG	Rural Improved	9931
12	021 012	810 Essex	5.2	Forest	AG	Licensed mobile home on fee parcel	97
13	021 009	860 Essex	1	Forest	AG	Rural Improved	9931
14	021 011	197 Alder	15.2	Forest	AG	Improved RR, 10-20 A	3103
15	021 013	45 Kara	7.7	Forest	AG-B-7	Improved RR, 5-10 A	3101
16	021 014	65 Kara	5.3	Forest	AG-B-7	Rural Improved	9931
17	021 015	155 Kara	4.5	Forest	AG-B-7	Improved RR, 1-5 A	3102
18							
19	151 012	N/A	4.5	Grazing	U	Rural-Vacant	9930
20	091 004	N/A	16.7	DH-Grazing	AE	Rural w/Timber Infl-Vacant	9938
21	091 003	N/A	20	DH-Grazing	TPZ	100% TPZ, Vacant	7002
22	031 007	449 Essex	5.5	DH	AG	Rural Improved	9931
23	031 016	467 Essex	2.4	DH	AG	Rural Improved	9931
24	031 015	481 Essex	4	DH	AG	Rural Improved	9931
25	031 017	583 Essex	4.1	DH	AG	Rural Improved	9931
26	031 028	805 Essex	14.7	DH	AG	Rural Improved	9931
27	031 027	855 Essex	3.3	DH	AG	Rural Improved	9931
28	031 024	889 Essex	2.8	DH	AG	Improved RR, 5-10 A	3102
29	031 025	893 Essex	2.5	DH	AG	Improved RR, 1-5-A	3101
30							
31	NOTES: Properties on Lines 5-17 are on the WEST of Essex Lane, starting from SR 299.						
32	Properties on Lines 19-29 are on the EAST side of Essex Lane, starting from SR 299.						
33	All APN numbers start with 504- and end in -000.						
34	N/A = No street address; DH = Dispersed Houses; RR = Rural Residential.						

From: [Terra Carver](#)
To: [Lazar, Steve](#); [Ford, John](#)
Subject: Mixed light/outdoor
Date: Wednesday, September 20, 2017 7:38:16 AM

Hi John and Steve,

Yesterday in Sacramento Amber Morris made it pretty clear the definitions of outdoor and mixed light are going to change. I just wanted to pass that along and encourage you to add language to ordinance 2.0 that allows for the county definitions to square up with the states once the regs are out.

HCGA will be submitting formal written comments soon, but this one was on my mind so I wanted to shoot you a quick email.

Call me if you have any questions.

Thank you for all your hard work! It's mind boggling the amount of effort your department has put towards cannabis. I appreciate you.

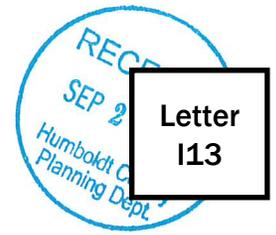
Best,

Terra

Sent from my iPhone

I12-1

B. Crowder
PO Box 32
Honeydew, CA 95545



Input for Public Comments on EIR and Cannabis Expansion

Dear Mr. Lazar:

Humboldt County is on the wrong track with its cannabis ordinance. Although the medical benefits of cannabis are many, our Board of Supervisors seems more interested in promoting recreational aspects with weed-fests, farm tours and bud-and-breakfasts. The Green Rush has become the Greed Rush.

I13-1

A big concern is the over-burdening of our roads. Traffic is constant, with cannabis workers coming and going 24/7, plus frequent large deliveries of soil supplies, fuel and propane. In my area it has gone beyond serious. Increased traffic plus lots of deferred maintenance have turned the Panther Gap - Bull Creek - Mattole Road system into an obstacle course of potholes and drop-offs.

I13-2

I wish to strongly urge that no more permit applications be accepted until all current ones are processed and operational. Declaring a moratorium on new applications until the end of 2018 would provide the opportunity to assess and apply State requirements as well as our own. It just may be that 2337 licensed grows are all this county can handle right now.

I13-3

Rather than continually seeking to expand the cannabis industry, the County ought to be looking for ways to lessen its impact on the rest of us by enforcing the law as it stands.

I13-4

*Copy to:
Senator Mike McGuire
1303 10th St.
Sacramento, CA 95814*

*Thank you,
Betty Crowder
Assemblyman Jim Wood
PO Box 942849
Sacramento, CA 94249 - 0002*

From: [Sami Osman](#)
To: [Planning Clerk](#); [Lazar, Steve](#)
Subject: Planning Commission Public Workshop - Cannabis Ordinance Review - Thursday, September 21, 2017 - Comment
Date: Thursday, September 21, 2017 9:30:31 AM

Dear Steve and the Planning Clerk,

I hope you're both well!

I'd like to make a comment regarding one of the issues noted for discussion on the agenda for this meeting, namely 'applicability of the new ordinance to existing applicants'.

I believe it would be equitable to allow for some flexibility for existing applicants, along the lines suggested by county staff in the agenda, either holding them to the original ordinance requirements, or requiring they meet partial new ordinance requirements at some future point in time. We can reasonably anticipate that holding existing applicants to requirements in the new ordinance is likely to result in extensive delays to a large number of existing applications, due to additional work needing to be done by all parties. Such delays could jeopardize the applicants ability to take advantage of Director Ford's very generous offer to have applications completed by the end of the year (which would allow successful applicants to take advantage of the anticipated State allowance to continue operating even before having corresponding State permits issued). This would put a large number of applicants at a distinct market disadvantage to program participants in other counties, and would undermine the extensive work Humboldt County staff has done to expedite such applications. Aside from this critical temporal concern, requiring current applicants to adhere to new ordinance requirements would also reasonably foreseeably necessitate extensive further resource commitments by the applicants, as well as County staff and all other agencies offering assistance with such reviews. This would not only duplicate work already done, in many cases, but result in an net addition to resourcing needs for all parties, particularly applicants.

Holding existing applicants to the requirements of the existing ordinance would reduce such additional burdens to applicants, county staff and other agency staff. A compromise in between, whereby current applicants were subjected to some new requirements, but these were delayed, would relieve applicants/county/agency staff from needing to address such requirements at this particularly busy juncture, and would avoid the critical loss of first mover advantages outlined above vis-a-vis State licensing.

Thank you for your time and consideration.

Yours Sincerely,

Sam.

From: Thomas Mulder [mailto:hrh707@outlook.com]
Sent: Friday, September 22, 2017 7:05 PM
To: Lazar, Steve
Subject: Fwd: Cathey road

Please forward this to John as I don't have his email. As we are discussing roads for commercial use. This is a few sections of a road that was approved for the cell tower on Cathey road to be installed. This is out a different fork than I drive or use but I was just out this road today doing some road repair in a different section for the neighbors.

I15-1

Sent from my Verizon 4G LTE smartphone

----- Original message -----
From: Thomas Mulder <muldercst@gmail.com>
Date: 9/22/17 5:44 PM (GMT-08:00)
To: Thomas Mulder <hrh707@outlook.com>
Subject: Cathey road

Road to the tower and residential road

Sent from my iPhone





KUBOTA
Made in U.S.A.
1005470K





From: [Kathy](#)
To: [Lazar, Steve](#)
Cc: [Kathy](#)
Subject: comments on amendments to cannabis ordinance
Date: Monday, September 25, 2017 11:12:57 PM

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

Dear Mr. Lazar,

I have been making an effort to understand the amendments to the ordinance on Commercial Cultivation, etc. of Cannabis. While I do not presume to understand all the nuances presented amidst all the many words and numbers, a few things are catching my attention.

- 1) I still oppose the county granting permits to grows over 10,000 square feet, as I feel that our county needs to promote small family farms and the highest standards of quality.
- 2) page 14, 55.4.6.3.1, Water Source; Irrigation water can only come from non-diversionary sources.

During the rainy season, which can encompass six months of the year, water can be collected at a rate approved by CDFW into storage for use during the summer. CDFW also has in place a “forbearance” period beginning May 15, to prevent pumping large volumes of water to storage during potential low flow months. As I understand it, we use less than 1% of the water that flows through our area during the rainy season. Where will farmers who do not have wells or springs, be able to acquire sufficient water for a successful season without using water diversion? How does this restriction promote small farmers, or benefit the county? Investing in rain catchment systems, if allowed, can be costly and take time to set up. Using large amounts of well and spring water can negatively affect water table levels and environmental health. I am definitely supportive of measures to protect native habitat, wildlife and fish, but with the high volume of water flowing downstream to the ocean during the rainy season, and if the county would only permit family size farms that do not use enormous volumes of water, how will these elements be compromised? *However*, if I understand the wording correctly, a farmer can apply for a special permit to divert water for commercial cannabis cultivation, BUT, at what cost?

- 3) pages 14, 55.4.6.3.1 Energy Source; page 16, 55.4.6.56 Energy source, etc. page 27 55.4.12.5

Here I am first reading that a farmer is required to use only a renewable energy source, but in the next section, I am reading that a farmer can use a generator, as long as a list of conditions are met. Then on page 27, I read that a farmer can use grid power as long as it meets county standards. Does PGE qualify?

- 4) page 16, 55.4.5.5.1 Small cultivation sites, b)

I16-1

I16-2

I16-3

I16-4

I find this restrictive and defeating; if a small farmer needs to employ help at critical times in order to manage his/her product in a timely manner, you are not allowing it. It also prevents senior citizen farmers and farmers with disabilities from being successful. *This is discrimination.* What other small businesses are restricted like this?

116-4
cont.

5) page 29, 55.4.12.8, Ponds and Reservoirs, b), d)
b) How will the native plant and animal species be protected by draining a pond if there is a bull frog presumed to be present?

d) *Ponds shall not be fenced*

If a pond is properly fenced there is very small likelihood that larger wildlife will be able to get in or be trapped, yet if a pond is unfenced there is a very high chance that a small child could wander over and be at risk. Insurance companies require swimming pools to be enclosed; will a homeowner with an unfenced pond be able to get insurance? It is odd that so much attention has been placed on the proximity of cannabis farms to schools, churches and bus stops to protect children, and yet the county wants our ponds unfenced!

116-5

I sincerely hope that attention is given to the concerns I have presented here. While there are many matters to be addressed in the ordinance, I have presented my most pressing concerns. Overall, the county (as well as the state), is creating too many expenses, deadlines, and obstacles for a small farm to be successful and this is very disappointing and discouraging. It would appear that large, corporate size farms are being favored to the detriment of our local family farmers.

116-6

Sincerely, Katherine Wolman
PO Box 1060 Redway CA 95560

September 21, 2017



From: [Ken Miller](#)
To: [Lazar, Steve](#)
Subject: Cannabis EIR comments
Date: Friday, September 29, 2017 6:48:41 PM
Attachments: [Cannabis EIR comments KM.pdf](#)

Steve Lazar

HCPD

Cannabis EIR comments

9/29/17

Dear Mr. Steve,

My focus is the impact of this industry on Mountain View Road (MVR), a county road that I travel 30 miles each way roughly 30-40 times a year to property I have owned for over 15 years. But my comments apply generally to most remote rural routes.

I17-1

There has been a dramatic increase in traffic of vehicles ranging in size and type from large vans, to large trucks, to “trimmer cars” which can be anything.

MVR is in a dangerously impaired state, especially about 3miles past the airport, with deep ruts and potholes that can be avoided only by jeopardizing safety because of the precipitous shoulders in many parts, and drivers unfamiliar with this narrow road. It is deteriorating from Kneeland airport south.

I17-2

It is obvious that the only significant and relevant change has

I17-3

been the marijuana industry growth, and prospects for growth, in the Mad River watershed served by MVR. The wet winter set the stage for the road damages.

I17-3
cont.

How can or will the impacts to MVR, and others similarly situated, be addressed as the MJ industry grows? The County's roads all need help, but what about roads vulnerable to induced traffic that are not main arteries?

MVR is nowhere listed in the DEIR, despite its serving Showers Pass, numerous residences and property where cannabis is a growth industry. The DEIR appears to limit its consideration of rural traffic increases to a 15 mile radius from a main road, would MVR qualify?

I17-4

However, residential areas along Mt View Road leading to Jack Shaw Rd and beyond do not appear on your maps, and "Existing Conditions" fails to include the conditions of rural roads such as MVR, as far as I can tell.

I17-5

Safety concerns on MVR (and other winding narrow rural roads) due to speeding vehicles with drivers unfamiliar with the road do not appear to be addressed in " Impacts related to traffic operations and safety from cannabis cultivation operations."

I17-6

Relocation from of existing grow sites (2.4.1 pg2-16) may help if poor access arteries meet the requirements.

I17-7

All these impacts to MVR, which include safety on the road, road repairs and maintenance, impaired emergency and residential vehicle access and accelerated damage to local vehicles, especially those belonging to commuters to town, and sediment discharged to the Mad River from drainages intersecting MVR, will only worsen with the expanding industry. The Mad R is already impaired for sediment, turbidity and temperature, and home to numerous threatened or endangered species under the ESA, all of which will respond negatively to increased sediment inputs.

I17-8

What evaluations of current and future reasonably foreseeable impacts associated with increased traffic on MVR and rural roads generally have been conducted, and what, if any mitigations are proposed? Who will pay to fix the damages?

117-9

Remote areas like those served by MVR attract illegal grows which will continue to contribute to and likely exacerbate the adverse cumulative impacts associated with legal grows and should be included in the DEIR, as suggested by the Buckeye letter of 5/4/17. However, the document dismisses their reasonably foreseeable impacts because "...they are not part of the project (Pg 3-2).

117-10

Since they are acknowledged as reasonably foreseeable, should their impacts be part of the cumulative effects section?

The DEIR cites the 1988 HCGP, which includes the following goals, which would appear to be a standard that should apply to roads like MVR:

Sec 4231 Roads

"Improving roads to accommodate land uses served by an inappropriate road classification."

117-11

And 4237

"Decisions to change or expand the land use of a particular area should include an analysis of the impacts to existing and/or proposed transportation facilities and services so as to minimize or avoid serious operational or economic consequences."

"New development shall only be approved which will not significantly create or aggravate safety, capacity or parking problems on County roads."

3.12-4 cites changes to the HCGP, Policy C-P4, which relies on CEQA review data to implement, but this DEIR does not appear equipped to generate such data. Perhaps such rural

117-12

traffic does not qualify as "circulation," but the impacts are undeniable.

I117-12
cont.

"Policy C-P4: Mitigation Measures. Development with potentially significant circulation impacts as determined by CEQA review shall be conditioned to proportionally mitigate such impacts through payment of impact fees, construction of on- and off-site improvements and dedication of rights-of-way or a combination of impact fees, improvements and dedications."

This policy suggests one rational mitigation solution, a special road tax on grows depending on distance to a paved main road. For MVR, the impacts begin at 3-Corners, because residents along Greenwood Heights and Freshwater are impacted. I have noticed recent vehicle counting devices for these two communities, but not past the airport at Kneeland, where the grow traffic contribution might be somewhat measurable, since almost all the MJ traffic uses MVR, rather than Butte Creek Rd. to access Showers Pass.

I117-13

The standard applied to private roads in the DEIR "Standard 3 – Private Road Systems: Protections for Water Quality and Biological Resources, illuminates exactly the issue on MVR and elsewhere. I have witnessed two cliff edge rollovers in 15 years, near Dead Woman's curve, and heard of two recent rollovers near Jack Shaw.

I117-14

Specific sections of the DEIR that could evaluate these concerns include the following:

3.3-3 GHG generation

I117-15

This discussion accounts only for on-site generation, but does not account for rural transportation GHGs, which tend to include a disproportionate number of diesel vehicles.

3.3-5 Climate change

I117-16

This ignores the GHG emissions associated with more remote

rural transportation, such as MVR.

I17-16
cont.

3.7-6

Road damage already on MVR impede all vehicles and would be expected to obstruct them if the damage continues without repairs and maintenance, given the vastly increased traffic of all sized vehicles.

I17-17

3.8-2

MVR discharges sediment into the Mad River.

I17-18

3.11-1

Property road access is only as accessible as the main artery serving the property and beyond. However, the DEIR only addresses local property access:

I17-19

“Compliance with existing building, electrical, and fire code regulations as well as roadway access performance standards set forth in the proposed ordinance would provide a sufficient level of fire prevention and access such that fire protection services and response times would not be substantially affected.”

3.12-1&2

This attributes long-term traffic increases to construction and the Fall harvest season, downplaying the substantial increases already present all during the preparation and cultivation season, from March through October.

I17-20

3.9-3

Emergency terrestrial access is only as reliable as the road

I17-21

system, and MVR is in no condition to serve these vehicles,
especially at night.

117-21
cont.

3.14-1&2

Again, where is remote rural transportation's use of fossil fuels
and GHG emissions accounted for?

117-22

Respectfully, and with gratitude for the prodigious work

Ken Miller

From: [Margro Advisors](#)
To: [Ford, John](#)
Cc: [Lazar, Steve](#)
Subject: Comments and Recommendation on Draft Ordinance
Date: Wednesday, October 4, 2017 8:43:20 AM
Attachments: [MargroAdvisors_Comments_on_Draft_Ordinance.pdf](#)

Hi John,

Thanks again for you and your team hosting the workshop on Monday night. Attached is our comments and recommendations in response to the draft ordinance.

We appreciate all the hard work and ongoing commitment you and your department has shown in working with all of us in building this emerging industry for Humboldt County.

Please don't hesitate to contact me if you have any questions.

Regards,

Kelly

--

Kelly Flores
Margro Advisors
1-707-500-2420

Margro Advisors

Comments on 2017 Commercial Cannabis Draft Ordinance - Inland Areas

The following comments are based on our experience working directly with farmers in the rural areas of Humboldt County. Our goal is to encourage environmental improvements through guiding clients into compliance, while preventing the unnecessary exclusion of these farmers due to overly restrictive regulations.

I18-1

Page 5 - Section: 55.4.4 Definitions

“Distribution Facility” as used in this section related to cannabis means a facility where a person conducts the business of procuring cannabis from licensed cultivators or manufacturers for sale to licensed retailers, and performs or coordinates the inspection, quality assurance, batch testing, storage, labeling, packaging and other related processes, as well as transportation to or from other licensees.”

Comment: The state draft regulations would allow for cultivators and manufacturers to sell directly to a retailer, with the requirement that the products pass through distribution for transport, testing, and quality control. As a result “procuring cannabis from licensed cultivators or manufacturers for sale” does not apply to those distributors.

I18-2

Recommendation: Modify the definition to also include non-sales distribution.

“Distribution Facility” as used in this section related to cannabis means a facility where a person conducts the business of **receiving or** procuring cannabis from licensed cultivators or manufacturers for **transport and/or** sale to licensed retailers, and performs or coordinates the inspection, quality assurance, batch testing, storage, labeling, packaging and other related processes, as well as transportation to or from other licensees.

Page 7 - Section: 55.4.4 Definitions

“Outdoor” means outdoor cultivation using no artificial lighting.

Comment: It is common for outdoor grows to use a small amount of supplemental lighting for early propagation, generally five watts per square foot or less. The definition should note this inclusion.

