To: Humboldt County Board of Supervisors
RE; Rebuttal of Staff's Responses to Friends of Mad River's Appeal of the approval of the Adesa, LLC CUP
DATE: 10/26/2020

Friends of Mad River submit this partial rebuttal to Planning Staff's Responses to FMR concerns (SR pp5-13). Additional responses will be presented in oral testimony on October 27 by Ken Miller for Friends of Mad River, Brian Woodridge, eagle consultant for FMR, and Jason Flanders, attorney for FMR.

1. MND inadequate and incomplete, an EIR is Required (Staff Report at 5)

The Staff Report mis-characterizes CDFW's testimony to the 9/3 Planning Commission. In fact, Mr. van Hattem of CDFW stated clearly that **"...there are substantial and direct impacts that have not been adequately disclosed, analyzed or mitigated," (transcript at 19-23).** His statement stands in sharp contrast to Planning's assertion that "CDFW clearly stated...that they did not believe any of the project impacts ...rose to a level of significance." Mr. van Hattem's testimony was meant to clarify CDFW's 7/31/2020 letter to the Planning Commission, not an overall critique of the MND

He did say that when CDFW wants an EIR, they will say so. They did, in the 11/27/2019 email that was never disclosed. (see below). And he added "You know, again, ...we were under the impression that we wouldn't see these types of

projects proposed new under the existing -- none of these ordinances." (13-16 transcript 9/3)

2. Sudden Oak Death (Staff Report at 8)

Staff concedes that soil transmission is the primary route of transmitting the pathogen, but the Staff Report incorrectly says that no soil will be imported, contradicting the Staff Report for the Planning Commission which states that:

"The applicant stated that they plan importing approximately 1,000 cubic yards of soil initially and then on testing their used soil and reusing as much of the soil as they can, and that they do not use perlite in the soil." (9/3/2020 SR 105)
This is especially concerning where five infected sites have been identified in the area. (See 2013 SOD map from Yana Valachovic at UC Extension)

Transport of compost and soil within the county is unregulated, per the Ag department, and according to Ms. Valachovic, compost must be heated and mixed sufficiently to assure it is not a vector.

3. Fire (Staff Report at 9)

The Humboldt County General Plan clearly states that local fire departments must be consulted, but they were not, according to inquiries from FMR, and there is no evidence in this record that they have been, unless recently:

"If written acknowledgement indicates that no service is available or no acknowledgement is received, the following

shall apply…" (9SR)

Kneeland VFD is the appropriate District (See, http://humboldtlafco.org/wp-content/uploads/Kneeland-FPD-and-Sphere_7-17- 13.pdf and map), FMR asked all three VFDs: Kneeland, Maple Creek, and Blue Lake, and none new anything about the project, even though they would be the ground forces in a fire. Moreover, the lack of available fire suppression service in a high risk fire area is deeply concerning environmental effect.

4. Traffic (Staff Report at 10)

The Staff Report states that "[t]he project has been designed to minimize the impacts of new development on the surrounding area, including the use of a van pool to limit traffic to no more than ten trips per day…" (SR 4)

Yet these exclude private vehicles per the ISMD (at pp 4, 78 & 132) (see 10/23/2020 FMR).

I spoke to a CDFW warden who pulled over the driver of a U-Haul van who admitted to having dropped Cannabis off at Cloud's Rest for trimming, where Ms. Borusas lives. She stated, according to the Warden, that "they had a permit."

The affiliation with multiple Cannabis LLCs might induce traffic related to their various operations.

See graphic of Ms. Borusas Cannabis connections

4. ELK (Staff Report at 7-8)

FMR expected the County and Applicant to consider seriously the

impacts to and from migrating Elk in the Project vicinity, and are disappointed that County staff dismiss this concern.

Elk habitat is categorized as "sensitive" in the General Plan, and the IS/MND requires that the projects' impacts to a "sensitive natural community identified in local or regional plans," be mitigated. (pdf 26)

The SHN report that documents the Elks' presence (pdf p295), recent poaching near Maple Creek, and multiple rancher sightings of migrating herds of roughly 60 Elk through this area confirm their regular presence. The SR errs in dismissing concerns over impacts to and from Roosevelt Elk migrating through the area because the Elk "are not a sensitive species." (SR 7-8) However, their range is listed as sensitive habitat in the General Plan (and the SHN report), and should trigger an evaluation of relevant impacts, according to the ISMND.

