

To the Board of Supervisors:

RE: PLN-2020-15197; PLN-2020-16608; MCI's Response to Public Comment.

It is not the long considered opinion of the Sheriff's Department that I am a potentially dangerous person, to the contrary. The Dunaways long history of negligent land ownership and irresponsible behavior associated with the Bridge parcel gave reason for my continued longstanding rapport with the Sheriff's Department and District Attorney's Office to protect my family, my property, and my neighborhood. Former DA Investigator Frank Jaeger, and other prominent figures in the County, are fully aware of the issues the neighborhood faces each Spring, Summer, and Fall. The Dunaways' disrespectful behavior, aggressive and assertive tactics to physically and materially injure me and my family, for over 32 years, is unacceptable. To now try to establish a pot grow next to us on the otherside, on an intersection between two County roads, is unconscionable. We are already surrounded by pot grows on all three sides of our property. The location is surreal.

- No water.
- Chemical run-off goes across our land to the river.
- Environmentally unsustainable.
- Double and triple the amount of traffic (terrible road condition).
- Crime magnet.
- Critical watershed, wetland.
- High fire hazard, forested area (PG & E).
- Odor, smell, commotion, noise.
- Against the will of the Residential Community.

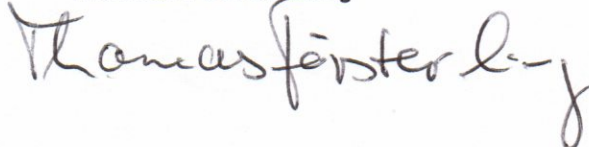
The Dunaways stated clearly they would never sell the '09 parcel to us. Regardless, our daughter, Victoria made three different offers to buy it, and each time was told they wanted more than what she offered, and more than the market value of the land (officially, not a river frontage piece of property).

- GIS Web "survey" commissioned by MCR in 2008.
- Threatened to demolish our home in 2009.
- Filed lawsuit to Quiet Title in 2010.
- MCR aquired Title to '09 parcel in 2011 (land description not conveyed.)
- Dunaways lied under Oath (Case NO. DR10009) 2011-2012.

The Dunaways behavior in the neighborhood, specifically towards us, has been anything but neighborly. Their proposed project is another provocation.

With deep concern,

Thomas Foersterling

A handwritten signature in black ink that reads "Thomas Foersterling". The signature is written in a cursive, slightly slanted style.

PETITION OF OPPOSITION No.15

I am opposed to the commercial cultivation of Cannabis on the intersection of Butler Valley Road and Maple Creek Road, parcel 315-011-009; PLN-2020-15197.

Print Name Michael E. Cox Date 10/12/2020
Address 11300 West End Rd Arcata Signature Michael E. Cox

Print Name Frank J. Jager Date 11/12/2020
Address 3815 G St. Signature F.J. Jager

Print Name Sarah Jäger Date 11/12/20
Address 3815 G Street Signature Sarah Jäger

Print Name Rick BORGES Date 11/13-20
Address MAPLE CREEK RD. Signature Rick Borges

Print Name _____ Date _____

Address _____ Signature _____

Print Name _____ Date _____

Address _____ Signature _____

Print Name _____ Date _____

Address _____ Signature _____

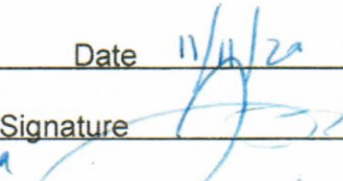
Print Name _____ Date _____

Address _____ Signature _____


PETITION OF OPPOSITION No.15

I am opposed to the commercial cultivation of Cannabis on the intersection of Butler Valley Road and Maple Creek Road, parcel 315-011-009; PLN-2020-15197.


Print Name Judith Wartella Date 11/11/20

Address 52 Ortega Lane Trinidad CA Signature 
1600 Black Creek Lane, Korb

Print Name Erik Weibel Date 11/11/20

Address 1600 Black Creek Lane Signature 

Print Name Jnani Weibel Date 11/11/20

Address 1600 Black Creek Lane, Korb Signature 

Print Name Narayan Weibel Date 11/11/20

Address 1600 Black Creek Lane, Korb Signature Narayan W.

Print Name _____ Date _____

Address _____ Signature _____

Print Name _____ Date _____

Address _____ Signature _____

Print Name _____ Date _____

Address _____ Signature _____

Print Name _____ Date _____

Address _____ Signature _____

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, June 4, 2015

Humboldt County Marijuana Farmer Sentenced to Life in Prison Plus 35 Years for Murdering Immigrant Worker and Related Crimes

Mikal X. Wilde, 33, of Kneeland, California, was sentenced today to life in prison plus 35 years for murder and related drug trafficking charges, announced U.S. Attorney Melinda Haag for the Northern District of California and Special Agent in Charge David J. Johnson for the Federal Bureau of Investigations (FBI). The charges stemmed from the defendant's murder of Mario Roberto Juarez-Madrid and the shooting of Pedro Fernando Lopez-Paz on August 25, 2010, on the defendant's marijuana farm in Humboldt County, California.

