

ETA Management Group LLC

77 Avenue of Giants, Unit #4
Phillipsville, CA 95559
info@etahumboldt.com | (707) 923-1180



DBE: 51189 | DIR: PW-LR-1000988827 | SB-Micro/PW: 2027799 | CUPC WBE | WOSB

4 November 2024

TO: County of Humboldt – Planning & Building Department

3015 H Street
Eureka CA 95501

RE: Annual Compliance Inspection Report [RESPONSE]

Kathy Ann Hall, Mana Farms LLC
APN 208-111-028, PLN-12280-CUP,

To whom it may concern:

The following submittal serves as a response to alleged issues of non-compliance with the Conditions of Approval agreement between Kathy Ann Hall (“Permittee”) and the County of Humboldt. Ms. Hall recently received a ***Notification of Cannabis Permit Suspension*** resulting from an Annual Compliance Inspection performed by Inspector Michael Kein on 24 October 2024. In addition to *Summary of Issues* provided in the 31 October 2024 suspension notice, the following letter addresses other alleged non-compliance issues related to County Performance Standards prepared by Inspector Kein.

Summary of Issues and Responses (Notice of Cannabis Permit Suspension)

- Water Source:** *Approved Water source (well) not in use. Required meter shows only 381 gallons utilized from well. Unauthorized pressure pump, gasoline tank, and piping found in Little Larabee Creek on property and connected to storage tanks for cultivation. This is a direct violation of F&G Code 5650(a) and F&G 1602 (Conditions of Approval Item #11b).*

This section describes data collection errors made by County of Humboldt – Planning and Building department during the 24 October Annual Compliance Inspection, especially regarding compliance with the following Performance Standards: “Water meter(s) installed and records available” and “Water source(s) and use.”

According to the *Annual Compliance Inspection Report* (“ACIR”) prepared by Inspector Michael Kein subsequent the 24 October site inspection at APN 208-111-028-000, the Permittee was found to be non-compliant with *Condition of Approval* No. 5, which reads: “The Applicant shall install and utilize a water meter to keep track of irrigation use. Records from the meter shall be made available to the County upon request.”

Notes associated with this violation indicate that a water meter was properly installed as required on the inspection date. The inspector incorrectly assumes that the Permittee is not using the approved well for cultivation/irrigation based on a gross misreading of the functioning water meter. The water meter installed at the cultivation site is a lead-free bronze alloy Model 120 Recordall, manufactured by Badger Meter, with the following serial number: 63961-011.

According to the ACIR filed by Inspector Kein, the installed water meter “shows only 381 gallons from well” – an error that demonstrates a lack of familiarity with commonly employed regulatory compliance equipment. The error is likely the result of an incorrect assumption that the fixed zeroes (00) on the meter itself represent a decimal fraction of one (1) gallon, despite the apparent lack of decimal point or other written indications to this conclusion.

The Badger Meter Model 120 Recordall is properly read as a whole number for which the rolling “odometer-style” digits indicate accuracy to the nearest 100 gallons. Increased accuracy is determined by adding the figure displayed on the rolling meter to the number indicated by the red needle on a circular face with digits ranging from 0 to 100. From the manufacturer:

The standard register is a straight-reading, permanently sealed magnetic drive register. Dirt, moisture, tampering and lens fogging problems are eliminated. The register has a six-odometer wheel totalization display, 360° test circle with center sweep hand, and flow finder to detect leaks. Register gearing is made of self-lubricating engineered polymer, which minimizes friction and provides long life. The multi-position register simplifies meter installation and reading.

Following this method, the meter with serial number 63961-011 clearly indicates that the well has produced 38,146 gallons of permitted irrigation water since installation (*Figure 1*). This figure is exactly 100 times the reading made by County of Humboldt during the 24 October Compliance Inspection and indicates a reasonable amount of water collection from the permitted well to demonstrate compliant use.

Furthermore, the Permittee’s standard practice for collecting water from the permitted well requires her physical presence onsite to monitor the process. Because Ms. Hall was not present at the site during the 24 October 2024 Annual Compliance Inspection, it is reasonable to conclude that the well was not in use during the inspection.

All diversion infrastructure in and near Little Larabee Creek was removed by resource protection agents during the 24 October 2024 compliance inspection.

Please refer to the attached photographs and manufacturer's documentation for the Badger Meter Model 120 Recordall (ATTACHMENT A).