6. ICF Peer Review (Staff Report at 7)

This review simply confirms the presence of the Golden Eagles, and affirms the high quality foraging habitat in the project area, ("there is potential for the project area to be used as a foraging area given the species territory size can reach ten square miles") (ICF, p 3: **Natural Resources Assessment SHN 2017).** There is no critical review.

Unfortunately, the ICF reviewers never saw the 11/27/2019 email from CDFW to Cliff Johnson and John Ford that included a map and table of other Cannabis projects within 1, 1.5 and 2.5 miles of the known Eagle nests.

This email, map and table would have been most relevant to the PNW-Biological and SHN consultants who were gauging habitat and buffer mitigations, and could have been considering the cumulative impacts, but did not, as explained by the SHN consultant in the 11/27 email. Please refer to FMR's detailed discussion in FMR 10/23/2020.

The failure to disclose this document and map to whom it mattered most should render this approval fatally flawed.

This email was only uncovered pursuant to a PRA filed ***after*** the 9/3 Planning Commission meeting, and were not in the file that I examined prior to the Commission meetings, nor in the records on the web, nor cited in this Staff report or by any consultant. No one saw them, and everyone should have.

6. Project Area is Untouched by the "Green Rush"

This is the first legal Cannabis venture in this richly bio-diverse and remote wildland, as is well-documented in this Staff Report. Despite the recent and unevaluated revisions, this Project remains a 3-cycle industrial operation that everyone-including Planning Commissioners, Staff, Agency personnel and public, is agonizing over because of this locale, as expressed by Michael van Hattem at the 9/3 Commission:

"There is an additional issue that is the elephant in the room the Department would like to raise – the approval of large industrial cultivation sites on remote wildlands. When the Ordinance and original MND were circulated, the inclusion of

some additional sites like Adesa was not what theDepartment thought was approved. Question for the Planning Commission–is this what you thought was intended? Do you want large industrial cultivation sites in remote wildlands of your County?"

The Staff Report echoes these concerns throughout (pp 2,3,4, 13)

We therefore agree with the concluding sentences in the Staff Report, except that we strongly disagree that the Project would have no significant impacts:

"Nonetheless, this is a large- scale commercial cannabis project in a very remote and relatively undisturbed portion of the county. Given the unique natural setting of this rural portion of Maple Creek the Board may find that the project would adversely harm the existing physical, aesthetic and environmental character of the community even if it complies with the Commercial Medical Marijuana Land Use Ordinance and would not have an adverse impact pursuant to CEQA." (SR13)

Respectfully Submitted

Ken Miller

Friends of the Mad River

Hayes, Kathy

From: Brandon M. Regennitter <bregennitter@humboldt.edu>
Sent: Monday, October 26, 2020 1:19 PM
To: COB
Subject: Adesa case #20-1373

It is my belief that Adesa has fulfilled and exceeded all expectations on this. The planning commission approved for a reason and the board of supervisors needs to "take this one on the chin". If cannabis entrepreneurs aren't allowed to play by your rules then why should they even try? This is your mess to clean up - not theirs. The environmental groups and neighbors that are opposed to this project need not direct their angst at Adesa, but rather at the process in which they have so gracefully navigated.

Brandon
Kneeland, CA

Hayes, Kathy

From: charlie ambrose <charlieambrose626@yahoo.com>
Sent: Monday, October 26, 2020 10:49 AM
To: COB; Bohn, Rex; Fennell, Estelle; Wilson, Mike; Bass, Virginia; Madrone, Steve
Subject: Adesa Hearing Tomorrow

Dear members of the Board of Supervisors,

I write in support of the Adesa project, which was approved by the Planning Commission and appealed by "Friends of the Mad River." I ask that the appeal be denied.

First, the project applicant, Laura Borusas, is committed to this community. She is on the school board and Scott and her are welcome and wanted members of Maple Creek. They have been and will continue to be good neighbors. The only people fighting this project don't live anywhere near this community.