Wilde was found guilty on March 2, 2015, of six felonies including marijuana conspiracy, manufacturing and possessing marijuana with the intent to distribute, murder during a narcotics offense, use and possession of a firearm in connection with a narcotics offense and crime of violence and use of a firearm resulting in first degree premeditated murder. Evidence at trial showed that Wilde began a large marijuana grow with more than 1500 plants on over 800 acres of mountain property in Kneeland, California, close to Eureka, during the summer of 2010. In the course of his marijuana cultivation operation, Wilde hired three workers to water and care for the plants, including Juarez-Madrid and Lopez-Paz, both from Guatemala. During August of 2010, Wilde provided the workers with firearms to protect against robbery of the marijuana grow. In late August, the workers became unhappy and wanted to leave with payment for the work they had already performed after Wilde altered their work conditions. Rather than paying the workers, Wilde took firearms away from them and on August 25, 2010, returned to the property armed and shot them. Wilde shot Lopez-Paz in the face, but he survived, hiding in the woods all night until he found help the following morning. Wilde shot Juarez-Madrid three times and hunted him down. The final shot was a contact wound to the back of Juarez-Madrid's head. The third worker, Christopher Bigelow, also fled into the woods and hid until he was found by a jogger the following morning.

Wilde was indicted for using a firearm to commit first degree murder, in violation of 18 U.S.C. § 924(j); murder in the course of a narcotics offense, in violation of 21 U.S.C. § 848(e)(1)(A); conspiracy to commit marijuana offenses, in violation of 21 U.S.C. §§ 846 and 841; marijuana offenses, in violation of 21 U.S.C. § 841; and two counts of using a firearm during a crime of violence or narcotics trafficking offense, in violation of 18 U.S.C. § 924(c). The jury found the defendant guilty of a premeditated first degree murder, in addition to the other charges listed above.

According to the government's filings, Wilde hired immigrants "to work on his marijuana grow in the belief that they were expendable, not in a position to complain and that they might not be missed if they disappeared forever into the woods of Humboldt County. When he could not pay them, he murdered one and tried to murder the other. The defendant preyed on their status and viewed them as free labor that could not stand up to him." In contending the only appropriate sentence for defendant's crimes included life in prison, the government argued, . . . the defendant undoubtedly committed the premeditated, heinous and cruel murder of Juarez Madrid by pursuing him and shooting him repeatedly from behind. Then the defendant finished Juarez Madrid off execution style by pushing the gun against the back of the victim's head and firing into his head. This conduct is sufficient to earn him a life sentence alone. But in this case, the murder is further aggravated by the fact that the defendant also tried to murder Lopez Paz by shooting him in the face. Only good fortune kept this from being a double murder – what Wilde clearly intended to commit.

Wilde has been in federal custody since March 12, 2012, and will begin serving his sentence immediately.

The sentence was handed down by the Honorable U.S. District Judge Edward M. Chen. Judge Chen also sentenced Wilde to pay \$50,000 in restitution to his victims and to pay a \$600 special assessment.

The case was prosecuted by Assistant U.S. Attorneys Kimberly Hopkins and William Frentzen, paralegal specialist Kevin Costello and legal techs Lance Libatique, Ponly Tu, Daniel Charlier-Smith and Marina Ponomarchuk. The case was investigated by the San Francisco Division and Sacramento Division of the FBI, Humboldt County Sheriff's Office, Humboldt County District Attorney's Office, U.S. Marshals Service, California Highway Patrol, CalFire and Redding Police Department.

Foersterling, Thomas and Elizabeth
8748 Butler Valley Road
Korbel, CA 95550
707 668 4369
liz.forsterling@gmail.com

Attention: Kathy Hayes, Clerk of the Board
Humboldt County Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501
707 476 2390
cob@co.humboldt.ca.us

Hearing Date: Tuesday, November 17th, 2020; Time: 1:30 p.m.
Zoom Meeting ID and Access: <https://humboldt.legistar.com> video
Phone: 1-699-900-9128, Meeting ID 965 2090 2806

To the Board of Supervisors,

November 17th, 2020

RE: PLN-2020-16608

The General Plan and the Cannabis Ordinance 2.0 protect the residents and the environment within the communities of Humboldt County. Guiding principals used to create the General Plan and the Ordinance must not be ignored. Deep public concern must not go unheard. Petition No.15 has more signatures than the public response heard back in 2017 for Notice of Preparation for CEQA guidelines. The same concerns are echoed here again. People are “interested in preserving the County’s unique character and quality of life,” as well as “safeguarding residential communities,” and preventing rural areas from becoming crime magnets. As Director John Ford said, it is a “non-starter” to propose a non-residential commercial roadside grow on the intersection of Butler Valley Road and Maple Creek Road, with an industrial compound surrounding the proposed Cannabis cultivation activity. Everyone in the neighborhood and residential community opposes the plan. No roadside grows.