2. Unapproved Development or Structures: *Drying structures and locations of greenhouses not represented on Site Plan.*

When Kathy Ann Hall purchased APN 208-111-008 in August 2022, the site’s cultivation area included one (1) large greenhouse on the upper flat. The Permittee adjusted the site to three (3) smaller greenhouses with an aggregate canopy square footage totaling less than the original large structure. Permittee has stated that the purpose of this adjustment was to remedy significant structural damage

sustained during inclement weather during the previous year with smaller, cheaper, and easier to maintain greenhouse structures.

My firm, ETA Management Group LLC, represents the Permittee in matters of compliance with applicable State and County regulations regarding cannabis cultivation. We have discussed with Ms. Hall that updated site maps must be submitted to all appropriate agencies; Ms. Hall has ordered this work and updated site maps for Manna Farms LLC are currently in queue.

I respectfully request patience and understanding from the Planning and Building Department on behalf of the Permittee. As I am sure you are aware, our area has recently seen a dramatic decline in the availability of professional consulting services capable of performing this type of work. With apparent increases in regulatory oversight at both County and State levels, my firm is working hard to prioritize time-sensitive work while simultaneously maintaining vigilance toward our clients' ever-declining budgets for compliance paperwork.

Permittee agrees to submit a rudimentary site map to your department no later than Tuesday 5 November 2024. ETA Management Group agrees to expedite a new official site map that meets all County requirements. My firm estimates completion/submittal of an updated site plan which clearly identifies all spaces and co-uses by 21 November 2024.

3. Building Permits: *Required permits have not been secured from Building Department as per Conditions of Approval (1a).*

According to a separate *Annual Compliance Inspection Report* ("ACIR") prepared by Inspector Collin Slavey on 9 August 2024, **Permittee's deadline for completing Conditions of Approval is listed as October 2025** (ATTACHMENT B). Permittee plans to submit application and payment for ag-exempt building structures ahead of schedule in light of the second ACIR filed for the Permittee in 2024, prepared by Inspector Michael Kein and dated 24 October 2024.

To reiterate, Ms. Hall maintains written confirmation from County of Humboldt – Planning and Building Department that the deadline for completing Conditions of Approval is not until October 2025.

4. Conditions of Approval: *Items #1, 2, 5, 6, 12, and 15 have not been completed.*

As of the date of this letter, Permittee has completed the majority of these listed Conditions of Approval. The remaining Conditions are on track for completion before October of next year, in accordance with written confirmation of the October 2025 completion deadline.

Responses to individual potential issues of non-compliance with Conditions of Approval listed in the 24 October 2024 ACIR can be found beginning on p. 5 of this response letter.

5. Streambed Alteration Agreement (1602): *Under former permit holder and needs to be updated per Ongoing Condition 11b.*

LSAA Notification No. EPIMS-HUM-04338-R1C was officially transferred by original applicant Brandon Rivas to current Permittee Kathy Ann Hall on 15 November 2023 (ATTACHMENT C).

6. **Refuse, Waste, Oil, and Trellis Net:** *All cannabis related waste and unpermitted items to be disposed of properly at approved facilities. (Ongoing Conditions 23b).*

All cannabis-related waste, including monofilament netting, has been removed from the cultivation site and disposed of properly. Photographic evidence (before-and-after) of the Permittee's cleanup efforts is included in this letter.

To the best of my knowledge, the only BMPs which currently exist for preventing wildlife entrapment as a result of monofilament netting use were prepared by my firm in 2024. Please notify me should BMPs prepared by County of Humboldt and/or appropriate resource protection agencies currently exist.

Other Non-Compliance Issues (County of Humboldt Performance Standards)

Please note that responses to duplicate violation/non-compliance points filed by County of Humboldt have been consolidated to avoid unnecessary redundancy.

1. **No handwashing stations or restrooms (portable toilets) on site. Unless no employees are utilized and the operator has a function, approved septic system available on an adjustment parcel, these items are necessary.**

Mana Farms LLC does not employ any workers outside of Permittee Kathy Ann Hall. Ms. Hall maintains a nearby residence (less than five (5) minute drive from the cultivation site) with adequate plumbing for her personal needs. Despite the fact that Mana Farms LLC utilizes no employees, the site does include adequate handwashing and domestic facilities (ATTACHMENT D). For this reason, ETA Management Group filed a *Statement of Use* application with SWRCB as well as a LSAA amendment with CDFW for domestic use rights to Little Larabee Cree on 1 November 2024.

To reiterate, Mana Farms LLC utilizes NO employees and is therefore exempt from this County Performance Standard.

