



Notice of Appeal Exempt Fees Request

The Homestead Collective Weed Company LLC
5576 Homestead Road
Blocksburg, CA 95514
SP-12237
APN # 217-401-011-000
707-502-7713

Jan 05, 2021

I am writing this letter to request the exemption of appeal fees from the following agencies.
AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW land Use,
Buildings Inspections, Alderpoint VFD:FPD, RWQCB, NCUAQMD, Southern Humboldt Joint Unified:
School District, Cal fish & Wildlife, Cal Fire, Ca Division of Water Rights, Bear River Band, NWIC.

Application SP-12237 has been approved by all of the above agencies.
The applicant is only appealing the Condition #12 in the approval packet.

Condition #12

The applicant shall relocate the cultivation areas that are within the 150 foot pond and wetland buffers prior to commencing cultivation in 2021 and remediate the removed cultivation area. The applicant shall submit a revised site plan showing the relocation area and the area to be remediate to the planning department for review and approval prior to relocation.

The applicant has tried to communicate with the assigned planner for over six months without getting a response. The only agency needed in this appeal is the Planning and Building Department.

Thanks

Brian Roberts



Jan 5 2020

NOTICE OF APPEAL

The Homestead Collective weed Company LLC

5576 Homestead Rd Blocksburg Ca 95514

APN#217-401-011-000

SP-12237

Technical ordinances for appeal process

No evidence has been provided by the Planning and Building department to suggest that the wetland is a year round wetland as defined by the State Water resource control board.

Meghan can not provide any evidence that water is still standing during the months of Aug, Sept, Oct, Nov and Dec.

The applicant emailed and offered to have a follow up report done by the biologist to prove that there was no surface water after the initial inspection in July. All class 3 streams on the property still have water throughout the month of July. Photo evidence taken on Dec 11th 2020 shows that there is zero surface water.

61.1.7.6.4 Therefore the wetland area should be considered "other wet areas"

61.1.7.6.5 "Wetlands" – as defined in the U.S. Army Corps of Engineers Wetland Delineation Manual in the identification and classification of wetlands which **considers wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.**

The area being called a wetland does not meet this definition. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and life in a saturated soil condition.

61.1.13 Biological Report Required.

After sending the report to Meghan Ryan on Aug 13th she had sufficient time to review and get back to the applicant if changes were required. She failed to respond to the report in a timely manner.

Therefore all recommendations from the qualified biologist should take precedent.



Dec 11, 2020 Standing in the 10x10 seasonal wetland.
2ft deep whole with zero water.
Cultivation site sites 130 ft away.

61.1.14 Incorporation of Recommendations as Conditions. The recommendations contained within the written report shall be incorporated into any development permit as conditions of approval by the Responsible Department.

Cannabis Cultivation policy adopted by the state water board on Feb 5, 2019 and approved by Office of administrative Law on April 16, 2019

On pg 18 #107 Wetland Defined

An area is a wetland if, under normal circumstances:

- 1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both
- 2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate: and
- 3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation

Humboldt County code states the following

61.1 STREAMSIDE MANAGEMENT AREAS AND WETLANDS ORDINANCE

61.1.1 Short Title. This section shall be known and cited as the "Streamside Management Areas and Wetlands Ordinance of the County of Humboldt" (SMAWO). In any administrative action taken by any public official under the authority of this code, the use of the term "Streamside Management Areas and Wetlands Ordinance" or "SMAWO," unless further modified, shall also refer to and mean this section.

61.1.2 Purpose. **The purpose of this section is to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs), wetlands and other wet areas such as: natural ponds, springs, vernal pools, marshes, and wet meadows.**

61.1.7.6.2.1 One hundred (100) feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.

61.1.7.6.2.2 Fifty (50) feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.

61.1.7.6.3 **The streamside management area may be reduced or eliminated where the County determines, based on specific factual findings, that:**

61.1.7.6.4 **"Other wet areas," i.e., natural ponds, springs, vernal pools, marshes and wet meadows. The existence of possible other wet areas shall be identified by the responsible**

department using normal soils investigation criteria. These criteria indicate the presence of any of the following: standing water, evidencing a natural pond or poor drainage conditions, wetland soils, or hydrophytic vegetation (e.g., swamp grass).

61.1.7.6.5 “Wetlands” – as defined in the U.S. Army Corps of Engineers Wetland Delineation Manual in the identification and classification of wetlands which considers wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

61.1.7.6.6 Development standards for wetlands shall be consistent with the standards for streamside management areas, as applicable except that the widths of the SMA for wetlands are as follows:

- Seasonal wetlands = fifty (50) feet;
- Perennial wetlands = one hundred fifty (150) feet;

and the setback begins at the edge of the delineated wetland. Buffers may be reduced based on site-specific information and consultation with the California Department of Fish and Wildlife. No buffer shall be required for manmade wetlands except wetlands created for mitigation purposes.