Second, Laura has repeatedly demonstrated her willingness to address all reasonable concerns about the Adesa project. For example, Laura paid for multiple golden eagle studies in order to successfully address earlier concerns by CDFW. As another example, Laura did not appeal and instead accepted the Planning Commission's last-minute decision to require 100 percent renewable energy after two years. In fact, she worked to submit plans to the Board of Supervisors demonstrating how she intended to comply with this revision to her project. These project revisions include planting in-ground, using 80% solar power from year one, and removing a secondary pond. They have always been flexible with the requests of the County and we believe will continue to follow the guidelines set by regulatory agencies.

The Adesa project is a great project, they followed all the regulations we have here for commercial cannabis in Humboldt. It deserves to go forward. I urge you to deny the appeal.

Thank you.

Charlie Ambrose

Hayes, Kathy

From: Action Sports Coaching <ascunlmtd@gmail.com>
Sent: Monday, October 26, 2020 10:52 AM
To: COB; Bohn, Rex; Fennell, Estelle; Wilson, Mike; Bass, Virginia; Madrone, Steve
Subject: Adesa Letter

Dear members of the Board of Supervisors,

I write in support of the Adesa project, which was approved by the Planning Commission and appealed by "Friends of the Mad River." I ask that the appeal be denied.

First, the project applicant, Laura Borusas, is committed to this community. She is on the school board and Scott and her are welcome and wanted members of Maple Creek. They have been and will continue to be good neighbors. The only people fighting this project don't live anywhere near this community.

Second, Laura has repeatedly demonstrated her willingness to address all reasonable concerns about the Adesa project. For example, Laura paid for multiple golden eagle studies in order to successfully address earlier concerns by CDFW. As another example, Laura did not appeal and instead accepted the Planning Commission's last-minute decision to require 100 percent renewable energy after two years. In fact, she worked to submit plans to the Board of Supervisors demonstrating how she intended to comply with this revision to her project. These project revisions include planting in-ground, using 80% solar power from year one, and removing a secondary pond. They have always been flexible with the requests of the County and we believe will continue to follow the guidelines set by regulatory agencies.

The Adesa project is a great project, they followed all the regulations we have here for commercial cannabis in Humboldt. It deserves to go forward. I urge you to deny the appeal.

Thank you.

Razel Tarantino

CEO Action Sports Coaching

Hayes, Kathy

From: Sita Zarcufsky <seetsz1@gmail.com>
Sent: Sunday, October 25, 2020 2:44 PM
To: COB; Bohn, Rex; Bass, Virginia; Madrone, Steve; Fennell, Estelle; Wilson, Mike
Subject: Adesa Project Appeal

Dear Members of the Board of Supervisors,

My name is Sita Zarcufsky, and I am a community member living in Humboldt County, who formerly has lived in Maple Creek and still continues to frequent the area to visit friends and family. I write to support the proposed Adesa project, which has already gone through years of scrutiny and ultimately was approved by the Planning Commission. "Friends of the Mad River" tried to object to this project numerous times, but with zero credible reason, failed to convince the majority of the Planning Commission. Now, they have placed a time-consuming appeal on it. I ask that the absurd appeal be denied immediately so that the Adesa project may begin taking steps to ensure they are up and running by the beginning of the Spring season.

The project applicant, Laura Borusas, is a young, female entrepreneur who has spent countless dollars and years dedicated to jumping through every hoop the county has put in front of her. She has proven to be committed to this community. She chose to go the far more costly and time consuming legal route so that she could ensure her work was properly giving back to the county. Laura is a member of the Maple Creek school board, and both she and Scott are welcome and wanted residents of the tight-knit Maple Creek community. They have been, and will continue to be, good neighbors who work hard to minimize any impact to their neighbors and the environment.

The only people continuing to fight her project don't live anywhere near Maple Creek. If they were legitimately concerned about protecting Maple Creek, they would be fighting to prevent the influx of trespassers that recklessly drive those rural roads each warm season to use the swim hole under the bridge, that is coincidentally located on private property. It's those people traveling on unfamiliar rural roads that put Maple Creek residents, pets, and wildlife at risk. Their noise pollution can be annoyingly heard at homes within several miles range. They leave their trash scattered along the pristine river banks. I would certainly say that is ***far*** more of an environmental concern to Maple Creek and the Mad River than the strictly regulated and well maintained project proposed by Adesa.