2. **Several Conditions of Approval Outstanding and/or Not on File**

To reiterate, the Permittee possesses written confirmation from County of Humboldt that the **completion deadline for Conditions of Approval is October 2025**. However, each of the cited Conditions of Approval are addressed in this section.

Condition 1: The Applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

Permittee intends to promptly submit ag-exempt building applications and payments for greenhouses and two (2) buildings, nearly one (1) year ahead of confirmed deadline for meeting Conditions of Approval. Expected submittal date is 5 November 2024.

Condition 2: The Applicant shall provide a survey of the property by a California licensed surveyor to verify that the requisite 30-foot cannabis cultivation setback and all zoning setbacks are Satisfied.

This Condition of Approval is based on a large greenhouse structure that no longer exists. As stated above, the Permittee removed this structure and replaced it with three (3) smaller structures. All new greenhouse structures are over 100 feet from the property line.

Condition 5: The Applicant shall install and utilize a water meter to keep track of irrigation use. Records from the meter shall be made available to the County upon request.

Permittee has installed and currently utilizes an approved lead-free water meter to keep track of irrigation use. Please refer to p. 2 of this letter for more information. Records from the meter into storage and from storage for use at cultivation site have been provided by Permittee and are attached (ATTACHMENT E).

Condition 6: The Applicant shall have the solar arrays inspected for proper installation by a qualified professional. The inspection report shall be submitted to the Planning Department for review and approval.

A professional inspection of the solar panels installed at APN 208-111-028 has been scheduled with local solar expert Greenwired. Permittee expects to have inspection report ready for submittal to Planning Department by 31 December 2024, although the completion deadline for this and all Conditions of Approval remains October 2025.

Condition 11: Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife. NOTE - LSAA 1602 is under former permit holder. Current permit holder / owner must renew LSAA in their name and complete all Requirements.

LSAA Notification No. EPIMS-HUM-04338-R1C was officially transferred by original applicant Brandon Rivas to current Permittee Kathy Ann Hall on 15 November 2023 (ATTACHMENT C).

Condition 12: The applicant shall secure permits for all existing and proposed grading (including, but not limited to flats and pond) and structures (including, but not limited to the cabin, shop and 5 cargo containers) related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation is permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses.

As previously stated, County of Humboldt has specified (in writing) an October 2025 deadline for the Permittee's Conditions of Approval. Moreover, the structures listed in the non-compliance notes prepared by Inspector Kein do not exist at APN 208-111-028. The following structures currently located at the cultivation site are typically considered ag-exempt: plastic (PVC) framed greenhouses, drying shed, one (1) small pesticide/nutrient storage shed, and one (1) additional agricultural storage shed. No impervious floors are known to be used in any of the Permittee's greenhouses.

Ag-exempt permit applications and payments for these structures will be promptly filed by the Permittee, despite the fact that the Permittee possesses written confirmation from the County of Humboldt of an October 2025 Conditions of Approval deadline.

Condition 15b: The groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Should the results of the drawdown testing indicate the potential for the well to go dry or any other confounding factors regarding proximal wells, the County may require the Applicant to install additional water storage to mitigate excessive drawdown.

Permittee possesses written documentation of a County-approved Conditions of Approval deadline of October 2025. Permittee fully intends to comply with this and all other Conditions of Approval but is not obligated to demonstrate full compliance with Condition 15b (or any other Condition of Approval) until the stated deadline.

Moreover, the 15 November 2024 recommendation presented by County of Humboldt Planning and Building Department is unreasonable given the current small business climate in Humboldt County. Permittee agrees to make every reasonable effort to produce a professional drawdown evaluation report during the dry season of 2025, which is well inside the stated Conditions of Approval deadline.

Condition 23a: All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.

Permittee agrees to construct a containment fence by 15 November 2024 and to make all reasonable efforts to clean up cultivation waste before October 2025 Conditions of Approval deadline.

Photographs which document the containment fence installation shall be submitted to County of Humboldt Planning and Building Department no later than 15 November 2024.

3. **Power source(s): Solar to be main power source for cultivation. Several generators found on site. One of which was running at time of inspection for drying area in Cultivation Area #1. Generators to be used as backup only.**

Generators on site are used as backup only. Permittee maintains several backup generators onsite for ease of operation (large site operated by one woman, to avoid moving heavy generators over rough terrain) in the event backup electricity is needed.

4. **Soil management, compost, plant waste, refuse:** Spent soil found spread outside cultivation areas. Refuse found on property in untied soil bags and not disposed of properly. This included used nutrient and oil containers, as well as used oil filters. Also remove all inoperable fans, lights, etc. and dispose at the proper approved facilities.