61.1.13 Biological Report Required. An application proposing development activities within a SMA or Other Wet Area shall include a site-specific biological report prepared consistent with these regulations.

The written report prepared by a qualified biologist shall be referred to CDFG for review and comment. If no reply is received from CDFG within ten (10) working days of the date of the referral, it shall be assumed that the report satisfies CDFG requirements.

61.1.14 Incorporation of Recommendations as Conditions. The recommendations contained within the written report shall be incorporated into any development permit as conditions of approval by the Responsible Department.

Notice of Appeal

The Homestead Collective Weed Company LLC
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SP-12237
APN # 217-401-011-000
707-502-7713

Jan 05, 2021

I am writing a notice of appeal for the zoning administration approval of SP-12237.

The following pages are evidence why condition #4 and #12 needs to be taken off the list of conditions

Pg1 = Referrals County of Humboldt Planning and Building

4/16/2019 County Zoning ordinance allows up to 15 days for response. If no response or extension request is received by the response date, processing will proceed as proposed.

Pg 2 = CDFW referral checklist 9/16/2019 returned after five months
Condition #12 was requested five months after the referral letters were closed

Pg 3 = Pre-Site Investigation
Dean Beck located and acknowledge wetland 200Ft from Grow site. Inspector notes

Pg 4 = WRPP water Resource protection Plan
4.3 identifies water source as a class 3

Pg 5 = Cannabis Cultivation policy
State water resource guide

Pg 6 = Wetland definition
We do not have continuous saturation throughout the year.
Photo evidence was supplied to our planner on several emails during the month of Dec

Pg 7 = Wetland delineation prepared by Kyle Wear Botanical consultant
Biologist setback recommendations ignored by Meghan Ryan in August 2020

Pg 8 = wetland area report
Surface water present Yes depth ¼ inch
Water table present Yes Surface
Saturation present Yes Surface
At the conversion of two class 3 streams the water flows uphill and then back down. This is the cause of seasonal water on the surface. Water is not present 7 months out of the year.

Pg 9 = Relocation recommendation by Biologist
“the site does not need any significant remediation”

Pg 10 = Email Aug 13th to Meghan
Regarding wetland Delineation
No response from Meghan Ryan

Pg 11 = Email Aug 21st to Meghan Ryan
No response

Pg 12 = Email Sep 1st to Meghan Ryan
No Response

Pg 13 = Email Sep 14th to Meghan Ryan
No Response

Pg 14 = Email Sept 15th from Cliff Johnson to Applicant
Refusal to work on application moving forwarded

Pg 15 = Email Sept 16th Civil Rights Violation
I got a meeting set up with the Director John Ford

Pg 16 = Email Sept 22nd to Meghan Ryan
Asking why for six weeks she won't respond to any emails about working on the modifications for the wetland delineation

Pg 17 = Email Sept 23rd to Meghan Ryan
No response

Pg 18 = Email Nov 6th from Meghan Ryan to CDFW
Meghan is responding to the CDFW referral response 16 months later.
CDFW responded on 9/16/2019 and she sends an email dated 11/6/2020 concerning wetlands

Pg 19 = Email Dec 3rd and 7th to Meghan Ryan
No standing water in the month of Dec.
Shall we hire the biologist to do a follow up report?
No response by Meghan Ryan

Pg 20 = Email on Dec 15th from Kyle wear Biologist
“the CULTIVATION AREA AS IT IS DOES NOT APPEAR TO POSE ANY THREAT TO WATER QUALITY IN THE WETLAND AND ADJACENT STREAM.”



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

4/16/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Alderpoint VFD:FPD, RWQCB, NCUAQMD, Southern Humboldt Joint Unified: School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name The Homestead Collective Weed Company LLC **Key Parcel Number** 217-401-011-000

Application (APPS#) PLN-12237-SP Historic Planning **Assigned Planner** Keenan Hilton

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 5/1/2019

Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
 Email: PlanningClerk@co.humboldt.ca.us Fax: (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of Items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: SIOR H100077

DATE: 4.17.19 PRINT NAME: Dyana McPherson



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Homestead Collective		Date: 9/16/2019	
APPS No.: 12237	APN: 217-401-011	DFW CEQA No.: 2019-0210	Case No.: 12237-SP
<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Outdoor (SF): 9,000		

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- It appears wetlands may occur onsite. Please include a wetland delineation by a qualified person (i.e. at minimum, successfully completed a 40-hour training that satisfies the requirements for basic wetland delineation training as specified by the Army Corps of Engineers using the 1987 ACOE Wetland Delineation manual and appropriate regional supplements).
- If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- Aerial imagery and referral materials suggest that grading has taken place on the parcel. Please provide evidence of a valid grading permit. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