I18-3

Recommendation:

“Outdoor” means outdoor cultivation using no artificial lighting, **except supplemental lighting for propagation.**

Page 14 - Section: 55.4.6.3.2 Water Source

“Irrigation shall exclusively utilize Stored Water from Non-Diversiory Sources or water from a Public or Private Water Supplier. Water from on-site greywater systems is also authorized for year-round use. Dry Farmed Outdoor or Mixed Light cultivation sites may utilize Irrigation from Diversiory Sources for propagation areas and transplantation. Irrigation water sourced from Diversiory Sources may be permitted with a Special Permit pursuant to the Streamside Management Area Ordinance, Humboldt County Code Section 314-61.1., and subject to the Performance Standards for Diversiory Water Use.”

Comment: This paragraph is confusing. Item 55.4.12.2.5 (“Trucked water shall not be allowed”) bans water delivery, so it is not clear why “water supplier” is included in the description. Diverted water is regulated by California Fish & Wildlife, the Division of Water Rights, and the State Water Resource Control Board. If the purpose of this code is to require a special permit for water diversions then the text needs to be clarified.

Recommendation:

“Irrigation ~~shall exclusively utilize Stored Water~~ from Non-Diversiory Sources or ~~water from a Public or Private Water Supplier~~. Water from on-site greywater systems is ~~also~~ authorized for year-round use. Dry Farmed Outdoor or Mixed Light cultivation sites may utilize Irrigation from Diversiory Sources for propagation areas and transplantation. **All other** irrigation water sourced from Diversiory Sources must be permitted with a Special Permit pursuant to the Streamside Management Area Ordinance, Humboldt County Code Section 314-61.1., and subject to the Performance Standards for Diversiory Water Use.”

118-4

Page 15 - Section: 55.4.6.4.4 Setbacks

“(i) Cultivation Site(s) and Appurtenant Facilities including surface water diversions, agricultural wells, and similar infrastructure must observe all prescribed setbacks and limitations pertaining to the use of land located within or affecting Streamside Management Areas (SMAs) or other wet areas, as identified and described under Section 314-61.1. Under certain circumstances, a Special Permit may be required.”

Comment: This paragraph is unclear. Water diversions by default occur in the waterway, they cannot be setback. Existing wells should not be considered “Appurtenant Facilities” as they are already established and can not be moved. If a setback restriction is required on new wells, the Health Department should be aware not to approve plans that do not meet this new requirement.

Recommendation:

“(i) Cultivation Site(s) and Appurtenant Facilities including ~~surface water diversions~~, **new** agricultural wells, and similar infrastructure must observe all prescribed setbacks and limitations

118-5

pertaining to the use of land located within or affecting Streamside Management Areas (SMAs) or other wet areas, as identified and described under Section 314-61.1. Under certain circumstances, a Special Permit may be required.”

I 118-5
cont.

Page 16 - Section: 55.4.6.5.1 Small Cultivation Sites

“b) Only residents of the site shall engage in cultivation, harvesting, drying, curing, or trimming activities on the site;”

Comment: This specification is overly restrictive. It is common for small farmers to obtain assistance from friends and family. If the purpose is not to allow for commercial employees then that should be specified.

Recommendation:

“Only residents of the site and **non-employees** shall engage in cultivation, harvesting, drying, curing, or trimming activities on the site”

I 118-6

Page 17 - Section: 55.4.6.5.7 Provisional Permitting

“Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit....As part of application submittal, *[sic]*Pre-Existing cultivation sites seeking provisional approval shall identify, document, and itemize all current violations related to commercial cannabis activities, as well as areas of non-compliance with applicable performance standards and siting criteria, and include a plan and schedule to abate or cure all violations and achieve compliance targets.”

Comment 1: This section asks for the same thing in two different ways. It first gives one year for a plan to be provided after a permit is issued, then expects a plan with the application to be provided before the permit is issued. If different levels of detail are being requested, they should be specified. Requesting an itemized list and schedule with the initial application, then a detailed plan within one year is reasonable.

Comment 2: A typo needs correction.

Recommendation:

“Applicants shall provide **detailed** plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit....As part of application submittal, **Pre-Existing** cultivation sites seeking provisional approval shall identify, document, and itemize all current violations related to commercial cannabis activities, as well as

I 118-7

areas of non-compliance with applicable performance standards and siting criteria, and include a ~~plan and~~ **proposed** schedule to abate or cure all violations and achieve compliance targets.”

118-7
cont.

Page 21 - Section: 55.4.10.3 Microbusiness

Microbusiness activities are a permitted use, subject to a Special Permit, in any of the zones in which authorized cannabis activities is a permitted use (except on parcels zoned FP or TPZ).

Comment: Why are farm-based retail sales not allowed in (55.4.10.2 Farm-Based Retail Sales) “parcel zoned U with an underlying land use designation of Timberland”, but Microbusinesses are?

118-8

Recommendation: Allow retail sales where microbusinesses are also allowed:

55.4.10.2 Farm-Based Retail Sales - “Farm-based retail sales are not permitted on any parcel zoned TPZ, ~~or a parcel zoned U with an underlying land use designation of “Timberland”.~~”

55.4.10.3 Microbusiness - Microbusiness activities are a permitted use, subject to a Special Permit, in any of the zones in which authorized cannabis activities is a permitted use (except on parcels zoned ~~FP or~~ TPZ).

Page 25 - Section: 55.4.12.1.8 Performance Standard–Road Systems

“d) Road Maintenance Associations and Cost Sharing

1) Where three or more permit applications have been filed for Commercial Cannabis Activities on parcels served by the same shared private road system, the owner of each property must consent to join or establish the appropriate Road Maintenance Association (RMA) prior to operation or provisional permit approval. This requirement shall also apply to existing permittees seeking to renew their permit.”

Comment: Road associations are new to many rural farmers, especially those used to seclusion and independence. This may be challenging in some areas, especially where there are feuds among neighbors.

118-9

Recommendation: If this requirements stands, the county should provide guides, forms, and documentation to assist with and support the development of RMAs for those requiring this participation. We suggest considering partnering with a local bank to sponsor training and offer new accounts for these organizations.

Page 26 - Section: 55.4.12.2.3 Performance Standards for Commercial Cannabis Cultivation Activities

“Where no agreement has been secured for prior work within areas of DFW jurisdiction, notification pursuant to 1602 of the Fish and Game Code shall not commence until the processing of the County permit has been completed.”

Comment: CDFW permits are often difficult and now significantly more expensive to obtain, and may be a determining factor whether a site will be viable for cultivation. It is unfair to expect an applicant to go through the entire county process and expense, then the CDFW process and expense only to realize they can not obtain approval from CDFW. In addition, the CDFW process can be lengthy and should be allowed concurrently and independently of the county’s application process.

Recommendation: Remove this restriction.

~~“Where no agreement has been secured for prior work within areas of DFW jurisdiction, notification pursuant to 1602 of the Fish and Game Code shall not commence until the processing of the County permit has been completed.”~~

I18-10

Page 27 - Section: 55.4.12.4 Performance Standard for Light Pollution Control

“c) Structures used for Mixed-Light Cultivation or Nurseries are prohibited within 200 feet of a riparian zone.”

Comment: Riparian zones are already regulated by the State Water Resource Control Board and California Department of Fish and Wildlife. Many farms have been approved with proper 50ft, 100ft, and 150ft setback requirements based on these agencies restrictions. It is unnecessary, and unfair to the already enrolled participants and permittees in those programs for the county to establish additional restrictions.

Recommendation: Modify the statement to specify the existing authority’s requirement for compliance.

“c) Structures used for Mixed-Light Cultivation or Nurseries are prohibited within setback limits established by the State Water Resources Control Board for riparian zones.”

I18-11

Page 27 - Section: 55.4.12.4 Performance Standard for Light Pollution Control

“d) Upon receiving notice, the applicant shall correct the violation as soon as possible and submit written documentation within fourteen (10) calendar days, demonstrating that all shielding has been repaired, inspected and corrected as necessary.”

Comment: Typo. Is it 10 days or 14 days?

I18-12

Page 27 - Section: 55.4.12.5 Performance Standards for Energy Use

All electricity sources utilized by Commercial Cannabis Cultivation, Manufacturing, or Processing activities shall conform to one or more of the following standards:

- 55.4.12.5.1 grid power supplied from 100% renewable source
- 55.4.12.5.2 on-site renewable energy system with zero net energy use
- 55.4.12.5.3 grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits

118-13

Comment: This appears to ban farmers in rural areas who do not have access to grid power, and are using generators. It is understandable to not allow new farms to rely on generators and to want existing farmers to convert to renewable energy but they should be given a path to compliance. A ban eliminates all the other environmental and economic benefits of a farm entering the regulated legal market.

Recommendation: Add a provision for pre-existing non-grid powered farms to move to renewable energy within three years.

“Off-grid pre-existing cultivation sites that can not meet the performance standards for energy use will have three years to comply, from the date a permit is issued.”

Page 28 - Section: 55.4.12.7 Performance Standards for Diversionary Water Use

“b) A water budget showing weekly and monthly past or projected Irrigation demands, including daily Irrigation demand during periods of peak usage, broken out by each discrete Cultivation Site. Irrigation reporting or projections shall be differentiated where cultivation methods and conditions result in differences in water usage at specific cultivation sites. ”

118-14

Comment: This request for weekly and daily data collection by discrete cultivation area is too extreme. Farmers are not statisticians. Monthly data collection is being requested by multiple State agencies and should suffice in providing proper water usage tracking information. Excessive data requests are likely to result in guesstimates which may reduce the level of accuracy over time. In addition, measuring usage from different water sources should be the focus rather than the usage by cultivation method.

Recommendation:

“b) A water budget showing ~~weekly and~~ monthly past or projected Irrigation demands, ~~including daily Irrigation demand during periods of peak usage, broken out by each discrete Cultivation Site.~~ Irrigation reporting or projections shall be differentiated where ~~cultivation methods and conditions result in~~ **there are** differences in water ~~usage~~ **sources** at specific cultivation sites. ”

Page 33 - Section: 55.4.13 Humboldt Artisanal Branding

“The county shall develop a program for recognition and certification of commercial cannabis cultivators meeting standards to be established by the Agricultural Commissioner, including, but not limited to, the following criteria:

- a) Outdoor Cultivation area of 3,000 sq. ft. or less “

Comment: Humboldt farmers are being challenged to compete with industrial grows in other parts of California. For Humboldt to build a Craft Cannabis industry more farmers should be eligible to participate. We believe within a few years a 10,000 square-foot farm will be the “little guy” in comparison to others in the industry. This is understood at the state level as “Microbusinesses” will be allowed for cultivators 10,000 sq ft or less.

We believe if Artisanal Branding is to be successful it should be allowed for up to 10,000 square-foot organic-quality farms as well. If Humboldt is to compete in the new market it must have enough players to establish a presence and set itself apart.

Recommendation:

- “a) Outdoor Cultivation area of **10,000** sq. ft. or less“

I18-15

If you have questions or require additional information regarding these comments and recommendations please contact:

Kelly Flores
Margro Advisors
(707) 500-2420
Kelly@margroadvisors.com

From: [Joan Bennett](#)

To: [Lazar, Steve](#)

Subject: Fw: 14-Year-Old Fortuna Girl Tells County Supervisors She's Tired of Smelling Pot in Her Home – Redheaded Blackbelt Friday, October 6, 2017 3:26:25 PM

-----Original Message-----

From: Dawn Wolcott

Sent: Friday, October 06, 2017 10:58 AM

To: Tims outlook desktop ; jbenett475

Subject: 14-Year-Old Fortuna Girl Tells County Supervisors She's Tired of Smelling Pot in Her Home – Redheaded Blackbelt

<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fkymkemp.com%2F2017%2F10%2F06%2F14-year-old-fortuna-girl-tells-county-supervisors-shes-tired-of-smelling-pot-in-her-home%2F&data=01%7C01%7CSLazar%40co.humboldt.ca.us%7Ce96fad31310b41c3f62e08d50d094686%7Cc00ae2b64fe844f198637b1adf4b27cb%7C0&sdata=l6cWvVDR8mzSvUM7g31X9BzIT8kQGI4sov0NI4OfAQ%3D&reserved=0>

Sent from my iPhone

14-YEAR-OLD FORTUNA GIRL TELLS COUNTY SUPERVISORS SHE'S TIRED OF SMELLING POT IN HER HOME

October 6, 2017 Kym Kemp 295 comments



The Lewis family lives on the far side of the row of trees.[Crop of a tweet by CaliPharms that according to Jenna Lewis's mother shows the nearby cannabis farm.]

This letter from a 14-year-old Fortuna girl was originally sent to the Humboldt County Board of Supervisors, but her family has requested that we reprint it here. Their family's property is in the city of Fortuna. The cannabis grow is just outside of the city limits.

119-1

To Whom It May Concern,

My name is Jenna Lewis and I currently live...in Fortuna, CA. I am a freshmen at Fortuna high school and I currently play volleyball.

119-2

Lately, a pot smell has been surrounding my house. I know that the city of Fortuna and the county of Humboldt know there is a pot garden right across from the residential area

I live in, but I don't think they realize how much it actually affects me, my family, and the families around us. The smell is VERY strong.

I19-2
cont.

My brother and I like to open up our windows, which helps us sleep. Well, now when we open our windows, we get a strong smell of pot into our rooms, which gives us headaches and then we're not able to sleep as well. My family and I are also very active. We have a basketball hoop outside and a ping pong table in the garage. We also like to play catch with a football, play wiffle ball, and even set up a volleyball net in the backyard and play volleyball. There is also a fire pit in our side yard and we love to roast s'mores in it. However, lately we haven't been able to go out and do those things because of how bad the smell of the pot has been.

I19-3

We also really like to have people over, including the Fortuna high football team for their weekly Thursday night dinners. For those dinners the team eats outside because there is not enough room in our house. While they're outside eating, it is VERY embarrassing to have the smell of pot roaming around as if it was my family with a pot garden.

I realize that the pot industry is very big right now and someone is getting A LOT of money for the garden across from us, but life isn't all about money. Besides, wouldn't you rather have a nice, friendly family that does a lot to support the community live here than some pot growers who will just cause more problems?

I19-4

Aside from my personal views on pot, this is a problem I would like fixed because of the way it is affecting my life and the air that I breathe everyday.

Thank you for your time and for considering my family when you make decisions.

Sincerely,

Jenna Lewis

14 years old

Fortuna, CA

From: [Kathy Wolman](#)
To: [Lazar, Steve](#); [Cannabis Services Division](#)
Cc: [Kathy Wolman](#)
Subject: Community meeting on ordinance amendments
Date: Friday, October 6, 2017 10:07:47 AM

Dear Mr. Lazar and Director Ford,

Thank you for coming down to Garberville to hear from the Southern Humboldt folk about the new amendments to the Cannabis Ordinance. It seemed that you and the other staff members were interested to hear our concerns.

Regarding the question that was raised by Director Ford, "What is a small grow?" I would like to comment. My family lives on a parcel in Briceland and we have applied for a permit for 4,999 square feet. When permitted, this will be a farm for 2 families, as my adult son lives on the property with us. My partner and I are senior citizens and appreciate that he wants to live here and be part of the farm, providing us with a lot of youthful help. For two families, just under 5,000 square feet would be a "small grow," providing what we hope might be a modest living, (supplemented with other income), after all the expenses for permits, fees, taxes, materials, water tanks, etc. and taking into consideration that the price per pound for cannabis is rapidly falling as statewide legalization takes place. I think there are other families in Southern Humboldt that would be in the same situation, as many of us arrived in the '70's and '80's as "Back to the landers," and now need help maintaining our homesteads. I heard the number of 3,000 square feet put out as a "small grow" and wanted to elaborate, as I know that some of these older people are living alone, while others of us have the gift of family around.

Thank you again for considering my comments,
Sincerely, Katherine Wolman

I21-1



This email has been checked for viruses by Avast antivirus software.
www.avast.com

October 10, 2017

Humboldt County Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501

OCT 12 2017
AM 10:10 AM 11:45 AM 1:15 PM 2:45 PM 4:15 PM 5:45 PM 7:15 PM 8:45 PM 10:15 PM 11:45 PM

cc: Bosall
cc: Plann

Letter
I22

Dear Supervisors,

I am an hydrologist with a long career focused on restoring watersheds, with an emphasis on salmon and steelhead habitat. Much of my work in recent years has centered on extreme low flows documented in many of Humboldt County streams, conditions made worse by the rapid growth of the cannabis industry. I am writing this to urge you to vote against any General Plan updates that allow rezoning of any timberlands or prime agricultural lands to allow new cannabis cultivation. There is already far too much cannabis cultivation occurring in Humboldt County, and the growth over the past ten years or so has had devastating effects on our watersheds.

I22-1

In particular, there are several parcels in the Jacoby Creek watershed considered for such rezoning. Doing so would likely cause irreparable harm to what is arguably one of the healthiest watersheds tributary to Humboldt Bay. Several parcels are being considered for rezoning from Timber to Rural Agriculture for cannabis cultivation, while others are being considered for rezoning from Timber to Residential. All of these parcels either abut or are close to the City of Arcata's Jacoby Creek Forest. The City's forests in Jacoby Creek and elsewhere, and the existing high-quality timberlands considered for rezoning, are crucial for maintaining healthy watershed conditions for fish and wildlife, moderating floods that threaten downstream residents, and maintaining summer low flows for both aquatic habitat and residential water supplies. These important values, and the people and animals that depend on them, would suffer from the rezoning being considered by your Board.

I22-2

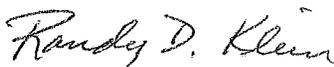
If increasing the land base for legal cannabis cultivation remains something you see as important to do, for whatever reasons, there are far better areas for this to occur, such as the many parcels of un-used or under-used former industrial lands that lie all over Humboldt County. These wastelands would be a much better choice for rezoning to allow cannabis cultivation, being already located along existing transportation routes and in areas that would allow for much more transparent oversight by law enforcement and other government regulatory agencies.

I22-3

In summary, I urge you to reject any General Plan update elements or changes that allow any further incursions by the cannabis industry into the areas of Humboldt County's watersheds, especially Jacoby Creek, that are providing crucial habitat for fish, wildlife, and humans. Please adopt a modified version of Alternative # 5 of the DEIR that would prohibit the licensing of all new commercial cultivation that did not exist on or before December 31, 2015, unless located on parcels presently zoned as industrial.

I22-4

Sincerely,



Randy D. Klein
Hydrologist
Arcata, CA

OCT 13

Letter
123

TO: STEVE LAZAR AND SUPERVISORS

I HAVE LIVED AND RAISED A FAMILY
HERE IN CARLETTA ON THE VAN DUTZEN
RIVER. I OWN A SMALL RANCH WHICH
HAS BEEN HERE SINCE 1922, I'M THE
SECOND OWNER. I AM VERY FAMILIAR WITH
THE WATER, FOREST AND LAND IN THE VAN
DUTZEN WATERSHED. THE DAMAGE DONE BY
THE CANNABIS GROWERS AND WHAT CONTINUES
TO GET WORSE EVERY YEAR, THE WATER
DIVERSIONS, CUTTING TREES, AND ILLEGAL
GRADING IS COMPLETELY UNACCEPTABLE!

