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December 30, 2021

To: Humboldt Co. Planning Commission

Re: Marshall Ranch Streamflow Enhancement Project

PLN-2019-15661

Dear Humboldt Co. Planning Commissioners,

These were to be my public comments given at the meeting to be held January 6th, 2022 but I was informed that I would only be allowed 3 minutes for my comments and what I have to offer will take longer than three minutes to deliver so I am hereby submitting my full comments in writing with an abbreviated version to be given verbally at the Jan. 6th meeting.

This is the first time the Marshall Ranch Streamflow Enhancement Project has come before the Planning Commission for consideration but, as you may now be aware, this project has been proposed and been in the design and planning stages for quite some time.

Hopefully this commission has had a chance to review all the documents and plans submitted for this project and familiarize yourself with the magnitude and impacts of this now redesigned proposed project.

My name is Joan Courtois and my home, my office and property adjoin the property proposed for this project and is the most closely affected property to this project. Because of my location, I have been most concerned and directly involved with the plan proposals submitted over the last three plus years. Originally proposed was an earthen berm 16-million-gallon reservoir to be located approximately 200 feet away and constructed on the geomorphic terrace 80 feet above my property.

This proposal created a threat to my family's lives and great concern for the property damage a catastrophic failure would cause.

Thankfully, many environmental and community members spoke out against this original plan, and it has now been redesigned with a smaller pond on the upper terrace and a secondary larger pond upstream on a lower terrace. We appreciate that our concerns have been heard and that steps have been taken to redesign and address these issues raised.

What I have had to go through over the past three years, in voicing my concerns with this project has been traumatic and upsetting. So now, even though I do support this new design proposal, I still have unanswered questions and concerns regarding the design, and operational and management plans of this project that I would like the Planning Commission to address. Please refer to my previous comments submitted for more in-depth detail.

The County has designated this project as a "Major Project" under its own classifications of projects proposed. I would assume that because the County has given this a special designation, the Commission would take more than just a cursory review and consideration of this project before deciding on how to allow or deny this project to go forward. This *is* a "major project", and it will be forever altering and changing a pristine geologic feature from its natural state. The issues I have raised in my previously submitted public comments are not adequately addressed in the Project Proposal or the Staff Report. I would like the commission to address these specific issues and that you consider adding these as conditions of approval to this project proposal.

➤ **Who in the County will oversee this project, from construction throughout the life of operations and management of this project?**

Reducing the size of the ponds has placed this under the jurisdiction and oversight to Humboldt County. The County Planning and Building Department is the lead agency and it has the responsibility to assure us of continued public safety and monitoring. Humboldt County does not have a designated Department of Dam Safety like the State and there is nothing in the plans that lays out or proposes how the County will monitor these ponds either short or long term. State grants have already been utilized to conduct preliminary studies and construction proposals and additional private and public funds are proposed to be tapped to finance this project but where are the funds for County oversight and monitoring to come from? Does the County have qualified staff to perform monitoring and safety assessments, or will this need to be contracted out to more qualified or licensed overseers?

➤ **Expanded Design Plans showing a “Birth to Death” conceptual rendering of the life of this project.**

This project is changing the natural state and is altering a geomorphic structure aged at approximately between 10,000 to two million years old that will never be able to be restored to its original formation. I believe it is reasonable to question what the short and long-term effects these changes might make and the unknown or unrealized effects this could create. The proposed plans do not go far enough. Due to the impact and magnitude of this project, the Planning Commission should require that the project plans be expanded to include detailed information and designs with a “birth to death” conceptual approach. From the beginning and implementation of the project throughout its useful life and then to the final plans for decommissioning when it has reached the end of its lifeful purpose.

➤ **Financial Plan, Funding and Proposed Budget**

The plans show some projected short- and long-term project costs but they do not provide any solid financial income projections or feasibility analysis for the funding of the operations and management of this facility. The project states they have secured a single foundation commitment for private funding for long-term operations, maintenance and monitoring but they do not offer any proof of this five-year commitment. What is the alternative funding source if this foundation is unable to meet its promise in the future? Where is the revenue coming from to fund this operation after the proposed five-year funding ends? What other forms of revenue will be secured for the longer-term operations and management of this project?

➤ **Water availability for Fire Dept.**

As public funds are being utilized for the design, engineering and construction of the Marshall Ranch ponds and they are utilizing a “water availability for fire suppression” component in their permit and grant applications, I think it is reasonable to ask:

Is any of the tank water set aside for exclusive fire department use? If so, how much?

Will the fire department access to this water be open at any time or will arrangements for taking water need to be coordinated with the Marshall Ranch?

Will the tank water source be available for department training or other non-emergency fire department use?

Will the fire department be granted use of the water with a formal written document or agreement?

I think these are reasonable requests and conditions that the County should impose on this application for the permit of this project.

- **Marshall Ranch prohibited from selling or transferring the water collected or stored.**

Another aspect of this proposed project that must be addressed is the private benefit that will come to the Marshall Ranch landowners from the use of public funds for this project. It must be clearly stated that they will not be allowed to sell any of the water collected or stored, ever. The water should also be restricted from being transferred outside the Redwood Creek watershed.

- **Technical Advisory Committee consist of at least, one local resident of the town of Briceland**

This project proposes that:

“After construction has been completed, extensive post-project monitoring and adaptive management will be implemented to ensure that the project is functioning as designed. This will be conducted through continued involvement of the Project’s Technical Advisory Committee (TAC) including representatives from multiple state and federal agencies including Wildlife Conservation Board, California Department of Fish and Wildlife, NOAA Fisheries, State Water Resources Control Board, and North Coast Regional Water Quality Control Board.”

The representatives stated above consists of past, current or potential future governmental funding agencies for this project and some of these agencies are the very same ones granting permits for this project. How can they be objective in overseeing the safe construction and management of this operation when they are all direct funders? Who else is on this TAC and who appoints them? Are they compensated? I believe this is a direct conflict of interest and is not in the best interest of public trust. At a minimum, a local resident of Briceland should have a seat at the table of this TAC committee.

- **Proposed tax-exempt organization to conduct the operations and management of the plant – grant a seat on the Board of Directors for a local Briceland resident.**

In the plans it is proposed that a 501(c)3 tax exempt organization will be formed to be the responsible party for the operation and management of this water storage and delivery facility but the Marshall Ranch, LLC will retain ownership of the property and infrastructure. Again, a local resident of Briceland should be granted a seat on this board of directors to insure local community participation in a publicly funded project.

- **Moratorium on cannabis permits in the Redwood Creek watershed**

If fish enhancement projects in our watersheds are to be successful, there needs to be a commitment by the County to limit the amount of water being permitted for commercial enterprises. To balance these conflicting water purposes, the County should institute a moratorium on all cannabis permits in Redwood Creek until a comprehensive, cumulative water report can be conducted on the effects commercial cannabis operations has had on the reduction of water flows in Redwood Creek, especially in the late summer and fall.

- **Notification of any changes or alterations to the plans**

There has been numerous design and plan changes discussed and presented during the course of this project development over the past 3.5 years. I must assume there will be more changes if this is allowed to move forward. Because this project has such a direct effect on my property I would like to be notified, in writing, of any further design changes or plan revisions submitted.

I would appreciate the Commission taking the time to thoroughly review this project proposal and adding to this, the conditions I have suggested.

We are all called upon to be stewards of this earth. We need to be mindful of the steps we take and the footprints we leave behind.

Thank you,

Joan E. Courtois