Please note the following information:

- The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2018-0649). As of September 2019, the LSA Agreement is in process and has not been deemed Final.
- Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT ~ PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name The Homestead Collective Weed Company LLC
Address 1 Brian Roberts **Address 2** PO Box 244
City Blocksburg **State** CA **Zip** 95514

OWNERS NAME AND MAILING ADDRESS

Name Roberts Brian **Email**
Address 1 **Address 2**
City Blocksburg **State** CA **Zip** 95514

SITE INFORMATION

Parcel Number 217-401-011-000 **Application Number** PLN-12237-SP
Street Address 5576 Homestead Rd **City** Blocksburg **State** CA **Zip**

PRESITE INVESTIGATION

Project is already started

Soil report is required due to

Project is in flood zone A per

Flood elevation certificate required

Plans stamped by a licensed person required

SRA water storage requirements apply

Appr. SRA req. need to be shown on plot plan

Driveway slope appears to be

Grading permit required

Incomplete submittal Construction Plan

Erosion and sediment control measures req.

AOB Inspection

Project appears to be within wet area

FIRM panel number

Is 2nd Flood Certificate Required?

SRA requirements apply

Lot created prior to 1992

Plot plan incomplete, must be revised Yes

Submit engineered foundation for

Applicant must locate property lines

Other concerns exist

Inspector Notes

Planning Referral

5-15-19

db

- revise and resubmit plot plan showing water storage tanks in the proper locations
- class III drainage flows into existing pond

- Note: existing and proposed structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.

- No wet areas within 200 feet of cannabis

- appears to be wet areas No

- Recommend approval after plot plan has been revised and resubmitted based on the condition that all grading, building, plumbing electrical and mechanical permits and/or Agricultural Exemption are obtained

QUESTIONS? Please contact the County of Humboldt Building Division

listed to be a threatened or endangered species. The hillslopes in the region are known to have high instability. The site geology is part of the Franciscan Complex which is primarily composed of Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone and conglomerate. Unstable areas found during site investigation are delineated on the Erosion Control and Sediment Map. The area was historically logged with legacy logging roads throughout the site (see Historical Imagery Map).

3 SITE OVERVIEW

The parcel has two (2) cabins, three (3) sheds, 5th wheel, and a carport onsite. Current cultivation consists of 10,000 square feet of outdoor cultivation. Cultivation takes place in two (2) locations near one (1) cabin and 5th wheel. Cultivation area 1 (CA1) is located by the 5th wheel and is 80 feet away from the nearest watercourse. Cultivation area 2 (CA2) is located near the cabins and is more than 100 feet away from the nearest watercourse. There is an unpermitted septic near one of the cabins and it will need to be back permitted. It shows no signs of failure but if the current system is found to be unsuitable, then a new system will have to be permitted and installed. The site is not grid tied and requires the use of a solar array and a generator with fuel storage. There were a few small gasoline containers that were left in the open and require secondary containment and storage in a covered area. Water storage consists of fifteen (15) HDPE water tanks and one (1) instream pond totaling to 287,500-gallons. The parcel also uses two (2) diversions, a Class III instream pond and Class II stream as its water source. Both diversions require a Notification of Lake and Streambed Alteration filed with California Department of Fish and Wildlife. Multiple water storage tanks are located within the streamside management area of a Class II watercourse and need to be relocated. There is a vegetable garden being operated within 50 feet of a Class III stream and should be relocated. There are two (2) stream crossings that exist on the parcel, and are in good condition. They are maintained by the Larabee Creek Road Association. Overall the site is in fair condition with moderate potential to impact stream systems. The processing and transportation of the Cannabis is specified in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

4 ASSESSMENT OF STANDARD CONDITIONS

Below is an assessment of the site based on the 11 Standard Conditions laid out in the NCRWQCB Order. This includes a description and summary of the parcel's required remediation measures with respect to each condition. The required remediation is summarized with expected completion dates in Table 4. Locations of erosion and sediment delivery areas are denoted as Map Points (**MP**) in the Erosion Control and Sediment Delivery Map.

4.1 Site Maintenance, Erosion Control and Drainage Features

The access roads on the site were in good condition with minimal maintenance required. Homestead Road is maintained by the Larabee Creek Road Association and monitored regularly to ensure integrity. There is also a legacy skid road on the property that is not used and is stable. **No remediation is required.**

4.2 Stream Crossing Maintenance

There are two (2) stream crossings (culverts) on Homestead Road. Both culverts are in good condition and are maintained by Larabee Creek Road Association. **No remediation is required.**

4.3 Riparian and Wetland Protection and Management

The site utilizes two (2) surface water diversions: A Class II stream, and a Class III instream pond. Both diversions require a Notification of Lake and Streambed Alteration filed with the CDFW. Modifications to the diversion works may be requested upon inspection by the CDFW. Additionally, ten (10) water storage tanks

