

From: [Barbara Guest](#)
To: [Planning Clerk](#)
Subject: Oct 7 Eel River Produce, LLC PLN 2020-16417
Date: Wednesday, October 06, 2021 3:13:41 PM
Attachments: [Oct 7 meeting.pdf](#)

Dear County Clerk,

Please advise if you need this to be in word format. I prefer to keep all the documents in the one pdf.

Thank you,

Barbara Guest

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To: Humboldt County Planning Clerk
Agenda Item #1 Eel River Produce, LLC PLN- 2020-16417
Date of Meeting: October 7, 2021

I am writing to object to the mitigated negative declaration for the above project, again.

I do not believe the County has addressed any of my issues, as stated in the last meeting on Sept 16.

The Triple R program stated that the receiving party should have a say. This is not happening. This whole program should be considered unconstitutional because the Planning Commission and Supervisors are ignoring any data provided by neighbors in the communities these "cannabis farms" are affecting. Blatantly, the neighbor's concerns are minimized, or disregarded by the commissioners and only "Staff" recommendations are given any weight. This must stop.

The last meeting had two direct neighbors stating their concerns, none of which are being addressed.

Last meeting held, Mr. Levy asked about the penalties against this applicant. Mr. Ford couldn't remember, but he said they are in compliance now. The point is this applicant has shown themselves to not adhere to the rules and regulations in the past. Tearing down a barn, without approval, then covering the area with stone, erecting their hoop houses before getting permission, all resulted in heavy fines. Maybe Mr. Ford can remember now. Installing a water pipeline from the well that they are not supposed to use is an indication of their willingness to abide by the rules. I agree an applicant with this history should not be permitted or licensed or given any entitlements.

Mr. Levy also asked about ownership of the LLC. Yes, two people with criminal records are the owners of this LLC. However, the land (property) is held in Mr. Williamson's living trust.

Mr. Levy also asked about the water storage. But not how the one tank was filled? There hasn't been any rain for two years.

The Planning Dept is famous for saying they are only concerned with Land Use decisions. As Commissioners, you should be able to consider non "land use" issues, such as, neighbor concerns, prior criminal behavior, greed, need for stacking RRRs, with no receiving party say, current state of drought, current state of flooded market with falling prices. The first ZCC permit was issued without any public meeting whatsoever.

My main concern besides the criminal element, is my well. There is a lower water table even in this flood plain. Just look at the river. This county should place a moratorium on any further permitting until the drought is declared over. This is simple. Instead, the County believes providing \$1 million in tax dollars to these businesses is acceptable. Read some of the letters to the editor.

The planning Dept response to CDFW is also inadequate. The concerns they stated regarding the water use is not addressed by telling them gallons per day for full sun, light dep, and nursery. Provide the comparison between all cannabis farms, provide the data used, provide the independent water calculations. Don't take the developer's information and divide by the number of days. The CDFW

responded that the water use information was understated. Falling back to dry land farming in a drought is closing your eyes and sticking your head in the sand.

Given the flooded market, the falling prices, and the failing businesses already, why is the county still permitting these farms. This farm already has 60,000 sq ft of outdoor, and two huge greenhouses for the nursery, when is enough enough? This is the definition of greed. This street is only one mile long with 17 permitted farms and another 14 applicants. Some of my neighbors have been here years, I would hazard a guess that most of them didn't kidnap a family, and bear spray their children.

Please consider the neighbors of this entity. Two little boys across the street, a baby soon to be born next door, and the loss of quality of life in a peaceful farm community now looking like Stalag 13 with its barbed wire, and ugly plastic tanks, increased traffic, and litter.

I respectfully request this commission reject any further square footage or special permitting of this entity. I also would like the practice of stacking triple R's be discontinued. I would further ask that there be a way to limit the number of permits on ag land, given the way my street has been ruined.

Respectfully submitted,



Barbara Guest
1149 Holmes Flat Rd.
Redcrest, CA 95569

Attachments:

CDFW "Water Use" June 25, 2021
County water estimate #1 May 5, 2020
Comments by B Guest June 4, 2020
Comments by B Guest June 25, 2021
Comments by B Guest Sept 15, 2021

Desmond Johnston
Humboldt County Planning and Building Department
June 25, 2021
Page 3

tributaries (IS/MND section 1.8.5, Biological Resources). However, other sections indicate wetlands and ephemeral streams will observe a 50-foot setback (IS/MND section 1.8.6, Surface Waters and Drainage).

Based on observations during CDFW's June 16, 2021 site visit, wetland #2 and wetland #3 are spring-fed perennial wetlands and should receive 150-foot development setbacks, as required by the County's Streamside Management Area and Wetlands Ordinance (SMAWO). The "drainage ditch" described in the wetland delineation is a seasonal wetland and should receive a 50-foot development setback as required by the SMAWO. Accordingly, seasonal wetland #1 and the ephemeral streams should receive a 50-foot development setback.