THE VAN DUTZEN RIVER AND ITS
WATERSHED ARE FEDERALLY DESIGNATED AS
"WILD AND SCENIC" AND ARE TO BE PROTECTED
TO PRESERVE THE PRISTINE WATERS OF
VAN DUTZEN RIVER AND WATERSHED.

IT IS VERY CLEAR AND JUST COMMON SENSE
THAT WE DO NOT NEED TO EXPAND THIS
INDUSTRY, WE NEED TO CONCENTRATE ON
STOPPING THE EXISTING DAMAGE AND TRY TO
SAVE OUR NATURAL RESOURCES HERE IN
HUMBOLDT. THE GROWERS HAVE MADE IT
CLEAR THAT THEY ARE HERE JUST TO
MAKE AS MUCH MONEY AS FAST AS THEY
CAN, THEY DO NOT CARE ABOUT THE
ENVIRONMENTAL DAMAGE, OR WHAT IT

123-1

123-2

123-3

MEANS TO THE PEOPLE THAT LIVE HERE
IN HUMBOLDT. HUMBOLDT COUNTY USED TO
A WARM AND FRIENDLY PLACE TO LIVE
AND VISIT, NOW THE CANNABIS INDUSTRY
HAS CREATED A HOSTILE AND DANGEROUS
ENVIRONMENT. IT HAS BROUGHT INCREASED
CRIME, INCREASED DRUGS, AND HAS
BROUGHT A MASS OF UNDESIREABLE
PROBLEMS. THE CANNABIS INDUSTRY AND
IT PROBLEMS HAVE RUINED THE QUALITY
OF LIFE HERE IN HUMBOLDT FOR ME
AND MANY OTHERS, WE DO NOT NEED
TO EXPAND THIS INDUSTRY

123-3
cont.

P.S. I WOULD LIKE TO REMAIN ANONYMOUS FOR
SAFETY REASONS I DO NOT WANT TO BE
TARGETED

123-4

I HAVE ENCLOSED PICTURES OF THE VAN
DUZER RIVER IN JULY AND AUGUST 2017

123-5

JULY - AUGUST 2017

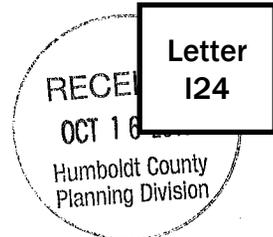
VAN DUZEN RIVER











October 13, 2017

RE: A few comments on the “Commercial” Mythical Medical Marijuana **Ordinance(s)**

Steve Lazar,

Please find enclosed what I read at the Public Theater in Garberville at the Redwood Playhouse October 2nd – **Cannabis partakers, and Hemp oil users, BEWARE: Pesticide poison.** Congratulations, after 20 months of a superfluous *Ordinance* imposed on **private** property and a specific part of the people, the producers – WITHOUT A VOTE ON “NEW TAXES” - ah yes, it does take the consent of the governed – I find dead squirrels, snakes, and raccoons who strayed too close to **21 phucking greenhouses** just down the hill from me. **Right on the Van Duzen River.**

124-1

Also enclosed are **Six Reasons Why Centralization Is Bad and Collectivist Fallacies and Interventionist Follies.** It’s not like tyranny hasn’t been recorded before.

124-2

Some years back my neighbor Mona came to you regarding who can live where and for how long – Riverside Acres, Carlotta. You told her (and it’s a great example) that if she had Christmas tree lights all around her house all year long for years, and the Board of Directors decided this isn’t allowed, that unless she agreed to it, she didn’t have to remove her lights – unless they were not on her house for a period of two years.

124-3

Growing hemp for X amount of years is the same. I don’t need some pretend Master’s permission to plant whatever I please. If any of the Oath-less, Bondless Revenue Generators came to my grow, they would find a large **HEMP** sign, and a second one – **Shoot Trespassers, Hang Traitors, End Problems.**

“The County” is on the wrong side of history. Think about it.

Sincerely,

Linda Cassara
c/o 801 Riverside Park Road
Carlotta, California
RR95528

768-1704

SIX REASONS WHY CENTRALIZATION IS BAD

Freeman's Weekly

March 3, 2017



The odd thing about centralization is that people expect its bad aspects to be external things, like economic issues. But those aren't the most important things. If the internal effects of centralization were recognized, and if we did something about them, the outer problems would vanish with them.

But since everyone expects economic reasons, I'll start there:

#1: Centralization disrupts price discovery.

Disrupting price discovery... that sounds very "economic." What it means is this: Whenever headquarters decides to meddle in business transactions, large sections of the marketplace are thrown out of order. The biggest offenders in this area were the 20th century's socialist states. I'm not sure precisely how many people died (mainly of starvation) from their economic "experiments," but the number is in the range of 100 million.

Prices are not just numbers, you see; they are crucial information. How many separate prices, for example, go into the delivery of a pencil to your local store[1]? Wood, graphite, lacquer, the pigment for the lacquer, the machines that mix and apply the lacquer, the machines that cut the trees into small pieces of wood, the trucks that move the materials, the cost of hiring the drivers, the cost of the tires, and so on, at great length.

Once the political boss says, "Pencils should cost X," all those costs are pushed and shoved accordingly. Changes have to be made, corners are cut, or scrambles for the extra few cents begin. The process is disrupted, and you can be sure that the quality of pencils will decline, fewer will appear, and/or the various suppliers will fight like crazy.

In the end, this delivers big problems, like the aforementioned starvation. A hundred million deaths, in just the 20th century, came from this. (And it wasn't the bosses who starved; it was the poor and powerless. You know,

the people whom the bosses "love and serve.") So, disrupting price discovery is really, really bad.

#2: Centralization robs you.

Centralization creates a group of people who eat (and generally grow rich) at the expense of everyone else. Every dollar that goes to politicians – for their very fine offices and cars and travel budgets and everything else – is money that is stolen from you and your neighbors.

#3: Central bosses try to show they're necessary.

Did you ever notice that politicians are forever creating new fears? And why? Well, because solving those fears (even if they're mostly imaginary, as most are) makes them seem necessary.

From this we get any number of disasters, especially wars. Have you noticed that presidents become far more popular when they wage a war? Fear sells, and war is a tremendous spectacle. And it makes the centralizers look necessary. (Too bad about all those dead guys.)

#4: Centralization limits you.

Centralized power solving our fears requires an ever-increasing number of codes, and each code is a restriction of some kind. Pretty soon, you can't do half the things you could a couple of decades before. There's a code for every problem and a department to solve it. Address it yourself and you're likely to get hurt.

So, to keep us safe from our professionally cultivated fears, your kid can't run a lemonade stand without a license, your older aunt can't watch the neighbor kids, and God help you if you try to give a lost child a ride home.

Centralization is a straightjacket... restraining not just our bodies, but also our souls.

#5: Centralization kills cooperation.

There are rules for everything. So, you can no longer cooperate with your neighbor because you enjoy it. No... you cooperate because it's commanded by law and you'll be punished if you don't.

Have you noticed people yearning for the old days and talking about small, rustic communities where the people "still look out for each other"? Well, they're right to yearn for that, because it's a very healthy way to live. And it's centralization that stole it from us.

#6: Centralization robs you of self-worth.

Following on from #5 above: What happens inside you when you help people because you, by yourself, give a damn? I think we all know the answer: You become a better, happier, and more beneficial person. You know you did a good thing. And then you feel good about yourself.

Every time you do "the right thing" because it's mandated by law, you are being robbed of self-worth and self-improvement. And your friends and neighbors are robbed of your improved state.
Have We Had Enough?

Perhaps you've thought of items that could be added to this list, but these six are at least a good start.

The conclusion is this:

Centralization is anti-human. It's the enemy of human goodness and progress.

What supports centralization is a steady stream of fears, most of which are imaginary.

So, have we had enough? Can we ditch this garbage now? Can we please start growing up?



Cannabis partakers, and Hemp oil users, BEWARE: Pesticide poison

September 17, 2017

Caretakers of the land and of the living: **take notice**

A recent article in The Atlantic reveals highly toxic pesticides are being used on immigrant outdoor-grown and greenhouse-grown hemp plants in California, **and the runoff is poisoning forests and rivers.**

The Atlantic article reads:

"Secret growers are taking advantage of the state's remote stretches of public land---and the environmental impact is severe."

"...this past November, Californians voted 'yes' on Proposition 64, making California the fifth state to **"legalize"** recreational cannabis. Almost two-thirds of the country's total harvest comes from the Golden State..." [poisoned pot shipped everywhere]

"The lethal poisons used to protect the crops and campsites from pests are annihilating wildlife, polluting pristine public lands, and maybe even turning up in your next bong hit."

"...grow sites tested positive for carbofuran, a neurotoxic insecticide that is so nasty it has been banned in America, Canada and the EU. Farmers in Kenya have used it to kill lions. Symptoms of exposure range from nausea and blurred vision to convulsions, spontaneous abortions, and death...."

"Some 50 different toxicants have turned up at grow sites... They use the poisons to keep rodents and other animals from eating the sugar-rich sprouting plants, from gnawing on irrigation tubing, and from invading their campsites in search of food. Acute rodenticides cause neurological damage and internal bleeding. Animals literally drown in their own blood or stumble around until they're eaten themselves, passing the poison up the food chain to predators like owls and fishers."

"It's a massive problem,' says Craig Thompson, a wildlife ecologist with the U.S. Forest Service. 'People don't tend to grasp the industrial scale of what's going on. There are thousands of these sites in places the public thinks are pristine, with obscene amounts of chemicals at each one. Each one is an environmental disaster'."

I24-5
cont.

"Gabriel [biologist] and Thompson fear the poisons could spread far beyond each grow site and contaminate the water supply of towns and cities far downstream. The toxicants can leach into the soil and linger for years. Using water monitors, Gabriel has already found organophosphates---nerve agents used to make insecticides and certain types of chemical weapons---several hundred meters downhill from grow sites."

Mark Higley, a wildlife biologist with the Hoopa Tribe in Humboldt County, whose reservation has seen an explosion in grow sites, says, "While there is no proof that the poisoned plants ends up in the burgeoning 'legal' market, many familiar with the industry suspect it does."

I24-6

"Legal enforcement agents think many of the trespass grows are set up [on public land] by Mexican drug cartels, which prefer to ship marijuana from state to state rather than smuggle it over the border. Persons arrested during raids are often undocumented immigrants in their 20s from Michoacan, experienced in covert agriculture and hard living. They earn around \$150 a day for two-to-four months, much more than they would at a farm or winery."

"Captured immigrants sometimes claim their employers are holding their families hostage until the harvest is collected. Whether or not that's true, they're motivated to protect the crop. Thompson estimates between a quarter and half of raids turn up some kind of weapon, from crossbows to automatic rifles. He has found elevated sniper positions set up near grow sites."

I24-7

"Just walking through rows of plants coated with toxic chemicals can be enough to bring on symptoms like lethargy and headaches---let alone spending hours cutting them

down in the hot sun under the wash of a helicopter. Gabriel [biologist] and his employees have started getting **monthly blood tests to check for pesticide exposure.**"

"Some chemical threats are more immediate. At one site Gabriel was inspecting an unfamiliar container full of aluminum phosphide, a poisonous powder used to kill rodents and insects. It had gasified and built up pressure in the heat of the sun. When he touched it, it exploded in his face. Luckily he was wearing a hazmat respirator."

"My biggest fear is that some kid will come across one of those bottles," Gabriel says. 'Carbofuran is pink, it looks like Pepto, like candy. Can you imagine what a five-year-old would do with that?'"

----end of Atlantic excerpt---

So the contamination and the poison are in the land, in the water, in animals, in the cannabis people smoke, and in the manufactured hemp products.

This is not the first time that hemp has been found to contain pesticides. A quick search will turn up a number of articles. However, the level of toxicity here in these California indoor, and immigrant outdoor, hemp farms is extreme, to say the least.

How can cannabis smokers be sure they're smoking clean product? For example, are 'legal' dispensaries working with proper labs to test many, many samples? In these tests, how many pesticide compounds are covered? How many aren't?

Over time, stories like the one in The Atlantic come and go, and people forget them. But that would be a mistake.

People who use cannabis often reply to stories like this with the claim they know that a great deal of it is pure, and their suppliers are ethical. One hopes that's true, but is it?

If some of these highly contaminated hemp farms in California are run by Mexican drug cartels, don't expect legal enforcement to solve the problem. It isn't going to happen. The

124-7
cont.

124-8

determination isn't there. And "The County" of Humboldt 'permit\$' and applauds greedy greenhouse Gods.

I24-8
cont.

The corporate governmental employees in the State of California considers the State to be a sanctuary for illegal immigrants. So how are the State persons going to stop some of these immigrants from becoming growers who deploy highly dangerous chemicals on a daily basis?

I24-9

As for the California forests and rivers, the public service agencies are far behind the curve. The illegal and **"permitted Legal" greenhouse growers** are, in effect, staging wide-ranging random attacks on the environment.

This has nothing to do with a "progressive attitude" toward cannabis. □ It has everything to do with criminals seeding the land and rivers with poison, and no incentive for oversight is in place.

I24-10

And it is yet one more consequence of the unchecked and unprosecuted growth of the pesticide industry, in which, over many decades, corporations have been manufacturing and selling all sorts of heinous poisons---"better living through chemistry"--- reversing centuries of agricultural practice that fed populations good clean food.

-Jon Rappoport nomorefakenews.com

Collectivist Fallacies and Interventionist Follies

Richard M. Ebeling

09/18/2017

For more than a century the world has been caught in the grip of social engineers and political paternalists determined to either radically remake society from top to bottom in collectivist directions, or to use various government regulatory and redistributive policies to try to modify existing society into desired “social justice” forms and shapes. Both are based on false conceptions of man and society.

One of the leading voices challenging the social engineers and the interventionist-welfare statist in the twentieth century was the Austrian economist, Ludwig von Mises. In such important works as *Socialism* (1922), *Liberalism: The Classical Tradition* (1927), *Critique of Interventionism* (1929), *Planning for Freedom* (1952), and in his monumental treatise, *Human Action* (1949; 1966), Mises demonstrated the economic unworkability and negative unintended consequences resulting from attempts to impose systems of socialist central planning on society, as well as the social quagmire brought about by introducing piecemeal regulations and interventions into the market economy.

But it was in his often-neglected work, *Theory and History: An Interpretation of Social and Economic Evolution*, that Ludwig von Mises systematically challenged the underlying philosophical premises behind many of the socialist and interventionist presumptions of the last one hundred years. This year marks the sixtieth anniversary of the publication of *Theory and History* in 1957, and it seems, therefore, worthwhile to appreciate Mises’s arguments and their continuing relevance for our own time.

I24-11

The Illusive Search for Meaning and Purpose in Life

The world is a confusing and uncertain place. While we may live in communities and societies the values, traditions, customs and routines of daily life of which we have grown up in and tend to take for granted, and which provide us with degrees of orienting certainty and predictability in our everyday affairs, they still fail to answer a variety of “big questions.”

Among these big questions are, why am I here? What is the meaning of life? What is it – life and reality – all about? Why do bad or disappointing or “evil” things happen to others and to me? Who’s to blame? How do we make a “better world”? Ludwig von Mises argued that attempts to find and pursue particular answers to these questions have sometimes brought with them disaster and destruction to society.

Over the ages, people have turned to religious faith and philosophical reflections to try to “understand it all and how it all fits together,” and to find ways to accept and live with those things that seem to be unchangeable (at least in one’s lifetime) and to try to improve those things in society that do seem to offer avenues and openings for personal and social betterment.

The Rise of Modern Science and Its Positive Impact

In the nineteenth century, Mises explained, there arose new ideas about man, society, and social change. Out of the Enlightenment era of the earlier eighteenth century had come an increased freeing of the human mind from constraining superstitions, and political prohibitions on freedom, to inquire into and discover the reality of the natural world surrounding man. The problem was that the unaided human mind is not only limited and faulty in its powers to correctly see the world as it really is, but that same human mind is often filled with ghostly fantasies and thought-confining superstitions about the universe and man's place in it.

In place of these fantasies and superstitions there arose modern science with its method of observation, conjecture, and empirical testing. The physical world around us has shape, form and size. If we are to know this world, we need to quantify and measure its magnitudes and dimensions, to have benchmarks for understanding outside of the subjective and unreliable belief systems in any one person's imperfect mind.

The development of this scientific method was and has been transformative. It has enabled man to understand many of the past mysteries of physics, biology, and chemistry. And now, knowing more of the objective "laws of nature" and their workings, men were and have been able to harness them for changes and improvements in the physical and social surroundings of humanity.

124-11
cont.

The Error of Reducing Man to Merely Measurable Matter

But a fundamental misstep was taken, Mises argued, when a further conclusion was drawn. If we needed to give up the faulty and imperfect surface impressions about the physical or natural world provided by the unaided "subjective" human mind, and we needed to step out of ourselves to, instead, look at that physical reality in terms of its "objective" and quantifiable characteristics to really understand it, then if we are to better understand man, we need to similarly ignore the human mind's pretentious beliefs about itself, and study man, as well, in terms of the measureable and quantifiable.

It is no denying that man, too, is a physical, biological, and chemical entity, just like everything else in the world in which he lives. But man has something that most other life forms on earth do not possess – a self-reflecting, thinking, conceptualizing, planning and acting mind.

Even in the twenty-first century's scientific advancements, including the accelerating attempts to develop robots possessing "artificial intelligence," the workings of the human mind and the "mystery" of how the impact and impressions of the external, physical world generate the creative act and form of human ideas remains unanswered.

Some developers of robots with artificial intelligence consider an achievable goal to be when the complexity of the robot's computer "mind" will enable it to absorb external sense data and information, and then devise "solutions" to unique, and unplanned for problems and situations, not already programed into the machine.

If this point were ever reached, then the robot's "mind" would have a degree of unpredictability similar to the human mind that had created it. The robot's mind, just like man's, would be an autonomous source of non-deterministic causal change, which even the human creator of the mechanical brain cannot fully predict and determine ahead of time. It may still be inappropriate, at that point, to assert that such a robot had transcended its own origin as a machine, and now possessed human-like consciousness and qualities, and therefore "human rights" (as some are already suggesting). But it would no longer be a mere "calculating machine" in the traditional meaning of that concept.

Our Mind and Not "Observations" Explain Human Action

Mises insisted that if man is to understand himself and the social world in which he lives, he must accept the fact that the working of the human mind cannot simply or merely be reduced to physical matter and external measurable influences on it, on the basis of which human actions may be predicted, manipulated and controlled.

In his many writings on these wider "philosophical" issues, Mises pointed out, and especially in *Theory and History*, that there is one certain fact that man can know about himself if he but undertakes an introspective reflection on the workings of his own thought processes, and that is that there exists a logical structure to his own mind, which guides his thinking and his acting. It tells us that two plus two cannot equal five, that an object defined as a triangle cannot have four sides, and that "A" cannot simultaneously be "non-A."

Human action, Mises said, is nothing more than our reason applied to the pursuit of our purposes under conditions of scarcity. And, thus, the logic of choice and action, are not something "out there" in the physical world to be learned about through "observation," "measurement," and "empirical testing."