Areas have been cleaned up, including refuse disposal. Please see attached photos.





5. **Water source(s):** Well not in use. Meter shows only 381 gallons utilized from well.

Please refer to response to *Summary of Issues Response* (p. 2) and response to Condition 5 (p. 5). Logs have been provided by Permittee and are attached (ATTACHMENT E).

6. **Water source(s):** Pressure pump and piping found in Little Larabee Creek on property and connected to storage tanks for cultivation. Little Larabee Creek is not an approved water source for cannabis cultivation. Remedy: Pump to be removed for [sic]creek immediately. Waterlogs required to be presented to NCWQCB and Humboldt County Planning on a yearly basis as per Conditions of Approval Items #4 and #8.

All diversion infrastructure at Little Larabee Creek has been removed. All Conditions of Approval items shall be satisfied by October 2025. Statement of Use and LSAA Amendment filed by ETA Management Group on behalf of Permittee (1 November 2024).

ATTACHMENT A: INSTALLED WATER METER



Figure 1: Water meter on permitted well diversion clearly indicating 38,146 gallons.
Model 120 measures 100,000,000 gallons.

BEGIN ATTACHMENT B: ANNUAL COMPLIANCE INSPECTION REPORT (8/9/204)



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

PLANNING PROJECT

ANNUAL COMPLIANCE INSPECTION REPORT

APPLICANT AND AGENT INFORMATION

Applicant:
Applicant Address: KATHY HALL, 540 2ND AVENUE
RIO DELL, CA 95562
Agent:
Agent Address: PHILLIPSVILLE, CA 95559

PROJECT INFORMATION

Project Number: PLN-12280-CUP
Primary Parcel Number: 208-111-028-000
Inspection Date: 08/09/2024
Inspection Type: Annual Compliance Inspection
Inspector Name: Collin Slavey
Inspector Email: cslavey@co.humboldt.ca.us
Cannabis: Y

PERFORMANCE STANDARDS

Performance Standard	Compliance	Notes	Deadline
DCC Grant Recipient	No		
Billing Fee Status	COMPLIANT		
Completed necessary conditions prior to operating	COMPLIANT		
Cultivation amount	COMPLIANT		
Cultivation in approved location(s)	COMPLIANT	Need to apply for building permits.	
Cultivation type and schedule	COMPLIANT		
Development/structures in approved locations	COMPLIANT		
Drainage, runoff, and erosion control	COMPLIANT		
Employees, housing, bathrooms, handwashing stations	COMPLIANT		
Light pollution prevention	COMPLIANT		
Monofilament netting	COMPLIANT	Be sure to clean up waste netting.	
Noise (dB)	COMPLIANT		
Operation is achieving compliance schedule	COMPLIANT	Deadline October 2025. Please review all items on the Compliance Agreement. Let me know if you want a copy of the document. Email me at cslavey@co.humboldt.ca.us.	
Operation is meeting ongoing conditions	COMPLIANT		
Potentially hazardous materials storage (e.g. fuel and fertilizers)	COMPLIANT		
Power source(s)	COMPLIANT		
Processing in approved location(s)	COMPLIANT		
Security plan implementation	COMPLIANT		

Visit the Accela Citizen Access portal to view record data online:

<https://aca-prod.accela.com/HUMBOLDT/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=16HUM&capID2=00000&capID3=011KY&agencyCode=HUMBOLDT>



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

PLANNING PROJECT
ANNUAL COMPLIANCE INSPECTION REPORT

PERFORMANCE STANDARDS

Performance Standard	Compliance	Notes	Deadline
Soil management, compost, plant waste, refuse	COMPLIANT		
State license(s)	COMPLIANT		
Uses consistent with site plan and operations plan	COMPLIANT		
Water meter(s) installed and records available	COMPLIANT	Please be sure to record water use per month.	
Water source(s) and use	COMPLIANT		
Water storage	COMPLIANT		

Visit the Accela Citizen Access portal to view record data online:

<https://aca-prod.accela.com/HUMBOLDT/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=16HUM&capID2=00000&capID3=011KY&agencyCode=HUMBOLDT>

END ATTACHMENT B: ANNUAL COMPLIANCE INSPECTION REPORT (8/9/204)

BEGIN ATTACHMENT C: OFFICIAL TRANSFER, LSAA NOTIFICATION



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Habitat Conservation and Planning
619 Second Street
Eureka, CA 95501
R1LSAEureka@wildlife.ca.gov
(707) 441-2075
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 15, 2023