In light of these site visit observations, CDFW recommends the Project Site Plan Figure be revised to clearly show these development setbacks (**Recommendation 1**).

Water Use

The IS/MND states 170,000 gallons of water storage will provide all irrigation water needed annually for 3.06 acres of cannabis cultivation. Although prime agricultural soils may facilitate some level of "dry farming" at the Project location, this volume is substantially smaller than CDFW would expect based on comparison with other cultivation sites. A recently proposed Humboldt County cannabis project in the Blocksburg area estimated an average of 2,400 gallons of irrigation water would be used daily for each acre of cannabis cultivation. Given these metrics, irrigation of three acres of cultivation for six months could use a total of 1,296,000 gallons of water annually.

To ensure that sufficient water storage exists, the IS/MND should provide a more thorough analysis of water use needs, including comparisons of actual water use at other existing cultivations sites on similar soils in the Holmes Flat area (**Recommendation 2**).

Development within 100-year floodplain

The Project occurs within the 100-year flood zone of the Eel River. Floodplains, by their nature, are likely to be inundated by high flow events. They also connect streams and rivers to upland habitat and provide an important ecological transition zone (CDFW 2014). New development within the floodplain may result in pollution and debris during a 100-year flood event. CDFW typically recommends avoidance of non-critical infrastructure development within flood plains. It is unclear how the Project will comply with County building code regarding development in flood zones and what specific performance standards will be required (e.g., engineered foundations -vs- bare earth).

From: [Luther, Stephen](#)
To: Bauer, Scott@Wildlife
Cc: [Johnson, Cliff](#); [Ryan, Meghan](#)
Subject: RE: CDFW Referral Eel River Produce 15762
Date: Tuesday, May 05, 2020 2:10:23 PM

Dear Scott,

Thank you for CDFW's referral comments on this project. Please see the response below, and let me know if there are any other issues. I can keep you apprised of the State Parks position and forward the revised Site Plan when available.

1. The Cultivation and Operations Plan estimates: 638 gal/day for full-sun outdoor, 285 gal/day for light dep, and 52 gal/day in the nursery. This equates to 1.22 gal/sf. The cultivation will occur directly in floodplain soil in an area that has a high water table, thus dramatically reducing the irrigation water needed. About 0-5 gal/sf is an accurate estimate for cultivation in this area. Water use will be metered and additional rainwater storage capacity added if needed.
2. The applicant is requesting to reduce the setback from Humboldt Redwoods State Park to 446 feet. Planning staff is in contact with State Parks environmental scientists to determine if the Park has concerns. In response to CDFW comments, the applicant has agreed to locate the full sun outdoor cultivation on the western edge of the property and move the proposed light deprivation hoop houses to the east side of the property. The noise source from fans will be more than 600 feet from critical habitat. The nursery is all outdoor and no supplemental lighting is proposed in the operation. The cultivation project cannot move forward until a pre-project noise survey is completed, and noise from the project cannot result in an increase of more than 3 decibels. Noise cannot exceed 50 decibels measured 100 feet from the source or to the edge of habitat, whichever is closer.
3. A revised Site Plan has been requested for Pacific Watershed Associates to map the observed wetlands #1-3 as documented in the Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by PWA in July 2019. The map will show a 150 foot no-disturbance buffer as measured from the edge of the 3 wetland areas. As noted in that report, the fourth test pit dug in the east-west Class IV ditch did not exhibit wetland hydrology necessary to classify as a 3-parameter wetland, and the 50-foot buffer is appropriate.
4. The applicant is required to adhere to International Dark Sky Standards.
5. See discussion in #2. The power source is 100% renewable grid electricity and no generators are used in the operation.
6. All other items are included as ongoing operational conditions to protect fish and wildlife.

Best,
Stephen

Sent from [Mail](#) for Windows 10

To: County Planning Clerk
Agenda Item #3: Eel River Produce LLC
Date of meeting: June 4, 2020 10am

I would like to voice my objection to the Special Permit record number PLN-2019-15762; Zoning Clearance certificate number PLN-2020-16332, PLN 2019-15674, PLN -13290 SP for parcel number 209-331-002. And I object to the County rewarding illegal cultivation with "entitlement" to destroy my neighborhood.