Laura has repeatedly demonstrated her willingness to address all reasonable concerns about the Adesa project. For example, Laura paid for multiple golden eagle studies in order to successfully address earlier concerns by CDFW. As another example, Laura did not appeal, and happily accepted, the Planning Commission's last-minute decision to require 100 percent renewable energy after two years. In fact, she worked to submit plans to the Board of Supervisors demonstrating how she intended to comply with this revision to her project. These project revisions include planting in-ground, using 80% solar power from year one, and removing a secondary pond. She has proven to be flexible with the requests of the County and is clearly showing her commitment to preserve the gorgeous Maple Creek area and all its residents, wild and human.

The Adesa project has followed all the regulations placed for commercial cannabis in Humboldt. It was passed by the Planning Commission because it did check every box it was supposed to, it did it's due diligence in fixing any concerns and ensuring environmental safety. Laura's Adesa project deserves to continue to move forward. To deny permitting an honest entrepreneur taking the already longer and more expensive route is only going to push other growers to forego the process to licensing and fall into the black market, with zero accountability, regulation, and certainly no revenue being generated for our county. I urge you to swiftly deny the appeal and continue to make fair rulings to cannabis growers who have done their part to ensure they are safely and legally following all rules and guidelines set forth by the county.

Thank you in advance for making the right decision,

Sita Zarcufsky

Hayes, Kathy

From: rama zarcufsky <shockti@hotmail.com>
Sent: Monday, October 26, 2020 7:45 AM
To: COB
Subject: Adesa

Dear members of the Board of Supervisors,

I write in support of the Adesa project, which was approved by the Planning Commission and appealed by "Friends of the Mad River." I ask that the appeal be denied.

First, the project applicant, Laura Borusas, is committed to this community. She is on the school board and Scott and her are welcome and wanted members of Maple Creek. They have been and will continue to be good neighbors. The only people fighting this project don't live anywhere near this community.

Second, Laura has repeatedly demonstrated her willingness to address all reasonable concerns about the Adesa project. For example, Laura paid for multiple golden eagle studies in order to successfully address earlier concerns by CDFW. As another example, Laura did not appeal and instead accepted the Planning Commission's last-minute decision to require 100 percent renewable energy after two years. In fact, she worked to submit plans to the Board of Supervisors demonstrating how she intended to comply with this revision to her project. These project revisions include planting in-ground, using 80% solar power from year one, and removing a secondary pond. They have always been flexible with the requests of the County and we believe will continue to follow the guidelines set by regulatory agencies.

The Adesa project is a great project, they followed all the regulations we have here for commercial cannabis in Humboldt. It deserves to go forward. I urge you to deny the appeal.

Thank you.

Rama Zarcufsky

Hayes, Kathy

From: Fennell, Estelle
Sent: Monday, October 26, 2020 7:45 PM
To: Hayes, Kathy
Subject: Fwd: Adesa on the Mad River

Hi Kathy,
Could you please share this with the full Board?

Thanks,

Estelle

Estelle Fennell
2nd District Supervisor
Humboldt County
(707) 476-2392

Begin forwarded message:

> **From:** Denise Vanden Bos <Denise.Vanden.Bos@humboldt.edu>
> **Date:** October 26, 2020 at 3:47:33 PM PDT
> **To:** "Fennell, Estelle" <EFennell@co.humboldt.ca.us>
> **Subject: Adesa on the Mad River**
>
> Dear Supervisor Fennell:
>
> My ranch partners and I want to strenuously oppose the Adesa cannabis operation in Maple Creek. We oppose it for the following reasons: It's too big, too environmentally damaging, too close to golden eagle nests, too close to the Mad River which provides drinking water to 80,000 people, too much traffic on narrow, windy, often dirt roads. Maple Creek is not the right place for an operation this large. We are mostly ranchers and small cannabis and other produce farmers. We are not using diesel or generators to produce our products. We are not destroying habitat for birds or other creatures, and most of us have few or no employees. And we certainly aren't polluting the Mad River.
>
> I hope you will read our formal letter to the Board of Supervisors on this matter. We are not anti-growth, we are pro smart growth. This proposal is not smart.
>
> Thank you,
> Denise Vanden Bos
> Peter Pennekamp
> Bruce and Leslie Silvey
> Iaqua Springs Ranch
> Kneeland, Ca
> "The function of freedom is to free someone else" - Toni Morrison, February 18, 1931 - August 5, 2019

Hayes, Kathy

From: Fennell, Estelle
Sent: Monday, October 26, 2020 7:47 PM
To: Hayes, Kathy
Subject: Fwd: Adesa organic

Hi Kathy,
Could you please share this with the full Board?