From only physical observation all that would be seen in the actions of men would be "movements," no different than billiard balls bouncing off the felt sides of a pool table or a rock falling to earth. We know that our own actions are not such because our very consciousness tells us that they are intentional actions, and we make the same assumption about the "movements" of others based on the "empirical" observation that the observed object is a conscious human being like ourselves.

The fundamental relationships and "laws" of economics, therefore, are not "out there"; they are inside each of us and are derived from the inescapable ways that our minds work. Weighing alternatives, comparing "costs" and "benefits," deciding on desirable "trade-offs," undertaking "exchanges" in terms of what's worth giving up to get something the decision-maker prefers more, are all aspects of the logic that guides our practical and inescapable actions when we discover that means are too scarce to satisfy and fulfill all the imagined ends for which they might be applied.

But Mises also emphasized that what men may concretely imagine, what specific ends they may want to pursue, which particular types of things might be judged to be useful means, what terms of trade would or would not be acceptable to justify entering into an exchange, these are not known "a

priori” from the logical structure of our minds. These depend on the “empirical” reality and circumstances of the physical and social world around each of us.

We discover these things through our lived experience in society and among other humans who are also choice-making and action-undertaking beings. The logic of choice and action is the template within which our own decision-making is undertaken, and which provides us with an interpretive method for understanding and discerning the underlying logic in the actions of others.

But within all this, the human mind remains the creative and never fully predictable agent of imagination, possibility and change. It has been and remains the ideas that form in men’s minds that drive “the course of human events,” that is the source of all that we call the products and residues and forms of human history. The future ideas of others and even ourselves can never be deterministically predicted from the observed experiences and actions of people in the past. Ideas remain an inexplicable “cause” of the various consequences that comprise the subject matter and content of history.

Furthermore, it is only individuals who have minds, individuals who conceptualize, who imagine, who project themselves into possible futures, who design mental blueprints of plans for possible action, and then attempt to bring to fruition the ends and goals that seem worth the costs to do so, rather than to follow some other future possibilities that they may have imagined.

Marxism and Imaginary “Laws” of History

So what does all of this have to do with the collectivists, social engineers and “social justice” regulators of our own time? The task that Ludwig von Mises primarily set for himself in *Theory and History* was to show the philosophical and ideological house-of-cards upon which the designs and plans of these political paternalists are all built.

Fascinated and, indeed, overpowered by the successes of the scientific method in the natural sciences, some thinkers wondered if the use of the same tools might open the door to discovering the “laws” of human societal development and change. At the same time, if such laws of societal evolution could be discovered, might not man have it within his powers to bend society into the shapes and patterns of his own desire? This could give “meaning” to the “why?” of life and the course it follows, and provide hope that the world could be and will be redesigned for greater happiness and the illusive security for which many yearn.

The most revolutionary of these theories of societal evolution, Mises argued, in terms of its impact on history during the twentieth century, was Karl Marx’s theory of dialectical materialism. Marx offered an image of the social world in which technological means and methods of production follow an autonomous trajectory of evolutionary development that leads to a final state of mechanical sophistication at which point machines will produce such a degree of material abundance that work, worry and human hardship will finally be a closed chapter in the history of mankind.

But each step and stage in this evolution of the technology around men requires its own particular social institutional setting for its full transformative development, before the next step and stage in

this evolutionary process requires a new and different set of human institutions to sustain its further development.

Hence, the slave society, the system of feudalism, the capitalist system of profit-oriented production have all been necessary and inescapable stepping-stones to the final stage of societal change, that being post-scarcity socialist and communist societies. Here was a vista and vision that could make sense of it all to the poor and the weary – and more especially to the many intellectuals who are always asking “why” in a world that often seems to not make sense.

The poverty and hardships experienced by many are part of history’s preordained path, Marx explained. But the abuse and misery born by untold generations under the boot of the feudal lord or the capitalist exploiter would all come to an end with the arrival of socialism and communism. The world of material plenty would belong to all humankind once the autonomous technological evolution of the methods of production had reached the point at which they could shed the last vestiges of the cruel, unjust and exploitive institution of private property. Salvation is coming – the “laws of history” dictate it. Praise Marx, for “scientifically” showing us the way, the truth and the collectivist light at the end of the capitalist tunnel.

Carried away by this vision of a historical force of technological change that is on a seemingly teleological mission to take humanity from poverty to plenty, the revolutionary Marxist high priests saw it as their duty and destiny to be the “mid-wife” to the final radical change to socialism and central planning. Their task, as the “vanguard” of the revolution, was to lead, guide and impose the new collectivist order on “the masses” who were too ignorant or brainwashed by their former capitalist bosses to fully know where their “true” workers’ interest lie. Freedom for mankind would come through a transition period of the dictatorship of the proletariat. And if the blood of many individuals had to flow to bring it about, the collective interests of all took precedence over the personal desires of any one, even if that personal interest by any individual was to be simply left alone to live his life peacefully as he chose in voluntary association with others.

124-11
cont.

Men Make Machines, Machines Do Not Impose Ideas on Men

While claiming to be objectively scientific, at the heart of Marx’s conception of “history” is an unspoken mystical notion of “technology gods” who decide on how and when they will develop, and what they will dictate as the social arrangements that they need and want at each stage of their pre-ordained path to a final stop at the doorstep of socialism. Machines become the acting agents on the stage of history, and man the mind-passive entity carried on the back of technological transformations outside of human understanding and control.

Mises challenged this mystical belief in technologies and machines that followed autonomous paths of evolution and change. Machines do not make and dictate the actions and institutions of men. Machines are inanimate objects made of physical materials. It is the human mind that imagines and manufactures the machines that serve men’s purposes. How could a technology or method of production dictate the social conditions and thoughts of men, when it is human ideas about imagined productive possibilities that bring technologies into existence, and which are facilitated in their forms and uses by the social institutional setting within which they are applied? Mises emphasized:

A technological invention is not something material. It is the product of a mental process, of reasoning and conceiving new ideas. The tools and machines may be called material, but the operations of the mind which created them is certainly spiritual.

Furthermore, Mises asked, on what basis do these purveyors of the “law” of predetermined historical transformation claim to know what are the “true” and “real” interests of “the workers” versus that of the property-owning capitalists? In each of his actions, the individual manifests and demonstrates what he considers to be his “interests,” whether this concerns the breakfast food he eats, the clothes he likes to wear, or the political and social ideas and beliefs he holds.

The Marxists, and all other collectivists like them, merely have shown their personal arrogance and dictatorial hubris, Mises said, in asserting and claiming the right to impose a particular set of values and governmental policies on all through the use of political force to make everyone conform to the central plans within which they wish to confine humanity.

The Planner’s Hubris vs. Unintended Consequences

All philosophies of history, including Marx’s, presume that “history” follows a special and particular course, a predetermined path leading to a specific outcome and end result. In analyzing these claims, Mises insisted upon playing the role of the boy in the story who announces loudly that the ideological and philosophical “emperors” have no clothes.

If “history” is on some “mission” or is following some predetermined course, this is beyond any common sense or “scientific” human understanding. History, Mises explained, is the story of human actions guided by the ideas men come to have about ends worth wanting, means chosen to try to attain them, and the intended and unintended consequences that have followed in the wake of men undertaking the actions and interactions that we call the cumulative course of human events.

Human history is the record of all the successes and failures, the triumphs and tragedies of men along the way of the lives they have lived. History recounts the beliefs and ideas men have held and which have guided their implementing economic and social changes, institutional reforms, and political policies.

History also reminds us, Mises pointed out, that much of what we consider the social results and institutional products of human design are in fact the unintended, longer-run consequences of choices and actions, the later outcomes and impacts of which none of the human actors in their own, earlier time could have even imagined. As Mises expressed it:

But the historical process is not designed by individuals. It is the composite outcome of the intentional actions of all individuals. No man can plan history. All he can plan and try to put into effect is his own actions that, jointly with the actions of other men, constitute the historical process. The Pilgrim Fathers did not plan to found the United States . . .

The monumental tombs of the Egyptian kings still exist, but it was not the intention of their builders to make modern Egypt attractive for tourists and to supply present-day museums with mummies.

Nothing demonstrates more emphatically the temporal limitations on human planning than the venerable ruins scattered about the face of the earth.

The inescapable humility that such things should guide men to have, based on the misplaced attempts by earlier generations to “plan for the ages” or to presume to know what their own actions will bring about when it was beyond their own mental horizons to even fully imagine, highlights how pretentious and presumptuous all recent and present-day social engineers and economic planners have been and continue to be. As Mises also said:

The utopian author wants to arrange future conditions according to his own ideas and to deprive the rest of mankind once and for all of the faculty to choose and to act. One plan alone, viz., the author’s plan, should be executed and all other people be silenced . . .

[The central planner] will . . . reduce all other people to pawns in his plans. He will deal with them as the engineer deals with the raw materials out of which he builds, a method pertinently called social engineering.

Historicism and the Denial of Economics

One other variation of this theme, Mises argued, was that of the “Historicists,” the social philosophers who have insisted that there are no “laws” or patterns or regularities to be persistently discovered in the course of human events. Here we find, Mises explained, those who deny or implicitly reject the notion of there being “laws of economics,” such as those of supply and demand and the coordinating order that tends to emerge out of the competitive interactions of consumers and producers, buyers and sellers, in the arenas of market exchange.

For the Historicist, governments may do anything they want with no noticeable negative consequences in terms of the policy goals they insist upon pursuing. Workers’ incomes are “too low,” then simply impose a minimum wage above those wages set in the market; there will be no loss of jobs, they assert, due to employers concluding that some workers are not worth what the government says they are now to be paid.

Some are “too poor” while others are “too rich,” then simply impose higher and higher taxes on the wealthy “Peter” to redistribute to the “Paul” who has “too little.” This can all be done with no negative effects on the those bearing this greater tax burden in terms of their willingness and ability to save and invest so as to maintain or increase the overall output of goods and services upon which everyone is ultimately dependent in terms of their material betterment and standards of living in society.

All such interventionist and redistributive policies, Mises insisted, ignore that there are patterns and coordinative regularities discoverable in the competitive interactions of the marketplace. They are the interpersonal market manifestations of those basic and inescapable laws of economics that originate in and emerge out of the logic of choice and action that start in the minds of men, that we discussed earlier.

Government dictating what people must pay for something if it is bought, does not necessarily make it worth that amount in the mind of a person who is weighing his personal, or subjective, costs and benefits, and deciding whether the price the government commands to be paid is worth the cost and would still generate a profit rather than a loss. Hence, the worker may remain or become unemployed due to the government pricing that worker out of the market in terms of the subjective valuations and appraisements of those who might otherwise have hired or retained him in their enterprise's workforce.

Taxing even the very wealthy does not change the fact that the individual having great financial means still weighs and compares the trade-offs of the benefits versus the costs from continuing to save, invest, and produce as much as they have been or could be as enterprisers, entrepreneurs and businessmen when, at the margin, the net gains from the effort after the higher taxes reduces the ability for or incentive from doing so.

As long as men think, plan, choose and act, there will be the resulting "laws of economics" in their own minds and lives, and in their interactions with others in the arenas of exchange. Governments may try to ignore these elementary laws of choice and action, and impose commands, controls and restrictions on people in the marketplace. But at the end of the day, the economic logic of the human mind will prevail over the dictates of political paternalists and the hubris of the social engineers.

These lessons, and many others that space does not permit highlighting, are easier to learn and understand due to the arguments and insights to be found in Ludwig von Mises's *Theory and History*. For this reason, sixty years after its original publication, the words on its pages still relevantly speak to us in our own time.

From: [Kathy](#)
To: [Ford, John](#); [Fennell, Estelle](#); [Lazar, Steve](#)
Cc: [Kathy](#)
Subject: Garberville meeting, re-send of comments from correct email address
Date: Friday, October 13, 2017 1:14:37 PM

From: [John C](#)
Sent: Friday, October 13, 2017 1:10 PM
To: jford@co.humboldt.ca.us ; efennell@co.humboldt.ca.us ; slazar@co.humboldt.ca.us
Cc: [Kathy](#)
Subject: Garberville meeting

Dear Director Ford, Mr. Lazar, and Ms Fennell;

Thank you for holding another meeting in Garberville. I have some unresolved questions, and input on a few issues.

One, I feel it is very important for the commission to adhere to the original ordinance when reviewing applications that were submitted during this initial round. We all, in good faith, did our best to fulfill these requirements. (I am not referring to people who applied as a cover and never intended to complete their application).

I25-1

Two, I would like clarification about the 3,000 square foot cultivation permit. There seem to be certain requirements for larger sizes that do not have to met by this size, and the details are unclear to me.

I25-2

Was a change made to the pond requirements regarding no fencing,? I hope so, I firmly feel that ponds need quality fencing, to protect children and wildlife. Also, has a change been considered for the need to drain ponds if a bull frog is present? I think they should be caught and relocated (or eaten) as a better alternative to killing all life, native or not, in a pond.

I25-3

I would appreciate clarification on the point about not having employees on farms under 3,000 square feet- I think it may have been addressed, allowing allowing employees, but I only caught the end of that statement, if one was made. (That was at the beginning of the meeting and there was some distraction where I was sitting).

I25-4

I understand the value of increasing setbacks for outdoor cultivation sites- I have followed some of the issues brought up by concerned citizens in Fortuna. I am still confused about how these new requirements would apply though. Is the 300 foot property line setback for undeveloped parcels or for every neighboring parcel? Does the community type, zoning or size of the cultivation area affect this setback distance? Is there any consideration being made for natural barriers, such as trees, or other forms of mitigation that could be used to reduce smell from outdoor cultivation? If a 5 acre parcel can have a cultivation area up to

I25-5

5,000 square feet, this setback could severely limit a farm's possibilities, considering that most rural properties have restrictions as to where a cultivation can be placed, due to slope, riparian areas, wooded areas, homesites, etc. What if neighboring parcels are also used for cultivation?

I25-5
cont.

Mr. Ford commented that a permit for using riparian water would not be a big expense. I hope that remains so. We already have to pay Fish and Wildlife and State Waterboard fees.

I25-6

The need for daily water use records is excessive- we annually file how much water we pump to storage during high flow periods with the State Waterboard, and by observing forbearance, that water is then what we have to use. Pretty clear and simple. A daily, weekly or even monthly breakdown is not necessary. You could ask for volunteers to participate in a data collection program if you want to gather statistics.

I25-7

I appreciate the department's commitment to eliminating large, unpermitted grows, but wish actions had begun much sooner. I think the environmental quality, our local economy, and community well being will benefit when these grows are gone.

I25-8

I believe that the commission is making a sincere effort to address the concerns of Southern Humboldt farmers, even if it requires some back-tracking on your part. You have taken on a daunting task and have many diverse elements to reconcile. Please continue to put community well being at the forefront of your plans.

I25-9

I would appreciate having a meeting with any one of you to address my concerns, if that is possible. Not all the issues I am addressing affect me personally, but I also want to share concerns my friends have expressed.

I25-10

Sincerely,
Katherine Wolman
PO Box 1060
Redway, CA 95560



Virus-free. www.avast.com

October 13, 2017

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

Re: Section 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code – Public Comment re Cannabis Ordinance Environmental Review

Dear Mr. Lazar:

My husband and I are landowners living in a home we built on our parcel in Humboldt County in a rural residential area just outside of the city limits of Fortuna served by South Loop and Dick Smith Roads. We purchased our parcel over fifteen years ago then continued working for over a decade to be able to afford the opportunity to build a home in Humboldt County where we could live out our retirement years.

Now we are faced with the likelihood of having to live on a daily basis with marijuana grows and processing facilities right next door. Humboldt County residents are all familiar with the powerful, pervasive and noxious smells such grows emit, the fact that toxic chemicals are routinely used and disbursed into the soils and ground waters, the loud noises, dangers and disturbances, increased traffic and road noise, eye sores, transitory workers, trespassers, illegal encampments and violent criminals attracted by large unsecured cash flows.

I26-1

It is extremely distressing to think that the groundwater we use daily for drinking and cooking is being contaminated by toxic chemicals and that our wells are at risk of running dry due to the inordinately high water usage of such grows.

I26-2

We selected Humboldt County as a place to retire and invest in because of its pristine beauty, plentiful wildlife, native plants, awe inspiring bio-diversity and for its family friendly, environmentally responsible residents. Living just outside of Fortuna city limits, we lack the protection of Fortuna’s ordinances prohibiting grows within city limits; but there are hundreds of families living in rural residential areas just outside of city limits whose lives, like ours, will be forever harmed if marijuana growers are permitted to set up shop in their neighborhoods.

I26-3

Humboldt County needs to strive to attract more families and professionals to this community, not to drive out those who can afford to build, retire and invest in this area.

I26-4

For all of these reasons, I strongly urge action by the Humboldt County Building and Planning Department, the Humboldt County Board of Supervisors and any and all other local government agencies who have the power and determination to protect this County’s landowners and its environment, to prohibit the permitting of marijuana grows and processing facilities within the rural residential neighborhoods of Humboldt County.

I26-5

Sincerely,

Leslie G. McMurray

From: [Gus Erickson](#)
To: [Lazar, Steve](#)
Subject: New apps.
Date: Saturday, October 14, 2017 9:18:19 PM

It seems the two complaints heard the most are that the permitting process is painfully slow and there is a need for more enforcement. Both of these issues are the result of a lack of resources eg., manpower, time or money.

Opening the application process again for a limited times seems like the appropriate thing to do. More money from these application fees could be used to address the complaints rendered above. It would also give some of the people a second chance to enrol now that they understand it more and are perhaps in a better financial situation in which to participate.

Thanks for the consideration

Gus Erickson

707 599 8965

Get [Outlook for Android](#)

I28-1

From: [hedding2@aol.com](mailto:heddinger2@aol.com)
To: [Lazar, Steve](#)
Subject: Pot regulations
Date: Saturday, October 14, 2017 10:08:51 AM

I know I sent an email regarding the grow wanting to expand up Horse Linto on River Access but I also want to address the ongoing issues in our neighborhoods. Code enforcement officers told the guy on Neighbors Lane that he needed to get rid of some plants and he did and then after they no longer checked on him, he brought them back and we continued to smell them as he harvested them. Him and his family all driving vehicles with Florida plates. The huge grow in the subdivision behind the golf course was never touched even after numerous complaints from all of the neighbors.

These people have no respect for the people that live here and choose not to grow, they grow as much as they want regardless of what the code states and we get stuck with the smell. Their driving which is really bad, tearing up our roads which they do not help maintain because a lot of them do drive with out of state plates and now we have the trimagrants that are making our town filthy.

We also have the pg&email employee who seems to be untouchable by code enforcement even though his neighbors have continued to report him for various violations.

Please do not allow more grows in Willow Creek, we do not want the mess thatat Garberville has.

Thanks,
Marjorie Hedding [hedding2@aol.com](mailto:heddinger2@aol.com)

Sent from AOL Mobile Mail

I29-1

From: George Clark [mailto:gkclark@arcatanet.com]
Sent: Sunday, October 15, 2017 2:08 PM
To: Lazar, Steve
Subject: Public Comment - Commercial Cannabis Activities - Draft E.I.R.