Brandon Rivas
Rockaway Investments LLC
P.O. Box 130
Rio Dell, CA 95562
etahumboldtrivas@gmail.com

**TRANSFER OF LAKE OR STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO., EPIMS-HUM-04338-R1C; APN: 208-111-028**

Dear Brandon Rivas:

On October 11, 2023, the California Department of Fish and Wildlife (CDFW) received your request to amend the above referenced Lake or Streambed Alteration Agreement (Agreement) and the required fee in the amount of \$525 for a minor amendment. Your request to amend the Agreement included a transfer of the Agreement from Brandon Rivas (Transferor), the current permittee under the Agreement, to Kathy Hall (Transferee).

CDFW, Transferor, and Transferee hereby agree to the following:

1. The Agreement is hereby transferred from Transferor to Transferee, thereby making Transferee the new Permittee under the Agreement.
2. Transferee shall be solely responsible for complying with all terms and conditions in the Agreement; including, but not limited to, any terms and conditions for which Transferor was previously responsible as the former Permittee under the Agreement.
3. This Agreement shall take effect on the last date of signature.

Copies of the Agreement and this amendment must be readily available at project work sites and must be presented when requested by a CDFW representative or agency with inspection authority.

If you have any questions regarding this letter, please contact Ryan Aberg, Environmental Scientist by email at Ryan.Aberg@wildlife.ca.gov.

Brandon Rivas
EPIMS-HUM-04338-R1C
11/13/2023

Sincerely,

DocuSigned by:
David Manthorne
1B5E42F730224D2...

David Manthorne, Senior Environmental Scientist Supervisor

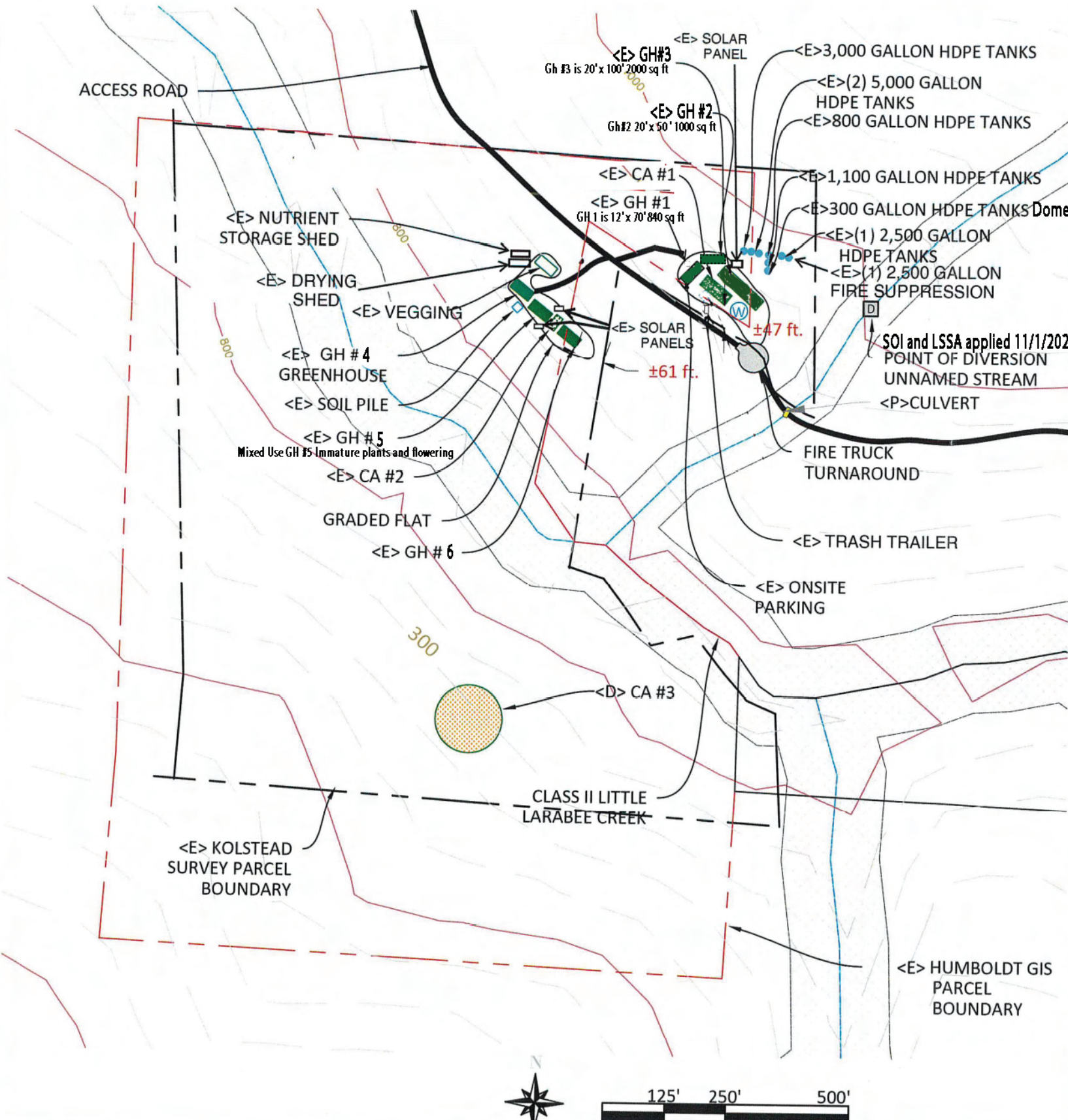
ec: California Department of Fish and Wildlife
Ryan Aberg, Environmental Scientist
Region 1- Coastal
Ryan.Aberg@wildlife.ca.gov