Thanks,
Estelle

Estelle Fennell
2nd District Supervisor
Humboldt County
(707) 476-2392

Begin forwarded message:

> **From:** Jackie Saunderson <skeeterdog1@sbcglobal.net>
> **Date:** October 26, 2020 at 3:34:17 PM PDT
> **To:** "Fennell, Estelle" <EFennell@co.humboldt.ca.us>
> **Subject: Adesa organic**
>
> Hello Estell , I am writing to oppose the proposed Adesa Organics . I have driven the maple creek road many times over my 67 years living in Humboldt County and I believe that road could no way handle the increased traffic. I have a cabin at Ruth Lake and have witnessed how the pot industry has effected the increased traffic on 36 .
> Dave Saunderson
>
> Sent from Yahoo Mail for iPhone

Hayes, Kathy

From: tyler nihells <tylernihells@gmail.com>
Sent: Monday, October 26, 2020 7:04 PM
To: COB; Fennell, Estelle; Wilson, Mike; Bohn, Rex; Madrone, Steve; Bass, Virginia
Subject: Adesa Project

Dear members of the Board of Supervisors,

I write in support of the Adesa project, which was approved by the Planning Commission and appealed by "Friends of the Mad River." I ask that the appeal be denied.

First, the project applicant, Laura Borusas, is committed to this community. She is on the school board and Scott and her are welcome and wanted members of Maple Creek. They have been and will continue to be good neighbors. The only people fighting this project don't live anywhere near this community.

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The Adesa project is a great project, they followed all the regulations we have here for commercial cannabis in Humboldt. It deserves to go forward. I urge you to deny the appeal.

Thank you.

Hayes, Kathy

From: Diana Ragan <dragan12@icloud.com>
Sent: Monday, October 26, 2020 7:21 PM
To: COB
Subject: Adesa Project

Dear members of the Board of Supervisors,

I write in support of the Adesa project, which was approved by the Planning Commission and appealed by "Friends of the Mad River." I ask that the appeal be denied.

First, the project applicant, Laura Borusas, is committed to this community. She is on the school board and Scott and her are welcome and wanted members of Maple Creek. They have been and will continue to be good neighbors. The only people fighting this project don't live anywhere near this community.

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The Adesa project is a great project, they followed all the regulations we have here for commercial cannabis in Humboldt. It deserves to go forward. I urge you to deny the appeal.

Thank you.

Diana Ragan

Sent from my iPhone

Hayes, Kathy

From: rama zarcufsky <shockti@hotmail.com>
Sent: Tuesday, October 27, 2020 8:50 AM
To: COB
Subject: Adesa

Dear members of the Board of Supervisors,

I write in support of the Adesa project, which was approved by the Planning Commission and appealed by "Friends of the Mad River." I ask that the appeal be denied.

First, the project applicant, Laura Borusas, is committed to this community. She is on the school board and Scott and her are welcome and wanted members of Maple Creek. They have been and will continue to be good neighbors. The only people fighting this project don't live anywhere near this community.

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The Adesa project is a great project, they followed all the regulations we have here for commercial cannabis in Humboldt. It deserves to go forward. I urge you to deny the appeal.

Thank you.

Rama Zarcufsky

Hayes, Kathy

From: Shanti Zarcufsky <shanti.cmt@gmail.com>
Sent: Tuesday, October 27, 2020 9:00 AM
To: COB
Subject: Adesa project

Dear members of the Board of Supervisors,

I write in support of the Adesa project, which was approved by the Planning Commission and appealed by "Friends of the Mad River." I ask that the appeal be denied.

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Thank you.

Shanti Zarcufsky