



Holder Law Group

317 Washington St., #177
Oakland, CA 94607-3810

holderecolaw.com

(510) 338-3759
jason@holderecolaw.com

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VIA EMAIL ONLY, PLEASE CONFIRM RECEIPT

County of Humboldt
Humboldt County Planning Commission
Hon. Alan Bongio, Chair
825 5th Street, Room 111
Eureka, CA 95501
Planningclerk@co.humboldt.ca.us

Humboldt County Planning Department
Attn: Meghan Ryan, Senior Planner
3015 H St.
Eureka, CA 95501
Email: mryan2@co.humboldt.ca.us

Re: **Concerns Regarding Continuances of the Planning Commission's Consideration of Six Conditional Use Permits for the Rolling Meadow Ranch, LLC Commercial Cannabis Project** (PLN-12529-CUP; SCH# 2020070339)

Dear Chairman Bongio, Honorable Members of the Humboldt County Planning Commission and Ms. Ryan:

On behalf of Fran Greenleaf, John Richards, and Patty Richards (collectively "Petitioners"), we submit these comments, supplementing those expressed in Petitioners' previous comment letters dated August 17, 2020 and September 10, 2020, respectively, concerning the proposed Rolling Meadow Ranch, LLC Commercial Cannabis Project ("Project"). Petitioners are neighboring property owners and residents of the McCann area who will be adversely affected by the Project and who have carefully monitored the County's consideration of this new large-scale cannabis grow and processing operation.

When the Project is ultimately considered for approval, Petitioners anticipate that they will submit a final comment letter that will address any new information contained in the staff report and any supplemental analysis provided to the Planning Commission. Petitioners also intend to comment orally at the Commission's continued meeting for this Project.

Due to its large size, remote and difficult to access location, and myriad potentially significant impacts, the Project warrants thorough environmental review and the Commission's careful deliberation. The Project appears to be one of the largest new commercial cannabis projects proposed within the County of Humboldt ("County").¹ As Petitioners have previously

¹ See IS/MND, p. 9 [The total proposed square footage for all cannabis facility space (Facilities #1-#16 combined) is 306,648 square feet (7.04 acres). The total area dedicated to cannabis cultivation will be approximately 251,451 sq. ft. (5.77 acres)].

explained in their comments, because there is substantial evidence supporting a fair argument that the Project may have one or more significant effects on the environment, the County is required to either prepare an EIR for the Project or deny the application for the 6 CUPs. The high potential for this large-scale project to cause multiple significant impacts makes it improper to proceed with an IS/MND.

Petitioners are concerned with repeated continuances of the Commission's consideration of this Project for approval, an order for additional environmental review, or denial. The Project was originally noticed for consideration at the Commission's meeting on August 20th. Petitioners and their representatives prepared diligently to attend and speak in opposition to the Project at that meeting. During the meeting, the Commission agreed to continue its consideration of the Project until September 17th. Petitioners submitted timely supplemental comments prior to that second meeting. Then, the Project was again continued to November 19th. The current agenda for the November 19 Commission meeting recommends another continuance (albeit to "September 17, 2020" [*sic*]).

As a result of these repeated continuances, the concerned public, including Petitioners, have had to "hurry up and wait" several times. Meanwhile, the public has not been provided with any information concerning possible proposed revisions to the IS/MND that have been or will be made in response to comments and whether any other supplemental analysis is being prepared to in an attempt to correct and bolster the faulty analysis. Petitioners' legitimate concerns regarding the incomplete and inaccurate environmental impact analysis have remained unaddressed.

In order to avoid interfering with the upcoming holidays, Petitioners request that this Project be considered by the Commission no earlier than at its meeting in early March 2021. This postponement has the added benefit of enabling the Project applicant to rectify at least one problem with the analysis of impacts to biological resources. Specifically, occupation surveys for the fully protected Golden Eagle can be conducted at the Project site within the recommended timeframe of January and February (unfortunately, the prior surveys were only conducted later, in summer 2018 and in spring and summer 2019, when eagles are more difficult to spot).² Conducting the protocol-level surveys will enable establishment of an

Compare ibid. with Planning Commission Agenda for Nov. 19, 2020 meeting, pp. 4-9 [describing 6 commercial cannabis projects involving both existing and new grow areas totaling 181,139 sq. ft.], *with* Planning Commission Agenda for Oct. 15, 2020 meeting, pp. 5-10 [describing 5 commercial cannabis projects involving both existing and new grow areas totaling 112,559 sq. ft.], *with* Planning Commission Agenda for Sept. 17, 2020 meeting, pp. 5-10 [describing 2 other commercial cannabis projects involving existing grow areas totaling 26,950 sq. ft.] *and with* Planning Commission Agenda for Aug. 20, 2020 meeting, pp. 5-10 [describing 6 other commercial cannabis projects involving both existing and new grow areas totaling 169,683 sq. ft.].

² See CDFW, Protocol for Golden Eagle Occupancy, Reproduction, and Prey Population Assessment (2010), p. 29 available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83955&inline>, accessed 11/13/20; *see also* U.S. Fish & Wildlife Service, Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations, Pagel, et al. (2010), available at:

accurate environmental baseline for this species, enabling a revised analysis of potentially significant impacts.

Postponing the meeting until March 2021 will also provide sufficient opportunity for the County or Project Applicant to properly analyze whether the proposed access roads for the Project satisfy “Fire Safe” road standards and can be characterized as “Category 4” or equivalent.³ Petitioners have previously commented that the proposed access roads, which are largely unpaved with blind turns and with a “traveled way” that varies in width from approximately 12’ to 18’ with few shoulders and pullouts, do not meet the required standards. If the Project applicant intends to utilize more appropriate alternate access via Alderpoint Road, or construct improvements necessary to bring the proposed access roads (and related culverts and other drainage features) up to the required standards, the appropriate alternate access and improvements must be identified in the project description in the EIR required for this Project and the associated impacts must be analyzed and fully mitigated.

As Petitioners’ prior comments demonstrate, substantial revisions to the environmental impact analysis for this Project are necessary in order to satisfy CEQA’s requirements. These revisions must be made in the required EIR before this Project can be considered for approval. Petitioners request to be informed: (1) whether the County intends to prepare an EIR for the Project or otherwise intends to revise and recirculate an environmental document; and (2) when the Commission intends to ultimately consider this Project for approval or denial.

Thank you for your attention to this matter and to Petitioners’ request for information.

Very Truly Yours,

A handwritten signature in black ink, appearing to be 'JH' followed by a long horizontal stroke.

Jason Holder

cc: (Via e-mail only)
Client contacts

https://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/usfws_interim_goea_monitoring_protocol_10march2010.pdf, accessed 11/13/20.

³ See Humboldt County Code, Division 1, Title III, § 314-55.4.6.1(c) [“All cultivation areas must have access from paved roads with centerline stripe, meeting the Category 4 standard. [...] The Hearing Officer shall not grant an exception unless there is substantial evidence to support a finding that the cultivation sites will not adversely affect the public health, safety, and welfare because the roads as they exist or are improved provide fire safe road access, capacity to support anticipated traffic volumes, maintain water quality objectives, and protect sensitive habitats.”]; see also *ibid.* at § 314-55.4.6.3.3 [Access roads] referencing § 314-55.4.12.1.8.