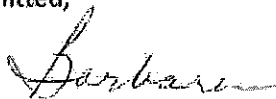
1. This is the first notice I have been sent regarding this property, yet several greenhouses have already been erected, and business is being conducted. Per the Planning Dept this ZCC permit was approved **without a public hearing**.
2. I object to Holmes Flat becoming the dumping ground for the 3 Rs. We have already absorbed enough of the Big Grows from the mountain. There is a commercial cement block building being constructed currently on prime AG land. This is not a barn. We now have chain link and barbed wire, speeding cars, more traffic, litter, and the criminal element.
3. I am informed by the planning dept that only one of these 3 Rs had a 10,000 ft permit. That should be the only amount of Cannabis grown by this entity. The other two properties on the mountain were illegal grows. They should not be "entitled" to anything. And the 4th R should not be "entitled" either. What this County is doing, is rewarding criminals. Granting this entity 1.5 acres of new outdoor commercial cannabis cultivation through 4 RRR program which will be evaluated later is **not acceptable**. Evaluate it now, before you ruin Holmes Flat. This is not an experiment; the County is taking "murder mountain" and making "murder Flat".
4. When these Big Growers relocate, are they ever permitted entities? My understanding is this is not a permitted cannabis entity. And how would they become permitted with criminal records?
5. I am concerned that many of our wells could go dry based on these large growers. How will the County fix that when it occurs? The planning dept said it would be catchment only, yet the agenda is very specific that they are requesting use of a shallow well for irrigation. **Page 38 of PLC -15762 states the well will not be used for cannabis irrigation.**
6. I do not want the set back to the redwoods granted. I believe the Redwoods should be protected and not damaged by potential pesticide runoff or damage to our water supply by chemicals.
7. The planning Dept said 14 employees representing 28 trips on the road as minimal traffic impact. Unlikely since the agenda is asking for retail space for nursery sales.
8. EEL River Produce LLC filed as a Farm business, no mention of cannabis in the LLC application. The two members are both criminals and should not be allowed to participate in any cannabis business. *See attached.*

9. It is bad enough that the jail just let out the man who was responsible for burglarizing many of the homes in this neighborhood (Wade Harris), now this property is bringing the criminal element back to Holmes Flat.
10. The PLN 15762 Page 40, states **offsite drying and offsite processing**, yet the request for Special permit is providing for areas for drying, processing and storage with a 6,600 Sq Ft proposed structure. How is that maintaining the rural integrity of AG land.
11. There should be a requirement to show how these people are financing this project. Is it with the illegal money from their illegal grows? Have they provided tax returns to show proof of income? Who is backing them? As a resident, I would like to know if the cartel is in Holmes Flat.
12. I believe the County should not jeopardize my safety and security for tax dollars or that of my neighbors. There are two little boys that live directly across from this property. They shouldn't have to smell this weed all summer long. And eventually, they may require a **school bus stop**. The site map omits the neighbors across the street.

My understanding of the home invasion that Mr. Williamson participated in, was due to his illegal "cannabis" being stolen. In 2012, he was violating the law by illegally growing. These men that represent Eel River Produce, LLC are criminals. They associate with criminals. Giving them 80,000 sq ft of outdoor cannabis from **illegal retired sites** will increase the risk of crime. I object to all of these requests to further destroy Holmes Flat. Please do not approve any hosted RRRs or special permits for this property. Please inform me of any further permit requests by this property. This would be a poor land use decision for all the above reasons.

Respectfully Submitted,

Barbara Guest



Barbara Guest
1149 Holmes Flat Rd
Redcrest, CA 95569

June 24, 2021

Re: 209-331-002 Eel River Produce, LLC
PLN-2020-16417-SP or PLN-2020 -16417

I am writing to object to the Notice of intent to adopt a mitigated negative declaration for the above project. I have already documented my concerns in a previous letter dated June 4, 2020. (see Attached) Imagine my dismay when I tried to attend the following Zoom meeting and was constantly being given an error message that the meeting hadn't started yet, only to find out from the clerk that the meeting was over in 10 minutes after an hour of trying to sign in.

I was told John Ford would make the decision without public comment.

The original ZCC permit was issued without any public hearing. I object to this. As I understand the receiving site should have a say in the permitting of this cultivation. I am appalled that the planning dept actually considers these criminals "entitled" to eighty thousand square feet of cultivation. And now they are asking for another 43,200 sq ft.

I am against the stacking of RRR permits and object to a 4th RRR for this property.

It appears that the 3R program was a gift to the illegal growers on the mountain. Our neighborhood has been ruined by these large "grows". The rural integrity of AG land is not being maintained. I invite all of you down to see how these large grows have ruined the beautiful farmland.

This week I learned two of my neighbor's wells have gone dry. Caused by these grows filling these ugly huge plastic tanks with thousands of gallons of water.

This lack of water issue has no mitigation. Therefore, I object to adopting this negative declaration. In fact, I am requesting a complete Environmental study be performed addressing the lack of water in the worst drought our state has ever had. This grow maintains they will not use a well, only rain catchment, when there has been no rain.