State Water Resources Control Board

Cannabis Cultivation Policy

ATTACHMENT A

Definitions and Requirements for Cannabis Cultivation

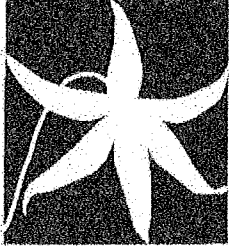
As Adopted by the State Water Board on

February 5, 2019

As Approved by Office of Administrative Law on

April 16, 2019

#	DEFINITION
102.	Watershed — The land area that drains into a stream. An area of land that contributes runoff to one specific delivery point; large watersheds may be composed of several smaller "subsheds", each of which contributes runoff to different locations that ultimately combine at a common delivery point. Often considered synonymous with a drainage basin or catchment. Watershed (drainage basin) boundaries follow topographic highs. The term watershed is also defined as the divide separating one drainage basin from another.
103.	Watershed drainage area — The land area that comprises a watershed.
104.	Water hauler — Any person who hauls water in bulk by any means of transportation.
105.	Waters of the State – any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code section 13050(e)). Includes all waters within the state's boundaries, whether private or public, including waters in both natural and artificial channels. Waters of the state includes waters of the United States.
106.	Weed-free mulch — A certified weed-free protective covering (e.g. bark chips, straw, etc.) placed on the ground around plants to suppress weed growth, retain soil moisture, or prevent freezing of roots.
107.	<p>Wetland – an area is a wetland if, under normal circumstances:</p> <ol style="list-style-type: none"> 1. the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; 2. the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and 3. the area's vegetation is dominated by hydrophytes or the area lacks vegetation.
108.	<p>Winter Period – calendar dates from November 15 to April 1, except as noted under special County Rules in California Code of Regulations, title 14, sections 925.1, 926.18, 927.1, and 965.5. A Regional Water Board Executive Officer may impose a more restrictive winter period to protect water quality based on special county rules or as specified in a Basin Plan. The following special rules or basin plan requirements apply:</p> <ol style="list-style-type: none"> I. Santa Clara County, Santa Cruz County, and Monterey County: October 15 to April 15; II. Marin County: October 1 to April 15; and III. Lahontan Regional Water Board: October 15 to May 1 (for elevations above 6,000 feet).



Aquatic Resources Delineation

Homestead Collective Weed Company
(APN: 217-401-011)

Prepared by:

Kyle Wear
Botanical Consultant
kyle_wear@suddenlink.net
(707) 601-1725

Prepared for:

Brian Roberts
P.O. Box 244
Blocksburg, CA 95514

Date:

August 2020

diversilobum [FAC]). Other plants include pennyroyal (*Mentha pelugium* [OBL]), lady fern (*Athyrium filix-femina* [FAC]), and velvet grass (*Holcus lanatus* [FAC]). There is a tree canopy over the wetland, but the trees are not rooted in the feature. The soil color was 10yr 4/1 with distinct and prominent 7.5yr 5/6 redox concentrations; this meets hydric soil indicator F3 (Depleted Matrix). The soil was saturated to the surface. There was also shallow surface water in a portion of the feature. Wetland hydrology indicators present included A1 (Surface Water), A2 (High Water Table), and A3 (Saturation). It was not clear if the water is groundwater or water leaking from the pond above.

Ephemeral Streams

There are two ephemeral streams in the study area. One of the stream flows into the pond, the other runs just east of the pond and receives the pond overflow.

Instream Pond

The pond had surface water and floating and emergent hydrophytic vegetation. Associated plants include pondweed (*Potamogeton* sp. [OBL]), cattail (*Typha latifolia* [OBL]), water plantain (*Alisma lanceolatum* [OBL]), spike rush (*Eleocharis* sp. [OBL or FACW]), and nutsedge (*Cyperus eragrostis* [FACW]). Google Earth images indicate the pond was constructed between 2006 and 2009. The 2006 image shows the stream channel that feeds the pond continuing south through what is now the pond and converging with the eastern stream, although the confluence is obscured by trees (Appendix D). The area appears to be upland other than the streams, with some associated vegetation, possibly spreading rush or stands of coyote brush, although the resolution of the photo is not adequate to make a definitive determination.