The applicant has already shown the neighborhood what a 9,350 sq. ft. grow would do to the area, when it illegally grew marijuana in containers in the same location for two years. It smelled horrible, it looked terrible, and it became such a nuisance that the Planning Department and other agencies fielded complaints from the greater community. To say it “would not be visible from Maple Creek Road,” is false. The pot plants could be counted, water tanks were seen, a trailer was visible (still is), and so were the growers. Water was trucked-in during those two years. To say the project has been modified and will not include well water or trucked-in water is a falsehood. There is not enough water at the location site for irrigation and cultivation of Cannabis. The flat area, created by the unpermitted grow, once held young fir and seedlings, as well as the fruit trees referred to in the Blair report. Although the size of the flat area is now bigger than it was previously when wetland and forested area properly merged with

one another, the total width of the lot size (430 ft.) between the County Roads is less than the required 750 ft. minimum. This fact alone should have been a Red Flag for the Planning Department. For acreage to be interrupted by a County Road is a separate concern altogether, and in the instant case, the proposed cultivation area is bordered by two County Roads. Here, the loss of Natural Habitat and Open Space is contrary to the Intent and Purpose of both the General Plan and the Ordinance.

For the Planning Department to neglect the significant negative impact, the concern for safety and welfare, the detriment to *everything* and *everyone*, the nuisance and annoyance, the harm and injury, and the reduction of water and its quality, which will be caused by this particular project, reveals a lack of integrity on the part of Senior Planners and those responsible for decision making. The project does not meet the Performance Standards set forth in the Ordinance (§55.4.12.1.8(c)1), and is contrary to the Five Counties Salmonid Conservation and Restoration Program of which Director John Ford is one of Humboldt County's representatives.

As Senior Planner Rodney Yandell is *the authority* of Ordinance 2.0, it should be clear to him that the proposed project is not in compliance and does not conform to the regulations. To manipulate the meaning of the Ordinance, and try to push a project down the throat of a community who adamantly opposes it, is a dereliction of duty. No amount of fast talk can change the "relationship to other elements." Applicant has hundreds of other acreage to grow on, more remote and secluded. Why not grow next to the Maple Creek Ranch house? A flat area exists there.

We reject the proposed plan and/or any other alternate design. We already are surrounded by three large Cannabis cultivation operations, on each side of our property, which together significantly impact the critical Mad River Watershed. Anymore cannot be tolerated. "Significant harmful environmental effects, and a substantial increase in the severity of previously identified negative effects will be caused." Significant cumulative impacts of all these grows surrounding our home, and the surrounding ecosystem, have not been properly addressed, nor assessed. With so many Cannabis operations already in the area, a CEQA exemption is not allowed. To neglect this fact, disregard the health and safety of the residents and neighboring property owners, and ignore Environmental Standards ensured by the regulations is a failure.

Findings made by Staff for the Board of Supervisors to sign are invalid, and are not supported by evidence. The welfare of the community is at stake.

Findings:

- 1. Not enough water for proposed project.
- 2. Project is against CEQA Guidelines.
 - a. Resultant cumulative impacts, unhealthy, unsafe, and not for the welfare of the residential community.
- 3. Project does not conform to the General Plan or Open Space Plan.
 - a. Commercial cultivation of Cannabis is **not** allowed as a principal permitted use and is **not** a primary permitted agricultural crop.