October 15, 2017

Steve Lazar
Senior Planner
Humboldt County
3015 H Street
Eureka, Ca 95501

George Clark
P.O. Box 6302
Eureka, Ca 95502
443-3555

PUBLIC COMMENT:

COMMERCIAL CANNABIS ACTIVITIES
DRAFT ENVIRONMENTAL IMPACT REPORT
HUMBOLDT COUNTY, CALIFORNIA

For over a generation, federal, state and local government have together wasted billions of public dollars attempting to enforce cannabis prohibition in rural Northern California resulting in abysmal failure rates despite paramilitary force, underscoring the challenge to all of the mitigation measures being proposed to address the environmental impacts from commercial cannabis activities. No additional permitting of any commercial activities should be allowed until Humboldt County’s numerous impaired streams, tributaries, rivers and biodiversity collapse show signs of recovery from more-effective mitigation measures.

I30-1

Regulatory enforcement relies on the observations and cooperation of residents to follow the law and to report criminal activity which can work well in urban neighborhoods, but is undermined by the “feudal outlaw economy” of fear, favor and silence common in rural areas, in effect, large land owners and investors collecting cash for rents, leases and profit-sharing, as part of a long history of unbridled abuses of land and water overwhelming regulatory agencies. The Commercial Cannabis Activities Draft EIR does not address the historic reality of enforcement failures, stating only that this is an, “*area of controversy...to be resolved later*”, yet, the Draft E.I.R. recommends that enforcement agencies rely on water-flow technology and recordkeeping maintained by commercial cannabis growers even though self-regulation by other commercial activities have already failed to reverse or stabilize the effects of their negative environmental impacts.

I30-2

Local regulatory agencies have decades of on-the-ground experience with violations from the myriad of commercial activities not limited to cannabis production. It is this institutional knowledge and experience behind the California Department of Fish and Wildlife’s recommendation, (contained within the Draft EIR), to develop water carrying-capacity regulations and immediately suspend issuance of commercial cannabis permits until more effective enforcement strategies can be determined.

130-3

Suspension is further warranted until Humboldt County holds a series of interactive public workshops with professional hydrologists, local environmental organizations and the wildlife and forestry agencies needed to expand public awareness in the importance of water carrying-capacity certification for every commercial activity in our watersheds. The Draft EIR fails to emphasize the necessity of educating and involving all county residents, especially those living in our headwaters, in order to develop minimal cooperation to implement mitigating measures recommended in the Draft EIR.

130-4

Equitable, countywide water carrying-capacity certification for all commercial purposes would also reduce inevitable violent conflicts stemming from worsening water shortages anticipated from a warming climate, decreasing rainfall, and increasing demand. Closely connected issues, such as unfunded infrastructure liabilities, water quality, habitat loss, and biodiversity collapse represent significant and unavoidable negative impacts that are being under-rated within this Draft EIR. For example, biodiversity collapse, (a precursor to the record number of extinction events recurring worldwide), is primarily the result of human encroachment and water depletion disrupting ecosystems that took millennia to evolve. Our numerous impaired streams and rivers already reflect biodiversity collapse with the real potential of multiple extinctions of species in this region, including native species, meriting extreme public concern and debate. Extinction cannot be mitigated.

130-5

In 2010 I worked in the administrative office of the U.S. Census covering 5 Northern California counties, including Humboldt County. Late in the process we began utilizing a relatively new tool, “Google Earth”, and discovered large numbers of structures that were not identified by county records. Humboldt County has the authority through the California Water Act, Sustainable Groundwater Management Act, CDFR, and the RWQCB, with funding available through the Water Code Section 10720.1, to begin implementing water carrying-capacity certification and enforcement by utilizing the latest satellite technology now available to county government. This technology can be used to identify structures to be added to the county tax rolls while providing the opportunity to review water-use saving millions of dollars by eliminating inefficient searches along 1,000 miles of dirt roads; however, there is no substitute for regulatory agencies like CDFW to periodically inspect many miles of Humboldt County’s streams, tributaries and rivers for camouflaged pumps, mining, makeshift dams, bridges and roads.

130-6

I have lived in Humboldt County for over 40 years and understand the legacy of abuses of private land and fresh water that are currently overwhelming regulators and are not limited to:

130-7

haphazard logging and road construction; non-permitted and untaxed homes, summer cabins, rental houses, and hunting lodges; free-range livestock using streams as highways; improvised dams and bridges; illegal hunting, trapping, and mining; excavated ponds, trout farms, and water extraction for delivery service; commercial gardens, vineyards, and orchards using fertilizers, phosphates, sulfur, pesticides, fungicides and herbicides; large water pumps with acres of 2” pipe connected to water-tanks overflowing from wells and diverted streams. (Local contractors are backlogged with competition to deepen wells).

130-7
cont.

I have personally witnessed the impacts on pristine streams, tributaries and rivers that ran clear just one generation ago and are now impaired; choked with toxic algae in the summer months due to excessive diversions that cause lower flows and warmer water, combined with nitrogen contamination from fertilizers, phosphates and livestock. Visible populations of crayfish, eels, freshwater clams, reptiles, amphibians and otters have largely vanished, (despite a nascent recovery following 35 years of sharply declining timber industry clear-cuts, herbicides, slash-burns and road construction).

130-8

All commercial activities in Humboldt County’s watersheds require immediate and effective regulatory action to protect public health, safety, recreation, natural resources, wildlife, and the tax-revenues providing our communities with law enforcement, schools and infrastructure. Under-regulated and mismanaged land and water is repeating the legacy of abuses occurring throughout the nation, and that were already experienced in Southern California’s rural areas in the 1920’s, with often violent and catastrophic environmental, economic and social consequences. Humboldt County’s rush to collect fees from commercial cannabis production without public workshops, or effective regulatory strategies, are based upon promises of “jobs and prosperity” that were also used by their predecessors 75 years ago in advocating for timber operations on Humboldt Bay without consideration of the long-term environmental, economic, and public health consequences, leaving Humboldt Bay surrounded in toxic brownfields.

130-9

Unless water carrying-capacity certifications are implemented for all commercial uses in our headwaters, Humboldt County’s “Wild West” excesses will intensify from the premature issuance of thousands of commercial cannabis permits granted without adequate regulations and without consideration of the combined impact with existing commercial activities, a warming climate, declining fresh water sources, and biodiversity collapse that, if unaddressed, will lead to inevitable extinctions.

130-10

Equitable government regulations and enforcement are the only countervailing force capable of protecting natural habitats and resident’s safety, health and posterity against the continuing abuses by whoever can afford the most land, heaviest equipment, largest pumps, and biggest water tanks.

130-11

Sincerely,
George Clark

Fwd: Governor Jerry Brown
Senator Diane Feinstein
Senator Kamala Harris
Senator Mike McGuire
Representative Jared Huffman
Assemblyman Jim Wood

From: [Sue Leskiw](#)
To: [Lazar, Steve](#)
Subject: Comments on proposed amendments to cannabis ordinance and accompanying DEIR
Date: Sunday, October 15, 2017 4:29:49 PM
Attachments: [Cannabis Comments on DEIR and Proposed Ordinance.docx](#)

October 15, 2017

Steven Lazar, Senior Planner (slazar@co.humboldt.ca.us)

Humboldt County Planning & Building Department

Dear Mr. Lazar:

Following are my comments on the “Ordinance amending provisions of Title II of the Humboldt County Code relating to the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis for medicinal or adult use,” as well as the Draft Environmental Impact Statement (DEIR), “Amendments to Humboldt County code regulating commercial cannabis activities” (September 2017).

Overall, I commend the Humboldt County Planning Department for its suggested improvements to the commercial cannabis ordinance adopted by the Board of Supervisors in 2016. In many instances, the proposed amended ordinance would add or strengthen provisions that would “ensure the health and safety of residents, employees, County visitors, neighboring property owners, and end users of cannabis.”

However, it is of the utmost importance that cannabis permit applications, especially for new sites, that have not been approved by the time a revised ordinance is adopted are NOT grandfathered in under the current weaker ordinance. Why would you want to approve hundreds (or even thousands) of projects that couldn’t pass heightened environmental muster? That strategy will lead to problems and conflicts down the road. Illegal cannabis grows have caused a lot of negative impacts on Humboldt County. It would be unconscionable to compound that damage by approving less-than-ideal plans before the new regulations are enacted. (For example, the 2016 ordinance contains NO road standard requirements, a major oversight.) Whether or not commercial cannabis permit applications will be required to meet the specifications of any amended/updated ordinance is, in my opinion, the most important decision the Humboldt County Board of Supervisors faces.

Comments on Proposed Cannabis Ordinance

[55.4.5.1] Special Area Provisions

Rural Residential Neighborhood Areas -- “A special permit shall be required for any Commercial Cannabis Activity permit for an activity that will be located within mapped Rural Residential Neighborhood Areas (RRNAs).”

- The County needs to create and expedite a process whereby property owners can appeal boundaries drawn on draft RRNA maps that are based on General Plan designations from the 1980s. RRNA maps should be automatically updated to reflect new designations when the General Plan Update is completed.

Early Notification

- Notifying property owners within 1,000 feet is not enough. I suggest that all owners and occupants of property within 1 road mile along any public or private road used to access the

project be notified.

- Nearby property owners should be notified when a cannabis project is submitted, rather than waiting until it has been determined complete for processing to inform neighbors.

[55.4.5.6] Term of Commercial Cannabis Activity Clearance or Permit

- I concur that permits should last only 1 year, but will the County have the resources to perform an annual inspection of all permitted sites?
- The fee assessed for the inspection and/or for renewal of the annual permit should be set to, at a minimum, recoup the County's cost to perform the assessment. "Annual inspection fees" of no specified amount are referenced in Section 44.4.12.1.6, but should also be noted in Section 55.4.5.6.

[55.4.5.10] Restriction of water use under special circumstances – I concur with this, but it should not be limited to adverse effects to fish and wildlife resources. The water use restriction should also apply to situations where water withdrawals by a cannabis operation cause neighboring residential wells to go dry.

[55.4.6.3] Eligibility Criteria

- Access Roads – These MUST meet Category 4. The only possible exception I can envision to this standard would be if a cannabis project is located at the terminus of a road; that is, if no other residents have to get past it to reach their properties. Use the same language as in 55.4.7.

[55.4.6.4] Siting Criteria

- Conversion of Timberland Prohibited – I concur with this.
- Setbacks – 30 feet from any property line is too close; minimum should be 100 feet. 300 feet from any residence is too close; minimum should be at least 500 feet. Noise and smells can travel farther than that! Setbacks of "cultivation sites, wells, and similar infrastructure must observe all prescribed setbacks and limitations pertaining to the use of land located within or affecting Streamside Management Areas or other wet areas..." Add language requiring applicants to have all SMAs and wet areas on their property delineated by a qualified professional. Why not spell out the setbacks here, rather than referring to Section 314-61.1 [of Title 3, Land Use and Development, Division 1, Planning and Zoning Regulations, Chapter 6, General Provisions and Exceptions, Streamside Management Ordinance]?

[55.4.7] Cannabis Support Activities

- "Roads providing access to the parcel or premises must comply with the Road System Performance Standard for Functional Capacity (all segments must either be paved with centerline stripe, or paved meeting the Category 4 standard). Exceptions are prohibited." – I concur, but ask that a requirement be added that in Rural Residential areas, permit seekers MUST perform traffic studies, to predict increased road use from locating a business in a low-density residential area. The County should not be permitting commercial businesses in the middle of residential neighborhoods, using outdated General Plan designations.
- "Distribution, off-site processing, enclosed nurseries, and propagation centers" should NOT be principally permitted with a Zoning Clearance Certificate. These higher impact facilities should require a Special Use Permit and be subject to a public hearing. [NOTE: Page 1-3 of the DEIR states that the County's project objectives include that "commercial distribution and nurseries, testing centers, and community propagation centers would be located within designated commercial and industrial land areas." However, page 2-18 of the DEIR allows these facilities in AE, AG, FR, and U inland zoning districts.]

[55.4.8] *Indoor Cultivation and Manufacturing*

- “Roads providing access to the parcel or premises must comply with the Road System Performance Standard for Functional Capacity (all segments must either be paved with centerline stripe, or paved meeting the Category 4 standard). Exceptions are prohibited.” – I concur. but in Rural Residential areas, permit seekers MUST perform traffic studies, to predict increased road use from locating a business in a residential area.
- Indoor cultivation “may only be conducted within a non-residential structure which was in existence prior to 1/1/2016.” I find this language confusing; it seems to say that if greenhouses weren’t built before 1/1/2016, there can be no indoor cultivation on the property.

[55.4.10] *Other Provisions*

- Farm-based Retail Sales – Not all growers should be able to sell products on site. It must be determined how much this would increase traffic on access road(s). If the farm is also approved for processing cannabis that is produced off-site, the County would need to ensure that what the permit holder is selling is limited to product grown on-site.
- Temporary Special Events/Onsite Cannabis Consumption/Tours – The County must take into account road access to the site and whether public safety would be jeopardized by attendees driving under the influence post-event. Tour frequency and size/weight of the bus used to transport people need to be evaluated in light of what the access roads can safely accommodate.

[55.4.12] *Performance Standards*

- Road Systems, Functional Capacity – DELETE the phrase “(or same practical effect)”. Everywhere else in the proposed ordinance, it states “NO EXCEPTIONS” for Category 4 road requirements. Including “or same practical effect” here creates a huge loophole that could result in residential users of the access road having to pay for a rebuttal road assessment to the one submitted by the permit applicant. The DEIR includes the “or same practical effect” language in the Road Standard 2, Functional Capacity section – DELETE. The last sentence states “the report [prepared by a licensed engineer] would be required to also include a recommendation or formula for cost sharing among all parcels served by the road system.” This is confusing – if it applies to ONLY parcels requesting cannabis permits, it should say so. The way it is written makes it sound like ALL residents along the road would have to pay for upgrades to benefit cannabis growers!
- “Only emergency trucked water” – I concur with this, but a maximum time length of what is considered an “emergency” needs to be specified
- “Approved means of sewage disposal” -- If using a septic tank, it must be permitted by the County.
- Light Pollution Control – I concur that light must not be allowed to escape from mixed-light cultivation and nurseries during night-time lighting sessions and that security lighting must be shielded and angled to prevent light from spilling outside of site boundaries. I concur that structures for mixed-light cultivation or nurseries should be prohibited within 200 feet of a riparian zone. However, the ordinance needs to add that applicant must provide a delineation performed by a qualified professional of all riparian zones on the property.
- Energy Use – I concur that energy must be 100% renewable and grid power. However, the revised ordinance needs to specify that NO generators are allowed on new sites. I concur that generators should not be audible from neighboring residences on pre-existing sites, but the language should be changed from “residences” to “property lines” to be more protective of neighbors.
- Wells on Small Parcels – Section 3.8-3 of the DEIR discusses groundwater supply impacts. It would require testing for new wells on parcels 10 acres or smaller located within 400 feet of property lines to determine if drawdown could occur on any adjacent wells. What is the

justification for applying these performance standards only to “small” parcels? The DEIR states that “it is PRESUMED that parcels larger than this contain sufficient buffer to prevent effects to wells on adjacent properties.” However, if a well is sited near a boundary of a parcel, it definitely could affect (draw down) wells on neighboring parcels or reduce flows in nearby streams. I suggest changing the testing requirement from a parcel size limitation to instead require performance standards based on the distance in feet (I’m not sure 400 feet is sufficient) from an adjoining property line. Or better yet, require ALL permit applicants to determine connectivity of the source supply well to neighboring wells and to surface water. Wells should be subject to the same performance standards as diversionary water use, requiring documentation of use, forbearance, metering, and recordkeeping. Any well yield tests should be required to be performed during the dry season of the year, as the County requires for new residential development. Water use by a single residence is miniscule compared to a cannabis farm! ALL permits obtaining water from a well should document well production and changes in groundwater levels during each month of the year. The DEIR mentions adaptive management for wells that may include forbearance (e.g., prohibition of groundwater extraction from May to October), water conservation measures, reductions in cultivation, etc. “Adaptive management measures will remain in place until groundwater levels have recovered.” However, language regarding adaptive management IS NOT INCLUDED IN THE PROPOSED ORDINANCE. The EIR admits “it is not known if operation of wells ... over an extended period could result in isolated locations that affect the operability of adjacent wells. As a result, this would be potentially SIGNIFICANT impact.” Under the revised ordinance, neighbors of cannabis projects irrigating with well water should have an established protocol to report to the County that their wells have run dry, immediately triggering limitations on continued cannabis-related irrigation. Cannabis permit holders should be required to certify that they will arrange for and cover the costs of water deliveries to non-cannabis-growing neighboring properties, until the groundwater is recharged. Neighbors should NOT have to foot the bill for deepening their wells because a cannabis project has depleted the groundwater. [SEE ALSO further discussion under “Comments on DEIR” section, 3-8.3, of these comments.]

- Soils Management – I concur with this.

DEFICIENCIES of the Proposed Ordinance Not Discussed Above

Odor control – Section 3.3-4 of the DEIR discusses exposure of people to objectionable odors. “Setbacks do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people. This would be a SIGNIFICANT impact.” According to the DEIR, “the proposed ordinance states that indoor cultivation would be required to be mechanically ventilated with a carbon filter or other feature to prevent the odor from escaping the structure.” HOWEVER, THIS REQUIREMENT DOES NOT APPEAR IN THE PROPOSED ORDINANCE.

Number of harvests -- The DEIR narrative lists a general number of harvests per year for the different systems of cultivation. First, should this be codified in the ordinance, and second, should applicants be prohibited from getting around such a requirement by rotating harvest schedules through different greenhouses? It makes a big difference in impacts to the neighbors whether a cannabis project hosts two harvests per year versus twelve!

Noise – The ordinance covers generators but does not mention other sources of noise: barking guard dogs, fans, water pumps, work crews (especially during harvesting), busloads of people on cannabis tours, etc. These could be significant sources of noise and should be regulated.

In Table 2-3, “Indoor Cannabis Cultivation – Allowable Zoning Districts, for Resource Production/ Residential Areas, with AE, AG, FR, and U Designation,” I do not understand the limit of 5,000 square feet located in a non-residential structure that existed prior to 1/1/16 allowed with a ZCC. Does this mean that LARGER proposed grows in greenhouses that are not yet built need MORE than

a ZCC?

I

Comments on the DEIR

Summary of Impacts and Mitigation Measures

[3.2.2] Conversion of forest land – I concur that no new commercial cultivation sites should be allowed in lands zoned as TPZ.

[3.3.4] Exposure of people to objectionable odors -- “Setbacks do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people. This would be a SIGNIFICANT impact.” The DEIR states that “the proposed ordinance states that indoor cultivation would be required to be mechanically ventilated with a carbon filter of other feature to prevent the odor from escaping the structure.” HOWEVER, THIS REQUIREMENT DOES NOT APPEAR IN THE PROPOSED ORDINANCE. The only mitigation measure regarding odor control is a prohibition on burning excess plant material.