Hydrophytic Vegetation

Approximately 5,008 square feet of area adjacent to the ephemeral streams has hydrophytic vegetation but lacks indicators of hydric soil or wetland hydrology. These areas are generally dominated by spreading rush (*Juncus patens* [FACW]). Other associated plants include pennyroyal (*Mentha pelugium* [OBL]), sweet vernal grass (*Anthoxanthum odoratum* [FACW]), Italian thistle (*Carduus pycnocephalus* [UPL]), and bull thistle (*Cirsium vulgare* [FACU]). The July site visit was in the dry season and lack of wetland indicators like saturated soil was expected. However, the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual Western Mountains, Valleys, and Coast Region (Version 2.0)* (Army Corps 2010) provides many other wetland hydrology indicators that can be used in the dry season. The soil color was 10yr 2/2 with no redox features or other indicators of hydric soil. It is likely these areas are wetter than adjacent areas with non-hydrophytic vegetation during periods with heavy rainfall, but the frequency and duration of soil saturation is not sufficient to create hydric soil, thus these areas do not meet the three-parameter wetland definition.

Upland

The adjacent upland habitat includes grasslands and mixed conifer and hardwood stands. The grasslands are dominated by non-native herbaceous plants including sweet vernal grass (*Anthoxanthum odoratum* [FACW]), rough cat's-ear (*Hypochaeris radicata* [FACU]), and English

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

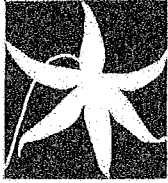
Project/Site: APN: 217-401-001 City/County: Humboldt Sampling Date: 7-22-20
 Applicant/Owner: B. Roberts State: CA Sampling Point: 3
 Investigator(s): K. Wear Section, Township, Range: 24, +25, R4E
 Landform (hillslope, terrace, etc.): steep hillslope Local relief (concave, convex, none): none Slope (%): 5
 Subregion (LRR): A Lat: E 442115.3 Long: N 4458407.66 Datum: NAD 87
 Soil Map Unit Name: Burgsblock - Coolyok - Tanin NWI classification: _____
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/>	No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Hydric Soil Present?	Yes <input checked="" type="checkbox"/>	No _____	
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/>	No _____	
Remarks: <u>Plot is seepy area near base of pond levee</u>			

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC:	<u>2</u> (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata:	<u>2</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC:	<u>100%</u> (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet:	
= Total Cover				Total % Cover of:	Multiply by:
Sapling/Shrub Stratum (Plot size: <u>10' - r</u>)				OBL species _____	x 1 = _____
1. <u>Toxicodendron diversilobum</u>	<u>20</u>	<u>Y</u>	<u>FAC</u>	FACW species _____	x 2 = _____
2. _____	_____	_____	_____	FAC species _____	x 3 = _____
3. _____	_____	_____	_____	FACU species _____	x 4 = _____
4. _____	_____	_____	_____	UPL species _____	x 5 = _____
5. _____	_____	_____	_____	Column Totals: _____	(A) _____ (B)
= Total Cover				Prevalence Index = B/A = _____	
Herb Stratum (Plot size: <u>10' - r</u>)				Hydrophytic Vegetation Indicators:	
1. <u>Juncus patens</u>	<u>50</u>	<u>Y</u>	<u>FACW</u>	<input checked="" type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation	
2. <u>Nolcus lanatus</u>	<u>10</u>	<u>W</u>	<u>FAC</u>	<input checked="" type="checkbox"/> 2 - Dominance Test is >50%	
3. <u>Mentha perfoliata</u>	<u>10</u>	<u>W</u>	<u>OBL</u>	<input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹	
4. <u>Rumex crispus</u>	<u>2</u>	<u>W</u>	<u>FAC</u>	<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
5. <u>Athyrium filix-femina</u>	<u>5</u>	<u>N</u>	<u>FAC</u>	<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹	
6. _____	_____	_____	_____	Problematic Hydrophytic Vegetation ¹ (Explain)	
7. _____	_____	_____	_____	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
= Total Cover					
Woody Vine Stratum (Plot size: _____)				Hydrophytic Vegetation Present? Yes _____ No _____	
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
= Total Cover					
% Bare Ground in Herb Stratum _____					
Remarks: <u>There is a tree layer above feature, but trees are not rooted in it.</u>					



Kyle S. Wear
Botanical Consultant

3484 Zelia Court
Arcata, CA 95521
(707) 601-1725
kyle_wear@suddenlink.net

Brian Roberts
P.O. Box 244
Blocksburg, CA 95514

RE: Relocation of the Cultivation Area in Pond Setback on APN: 217-401-011

Brian,

The aquatic resources delineation conducted in July identified approximately 368 square feet of the cultivation area within the 100-foot setback of the instream pond. You have indicated the County has required the cultivation area within the setback to be relocated and remediation of the area be developed if necessary.

Based on my observations during the site visit and the photos you have provided, the site does not need any significant remediation. The area has not been graded and the plants are growing in amended native soil. The grow boxes are simply used to delineate square footage and are not filled with soil. Because the soil profile is not disturbed, the natural soil seedbank should provide sufficient natural recruitment of species present before the site was developed and consistent with the species composition of the adjacent grassland.

