

McClenagan, Laura

From: Susan Nolan <snolan@humboldt1.com>
Sent: Sunday, July 25, 2021 9:26 AM
To: Planning Clerk
Subject: Humboldt Hempire Farms, PLN-2020-16602

Dear Humboldt County Planning Commissioners,
I am writing you concerning the "Humboldt Hempire Farms" cannabis cultivation permit, record number PLN-2020-16602.

The applicant has done illegal logging on this parcel, and pumped water from the Eel River to sell off site through his legal water delivery business.

These offenses are addressed in the plan. The first is dealt with by requiring a registered forester to write up a reforestation plan and the applicant to carry it out. There is no discussion of the extent of the logging, which was large enough to be caught in an examination of aerial photos, or its location on this riverside parcel.

The second was punted to the California Department of Fish and Wildlife, with no mention in the document of the specific offense.

The applicant is already using bladders, filled by catchment, to supply water as part of his permitted water sales business. Bladders are not permitted by the Cannabis Cultivation Land Use Ordinance, but these could be allowed because "While the CCLUO prohibits the use of bladders for water storage, the on-site bladders are existing and are permitted for agricultural purposes. These bladders will remain on-site and utilized for commercial irrigation purposes regardless of whether this cultivation permit is approved. Accordingly, the Planning Department considers these to be an already approved source of irrigation." (page 3)
I feel the applicant's documented history of filling the bladders from the river and nearby Connick Creek, then selling the water off-site, calls for not allowing their use in this new plan.

Also, while the bladder and water business are now legal, "Jeffries actually started work in the fall of 2015 without permits....Most commissioners voted to approve the project's permits and an after-the-fact special permit to correct unpermitted work Jeffries did in the South Fork Eel stream buffer. He's required to perform a full restoration of the disturbed streamside area." according to the Anderson Valley Advertiser. <https://www.theava.com/archives/61383>

The approach in both cases seems to be that these aren't serious problems, that they can be remediated, and don't reflect a concerning attitude on the part of the applicant. The county seems eager to rubber-stamp cultivation permits.

Besides the unpermitted logging and water violations, Mr. Jeffries was sentenced to six years in prison in 2009 for large scale unpermitted cannabis cultivation and money laundering. This was not a matter of maintaining a small grow at home, but a large criminal enterprise at multiple sites. <https://watchpaul-articles.blogspot.com/2009/10/ts-humboldt-county-men-plead-guilty-to.html>

Everyone deserves a chance to come clean. I don't believe his record should entirely preclude Mr. Jeffries from engaging in the industry he knows so well. But I do think this record raises a question, of willingness to respect laws, which is not addressed in the county's approval of his current venture, except through the routine inspections that are clearly not working in general in the county's cannabis program, where the use of permits to gain cover for illegal activity is widely acknowledged.

The Cultivation and Operations Plan from Clearwater Ag Services doesn't stand up to examination.

On page 34, the Clearwater Ag Services Cultivation and Operations Plan states: "Pesticides and nutrients will be stored in a secure shed shown on the site plan. No rodenticides or pesticides or any registered or illegal ag chemicals will be on this site." (page 34). Besides being self-contradictory, this statement is simply implausible—certainly registered ag chemicals will be in use in dense greenhouse cultivation. But with the requirement of at least 24 hours' notice before inspections, we can expect that no evidence of legal or illegal chemical use will ever be found.

On page 35, the Stillwater report notes, "There will be no employees needed for this cultivation project." The Agenda Item Transmissal states on page 3, "The applicant anticipates on hiring a maximum of three employees during peak of operations." This is restated in the CEQA Addendum: "The applicant anticipates on hiring a maximum of three employees during peak of operations." (page 23). Four employees are mentioned in correspondence from Christopher Alberts, County Planning Department (page 45).

No doubt further reading would turn up more questionable statements.

CDFW has questioned the use of water bladders situated in the flood zone and riparian setbacks. "The California Department of Fish and Wildlife objected to this application when it was originally scheduled for the Zoning Administrator and asked that it be heard by the Planning Commission. CDFW has asked why the county is considering permitting cultivation that utilizes the existing water bladders and has commented that the project appears to be located in the flood zone and riparian setbacks (Attachment 4)." (page 4)

But the county meets this issue with a flat denial: "The South Fork Eel River runs along the north side of the parcel. All cultivation and cultivation related activities are proposed outside of the mapped Streamside Management Area's for the South Fork Eel River. All cultivation and proposed structures are located outside of the FEMA Flood Zones." (page 4) It's true that the cultivation and proposed structures are located outside of the FEMA flood zones—but the bladders are within.