END ATTACHMENT C: OFFICIAL TRANSFER, LSAA NOTIFICATION

BEGIN ATTACHMENT D: UPDATED SITE MAP

3/1/2019 - X:\Projects\Sim-Hu-BR-12 River Smear\Rockaway Investments\County Permit\Rockaway Investments\Countydwg - 11:20 AM - DRC

PARCEL OVERVIEW
APN: 208-111-028



CULTIVATION INFORMATION

CULTIVATION AREA

CA #1 = 1,000 SQ FT
CA #2 = 200 FT²
GH #1 = 840 SQ FT
GH #2 = 1,000 SQ FT
GH #3 = 2,000 SQ FT
GH #4 = 1,020 SQ FT
GH #5 = 2,304 SQ FT
GH #6 = 2,304 SQ FT
TOTAL EXISTING OUTDOOR CULTIVATION AREA = 1200 SQ FT
TOTAL EXISTING GREENHOUSES 9,468 SQ FT
DECOMMISSIONED AREA
CA #3 = 2,923 FT²

CULTIVATION BUILDINGS AND USE

BUILDING	USE	SIZE	YEAR
NUTRIENT SHED	NUTRIENT / FUEL STORAGE	12' X 32'	2016
DRY SHED	DRYING/CURING	34' x 16'	2016

WATER STORAGE & USE

TYPE	NUMBER	SIZE	DATE OF INSTALLATION
HDPE TANKS	2	5,000 GALLONS	2015
HDPE TANKS	1	3,000 GALLONS	2015
HDPE TANKS	1	800 GALLONS	2015
HDPE TANKS	1	1,100 GALLONS	2015
HDPE TANKS	2	2,500 GALLONS	2015

TOTAL AMOUNT OF WATER STORAGE = 19,900 GALLONS

WATERSOURCE

UNNAMED STREAM
WELL

POWERSOURCE

45 KW WHISPER GENERATOR
5 KW HONDA GENERATOR (BACKUP)
2 KW HONDA GENERATOR (BACKUP)
3 SOLAR PANELS
CLASS II LITTLE LARABEE CREEK WITH REQUIRED 100 FT BUFFER.

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

MANA FARMS LLC
Kathy Hall
PLN 12280
208-111-028
NOVEMBER 1, 2024

END ATTACHMENT D: UPDATED SITE MAP

ATTACHMENT E: WATER STORAGE AND USAGE LOGS (PERMITTEE)

A photograph of a piece of lined paper with handwritten text. The word 'Water' is written at the top. Below it, 'August 2023' is followed by '523'. Below that, 'Sept.' is followed by '2,204'.

Month	Usage
August 2023	523
Sept.	2,204

Figure 2: Water usage logs, 2023. Collected and submitted by Permittee.

A photograph of a piece of lined paper with handwritten text. The title 'Water logs/tanks storage' is at the top. Below it, the following entries are listed: 'May 2024' with '3,912', 'June' with '8,082', 'July' with '10,802', 'August' with '12,625', and 'September' with '6,493'.

Month	Storage
May 2024	3,912
June	8,082
July	10,802
August	12,625
September	6,493

Figure 3: Water storage logs, 2024. Collected and submitted by Permittee.