- 4. Project is not supported by FR Zoning.
 - a. Timber production and recreation are the desirable predominant uses, in which the protection of the timber and recreational lands is *essential* to the general welfare.
 - b. Does not meet minimum width of 750 ft. for lot size of cultivation area. (Width for cultivation area is 430 ft.)
- 5. Development contradicts Zoning requirements for Cannabis.
 - a. For homesteads.
 - b. Not enough water. Water will be diverted.
 - c. Road evaluation performed by Agent/grower is a conflict of interest, and not valid. Roads are in a deterioration category.
 - d. Slope of land exceeds 15% for wetland, sediment, pesticides and fertilizer run-off, and cannot be mitigated.
 - e. Young fir and seedlings were removed.
 - f. Setbacks are ignored.
- 6. Non-residential Cannabis cultivation on the proposed site will be “materially injurious to all properties and future improvements in the vicinity,” and would be a clear violation.
 - a. There would be a **significant** increase in traffic.
 - b. There **is** an established neighborhood.
 - c. It **would change the character** of the area.
 - d. The Cannabis cultivation location is too close to the County Road, too close to other grows, too close to children playing, too close for comfort, too close to adjacent properties and residents.
 - e. Irrigation of Cannabis cultivation will negatively effect water quantity in the aquifer.
 - f. Applicant’s proposal is to ruin the neighbor’s water quality and quantity, and to deplete the groundwater resources.
 - g. Applicant’s plans reflect a true ignorance of natural habitat. Proposal of a chainlink fence to surround the high-impact, high security non-residential grow is in stark contrast to the natural rural surroundings in the vicinity. Visual impact will be catastrophic, seen as a prison type compound. Odor will be sickening.
- 7. Such an overly encompassing eyesore and smelly operation will intrude upon and reduce residential density and desire. A non-residential pot grow on the proposed location will ruin the residential appeal in the neighborhood, and on the parcel, and bring down property values. Shame on Staff to try and project it any other way.
- 8. Applicant has no ground to Appeal.
 - a. Planning Commission properly exercised their judicial power according to Code. The Hearing Officer’s decision was expressed in writing, *The Project described above was denied by the Planning Commission on August 6th, 2020*, that was the finding.
- 9. The Planning Department should have properly vetted the Application and the proposed plan before it reached a Zoning Hearing, Planning Commission Hearing, or Board of Supervisors’ Hearing.

- 10. Bias has been against the neighborhood and residential community.
 - a. Planning Department has shown extraordinary favoritism toward Applicant, and Cannabis cultivation as a whole.
 - b. Planning Commission clearly heard the concerns from the Public, were familiar with the District being impacted, were educated on the complaints about the proposed project, were committed to Planning Commissions' Goals and the Intent and Purpose of the Ordinance to "not create conflict within neighborhoods."
 - c. Public Notices were minimally distributed to only a few members of the Community. Within one week (obtained during Covid-19), grass roots style Petition No. 15 garnered the necessary evidence to reject Applicant's claims.
 - d. Applicant, Agent, and Staff have had considerable more time for preparing and presenting.
 - e. Attempt at a "virtual neighborhood meeting," without the attendance of the majority of the neighborhood was counterproductive, and showed bias toward Agent, Applicant, and Planning Department. It was clearly just another presentation of the project, same place, same negative impact, same invasive neighborhood nuisance.

Please deny the project in its entirety.

Thank you,
Sincerely,

Thomas and Elizabeth Foersterling

PETITION OF OPPOSITION No.15

I am opposed to the commercial cultivation of Cannabis on the intersection of Butler Valley Road and Maple Creek Road, parcel 315-011-009; PLN-2020-15197.

Print Name Breda Savage Date Nov. 5th 2020

Address 1600 Black Creek Lane Signature Breda Savage
Korbel, CA. 95550

Print Name Kim Savage Date 11-5-2020

Address 1600 Black cr Rd, Maple Cr. Signature Kim Savage

Print Name SKY Savage Date 11/9/2020

Address 1600 Black creek ln. Korbel CA Signature [Signature]

Print Name Liam Savage Date 11/9/2020

Address 1600 black creek ln. Korbel, CA. Signature Liam Savage

Print Name Valencia White Date 11/11/2020

Address 1935 11th St. Arcata CA Signature Valencia White

Print Name Madeline Marnott Date 11/11/2020

Address 1935 11th St. Arcata CA Signature Madeline Marnott

Print Name Kevin Hill Date 11/11/2020

Address 960 I Street Arcata CA Signature Kevin Hill

Print Name _____ Date _____

Address _____ Signature _____

PETITION OF OPPOSITION No.15

I am opposed to the commercial cultivation of Cannabis on the intersection of Butler Valley Road and Maple Creek Road, parcel 315-011-009; PLN-2020-15197.

Print Name Car H. Dphrepaulizz Date 11/8/2020

Address 1400 Black Creek Ln Signature [Signature]
Korbel

Print Name Fatima Dphrepaulizz Date 11/8/2020

Address 1400 Black creek Ln Korbel Signature [Signature]

Print Name Yasmin Dphrepaulizz Date 11/8/2020

Address 1400 Black Creek Ln. Signature [Signature]

Print Name Michael Dphrepaulizz Date 11/8/20

Address 1400 Black Creek Lane Signature [Signature]

Print Name _____ Date _____

Address _____ Signature _____

Print Name _____ Date _____

Address _____ Signature _____

Print Name _____ Date _____

Address _____ Signature _____

Print Name _____ Date _____

Address _____ Signature _____