If those sixteen very large (210,000 gallon) bladders took off in high water, they would be extremely difficult to bring under control, and have tremendous destructive potential.

Again, it's worth noting that the only previous use of these bladders was to store water pumped without a permit from the river. They have not been used to irrigate the flat where they're sited.

Chris Alberts, the county planner for the project, stated "the applicant is not proposing any cultivation or cultivation related activities within the SMA's or Flood Zone. However, there are existing permitted water bladders located within the SMA" (page 44.) To which Andrew Oraholske of CDFW replied, "it appears that most of the site is within the Streamside Management Area and mapped FEMA floodplain. The attached reports do not address those issues at all." (page 44)

Attachment 3 is the Applicants's Evidence in Support of the Required Findings (starts page 26). It addresses this issue as item 18 on page 27: "Map showing the location of the Flood Plain and riparian setback (Attached)." No map is attached at that point; the staff report goes on to the next item. However, an unattributed and unlabelled map appears near the end of the report, on page 38, clearly showing the flat where bladders are now installed to be entirely within the 100 year flood zone.

Streamside Management Area mapping does not seem to be included in the report. The map on page 37 shows it in the legend, but I can't find it on the map.

Correspondence from CDFW on the bladders is printed on pages 41-45.

Without adequate documentation, it's hard to say if the new greenhouses in the project are in the flood zone or SMA. Even if they are not, the bladders are a crucial part of this plan, and they certainly appear to be in.

The issue of floodplain development deserves a good look, including re-examining the already permitted bladders, not as a technicality to be checked off, but as a matter of safety and responsible planning for time of disaster.

So there are some serious concerns about this project. But I'm also writing to say that the county system is broken. Fines attached to the land, and not the perpetrator, ensure that the land will be trashed while the criminal is untouched and free to go on to the next site. A look at craigslist shows leases on offer, sometimes already all set up and ready to plant; the grower doesn't even have to take ownership. What will happen to this land? Eventually fines and taxes may bring it into county ownership. What is the county's plan to manage and dispose of dozens of parcels needing remediation for chemical contamination and grading?

You have probably heard, as I have, that outlaw growers are getting permitted not because they are turning over a new leaf, but to use legalization as a shield from the law. I've heard that going legal runs about \$30,000. Who has the money for this? Those same people who profited from flaunting the rules for years, or decades. A consultant who will say the right thing can always be found. The statement that Rolling Meadows' dry, sloping, upland prairies are "prime ag land" is laughable. So is the shoddy work on Clearwater's Cultivation and Operations Plan.

Track and trace is clearly not working. I keep hearing that permitted grows are selling large amounts on the black market.

One difference between having a permit and not: If you have a permit, the authorities give at least 24 hours' notice before inspections—plenty of time to move out proscribed ag chemicals and tidy up other issues.

Using bladders for water storage is not allowed at permitted grows, but buying water stored elsewhere in bladders is acceptable.

The requirement that farms be on prime ag soils is absurd—most cannabis is grown in prepared "soil." As Pat Higgins joked, "What's your terroir? Oh, it comes out of a bag." It would be more appropriate to site these "farms" on brownfields.

A friend who works for the Department of Fish and Wildlife says the agency is under pressure to back down from its recent aggressive enforcement of water quality standards, which has led to many busts. Sadly, CDFW seems to be the only agency actively working to reduce the harm of outlaw grows. The County Planning Department is not, if this application is any example.

The Emerald Triangle doesn't hold a copyright on the cannabis boom. With every election year, other jurisdictions loosen up their laws. In seventeen other states it is completely legal. Oregon and Colorado are major producers. The price has been falling for years. Soon these raw hillside terraces and huge greenhouses will have outlasted their usefulness, but the legacy of destruction will remain: ruined landscapes, a violent outlaw culture. We need cannabis permitting laws that are written and enforced to serve the best interest of the community. With the county's ready willingness to permit the Humboldt Hempire Farms application, it's hard to say we have that now.

I hope you will take a critical look at the Humboldt Hempire Farms application, and the bigger picture of cannabis production in our county, for the longterm wellbeing of all.

Thank you,
Susan Nolan
McKinleyville