[3.4.1a] Preconstruction surveys for special-status amphibians – It matters what time of year these surveys are done, to properly detect the presence of animals that are dormant during cold weather. The ordinance should specify that any surveys be done by a qualified biologist using a generally accepted protocol.

[3.4.3b] Invasive plant species – I concur with requiring removal of invasive plants from cannabis sites.

[3.4.4] Riparian habitat and wetland vegetation – I concur with the need for surveys for these sensitive resources and prohibiting ground-disturbing activities and vegetation removal within these areas.

[3.4.5] Waters of the U.S. – I concur that a qualified biologist should survey sites for wetlands, streams, and rivers and, if found, apply for a Section 404 permit. If the permit is denied, a minimum 50-foot buffer around these features is required.

[3.8.3] Groundwater supply impacts – What is the justification behind this applying only to “small” parcels? The important factor is that the well is located within 400 feet of a property line, rather than having the size of the property be the determining factor for bringing this mitigation into play. A proposed cannabis property may be more than 10 acres in size, but adjoining properties (e.g., rural residential) may be smaller. A drawdown could occur on an adjacent parcel if the new well is drilled close to the property line. “The close proximity of wells to other wells, and structure and volume of the groundwater basin (among many factors), can influence if a well would affect other wells.” ALL permits obtaining water from a well should document well production and changes in groundwater levels during each month of the year. The DEIR mentions adaptive management measures that may include forbearance (e.g., prohibition of groundwater extraction from May through October), water conservation measures, reductions in cultivation, etc., to recover groundwater levels and protect adjacent wells. “Adaptive management measures will remain in place until groundwater levels have recovered.” BUT LANGUAGE ON ADAPTIVE MANAGEMENT IS NOT INCLUDED IN THE PROPOSED ORDINANCE. Even if a well passes a short-term drawdown test, the DEIR admits “it is not known if operation of wells ... over an extended period could result in isolated locations that affect the operability of adjacent wells. As a result, this would be potentially SIGNIFICANT impact.” Under the revised ordinance, neighbors of cannabis projects that are irrigating with well water should have an established protocol to report to the County that their wells have run dry, triggering limitations on continued cannabis-related irrigation. The cannabis permit holder should be required to arrange and pay for water deliveries to non-cannabis-growing neighboring properties until the groundwater is recharged.

[3.8.5] Water diversion restrictions and monitoring and reporting requirements – I concur with the provision that “groundwater users will be required to demonstrate that the groundwater source is

NOT hydrologically connected to an adjacent surface water feature and is not subject to the forbearance requirements through the establishment of a flow gage in the stream or river and groundwater pumping tests to monitor and verify no connection to the satisfaction of the County and/or State Water Resources Control Board.”

[3.9.3] Potential for inadequate emergency access – I concur that commercial cannabis operations should comply with County fire safe regulations and Category 4 road standards. Inadequate emergency access could tragically impact all residents of a road serving a cannabis project, so there must be NO EXCEPTIONS.

[3.10.2] Long-term non-transportational operational noise – I do not agree with the DEIR’s contention that setback requirements in the proposed ordinance would prevent sensitive users from being exposed to excessive noise levels during each harvest. Property line setbacks are only 30 feet! The DEIR does not consider the CUMULATIVE effect of noise from sources such as machinery, workers, OHVs, fans, and generators. The DEIR does not speak to the LENGTH OF TIME that neighbors could be exposed to what the County General Plan considers an “acceptable level” of noise, both through multiple harvest periods per year and via operations lasting up to 11 hours per day. One might endure short bursts of “lawn equipment noise” levels, but be negatively affected by hearing it during most waking hours! People should not have to stay indoors or at the furthest point on their property from a cannabis project to have the noise attenuated enough to not be bothered by it. The ordinance also should take into account what ambient noise levels are pre-cannabis project before finding a significant increase in decibels to be acceptable. The DEIR states that “additional noise reduction would be provided by any intervening topography, dense stands of trees, or manmade structures located between the cultivation sites and off-site receptors.” I know from personal experience with noise generated by Redwood Acres Raceway that sound can carry great distances and be funneled by topography and weather conditions.

[3.12.2] Long-term increase in traffic – I do not understand why this impact is only determined for state highways and therefore set as less than significant. Traffic impacts could be VERY SIGNIFICANT on the lower-standard roads where many cannabis farms would be located. Because these public and private roads are infrequently traveled, the impact of harvesting, sales, tours, and other cannabis-related traffic would be disproportionately large.

[3.12.3] Transportation and Circulation, Assumptions & Analysis Techniques – It is unrealistic to expect that each worker will make only one trip to the site and one trip from the site per day, if he/she is working at a cannabis location less than 15 miles from areas with amenities for eating, shopping, banking, etc.

[6.2.2] The County’s project objectives include “relocating existing non-permitted cannabis-related activities into more centralized locations with better infrastructure (e.g., nurseries, community propagation centers, processing centers).” Then, why does the proposed ordinance allow new sites for these activities to be located in in AE, AG, FR, and U inland zoning districts?

[6.3] Alternatives Selected for Detailed Analysis

- Alternative 1, No Project, No Additional Permits Issued – I consider this alternative unacceptable because it does not implement the proposed changes to the existing ordinance.
- Alternative 2, No Project, New Permits Issued – I consider this the least acceptable alternative because it does not implement the proposed changes to the existing ordinance AND it allows new applications for cannabis operations to be submitted.
- Alternative 3, Prohibition of New Outdoor and Mixed-Light Cultivation Operations in City Spheres of Influence and Community Plan Areas – I like that this alternative implements a revised (strengthened) ordinance. I like that 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.” However, it applies ONLY in city spheres of influence and community plan areas. What about the rest of unincorporated Humboldt County, particularly Rural Residential Neighborhood Areas?

- Alternative 4, Prohibition of New Outdoor and Mixed-Light Cultivation Operations – I like that this alternative implements a revised (strengthened) ordinance. I like the cap on outdoor and mixed-light cultivation applications. Given the unlikelihood that the Supervisors would opt for Alternative 5, this would be my preferred alternative,
- Alternative 5, Reduction of New Commercial Cannabis Operations – The DEIR deems this to be the environmentally superior alternative. It is based in part on the Friends of the Eel River Notice of Preparation comments that suggested a “Watershed and Wildlife Protection Alternative.” What about new cultivation permits that have already been approved? What about new applications that would be able to meet the more-stringent requirements of the proposed revised ordinance? While it is appealing to focus on cleaning up existing non-compliant cannabis operations, I do not see this alternative having political traction with a majority of Humboldt County Supervisors.

Thank you for considering my comments on the proposed amendments to the commercial cannabis ordinance and the DEIR that accompanies it.

Sincerely yours,

Susan Leskiw
155 Kara Ln, McKinleyville CA 95519
707-442-5444; sueleskiw1@gmail.com

[NOTE: Using CAPITALIZATION for emphasis is my convention and is not part of the two documents under review.]

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 9:10:13 AM

Name:	Andrew Couturier
E-mail:	andy@theopening.org
Your Comments:	I am heartbroken at the destruction of nature I see every day in Humboldt County due to massive industrialized cannabis. The Central Valley is the appropriate place for this kind of industry, not the too dry, too mountainous area of Humboldt. More enforcement. Stronger enforcement. Please.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["Arcadia Ratcliff"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 2:45:24 PM

Name:	Arcadia Ratcliff
E-mail:	adratcliff2011@gmail.com

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [Barbara Shults](#)
To: [Lazar, Steve](#)
Subject: Amendment to Draft EIR of Commercial Cannabis
Date: Monday, October 16, 2017 4:57:02 PM

Dear Steve;

Unable to download copy of Draft EIR for Amendments for Commercial Cannabis. I oppose the Draft EIR for Commercial Cannabis for the following reasons;

Having Commercial Cannabis grows in Humboldt County should have been a ballot issue. Most of us did not clearly understand that we had a CHOICE. Mendocino focused on family farmers. Both Amador and Tuolumne Counties only allow personal grows. Calaveras County allows Commercial grows and they are now experiencing the very same problems we have been dealing for sometime now. .

Public Safety-We do not have enough law enforcement to deal with the 1000s of illegal grows and all the baggage that goes with them. Humboldt County has forced the burden onto the community to protect ourselves and deal with the various problems that come along with non medicinal commercial growing. There has been a large exodus of residents because of this issue.

Quality of life-There has been a significant impact in our ability to care & sustain ourselves and our animals. The ability to spend time with our friends and the community has been extremely difficult. We are working too hard and not meeting our needs. This has significantly impacted our health.

Financial Impact-living in a non diverse economy has made it extremely difficult to make a living outside the Cannabis industry and also decreased the value of our home. Not everyone wants to smell Cannabis 24/7. All you have to do is read Real-estate.com or Trulia and they clearly define what is desirable living and what people look for when moving to an area. There has been no analysis by this county which addresses these issues.

Our economy can not sustain 1000s of temporary compromised workers. Our food banks are tapped out. Local non profits primary focus is help our community not support worker for the Cannabis industry.

Emotional Distress and No Peace of Mind-the increase in violent crimes directly associated to commercial grows has been on the rise. There is a very large population of people coming here to grow or work in the Cannabis industry from all over the world. Most in the industry do not go through background checks. We are seeing an increase in animal cruelty, assaults, child abuse, hard drug use, human rights crimes, human trafficking, home invasions, labor violations, murders, rapes, thefts, and the lists goes on. We are also seeing an increase in road bullying on 101. Numerous times I have had vehicles attempting to force me to pull over when I am going the speed limit.

Barbara Shults
P.O. Box 311
Arcata, CA 95518

From: [bonnie blackberry](#)
To: [Ford, John](#)
Cc: [Lazar, Steve](#)
Subject: Cannabis Ordinance and DEIR comments
Date: Monday, October 16, 2017 2:51:33 PM
Attachments: [Oct 16, 2017 PC input.docx](#)
[Oct 16, 2017 DEIR.docx](#)

John,

First of all, thank you for taking the time to come to Garberville and listen to what people had to say. I am sure the people in Willow Creek will be appreciative also.

Here are my comments for the ordinance and the EIR for the Planning Commission's October 19th meeting.

I was going to send them to Steve but his email said he is out of town.

Thanks again,
Bonnie

PS to STEVE: please toss my previous Planning Commission input submitted to you on Oct 5th as I have revised it and sending new input here.

TO: Humboldt County Building and Planning Director John Ford
DATE: October 16, 2017
From: Bonnie Blackberry
Civil Liberties Monitoring Project

RE: CANNABIS ORDINANCE Draft EIR COMMENTS

Dear Director Ford,

Here are comments regarding the Draft Environmental Report for the Commercial Cannabis Ordinance. I did not read the entire Report, but the parts I did read appeared to downplay and misrepresent the actual impacts.

1. ***“Impact 3.3-2: Long-term operational emissions of criteria pollutants and precursors.” (EIR pg152)***
“Operation of commercial cannabis cultivation operations and non-cultivation operations in the County would result in peak emissions of PM10 during the harvest season. Operation of a new single cultivation operation during the harvest season would exceed NCUAQMD-recommended maximum daily thresholds for PM10”.

COMMENT: Peak emissions of Pm10 during the “harvest season” is extended beyond 4-6 weeks when mixed light is used for multiple yearly crops compared to the regular Fall harvest season.

2. *“Because the NCAB is in nonattainment for PM10, operation of a single cannabis cultivation would contribute to an existing or projected air quality violation. ***This impact would be significant.*** New cultivation and non-cultivation sites established under the proposed ordinance would result in long-term operational emissions of PM10, for which the NCAB is in nonattainment.”*

COMMENT: More traffic equals grater impacts

3. ***Mitigation Measures for Roads” (EIR pg 153) “No feasible mitigation is available.”***

“The following possible mitigation measures for the reduction of PM10 emissions from travel on unpaved roads were considered by the County and determined infeasible:... Routine Watering of Roadways..., Use of Dust Suppressants..., and Paving of Roadways...”

COMMENT: There are mitigations: less traffic, and heavy trucks, along with smaller operations with one harvest per year, instead of three or four harvests in inappropriate locations. Water quality impacts associated with stormwater runoff from the dust created by the increased traffic on unpaved roads is further increased with mixed light multiple harvests.

4. *EIR pg 153 “It is important to note that harvest season lasts approximately four to six weeks, thus daily PM10 emissions would only exceed the NCUAQMD-recommended threshold during that time. Annual emissions of PM10 from an individual cultivation site remain below the recommended threshold. This impact would be significant and unavoidable.”*

COMMENT: With the combination of outdoor and mixed light, or just mixed-light, there are multiple “harvest seasons”, with an increase of two to three times the annual emissions of PM10 from an individual cultivation site. (I noticed that a CUP applicant has July 1 thru July 15, for first harvest and then August 14 thru November 7th for the second harvest phase.)

DRAFT EIR INCORRECT ASSUMPTIONS

Noise IMPACT 3.10.2 Long-term non-transportation operational noise. (EIR Pg 371-372)

1. “the use of mechanized equipment would be temporary and periodic in nature”

COMMENT: Multiple mixed light harvests using lights, fans, heaters, dehumidifiers etc would not be periodic in nature. Happening all night long night after night for months is not periodic.

2. “Assuming that trimming activity would only occur between the hours 7:00 a.m. and 6:00 p.m.”

COMMENT: Trimming activity occurs during the day and night.

3. “Assuming outdoor harvesting activity would occur during the daytime for outdoor and mixed-light cultivation

sites.”

COMMENT: Most harvesting activity would occur during daytime, though it does not always happen during the daytime.

4. ‘Discrete harvests are assumed to occur over a four-week period, and would require up to 15 workers during that time.’

COMMENT: If a discrete harvest occurs over a four week period, then three harvests would occur over a twelve week period, or four harvest over a 16 weeks period NOT four weeks.

5. ‘The largest harvest period is the fall harvest when outdoor, mixed-light, and indoor are harvesting in the same season.’

COMMENT; Operations with outdoor and mixed-light are NOT harvested at the same time. And with multiple mixed-light grows, every harvest occurs during different times of the year. Therefore one parcel with outdoor and mixed-light would have a minimum of two discrete harvests and more likely there would be three to four discrete harvests on the parcel.

6. COMMENT: The above EIR assumptions are in the section about noise pollution. Noise is a big concern, especially when it’s happening all night long. (closing windows and doors is not a feasible mitigation for noise. Permitting generator grows, AKA mixed light, has multiple impacts besides noise. There is an increased risk of fires and fuel spills.

7. COMMENT: All of the above incorrect assumptions also relate to increased impacts on the roads, our neighborhoods, watersheds, and wildlife.

How big before impacts become noticeable? There is the square footage of the grow area, and then there is the number of crops grown in that area during the year. The impacts from one crop/harvest per year is very different from multiple crops, especially when multiple crops/harvest involve artificial light etc dependent on generator use, and in areas on unpaved roads where people have their homes that they live in.

Respectfully,

Bonnie Blackberry
Civil Liberties Monitoring Project Rep.

TO: Director Ford
Humboldt County Planning Commission
DATE: October 16, 2017
From: Bonnie Blackberry
Civil Liberties Monitoring Project

RE: Cannabis Ordinance Proposed Amendments

PROCESS COMMENT: Thank you for having the workshops in Garberville and Willow Creek. Better late than never. Amending the ordinance is of upmost importance, as it was done in such a rush that it doesn't adequately address the impacts. There needs to be a balance between accommodating growers and protecting the integrity of our watersheds and wildlife, and our neighborhoods and communities.

CANNABIS ORDINANCE COMMENTS

1. PROCESS EXISTIG GROWS BEFORE NEW GROWS. Deal with what is happening before adding more.

2 55.4.12.1.8 PERFORMANCE STANDARD ROAD SYSTEMS, d) Road maintenance Associations and Cost Sharing; It is essential that there be a requirement that the applicant is paying road maintenance dues when the operation is permitted and at yearly renewals. **(this absolutely needs to be retroactive)** Without this requirement, the RMAs will be burdened with the task of trying to collect the road maintenance dues from operations that the county has approved on our private roadways.

There should be requirement to check off a box that road maintenance dues have been paid, no delinquent dues. If in fact there were delinquent dues owed, the RMA would have an pathway to contact the county and put a hold on the process until proof of payment to the RMA is presented. The county would only be responsible for halting a permit after contact from a RMA. The applicant would then need to show a letter from the RMA verifying that the maintenance dues are not delinquent. (similar to notice used for Light Pollution Control 55.4.12.4 d).

3. 55.4.6.1.2 a) & b) LOWER SQUARE FOOTAGE FOR DISCRETIONARY PERMITS:

Lower a) from 5,000sq. ft . to 2, 000sq. ft. Lower b) from 10,000 sq ft. to 2,500 sq ft for operations in rural neighborhoods accessed by shared private roads, would enable neighbors to have input on impacts that the county may not have considered. This is very important for the people who live in these areas. Home Sweet Home or not.

4. 55.4.6.1.2 a) &b) PERMITTING TOO LARGE OF GROWS in rural neighborhoods that have been and are primarily residential. Permitting large grows, over 5,000 sq.ft. in neighborhoods on roads not designed for commercial industrial use is a huge problem. Just because people have been growing large grows in inappropriate locations, should not be a reason to allow it to continue.

5. SUPPORT 55.4.12.5 Performance Standards for Energy Use and 55.4.12.6 Performance Standard for generator noise at per existing sites. These standards need to include noise from fans and other machines as well that are running during the night.

6. 55.4.6.5.1 SMALL CULTIVATION SITES items b) & c) : I support the removal of these requirement. There are no such requirements for larger grows. How would these support the small operations that aren't part of the Green Rush mentality?

7. RETROACTIVE STANDARDS; The first ordinance was done in a hurry.

New rules need to be retroactive in order to address problems that were overlooked in the current ordinance because of the rush to get it done. And now we are once again rushing forward to get it done. The county needs to recognize the need for retroactive standards for the current ordinance as well as future modifications or additions to the currently proposed ordinance amendments. Time could be given to come into compliance with any changes.

8. NO MIXED LIGHT WHICH REQUIRES GENERATORS; Multiple crops with mixed light increase the impacts to the roads, the neighbors and the environment. On a quiet night, out in the mountains, 60 decibels of generator noise can carry a long distance, buzzing away all through the night. Maybe it won't kill the wildlife, but I can't believe it's not affecting them. Marijuana grows very well in the sun without lights and generators. Let's promote a green economy.

ENFORCEMENT QUESTIONS

Currently water trucks and deliveries are happening during the day and night time. What is being done to enforce this provision?

How is the county planning on enforcing the amount of use from generators if restricted to 20% or whatever?

How is the county planning to enforce the provisions regarding the time of year and the amount of time for grow lights use in "mixed-light" grows?

Respectfully,

Bonnie Blackberry
Civil Liberties Monitoring Project Rep.

From: [burdoc](#)
To: [Lazar, Steve](#)
Subject: NO on marijuana cultivation expansion
Date: Monday, October 16, 2017 1:38:42 PM

To whom it may concern,

As a property owner, tax payer & resident of Humboldt County for the last 44 years, I am against marijuana cultivation already. To expand an industry that is already barely regulated & illegal by federal laws, would be a disservice to our county's resources. I could site lack of water, pollution of land & rivers.....but probably no one is reading this beyond that I do not support expansion.