The follow measures are recommended to restore the site:

- Remove all cultivation related materials after the fall harvest including the boxes and any other materials such as amendments or pesticides. It is not necessary to remove the fence.
- Mulch exposed soil with a thin layer of straw leaving some exposed soil. Too much mulch could prevent seed germination.
- Physically measure from the top of the bank of the pond (not the water level) to the ensure all the cultivation is over 100-feet from the pond. There is error in the base NAIP image and GPS used to estimate the square footage within the buffer.
- Conducted these tasked immediately after fall harvest so the site will not be disturbed once the rainy season begins to facilitate maximum natural revegetation.

Please let me know if you have any questions or need additional information.

Sincerely,

Kyle Wear



Life IsAwesome <lifeisawesome2018@gmail.com>

12237 wetland delineation

Life IsAwesome <lifeisawesome2018@gmail.com>

Thu, Aug 13, 2020 at 11:33 AM

To: "Ryan, Meghan" <MRyan2@co.humboldt.ca.us>, Dante Hamm <dante@greenroadconsulting.com>

Hello and I hope all is well with you?

We are compliant with the setbacks except on 15ft in the corner.

Please advise as to what we can do and also when can we go over the SQ footage of cultivation?

Thanks

Brian



Homestead Report 8.8.20.pdf

5586K



Life IsAwesome <lifeisawesome2018@gmail.com>

Planning commission hearing deadline Sep 15th

Life IsAwesome <lifeisawesome2018@gmail.com>

Fri, Aug 21, 2020 at 11:13 AM

To: "Ryan, Meghan" <MRyan2@co.humboldt.ca.us>, Dante Hamm <dante@greenroadconsulting.com>

Hello there

Just a follow up email. I sent the wetland delineation report over last week and still haven't heard back from you.

Please let me know what is needed prior to the planning commission hearing.

- 1) Do you have a date set?
- 2) The CAV was never addressed at the hearing.
- 3) site plan updated with the two water tanks in the proper placement

Thanks

Brian



Life IsAwesome <lifeisawesome2018@gmail.com>

Sp-12237 Apn#217-401-011-000

Life IsAwesome <lifeisawesome2018@gmail.com>

Tue, Sep 1, 2020 at 10:54 AM

To: "Ryan, Meghan" <MRyan2@co.humboldt.ca.us>, Eugene Denson <edenson95511@gmail.com>

Hello Meghan,

I have sent two previous emails with out a return response.

The wetland delineation was sent to you on Aug 13,2020.

I am waiting on you to let me know how you want me to proceed.

I followed up on Aug 21,2020 to see if you had looked into it but again I didn't get a response.

I am following up a third time now.

Do we have a date set for the planning commission hearing as well?

Thanks

Brian



Life IsAwesome <lifeisawesome2018@gmail.com>

Sp-12237 Apn#217-401-011-000

Life IsAwesome <lifeisawesome2018@gmail.com>

Mon, Sep 14, 2020 at 9:49 AM

To: "Ryan, Meghan" <MRyan2@co.humboldt.ca.us>

Cc: Eugene Denson <edenson95511@gmail.com>, "Johnson, Cliff" <cjohnson@co.humboldt.ca.us>, "Ford, John" <jford@co.humboldt.ca.us>

Hi Meghan

This is my 4th email over the past month and not once have you gotten back to me.

Can you please explain why you can't take the time to reach out and go over the next step to moving forward?

I sent you a wetland delineation that we need to go over a month ago on Aug 13th.

What steps should I take to communicate with someone at the planning and building department? Should I request a new planner who can actually work with my application?

This is not the first time you have had difficulty in getting back to me in a timely manner.

Thanks

Brian

[Quoted text hidden]



Life IsAwesome <lifeisawesome2018@gmail.com>

Sp-12237 Apn#217-401-011-000

Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Mon, Sep 14, 2020 at 9:55 AM

To: Life IsAwesome <lifeisawesome2018@gmail.com>, "Ryan, Meghan" <mryan2@co.humboldt.ca.us>

Cc: Eugene Denson <edenson95511@gmail.com>, "Ford, John" <JFord@co.humboldt.ca.us>

Hello Brian,

Your application is substantially past due on invoiced charges. We will not be working on this project until the account is brought current. Thank you,

Cliff Johnson, Supervising Planner

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

(707) 268-3721

[Quoted text hidden]



Civil rights violation: cannabis permitting

Life IsAwesome <lifelsawesome2018@gmail.com>

Wed, Sep 16, 2020 at 12:24 PM

To: "Johnson, Cliff" <cjohnson@co.humboldt.ca.us>

Cc: Eugene Denson <edenson95511@gmail.com>, "Ryan, Meghan" <MRyan2@co.humboldt.ca.us>, "Ford, John" <jford@co.humboldt.ca.us>, "Fennell, Estelle" <efennell@co.humboldt.ca.us>, "Wilson, Mike" <mike.wilson@co.humboldt.ca.us>, "Bohn, Rex" <rbohn@co.humboldt.ca.us>, "Madrone, Steve" <smadrone@co.humboldt.ca.us>, "Bass, Virginia" <vbass@co.humboldt.ca.us>, hhr@co.humboldt.ca.us, GrandJury@co.humboldt.ca.us
Bcc: S Nv <shaktinorrisvega@gmail.com>

Cliff Johnson

I feel it is best to pass this application on to the Planning Commission for them to make a decision as soon as possible. My civil rights have been violated by the Planning and Building Department. Hopefully you won't violate the Brown Act this time and you can publish the meeting details.