I believe any permits issued going forward would be reckless and irresponsible of any planner, commissioner, or supervisor given this year is predicted to be the worst drought yet in California.

I ask the County not to continue to make the same mistakes. There are significant environmental impacts, this Street can not absorb another two acre grow site. Besides my main concern of lack of water, not one of these sites has an operating septic system, to my knowledge. So please evaluate this project before approving it. Please

provide an EIR. How many approved sites are there already in Holmes Flat? How many approved square feet has been permitted to date in Holmes/Tierney Road?

I want to state that I am against retail sales of clones, plants, or cannabis on property. I am against this project processing and drying on property. The traffic that this will cause has not been sufficiently evaluated either. The 14 employees representing 28 trips is also understated given they want to increase their square footage therefore their workforce will increase. Obviously, these workers are supposed to bring their lunch with them otherwise, they would have double the 28 trips.

The owners of this LLC are both criminals. (See attached) They have already shown their disregard for the law by tearing down a barn, by covering the area with stone, by erecting the hoop houses without permission, and have been fined accordingly. At the same time, they say they will not use well water, they install a waterline from the well.

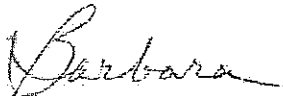
It appears that everyone of these "grows" submits a permit stating they won't use well water, they won't process on property, they won't sell retail, after approval, they all submit additional special use permits to do all of the above. This round about way of abusing the system should stop. Their next request will be to build a 6,600 sq ft structure to house the distribution area.

I am concerned my well will go dry. The planning dept is not concerned about the residents that live here already. An individual's right to health and safety should override these massive grows. Again, it appears that only the almighty "tax Dollar" is their concern. I should not have to pay to drill deeper if the County continues to act irresponsibly by approving projects that have shown they have no respect for the environment, or the people who live here.

This LLC named themselves "Produce", called themselves a farm business, with no mention of Cannabis on their LLC license. They are liars and criminals and should not be entitled to anything. See attached.

Please provide me with the number of square feet already approved for cannabis cultivation to date in Holmes Flat with tax assessment numbers and the names of the applicants. Thank you

Respectfully Submitted,



Barbara Guest

Barbara Guest
1149 Holmes Flat Rd
Redcrest, CA 95569

Sept 15, 2021

RE: Eel River Produce, LLC PLN-2020-16417 APN 209-331-002

At the risk of repeating myself, I believe continued permitting of this large cannabis grow during the worst drought in California history should be cause for those in power to question and require further study of the water use on prime AG land in Holmes Flat.

The Planning Dept acknowledged there are 17 permitted grows covering 7.57 acres in Holmes Flat/ Tierney Road. This is a one-mile road. The Dept indicated there are 14 more applicants in this area covering an additional 4.20 acres. How much is too much? This should also be cause to require a complete Environmental study for water use or the lack thereof. As well as setting a limit on how many large cannabis grows should be permitted in such a small area. This small farm community has turned into a commercial industrial wasteland, covered in chain-link and barbed wire fencing. So much for keeping the integrity and quality of AG land life.

The CDFW response dated June 25, 2021, recommends further analysis of water use needs for this project. I don't see where the County has made an effort to do any comparison of actual water use at these other cultivation sites on this street. They also questioned other water use on this property, as they have two horses and 14 employees. The CDFW believes the water use for 3 acres of cultivation for only 6 months is understated compared to a similar grow in Blocksburg. The County response is unacceptable given our current drought situation and claims that only rainwater storage will be used. I request an Environmental study to be performed during this current drought as previous studies would not be suitable. Dry land farming depends on a high-water table which can no longer be assumed.

There is further talk of the "market" being flooded with the likelihood of many of these farms being put out of business, therefore the 3rd recommendation by CDFW is very important to ensure there is a decommission plan and restoration in a flood plain. Also continuing to increase the square footage of this farm, will put other farms in jeopardy. Again, how much is too much? Originally, the green houses were to be removed every October, now they are requesting year-round activity. Just say No.

I also have stated previously that there should be no additional stacking of a fourth RRR property or waiver to the 600-foot set back to the Redwoods State Park. Continuing to increase the square footage of this farm will not improve the community and potentially will cause detriment to a fragile, flood plain eco system. Just say No.

My well is my lifeline. It represents my health and safety, and the County should not put that in danger. Further permitting on this short street could cause my well to go dry. And as I previously stated in my communication with the County, I believe the owners of this property have a history of making poor decisions and putting other people in danger, therefore I am concerned with the possibility of criminal activity at this farm.

Thank you for this third opportunity to present my objections to this proposed MND and any further expansion of this farm.

Respectfully Submitted,

Barbara Guest