Cathy Mathena

Sent from my U.S. Cellular® Smartphone

From: [Charles Compton](#)
To: [Lazar, Steve](#)
Subject: Section 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code - Public Comment re Cannabis Ordinance Environmental Review
Date: Monday, October 16, 2017 12:31:06 PM

Dear Mr. Lazar:

Leslie G. McMurray, a neighbor of mine, wrote to you regarding the above referenced matter on October 13, 2017. I concur with all the points and concerns which she raised in her letter, and I incorporate her letter herein as though set forth in full.

My wife and I are retired and live next door to a neighbor who plans to grow and process a substantial marijuana crop. Our parcel has a long property line which abuts the City of Fortuna and contains a small segment which is within the city limits of Fortuna. We have two creeks on our parcel which are part of the Jameson Creek watershed. The proposed grow parcel next door is upslope from our parcel and drains into the aforementioned Jameson watershed creeks on our parcel. The negative impacts on Jameson Creek which flows into the Eel River could be enormous. I am also very concerned about the issues with our well as to the water table and toxicity impacts. Again please reference Ms. McMurray's letter for more detail.

Very truly yours,

Charles A. Compton

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 7:51:01 AM

Name:	Claire Perricelli
E-mail:	ceperr@sbcglobal.net
Your Comments:	I am very concerned about whether or not we are sufficiently regulating the gree(d)n rush.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [Amy Gustin](#)
To: [Planning Clerk](#)
Subject: comments on cannabis EIR and new ordinance
Date: Monday, October 16, 2017 12:58:31 PM

Dear Director Ford and colleagues:

It must be reiterated that allowing new grows is completely irresponsible. California already grows at least five times more marijuana than it consumes. Why would you sacrifice any more of Humboldt's forest habitat, when there is no market for any additional marijuana? The harm to wildlife and habitat cannot be mitigated, yet this is not reflected in the EIR and proposed changes.

HOW HUMBOLDT MARIJUANA HARMS WILDLIFE AND DEGRADES HABITAT QUALITY:

Land clearing in forest habitat, for marijuana cultivation, reduces animal populations and species diversity. It fundamentally degrades the quality of a significant portion of the remaining habitat.

While some of the ecological impacts of marijuana cultivation have been addressed, the effects of land clearing on terrestrial animals has not yet received the attention it deserves. Wildlife biologists Scott Bauer and Mourad Gabriel both refer to the issue of land clearing in forest habitat, as part of the problem, but their main focus is on water use and rodenticides. It is time to look at the impacts of land clearing.

Humboldt County has some of the best wildlife habitat left on the coast of California, and gives refuge to many species that have dwindled in numbers elsewhere, due to habitat loss from development. The land where marijuana is being cultivated in Humboldt, has the same wildlife values that we find in our parks and National Forests. It is just as damaging to cultivate marijuana in Humboldt's forest habitat, as it is to cultivate in the National Forests. As of yet, California's marijuana regulations have ignored this damaging impact.

When a grower decides to cultivate marijuana in forest habitat, the first act is to clear the desired area of all the native vegetation. All of the trees are chopped down, and the shrubs and herbaceous plants removed. Then the land is bulldozed to remove the roots and level the steep ground. This is a very destructive act, in and of itself. For many animals, that area was the sum total of their home range. Animals that are too small or too slow to flee the onslaught are killed. Babies in the den or nest are also at risk. Land clearing also harms the soil ecology and destroys native earthworms.

These marijuana clearcuts were formerly an integrated part of the forest habitat. Now these scars on the land are holes in the habitat. To understand the impact, look at it from an animal's perspective. That hole is in the home range of a number of different animals. A home range is the area an animal travels to find what they need to survive and reproduce. It is where they find food, water, denning and resting spots, and potential mates. The clearcut held vegetation, insects and rodents, that were food for many other animals. It also held denning and nesting sites. Now there is a significant deficit in the home range of many animals. To compensate for the decline in food availability, many animals will need to enlarge their home range. Since all of the available land has been utilized prior to the marijuana clearcut, this enlargement has a ripple effect. Other animals have to enlarge their home range as well. With larger home ranges, only a smaller population can be sustained. Keep in mind that there has been a huge growth in the number and size of these clearcuts in the last decade, from around 4,000 to 12,000. Also keep in mind that enlarging a home range means that an animal has to expend more energy just to survive.

This reduction in food availability, is exacerbated by marijuana cultivators war on woodrats.

Woodrats are native rodents that are an important prey species for many carnivores, including weasels, ringtails, foxes, bobcats, numerous owl species, and even mountain lions. Woodrats are attracted to marijuana plants that grow in their home range. Most cultivators try to kill woodrats

preemptively. Rodenticides are obviously the most damaging method, but traps and cats have a negative impact as well, by reducing the number of prey species available to native carnivores. A reduction in prey species leads to enlarged home ranges.

In addition to decreasing populations of animals, these marijuana clearcuts degrade the quality of a significant portion of the remaining forest habitat. This negatively impacts animal diversity. The area around the clearcut is impacted in every direction out for a hundred meters, or about the same distance as a football field. This area has been turned into edge habitat. Edge habitat is not as prime as forest interior habitat. It is sunnier, drier, warmer, and windier. Edge habitat experiences more dramatic environmental fluctuations than the forest interior. When wind and sun dry out the forest edge habitat, it reduces the abundance and diversity of insects and other invertebrates. These are important food species for many animals.

Forest interior habitat is sheltered from the influences at the edge. It is moister, and gives more protection from predators as it has more complex vegetation structure. Larger trees and snags provide food and denning sites for numerous species. Forest interior is important habitat for many species. Many songbirds, especially those that nest on or near the ground, need the protection found in forest interior habitat. Some of the species that are associated with forest interior habitat are douglas squirrels, Humboldt flying squirrels, townsend chipmunks, northern spotted owls, northern saw whet owls and pileated woodpeckers. The Pacific fisher and Humboldt marten depend on forest interior habitat. They need the canopy cover and brushy undergrowth that protects them from larger predators, while providing excellent habitat for the rodents that they hunt.

Why is this important? Because we are in the midst of the largest extinction event since the Cretaceous Extinction that wiped out the dinosaurs. Since 1970, the Earth lost 58% of its biodiversity, according to the Living Planet Report of 2016. Here in California, we rank #1 in the United States, for species diversity, but also #2 for species at risk, and #3 for extinctions. We must do better. Many species in California are in decline. It is a mistake to wait until a species is critically endangered before we act to protect them. Since habitat loss is the leading cause of extinctions, protecting quality wildlife habitat, such as the forest habitat of Humboldt County, needs to be a priority. Humboldt holds great promise as an area that fosters animal abundance and diversity, but only if we act to correct the harm of the greenrush, by shrinking the industry. Humboldt needs to show environmental leadership, and limit the size and number of grows that it will permit in Humboldt's forest habitat.

Additionally, noise is a major issue. Generators should not be allowed on off the grid grows.

Also, grows on rural dirt roads should not be permitted. These are residential neighborhoods, yet they are treated as industrial.

Forever

Amy Gustin, Habitat

October 16, 2017

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 9:19:38 AM

Name:	Craig Tucker
E-mail:	scraigtucker@gmail.com

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 7:44:20 AM

Name:	Curtis Berrien
E-mail:	Curt@berrienobrien.com
Your Comments:	While legalizing cannabis may be good for the county, it continues to threaten our precious environment and our Eel river watershed unless stringent and scientific data based regulations are applied to growers. The transition period to legalization is our only chance to thoroughly study environmental requirements for "grows." Furthermore, new tax revenue from the cannabis industry should be sufficient to fund enforcement ranks From their current paltry level to one that is up to the enforcement task. Please take the opportunity to take these actions for the environment and the community while we still can.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["Cynthia Hammond"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 6:01:11 PM

Name:	Cynthia Hammond
E-mail:	cynthiammond118@gmail.com
Your Comments:	I am extremely concerned about the cumulative environmental impact of allowing 1000's of large marijuana grows in Humboldt. This does not appear to be adequately addressed in the DEIR. I support a maximum size of 10000 square feet and I share the skepticism of many who can't imagine effective code enforcement with such a small County staff. Thank you for listening.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [dan kelley](#)
To: [Lazar, Steve](#)
Subject: Halt Further Expansion of Marijuana Cultivation in Humboldt County
Date: Monday, October 16, 2017 1:21:58 PM

Please stop all further expansion of marijuana cultivation in Humboldt County until you are able to achieve adequate regulatory compliance and control of existing sites. I cannot imagine the purpose of county agencies who regulate and control land use, if it is not to prevent the exact problem we are facing: law-abiding, tax-paying citizens are being held hostage to outrageous increases in truck traffic, inequitable water grabs, soil contamination, noise and light pollution and horrible smells. Humboldt does not allow any industry (eg. dairy, logging, fisheries, health care, etc) or any other business to expand in such an unchecked manner.

Dan Kelley
1926 Quail Hill Rd. #92
Hydesville, CA 95547
206.550.1675

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 1:37:45 PM

Name:	Daniel Kowalski
E-mail:	dank8@me.com
Your Comments:	<p>Steve Lazar, Senior Planner Humboldt County Planning & Building Department 3015 H Street Eureka, CA 95501 Via email Dear Mr. Lazar:</p> <p>Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.</p> <p>I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.</p> <p>I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.</p> <p>With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.</p> <p>Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.</p> <p>Thank you,</p>

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["DAVID HERR"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 3:43:12 PM

Name:	DAVID HERR
E-mail:	dherr10@gmail.com

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["Eric Forsman"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 5:01:05 PM

Name:	Eric Forsman
E-mail:	Ericforsman@gmail.com
Your Comments:	I stand with Friends of the Eel River.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["Frank Emerson"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 3:57:00 PM

Name:	Frank Emerson
E-mail:	fshfndr@comcast.net
Your Comments:	Industrial production of cannabis crops in the sensitive watersheds of Humboldt County is not sustainable nor "organic". Increasing water diversions from fish bearing streams is exactly what causes the listing of Salmonid species to the Endangered Species Act, and prevents recovery of said listed species. Valuable fisheries that support thousands of jobs are at risk from increased cannabis cultivation and Govt should be very cautious about permitting new industry that may be liable for ESA violations. Please limit this industry before it becomes too large to manage and destroys our rivers.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 8:48:21 AM

Name:	Hollie Hall
E-mail:	hollierhall@gmail.com
Your Comments:	<p>Hello Steve,</p> <p>I believe that cumulative impacts of cannabis cultivation can be mitigated in manner's not addressed by the EIR. For example:</p> <ol style="list-style-type: none">1. Create a permitting scheme that limits permitting of new cultivation to that square footage retired by existing cultivation, until existing cultivation is either permitted or restored.2. Cease the allowance of generator operated, mixed-light 'diesel grows'. Just last week the planning commission voted to grant a permit to a mixed-light off the grid farm. The farm has 2-years to reduce use of the generator. Generator powered, mixed-light 'diesel grows' have no place in a sustainable cannabis community. <p>Thank-you for taking on the difficult task of creating regulations that protect our environment, economy, and culture.</p> <p>Hollie Hall, PdD</p>

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 12:18:23 PM

Name:	Jeff Mckay
E-mail:	Beyourowncoach@sbcglobal.net

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 8:55:39 AM

Name:	Jerry Martien
E-mail:	jerrymartien@gmail.com
Your Comments:	Humboldt County has so far favored the lax regulation of resources that has enriched and empowered a few individuals in ranching and timber and impoverished the land and people. Unless the planning department, its commissioners, and the board of supervisors get serious about the marijuana regulatory process, we are going to end up with more of the same environmental damage, depleted watersheds and diminished salmon runs, and a few more wealthy good old boys and girls.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 11:48:24 AM

Name:	Jim and Francene Rizza
E-mail:	jrizza@suddenlink.net
Your Comments:	It's time that we really look at the impact that grows are doing; be they legal or otherwise. We have property out on Highway 36 and could go on for quite awhile about the changes that have been brought about by cultivation of marijuana: light, sound, space, water, garbage, and vibes.....just overall presence has been a negative. Only to get worse....

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [Jim Ferguson](#)
To: [Lazar, Steve](#)
Subject: DEIR comments
Date: Monday, October 16, 2017 3:10:26 PM

Steve:

I have been trying to download the PDF of the DEIR, etc. from the County website since Saturday to no avail. Since my browser can get everything else on the web, I have to assume it is a problem on your end. The header says: "Waiting for ..."

Since I can not quote chapter and verse because of this lack of a copy, I will limit myself to more general terms based on what I have heard on KMUD and/or read in the papers or online websites.

1. There is a real lack of rules and guidelines for the protection of wildlife in the permitting of grows much less legal remedies or financial consequences.
2. Ditto in relation to impact on quality of life - i.e. lights visible at night, generator noise, traffic on rural/residential roads, etc. and what there is does not begin to address the problems.
3. The requirements in relation to fire danger and issues like water storage solely for fire fighting and suppression.
4. The fines that do exist in the document are grossly less than they need to be.
5. There is no real attempt to address the grows that do not come into compliance with the ordinance and what will be done to address that issue.

I am sure there were more issues but this will have to suffice.

Sincerely,

Jim Ferguson
707-223-4475.

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 7:13:20 AM

Name:	John Pielaszczyk
E-mail:	john.p@sonic.net

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["john stokes"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 5:50:55 PM

Name:	john stokes
E-mail:	gadumma@msn.com
Your Comments:	the lack of enforcement is a huge problem here, folks-- your regulations mean nothing to 90% of the (illegal and unpermitted) growers.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [Kate](#)
To: [Lazar, Steve](#)
Subject: marijuana cultivation meeting
Date: Monday, October 16, 2017 5:37:39 PM

I encourage the Humboldt County Planning and Building Department to stop all further expansion regarding marijuana cultivation until they achieve adequate regulatory compliance and control of existing sites. I sincerely cannot imagine the purpose of county agencies who regulate and control land use, if it is not to prevent the exact problem we are facing: law-abiding, tax-paying citizens are being held hostage to outrageous increases in truck traffic, inequitable water grabs, soil contamination, noise and light pollution and horrible smells. The county does not allow the dairy industry, the logging industry, fisheries, health care or any other business to expand in an unchecked manner, and marijuana should not be allowed to do so either.

Thank you for your consideration.
-Kate Estlin, MD

From: [Ruth Hoke](#)
To: [Lazar, Steve](#); [Ruth Hoke](#)
Subject: Marijuana operation moratorium
Date: Monday, October 16, 2017 12:12:41 PM

Dear Mr Lazar:

We are writing to encourage the Department to put on hold all further permitting of marijuana grows until appropriate regulations are drafted and enforceable regarding the preservation of our water resources as well as natural lands and wildlife and reduction/elimination of noise and odor pollution. We are also concerned about the safety of our roads and trails.

Sincerely,
Kathryn R. Hoke
George L. Hurlburt
6447 Highway 36
Carlotta CA 95528
(707)851-3052

From: [Kim Cabrera](#)
To: [Lazar, Steve](#)
Subject: Comments on Draft Environmental Impact Report SCH 2017042022
Date: Monday, October 16, 2017 9:58:50 AM
Attachments: [Comments on Draft Environmental Impact Report SCH 2017042022.pdf](#)

Hello Steve,

Please see my comments in the attached PDF file.

Thank you.

Sincerely,
Kim A. Cabrera

"Animals don't cover their tracks."
www.bear-tracker.com
www.dirt-time.com
www.aslsignsoflove.com
International Society of Professional Trackers
My Wildlife Track observations: <http://www.inaturalist.org/observations/beartracker>
My Wildlife Videos: www.youtube.com/beartracker777
My Facebook track ID group: <https://www.facebook.com/groups/271764596196849>

Comments on Draft Environmental Impact Report
SCH# 2017042022

October 15, 2017

To: Steve Lazar
Humboldt County Planning and Building Department

From: Kim Cabrera

RE: Comments on Draft Environmental Impact Report - SCH# 2017042022

Having read the draft EIR I have some issues that I hope will be addressed in future updates to this document.

1. Arborimus pomo (Sonoma tree vole)

The EIR mentions the Sonoma tree vole (pages 27, 227 etc.). I am pleased to see that this species, as well as *Arborimus albipes*, is mentioned and is being considered in this process. I do have concerns about the wording in the EIR though. The document mentions that *Arborimus pomo* is found in old-growth habitats and outlines measures to protect said habitats. (Mitigation measure 3.4-1j in Table ES-1) However, I have documented *Arborimus pomo* presence in second-growth habitats many times (See my local observations for this species recorded on iNaturalist.) Since the species does appear to occur quite commonly in second-growth habitat, I think that this should be added to the protection measures outlined in the EIR. The locations where I have found active and old nests are all in southern Humboldt County, and all in second-growth habitat. In Oregon, the related red tree vole is very important in the diet of the spotted owl. Thus, this habitat needs to be protected from disturbance so that this species can continue to thrive in the area. This leads into my second comment.

2. Ambient Noise Levels

Some of us have had the experience of camping in a campground next to a behemoth RV whose occupants insist on running their generator all day and most of the night. The equivalent experience is happening to our local wildlife who are being exposed to continuous noise levels from generators being run at grow sites in the hills. Noise pollution also has documented adverse effects on human beings. The increased stress caused by high decibel noise needs to be mitigated. No noise from generators should be allowed to extend beyond the site at all. In Mitigation Measure 3.4-1f, the level given is no more than 90 decibels above ambient conditions. I believe human hearing is permanently damaged by exposure to 90 decibels or more. But, many wildlife species have way more sensitive hearing than humans. This level should be lowered to significantly less than 90 decibels, perhaps on the order of 50 decibels or less. We need to prevent noise impacts to humans, but also to the wildlife whose home humans are invading with these agricultural operations. This leads into my next comment.

3. Ambient Light Levels

Another issue faced by wildlife is light pollution from mixed light growing operations. The increase in nighttime light in the local hills has been documented by several long-time residents. Light pollution negatively affects wildlife including bats, insects, and migratory animals, to name a few. There really should be no light emitted at night above ambient levels by these mixed-light grow operations. There is no need for it and it's costly to other species. Not to mention that it has an effect on other residents of those locations, as well as native plants. No lighting should be allowed to emit from these grow operations at night.

4. Water Resources

It is well-documented that the watersheds in the area are being negatively affected by water that is being diverted to these grow operations. This affects us all. But, the main ones who lose are the wildlife and fish. There needs to be more enforcement of this so that the rivers will not dry up by the end of summer, leaving them stagnant and algae-filled. I have personally documented (on video) numerous wildlife species using a tiny seep on the side of a trail as a water source at the end of summer, because there is no other water available to them. It is heartbreaking to watch flying squirrels digging into the mud in order to obtain a little water from a wet spot on a trail. The diversion of surface water means that much less water percolates down and refreshes the aquifers, which means less water in springs and streams. We need to very seriously work on stopping the diversion of water to these massive grow operations so that the rivers, streams, springs and seeps will all flow again with life-giving water for the wildlife.