I have watched new cannabis cultivation sites being approved prior to the Planning department ever assigning a planner to my application. I have watched the Hourly rate charged by the planning commission go up over 30% since I first filed my application. 850 days from applying to receiving an assigned planner. During that time the CCLU was updated and according to the Director all pre-existing sites "all applicants under 1.0 will be processed to either a decision or the limit which the submitted information allows before beginning evaluations on cannabis ordinance 2.0 projects."

The Director, yourself and my planner have all made allegations and statements that are untrue.

Shockingly APN# 201-322-019-000 in Jan 2018 they went before the planning commission for approval on new cultivation of an acre with the construction of 18 greenhouses.

The first time Planning and Building worked on my pre-existing cultivation project was 3/12/2018 two months after this new cultivation site was approved.

Why did my application wait 451 days to do a cultivation verification if the department was already taking on new applications? To top it off the Department completely messed up by combining two properties as one and calling it an expansion of cultivation. Adding Insult to injury the CAV report sat unattended for another 154 days before being forwarded to the applicant.

If the Planning and Building department did their job according to the Strategic and General plan for Humboldt County then my application shouldnt have sat for that long prior to starting work on it.

I am questioning the cost recovery bill at this moment. The charges are bogus and I am wondering if excessive billing took place? You are billing me for 17+ hours after the DEC 12 denial letter. Why didn't you work that hard in getting this application approved prior to DEC 12, 2019. These charges are excessive and may not be warranted. In fact they seem to be abusive and used as an intimidation factor.

"I take great offense at your assertion that I lied to you." Cliff this is not about you and I. You are a public servant working for the Planning department I am an application #SP-12237. I don't know you and none of this is personal.

If you are offended by me claiming something then please disprove my claims.

I have several problems:

1st) according to the county ordinance the Cost recovery bill will be due after a planning commission or Board of Supervisor decision has been made. Forcing me to pay this is pure harassment. Especially when I brought it up at the hearing as bogus charges.

I called Delilah Moxon on four occasions for a total of 36 minutes.

We were trying to set up a meeting between you and my lawyer to discuss the cost recovery bill. Phone records are on file.

Cliff shall we bring up the BROWN ACT violation?

My hearing was scheduled for the May 7th meeting.

That same day you are trying to bill the applicant for 7 hours (\$1,000) for Meghan Ryan attending the Planning Commission hearing. I looked at over 50 cost recovery bills and I can't find one bill that has the planner working 7 hours in a single day for an application.

Why am I paying for Meghan to attend this public hearing? She is not representing the applicant in their case. She is actually working against the applicant.

I ask this because she was asked by commissioner Noah levy if the project was ready for approval in our May 21st meeting. Meghan claimed no it is not ready for approval and mentioned several minor things missing.

Here is my question?

Did Meghan Ryan lie to commissioner Levy's question?

Does the Planning and Building Department do illegal billing towards the applicants cost recovery bill?

I received an email from Meghan Ryan on Nov 8th claiming we are ready to send for approval at the Planning Commission coming up.

Why did she lie to Noah Levy's question?

Maybe my project wasn't ready for approval?

If it wasn't ready for approval then why am I being billed 9.5 hours for a staff report in Nov 2019?

There is way too much to go over here

If you are no longer willing to work with the applicant then please forward this to a planning commission for a hearing.

Thank you

Brian Roberts

The Homestead Collective Weed Company LLC

APN#217-401-011-000

SP-12237

707-502-7713



Life IsAwesome <lifeisawesome2018@gmail.com>

Sp12337

Life IsAwesome <lifeisawesome2018@gmail.com>

Tue, Sep 22, 2020 at 10:01 PM

To: "Ryan, Meghan" <MRyan2@co.humboldt.ca.us>, Eugene Denson <edenson95511@gmail.com>

Bcc: S Nv <shaktinorrisvega@gmail.com>

Hello Meghan,

So I can't get a returned email for over 6 weeks now.

Finally I get a returned email and I am threatened that my application is halted because of a past due invoice that is not due until the commission has made a final decision. Another form of intimidation from the Planning Department.