The other noticeable effect of the lower water levels is the presence in the water of "swimmer's itch" and other things that make swimming in the river near the end of summer a risky business. I have stopped swimming in the Eel River after I noticed that my skin was burning after being in the water during the summer of 2015. No one knows what chemicals are running off into the water from these illegal grow sites. Fertilizers, pesticides, motor oil, and more, are probably found in the water. Nor do we fully understand the impact of such on the fish and other wildlife that live in the river. I have noticed a lack of egg masses of the foothill yellow-legged frog (*Rana boylei*) in the stretch of river near my home since about 2011. That was the last time I saw egg masses in spring on this part of the river. No EIR is perfect, but water quality is one of the single most important issues that this one can address.

5. Poisons and Wildlife

The poisons used at these grow sites have a documented negative effect on wildlife. The poisons themselves kill uncountable wildlife, and the litter left behind in the form of packaging is also detrimental to wildlife. Anticoagulant rodenticides, even the second generation ones, should be banned completely due to their propensity to bioaccumulate up the food chain. Yet, the EIR states that proper licensed use of these poisons would be allowed and would have a less than significant impact. I think we really need to readdress this issue. Those poisons are not safe to use in any quantity. Nor should they be applied in these grow sites. What about using rodent traps instead? There are boxes designed to admit the rodents without allowing them to escape. These would be more effective and less costly to the

wildlife in the long run. Allowing untrained personnel at a grow site to apply rodenticide is not appropriate. How will this be enforced? Who will determine if those applying these rodenticides are licensed and are using the material in a legal manner?

6. Effects on Wildlife Movement Corridors

Fragmentation of habitat is occurring in the area due to the growth of these large growing operations in habitats inappropriate for such activities. Assessment of wildlife movement on the landscape should be part of this planning process to prevent these new agricultural operations from causing further habitat fragmentation for our native species, some of which are already threatened due to habitat loss and other factors. Any cannabis growing operations that are permitted should only be placed in locations that will not adversely affect the wildlife already present on the land. We need to particularly pay attention to any identified sensitive species, such as fishers, martens, badgers, and many others. Any activities that produce noise should be limited during the nesting season of sensitive bird species to prevent nest failure. Roads built should not cut off any heavily-use wildlife passageways. I am pleased to see that Mitigation 3.4-4 does address this. But, there needs to be very close monitoring of this.

- - -

In my opinion, the hills of Humboldt are not an appropriate location to allow large cannabis grows. This activity would be more appropriate, and less damaging to the environment, if it was done in an already-developed agricultural location, such as the Central Valley of California, which has infrastructure in place and is on a major transportation corridor. If this activity must be allowed to continue in Humboldt County, first and foremost the wildlife and environment needs to be protected.

Thank you for your consideration,

Kim Cabrera

Redway, CA

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 10:24:22 AM

Name:	Kyle Haines
E-mail:	kyleghaines@gmail.com

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [Jeff and Marisa St John](#)
To: [Lazar, Steve](#)
Cc: [Ford, John](#); [Fennell, Estelle](#); [Wilson, Mike](#); [Bohn, Rex](#); [Sundberg, Ryan](#); [Bass, Virginia](#)
Subject: Public Comment: EIR, Ordinance, and Zoning Change
Date: Monday, October 16, 2017 1:03:29 PM

Humboldt County Planning and Building Department

Attention: Steve Lazar, Senior Planner, 3015 H Street, Eureka, CA 95501

Telephone: [\(707\) 268-3741](tel:(707)268-3741) Fax: [\(707\) 268-3792](tel:(707)268-3792)

Email: slazar@co.humboldt.ca.us

RE: Public Comment Related to Proposed Marijuana Cultivation Ordinance Change (<http://www.humboldt.gov/DocumentCenter/Home/View/60896>), Humboldt EIR Final Version (<http://www.humboldt.gov/DocumentCenter/Home/View/60897>), and Titlow Hill Area Proposed Zoning Change and its Upcoming EIR (BoS 9/5/17 Agenda Item 17-2308 <https://humboldt.legistar.com/LegislationDetail.aspx?ID=3144489&GUID=6334D69D-5539-49B2-8FF6-32878CCEEF6E&Options=&Search=>)

There are three inter-related documents that can significantly and negatively impact the property rights of non-marijuana industry residents and visitors, as well as the environment . It seems to be difficult to impossible to adequately comment on them when all three are in process (none finalized, nor approved by the County, and highly contested by those not in the marijuana industry).

The County has had a long history of claiming mitigations (see General Plan from 1984) and writing laws, yet not funding, staffing, or otherwise following through to make them happen. At this time, it appears that this General Plan Update, Proposed Marijuana Ordinance, and proposed Titlow Hill Area Zoning Changes and EIR will be no different.

I echo the comments and concerns of EPIC, California Native Plant Society, The Buckeye, and other pro-environment organizations, as well as others concerned with their quality of life, and submit additional comments (some expressed over the last decade in other public comment arenas).

The “project” being the entire Humboldt County doesn’t seem reasonable, especially since there are areas of with dense marijuana operations (ex. Titlow Hill, Eel River, etc.) that do not fall into the general statements made in this EIR. Also, there are proposed zoning changes in the Titlow Hill area where environmental impacts have yet to be determined and the proposed marijuana ordinance changes appear to favor the marijuana operators and their agent.

The quantity and size of marijuana operations (including illegal: buildings, grading, lighting, etc.) in the Titlow Hill area has only increased since 2002 (especially in the last few years). The number of year-round residents seems to have stayed steady (maybe no more than five families over the over 5,000+ acres – the people whose property rights are most impacted, including results of fires, road erosion, thefts, and other events that the marijuana operators cause by their actions or inactions) and the daily / seasonal people (parcel owners/leasers and their employees/contractors) going home (somewhere else) each night and no way for them to monitor what happens on their properties, nor help in emergency situations, nor concern for their neighbors’ or environment’s wellbeing.

ORDINANCE AMENDING PROVISIONS OF TITLE III OF THE HUMBOLDT COUNTY

CODE RELATING TO THE COMMERCIAL CULTIVATION, PROCESSING,

MANUFACTURING, DISTRIBUTION, TESTING, AND SALE OF CANNABIS FOR

MEDICINAL OR ADULT USE

1. “These regulations are intended to ensure the public health, safety and welfare of residents...” – We can’t enjoy our property due to: odors, packs of dogs attacking our pets and livestock, threats to harm us, thefts, property damage, fear of robbery / murder due by those looking for drugs/money, etc. These regulations and proposed changes do not seem to meet its basic intentions.
2. 55.4.3.9 “...not permitted on General Agriculture use type” – How many parcels, in what areas, and how much acreage is impacted? Why are other land use types excluded?
3. 55.4.4.4 existing cultivations sites are defined by the timeframe of “January 1, 2006 – December 31, 2015.” How are cultivations prior to “January 1, 2006” and after “December 31, 2015” defined? What regulations do they need to follow?
4. 55.4.5.3.3 There appears to be no penalty for “starting and expanding sites “ when there are no applications – “resolve the violations and proceed with processing of the

applications.”

5. 55.4.5.4 – Why is a “Cannabis Cooperative Association” excluded from the maximum of four allotted permits? Why are they different from any other business designation? What is the impact?
6. 55.4.5.4.2 – Why are multiple types excluded from the maximum of four allotted permits? What is the impact?
7. 55.4.5.4.4 – Why are Cannabis Support Facilities excluded from the maximum of four allotted permits? What is the impact?
8. 55.4.6.4 Slope should be only for naturally occurring sites, not due to grading or other man-made changes. Also, 15% should be already high and there should be no exceptions for increasing the slope for any reason.
9. 55.4.12.18 – Why do the Road Performance Standards seem to deviate from the SRA? Why aren't SRA or already existing standards for roads or anything else not just referenced here?
10. 55.4.12.18 – The cost of improvement and maintenance to the Road Performance Standards shall be solely the responsibility of the marijuana operators. Also, individual existing property owners shall not be required to meet those Road Performance Standards and shall not be negatively impacted by that refusal (new owners after January 1, 2000 shall adhere to those standards).
11. 55.4.12.4d – There appears to be two different timeframes “within fourteen (10) calendar days.” Is it ten (10) days?
12. 55.4.13 – Why is the County singling out marijuana production for “Humboldt Artisanal Branding?” Other businesses appear to have had to create, pay for, and maintain their own marketing efforts.
13. Where is a matrix / grid that links the EIR mitigations to these regulations?

EIR

1. If the EIR states that there are items that can't be or are difficult to be mitigated, why isn't the County recommending fewer marijuana operations, over fewer acres, in fewer areas (estimated now to be up to 15,000 in the EIR, up from 10,000+)?

To be even more transparent and easier to comment for those not paid to review and comment, it is suggested that the County:

1. State the County's response in the Summary of Impacts and Mitigation Measures in the Draft EIR for the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities (State Clearinghouse # [2017042009](#)) Summary of NOP Comments grid (not just point someone to the section)
2. Cross-reference the Summary of Impacts and Mitigation Measures in the Draft EIR for the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities (State Clearinghouse # [2017042009](#)) to the ORDINANCE AMENDING PROVISIONS OF TITLE III OF THE HUMBOLDT COUNTY CODE RELATING TO THE COMMERCIAL CULTIVATION, PROCESSING, MANUFACTURING, DISTRIBUTION, TESTING, AND SALE OF CANNABIS FOR MEDICINAL OR ADULT USE
3. Clearly state the positive and negative impacts to residents, as well as marijuana operators, for each of the proposed changes and mitigations.

The cost of application, licenses, taxes, and compliance should be irrelevant to the marijuana operators since they have demonstrated that they can afford properties whose costs have been hyper-inflated and haven't been paying taxes and other costs of doing business. They may also be hiding their marijuana operations behind long-time legitimate businesses like local wineries that are licensed by the US government, state, and local governments.

Lastly, the References section seems to have no citations from states who have already legalized the cultivation, production, and use of recreational marijuana. Wouldn't it be reasonable to understand what actually happens in addition to possible and probable impacts before making decisions for Humboldt County?

Sincerely,

Marisa St John

22522 State Hwy 299

Blue Lake, CA 95525

Cc:

Board of Supervisors

Building and Planning Director

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 9:59:24 AM

Name:	Monica Balwinski
E-mail:	monicatsndogs@gmail.com
Your Comments:	<p>Dear Mr. Lazar:</p> <p>Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.</p> <p>I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.</p> <p>I also recommend that the size of permitted operations be limited to 10,000 square feet for the</p>

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full

legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [Noel J. Krahforst](#)
To: [Lazar, Steve](#); [Sundberg, Ryan](#)
Subject: Black market loophole and delayed code enforcement
Date: Monday, October 16, 2017 11:29:05 AM

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

Please remove the loophole that allows code enforcement to ignore illegal grows if a complaint is withdrawn. My neighbors correctly suspected me of reporting their illegal grow this spring, pressured me for weeks to drop my complaint, and persuaded code enforcement officer Jeff Conner to offer me that option.

I declined to drop my complaint, but this and other delays initiated by the grower and their attorney, and a lack of timely follow-through by code enforcement, effectively prevented any enforcement action before harvest.

Please fix this complaint withdrawal loophole that can potentially subject citizens to threats, bribes, or worse, and only benefits black market growers.

Please ask Jeff Conner why an investigation once begun can't be completed in a timely manner using existing enforcement tools. The message sent to the growers (why go legal?) and to the surrounding neighborhood (why bother complaining?) has been clear.

Noel Krahforst
Willow Creek

From: [Pat Farmer](#)
To: [Lazar, Steve](#)
Subject: Cannabis ordinance comments
Date: Monday, October 16, 2017 11:36:09 AM

As a property owner in a rural residential area of Humboldt county I implore the county Planning and Building Department to **stop expansion of cannabis cultivation sites until adequate compliance and control of existing grows can be achieved.** The environmental impact of existing cultivation sites has resulted in substantial degradation of watersheds, and clear but un-quantified contamination of land with pesticides, rodenticides, and fungicides. The inability to adequately control the marijuana industry has resulted in enormous damage to our beautiful county, threatens our health, and puts our tourist industry in jeopardy.

I sincerely cannot imagine the purpose of county agencies who regulate and control land use, if it is not to prevent the exact problem we are facing: law-abiding, tax-paying citizens are being held hostage to outrageous increases in truck traffic, inequitable water grabs, soil contamination, noise and light pollution and horrible smells. The county does not allow the dairy industry, the logging industry, the hospitals, or any other business to expand in an unchecked manner.

Decisions made now have critical repercussions for Humboldt's future. Stop expansion. Control existing. Re-visit the need for additional cannabis grow sites after those more fundamental concerns are addressed.

Sincerely,

Pat Farmer, RN, DNP
Family Nurse Practitioner

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 7:40:06 AM

Name:	Robert Torre
E-mail:	R.torre@comcast.net
Your Comments:	There needs regulation of cannibus farming in humboldt county

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 9:33:24 AM

Name:	Rudy Ramp
E-mail:	rampturn@tidepool.com
Your Comments:	I see limiting the size of permitted operations for the largest parcels to 10,000 sqft as the highest priority.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 9:07:45 AM

Name:	Sandra Tilles
E-mail:	sandyt@wildblue.net
Your Comments:	I think the largest grows should be 5,000 sq. feet or less. I agree that only former existing grows should be permitted at this time. Please include a cottage industry option with fewer regulations and fees. We need to keep our families in Humboldt.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["Seth Zuckerman"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 2:36:23 PM

Name:	Seth Zuckerman
E-mail:	szuckerman@igc.org
Your Comments:	<p>As a landowner in rural Humboldt County and someone who has been active in watershed restoration and management there since the early 1990s, I am keenly aware that there is only so much impact -- particularly in terms of sediment input and water withdrawal -- that our watersheds can withstand. In an environment where enforcement resources are apt to be stretched thin, it is essential to take a conservative approach to allowing the impacts from this, as much as from any large-scale industrial enterprise.</p> <p>I urge the board to restrict permitted cannabis grows to no more than 10,000 square feet per parcel, a limitation that will be easy to verify with the limited regulatory staff available to the county. We are counting on you to protect the public trust values of our county!</p> <p>Thank you,</p> <p>Seth Zuckerman, Petrolia landowner</p>

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to

a more transparent and sustainable cannabis industry.

Thank you,

From: ["%Name%"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 1:33:22 PM

Name:	Thomas Wheeler
E-mail:	tom@wildcalifornia.org

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [Tim Talbert](#)
To: [Lazar, Steve](#)
Subject: Marijuana Grow Permits
Date: Monday, October 16, 2017 9:16:37 AM

Hello, my wife and I would like to express our desire that marijuana grow permits include provisions that the grow does not adversely affect neighbors and the community, including environmental degradation, increased traffic, water supply overuse, and smell.

Tim Talbert
Pat Farmer

From: ["Tory Starr"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Monday, October 16, 2017 9:20:55 PM

Name:	Tory Starr
E-mail:	Torystarr59@gmail.com
Your Comments:	We appreciate your thoughtful consideration of the management of our most precious resource, our water. Thank you

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: [Uri Driscoll](#)
To: [Lazar, Steve](#)
Subject: Marijuana
Date: Monday, October 16, 2017 1:26:06 PM

Steve

Please consider this comment in support of NOT permitting additional marijuana grows until sufficient enforcement capabilities are identified and fully funded

Thank you
Uri

Sent from my iPhone

From: Thomas Grover [<mailto:grovert58@yahoo.com>]
Sent: Tuesday, October 17, 2017 9:18 AM
To: Ford, John
Subject: rainwater definition for can ord

I tried to send this to planning commission but my printer is not working.
Please forward.

Dear Commissioners:

I made reference to the state Rainwater Capture Act of 2010.

This is a summary of the definition of rainwater as defined by the State of California. The act also specifies "from any structure" is allowed without a permit.

Please change the definition you are using to be compliant with state regulations .

Summary of the Act

Prior to enactment of the Act, the SWRCB required all would-be appropriators to apply for and obtain a permit to appropriate water from any source, including water falling in the form of precipitation. Under the Act, however, the use of rainwater - defined as "precipitation on any public or private parcel that has not entered an offsite storm drain system or channel, a flood channel, or any other stream channel, and has not been previously been put to beneficial use" - is not subject to the California Water Code's SWRCB permit requirement [California Water Code §§ 1200 et seq.]

From: ["Gary Falxa"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Tuesday, October 17, 2017 6:56:20 AM

Name:	Gary Falxa
E-mail:	garyfalxa@gmail.com
Your Comments:	<p>I have lived and worked in Humboldt County for almost 20 years, as a wildlife biologist. During this time I have witnessed first-hand the many negative impacts of the marijuana "gold-rush" that has descended upon our county and adjacent counties. I am concerned both about the severe environmental impacts and the societal impacts of marijuana growing. The environmental impacts include those associated with unregulated and rampant land-clearing, grading, roads, light and fuel-pollution, water diversions and chemical use by marijuana grows. Societal impacts include the attraction to our region of criminal individuals and groups looking to make quick and easy money growing marijuana on private and public lands. Despite any good intentions, our local regulatory and law enforcement agencies are clearly unable to effectively enforce laws and regulations relevant to the thousands of grow operations scattered throughout the county.</p> <p>I believe that the only reasonable solution to address these impacts and are the recommendations in this letter. In truth I recommend that permitted operations be limited to less than 10,000 square feet, except on lowland, flat lands already in use for intensive agriculture, such as those in valleys including the lower Eel River and Arcata Bottoms.</p>

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources

dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["Norm an Dyche"](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Tuesday, October 17, 2017 2:03:24 AM

Name:	Norm an Dyche
E-mail:	3711nd@suddenlink.net
Your Comments:	It is difficult to believe that the cannabis and its taxes and revenue is above us and our families. Big Buck speaks again, while we at the same time destroy our environment.

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,

From: ["Paul Henninger "](#)
To: [Lazar, Steve](#)
Subject: Comments for Cannabis Cultivation DEIR
Date: Tuesday, October 17, 2017 7:21:24 AM

Name:	Paul Henninger
E-mail:	pauli@asis.com
Your Comments:	Don't let the industrial pot industry deplete our water supply, we need to represent the fish that are floundering in the shallow pools in the lower Eel as well as the profiteers of the pot industry .

Steve Lazar, Senior Planner
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501
Via email

Dear Mr. Lazar:

Humboldt County has an important opportunity before it to establish meaningful regulations to protect our watersheds from the significant impacts of the commercial cannabis industry. I support using science and reality-based evidence to inform regulations that maintain and protect healthy rivers.

I request that Humboldt County analyze and disclose the cumulative impacts of cannabis cultivation on a watershed level. Un-permitted operations, which currently far outnumber permitted ones, must be included in this analysis, as required by the California Environmental Quality Act.

I also recommend that the size of permitted operations be limited to 10,000 square feet for the largest parcels.

With only three staff members assigned to code enforcement, Humboldt County does not have the resources to enforce the ordinance, let alone enforce penalties for violators. The lack of resources dedicated to this issue sends a strong message that the county has little interest in actually protecting our watershed.

Humboldt County has long been the leader of the, until now, illicit marijuana industry. With full legalization on the horizon, we must rise to the occasion and also become a leader in the transition to a more transparent and sustainable cannabis industry.

Thank you,