Why did you call the the Ca State Water Board on 9/15/2020 the day after I had to write a nasty email to cliff and yourself for stalling out my application again. You had the wetland delineation on Aug 13,2020 and it took you a month to call them? It seems a bit suspicious the day after I emailed you. Especially when I called both you and cliff out for lying to the planning commission.

I am sorry but it doesn't seem as though your working for my application anymore.

I hope you are not planning on billing me for this work if you are not working with the applicant at this time.

Your staff report will be incomplete without us going over sq footage that hasn't been dealt with.

Are you planning on letting me know when the hearing date is set?

Thanks

Brian



Life IsAwesome <lifeisawesome2018@gmail.com>

Sp12337

Life IsAwesome <lifeisawesome2018@gmail.com>

Wed, Sep 23, 2020 at 11:01 AM

To: "Ryan, Meghan" <MRyan2@co.humboldt.ca.us>, Eugene Denson <edenson95511@gmail.com>

Hello Meghan

Will it be easier if I just call the Director John Ford himself?

You don't seem to respond to phone calls or emails over the past six weeks.

Thanks

Brian

[Quoted text hidden]

From: Ryan, Meghan mryan2@co.humboldt.ca.us 
Subject: APPS #12237 - Homestead Weed Collective Company, LLC - HEARING DATE: DECEMBER 3, 2020
Date: November 6, 2020 at 10:11 AM
To: Bauer, Scott@Wildlife Scott.Bauer@wildlife.ca.gov

Good morning, Scott – I hope you are doing well. I am writing today to provide a response to CDFW comments dated 9/6/2019. Please see below:

1. Please see Aquatic Resources Delineation attached.
2. The applicant will be required to obtain a grading permit for development of the pond, roads and cultivation area.
3. The applicant will be required to finalize the CDFW agreement.
4. Other items will be added as conditions of approval.

Please let me know if you have any questions or need any additional information.

Best,
Meghan

--



Meghan Ryan
Senior Planner
Planning and Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501
707.445.7541



Homestead
Report....20.pdf



Sp-12337

Life IsAwesome <lifeisawesome2018@gmail.com>
To: "Ryan, Meghan" <MRyan2@co.humboldt.ca.us>

Mon, Dec 7, 2020 at 9:40 AM

Hello Meghan

I hope all is well.

The Dec 17th hearing is that an administration hearing set at 10am again?

Should I call the biologist again and have him document no standing water in Dec?

The seasonal wetland is dry today and has been for the last three months.

Thanks

Brian

On Thu, Dec 3, 2020, 11:30 AM Life IsAwesome <lifeisawesome2018@gmail.com> wrote:
I sent this to be added as an attachment for today's meeting.

Here are current photos taken yesterday of the wetland. There is no standing water.

The report was done in July and forwarded in August. All my class 3 streams have water until the end of August and then the dry completely until November and sometimes late December or early January depending on rainfall.

Will it help if I hire the biologist to come out again and report that there is no standing water in December?

It is a seasonal wetland.

Thanks

Brian

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

From: **Life IsAwesome** <lifeisawesome2018@gmail.com>

Date: Wed, Dec 2, 2020, 10:13 PM

Subject: Re: Dec 3rd meeting Agenda #3 Homestead Collective

To: Planning Clerk <planningclerk@co.humboldt.ca.us>, Life IsAwesome <lifeisawesome2018@gmail.com>, Eugene Denson <edenson95511@gmail.com>

There is 4 emails that need to be attached to the zoning administration hearing at 10:00 on Dec 3rd 2020

Thanks

Brian

On Wed, Dec 2, 2020, 11:37 AM Life IsAwesome <lifeisawesome2018@gmail.com> wrote:
Conditions Attachment 1 Responses

Please add this as an attachment to
SP-12237
APN# 217-401-011-000
Agenda Item #3

Condition #12



Life IsAwesome <lifeisawesome2018@gmail.com>

Wetland photos Dec 11,2020

kyle_wear@suddenlink.net <kyle_wear@suddenlink.net>

Tue, Dec 15, 2020 at 12:12 PM

To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>, Life IsAwesome <lifeisawesome2018@gmail.com>, Eugene Denson <edenson95511@gmail.com>

Cc: "Johnson, Cliff" <CJohnson@co.humboldt.ca.us>

Another point about the little wetland in that there is a ridge between it and the cultivation area. Thus, any runoff from the cultivation would be west towards Basin Creek, not towards the wetland. Same with the pond, any runoff would to the west, not towards the pond. Its hard to imagine any impacts to aquatic resources from leaving the site as it is or maybe just moving everything 100-feet away. Whether the little wetland has water all year some years depending on rainfall or not, it's a very small area and does not provide any significant wetland habitat for native plants or wildlife, and the cultivation area as it is does not appear to pose any threat to water quality in the wetland and adjacent stream.

Kyle

[Quoted text hidden]